

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Thursday, 2nd May, 1912 - Wednesday, 3rd July, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

[Transcribed from the Shorthand Notes of W. B. Gurney & Sons,
26, Abingdon Street, Westminster, S. W.]

Contents

FIRST DAY	6
ORDER FOR FORMAL INVESTIGATION.....	10
"STATEMENT OF CASE"	10
"S. S. 'TITANIC'" - QUESTIONS TO BE ANSWERED	11
SECOND DAY.....	21
ARCHIE JEWELL, Sworn.....	36
JOSEPH SCARROTT, Sworn.....	49
THIRD DAY.....	67
GEORGE WILLIAM BEAUCHAMP, Sworn.....	69
ROBERT HICHENS, Sworn.....	80
WILLIAM LUCAS, Sworn.....	100
FREDERICK BARRETT, Sworn.....	116
FOURTH DAY.....	126
FREDERICK BARRETT, Recalled.....	132
REGINALD ROBINSON LEE, Sworn.....	144
JOHN POINGDESTRE, Sworn.....	161
JAMES JOHNSON, Sworn.....	180
FIFTH DAY.....	187
JAMES JOHNSON, Recalled.....	188
THOMAS PATRICK DILLON, Sworn.....	197
THOMAS RANGER, Sworn.....	206
GEORGE CAVELL, Sworn.....	214
ALFRED SHIERS, Sworn.....	225
CHARLES HENDRICKSON, Sworn.....	235
SIXTH DAY.....	252
FRANK HERBERT MORRIS, Sworn.....	253
FREDERICK SCOTT, Sworn.....	262
CHARLES JOUGHIN, Sworn.....	281
SAMUEL JAMES RULE, Sworn.....	300
SEVENTH DAY.....	312
STANLEY LORD, Sworn.....	314
JAMES GIBSON, Sworn.....	345
HERBERT STONE, Sworn.....	358
EIGHTH DAY.....	372
CHARLES VICTOR GROVES, Sworn.....	373
GEORGE FREDRICK STEWART, Sworn.....	391
CHARLES VICTOR GROVES, Recalled.....	405
CYRIL F. EVANS, Sworn.....	405
JAMES HENRY MOORE.....	417
JOHN DURRANT, Sworn.....	425
NINTH DAY.....	434
JOHN DURRANT, Recalled.....	435
SAMUEL RULE, Recalled.....	436
JOHN EDWARD HART, Sworn.....	446
ALBERT VICTOR PEARCEY, Sworn.....	466
EDWARD BROWN, Sworn.....	471
CHARLES DONALD MACKAY, Sworn.....	478

JOSEPH THOMAS WHEAT, Sworn.	485
TENTH DAY	498
CHARLES HENDRICKSON, Recalled.....	501
GEORGE SYMONS, Sworn.	510
JAMES TAYLOR, Sworn.	542
JAMES CLAYTON BARR, Sworn.	553
ALBERT EDWARD JAMES HORSWILL, Sworn.....	554
Sir COSMO DUFF-GORDON, Sworn.	559
ELEVENTH DAY	566
Sir COSMO DUFF-GORDON, Continued.	567
LADY DUFF-GORDON, Sworn.	584
SAMUEL COLLINS, Sworn.....	589
FREDERICK SHEATH, Sworn.	592
ROBERT WILLIAM PUSEY, Sworn.....	594
Mrs. ELIZABETH LEATHER, Sworn.	597
JOSEPH THOMAS WHEAT, Sworn.	598
Mrs. ANNIE ROBINSON, Sworn.....	602
WALTER WYNN, Sworn.....	604
CHARLES HERBERT LIGHTOLLER, Sworn.....	608
TWELFTH DAY.	629
CHARLES HERBERT LIGHTOLLER - Recalled.....	630
THIRTEENTH DAY.....	697
HERBERT JOHN PITMAN, Sworn.	698
JOSEPH GROVES BOXHALL, Sworn.....	715
HAROLD GODFREY LOWE, Sworn.	740
GEORGE ELLIOTT TURNBULL, Sworn.	751
FOURTEENTH DAY.....	755
GEORGE ELLIOTT TURNBULL, Recalled.....	756
HAROLD BRIDE, Sworn.	774
GEORGE ELLIOTT TURNBULL, Recalled.....	774
HAROLD BRIDE, Recalled.....	776
CHARLES HERBERT LIGHTOLLER, Recalled.	798
JOSEPH GROVE BOXALL, Recalled.	804
HERBERT JOHN PITMAN, Recalled.....	810
HAROLD GODFREY LOWE, Recalled.	812
FIFTEENTH DAY.....	814
HAROLD THOMAS COTTAM, Sworn.....	815
FREDERICK FLEET, Sworn.	827
GEORGE ALFRED HOGG, Sworn.....	840
GEORGE THOMAS ROWE, Sworn.	844
SAMUEL HEMMING, Sworn.	852
Examined by Mr. SCANLAN.....	854
WILFRID SEWARD, Sworn.	855
SIXTEENTH DAY.....	858
ALFRED CRAWFORD, Sworn.	859
EDWARD JOHN BULEY, Sworn.....	871
ERNEST ARCHER, Sworn.....	872
ERNEST GILL, Sworn.....	873

JOSEPH BRUCE ISMAY, Sworn.....	877
SEVENTEENTH DAY.....	919
JOSEPH BRUCE ISMAY, Recalled.....	920
HAROLD ARTHUR SANDERSON, Sworn.....	941
EIGHTEENTH DAY.....	969
HAROLD ARTHUR SANDERSON, Recalled.....	970
EDWARD WILDING, Sworn.....	1004
NINETEENTH DAY.....	1022
PAUL MAUGE, Sworn.....	1023
EDWARD WILDING, Recalled.....	1028
TWENTIETH DAY.....	1073
EDWARD WILDING, Recalled.....	1074
LEONARD PESKETT, Sworn.....	1094
The RIGHT HON. ALEXANDER MONTGOMERY CARLISLE, Sworn.....	1108
TWENTY-FIRST DAY.....	1125
CHARLES ALFRED BARTLETT, Sworn.....	1128
BERTRAM FOX HAYES, Sworn.....	1144
CAPTAIN FREDERICK PASSOW, Sworn.....	1149
CAPTAIN FRANCIS SPURSTOW MILLER, Sworn.....	1152
CAPTAIN BENJAMIN STEEL, Sworn.....	1156
STANLEY HOWARD ADAMS, Sworn.....	1160
Sir WALTER J. HOWELL, Sworn.....	1165
"REPORT OF THE BULKHEADS COMMITTEE.".....	1180
TWENTY-SECOND DAY.....	1188
Sir WALTER J. HOWELL, Recalled.....	1189
TWENTY-THIRD DAY.....	1242
Sir WALTER J. HOWELL, Recalled.....	1243
Sir ALFRED CHALMERS, Sworn.....	1262
ALFRED YOUNG, Sworn.....	1282
TWENTY-FOURTH DAY.....	1297
ALFRED YOUNG, Recalled.....	1304
RICHARD OWEN JONES, Sworn.....	1329
EDWIN GALTON CANNONS, Sworn.....	1334
FRANCIS CARRUTHERS, Sworn.....	1342
TWENTY-FIFTH DAY.....	1353
FRANCIS CARRUTHERS, Recalled.....	1354
WILLIAM HENRY CHANTLER, Sworn.....	1355
ALFRED PEACOCK, Sworn.....	1357
WILLIAM DAVID ARCHER, Affirmed.....	1364
TWENTY-SIXTH DAY.....	1393
ALEXANDER BOYLE, Sworn.....	1394
EBER SHARPE, Sworn.....	1395
JOSEPH MASSEY HARVEY, Sworn.....	1396
Sir NORMAN HILL, Sworn.....	1400
Mr. GUGLIELMO MARCONI, Sworn.....	1424
JOSEPH BARLOW RANSON, Sworn.....	1433
Sir ERNEST SHACKLETON, Sworn.....	1437
Dr. RIVERSDALE SAMPSON FRENCH, Sworn.....	1447

TWENTY-SEVENTH DAY.	1449
JOHN PRITCHARD, Sworn.	1462
HUGH YOUNG, Sworn.	1465
WILLIAM STEWART, Sworn.	1466
JOHN ALEXANDER FAIRFULL, Sworn.	1467
ANDREW BRAES, Sworn.	1468
EDWARD WILDING, Recalled.	1468
APPENDIX.....	1475
TWENTY-EIGHTH DAY.....	1477
ARTHUR HENRY ROSTRON, Sworn.	1478
GERHARD CHRISTOFER AFFELD, Sworn.	1492
ARTHUR ERNEST TRIDE, Sworn.	1494
TWENTY-NINTH DAY.	1537
THIRTIETH DAY.	1584
THIRTY-FIRST DAY.....	1630
THIRTY-SECOND DAY.....	1684
THIRTY-THIRD DAY.....	1730
THIRTY-FOURTH DAY.....	1783
“Titanic Numbers”.....	1816
TOTAL NUMBER OF CREW ON BOARD.....	1816
TOTAL NUMBER OF PASSENGERS.....	1817
S.S. “TITANIC.” - Totals On Board.....	1817
PASSENGERS SAVED.....	1817
Victualling Department.....	1818
Queenstown Passengers Saved.....	1819
THIRD CLASS PASSENGERS.....	1820
SUMMARY OF THIRD CLASS PASSENGERS SAVED.....	1820
THIRTY-FIFTH DAY.....	1821
<i>(Adjourned to Wednesday next at 10.30 o'clock.)</i>	1872
THIRTY-SIXTH DAY.....	1873

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Thursday, 2nd May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

[Transcribed from the Shorthand Notes of W. B. Gurney & Sons,
26, Abingdon Street, Westminster, S. W.]

FIRST DAY

The RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), THE RIGHT HON. SIR J. SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. Admitted on application -- See Below.

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. Admitted on application -- See Below.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons) watched proceedings on behalf of the Allen Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son) watched proceedings for the Canadian Pacific Railway Company.

The Attorney-General: My Lord, before this Inquiry begins I desire on behalf of His Majesty's Government to express our deepest sympathy with all those who have to mourn the loss of relatives or friends amongst the passengers, the officers or the crew of this ill-fated vessel. My Lord, this terrible disaster in mid-ocean, both because in mere magnitude it exceeds any calamity in the history of the mercantile marine, and also because of many of its harrowing incidents, has in a profound and marked degree, touched the heart of the nation. Whilst not desiring in any way to anticipate the result of this Inquiry, I cannot refrain from paying a reverent tribute of warm admiration to those whose manful devotion to duty and heroic sacrifices for the safety of others, have maintained the best traditions of the sea. My Lord, before proceeding further, I know my learned friend, Sir Robert Finlay, would like to add something to what I have just stated.

Sir Robert Finlay: My Lord, I desire to associate myself on behalf of my clients, the owners of the "Titanic," with the expressions which the Attorney-General has used on behalf of the Government. No words can express the sympathy which everyone must feel for those who have suffered by this deplorable calamity. There is only one thing that gives some consolation, and to that the Attorney-General has alluded, that this disaster has given an opportunity for a display of discipline and of heroism which is worthy of all the best traditions of the marine of this country. I shall add no more, but the sympathy which we feel on this occasion with those who have suffered is really beyond expression in words.

The President: Mr. Attorney and Sir Robert Finlay: In speaking for myself and speaking I am sure for those who are associated with me in this Inquiry, and speaking, if I may do so, for the public at large, I beg to say that, in my opinion, your kind and sympathetic words will be well appreciated.

The Attorney-General: My Lord, with reference to the Inquiry which your Lordship is now about to commence, may I say that it is the earnest desire of the administration that a searching and thorough Inquiry should be made with the object of ascertaining as fully and as precisely as possible the circumstances surrounding the casualty, and also of deducing such lessons and arriving at such conclusions as may help hereafter to promote the safety of vessels and life at sea. My Lord, it is the wish of the President of the Board of Trade, and, my Lord, speaking on behalf of my learned friend and colleague, the Solicitor-General and myself as law officers of the Crown, I desire to add, in the public interest, that every possible source of information and all available evidence will be placed before your Lordship in this Inquiry. My Lord, any suggestion which you may think fit to make during the course of the case or after the evidence has been called on behalf of the Board of Trade will be accepted by us most willingly. In a word, may I say that throughout this Inquiry and acting entirely in the public interest the resources of the Government are unreservedly at your Lordship's disposal.

Now, my Lord, in regard to the Inquiry I should explain to you at the outset we shall be in some difficulty in calling Witnesses before you and particularly in presenting them in the order which we should have desired, because as your Lordship knows there is an Inquiry proceeding in the United States, and a large number of Witnesses who would otherwise be available have not yet come to this country. There is much material which we shall get later, and which will be presented to you. There are at the present moment a number of the crew who arrived in the "Lapland" who are available, and who are being detained by the Board of Trade. They should be called at the earliest moment, and I shall therefore place them before the Court as soon as we can get to evidence.

My Lord, there are, of course, also Witnesses who will be presented as to the construction and equipment of the vessel, and I think we can deal with those at an early moment, but the course which I propose, subject to anything that my learned friend has to say, and of course always

subject to your Lordship's assent, is that today we should just decide upon the course of procedure, and that tomorrow I should open the case as well as I am able from the material which will be before me; that then we should proceed to hear this evidence of the crew, and then evidence on the construction and equipment of the vessel, and then continue *de die in diem* as far as we can, having regard to what, I am afraid, must be some little time which must elapse before we can put all the evidence we desire before you.

My Lord, there is another subject also into which we can inquire at an early moment. That would be the Board of Trade Rules and Regulations made under the Merchant Shipping Act for the preservation of life at sea, and indeed any regulations which are made under the Merchant Shipping Act, which are relevant to this Inquiry; we can go into that, and shall go into that at an early stage.

I think, even now at this moment, we could deal with the questions which will be submitted by us to the Court. We submit those questions now, not as containing every question which it may be necessary to put; your Lordship has power, and there is power also in the Board of Trade, to supplement those questions at the end of the case which we are presenting to the Court; but they have been carefully considered, and I think it would be convenient if we just referred to them. I do not know whether it would be of any assistance (I will just do what your Lordship thinks fit) to refer to the sections of the Act of Parliament, and the Rules which have been made by the Lord Chancellor, in pursuance of the Act (they are very few) before I deal with the questions.

My Lord, under the Merchant Shipping Act of 1894 and dealing with Part VI., which relates to the special shipping inquiries and Courts, your Lordship will find first of all under Section 464 of the Statute 57 and 58 Victoria, Chapter 60, "a shipping casualty" is defined. It begins "a shipping casualty shall be deemed to occur"; the first four sub-sections refer to casualties on or near the coast of the United Kingdom, and we have nothing to do with those. Sub-sections 5 and 7, my Lord, you will consider. "When in any place any such loss" (that is the loss of a vessel), "abandonment, material damage or casualty as above mentioned occurs, and any Witness is found in the United Kingdom," and under sub-section 7, "When any British ship is lost, or is supposed to have been lost and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea, or was last heard of." Section 466 deals with a formal investigation. My Lord, you will observe from the statute that there are preliminary investigations and formal investigations, and of course this Inquiry would come under the formal investigation. Then, My Lord, under section 466, sub-section 1, "a person authorized as aforesaid to make a preliminary Inquiry shall in any case where it appears to him requisite or expedient that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a Court of Summary Jurisdiction to hold a formal investigation, and that Court shall thereupon hold the formal investigation." Then under sub-section 2 "A wreck commissioner appointed under this act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section" - that is the one to which we have to pay particular attention. Then under sub-section 6, "The Court, after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the Court thereon, accompanied by such report of or extracts from the evidence and such observations as the Court think fit." Then later sub-sections deal with the costs. "The Court may make such order as the Court think fit respecting the costs of the investigation or any part thereof." I think that is all that is material in the statute. Then, my Lord, there are a number of sub-sections and also of sections which deal with charges against officers and with their certificates. I do not know whether your Lordship has yet seen the questions, but I may say that there is no charge made in those questions which would involve the cancelling or suspension of certificates of the officers. The officers who would be involved in any answers which your

Lordship might make, as it occurs to us at the moment, in reply to these questions are officers who have succumbed in this disaster, and whose certificates cannot be in question. My Lord, I think that is all, unless my learned friend thinks there is anything else he would like to call your attention to in the Statute that it is worthwhile to refer to. I do not know whether your Lordship has noticed - perhaps I had better just call attention to it as you have the section before you - subsection 3 of section 466, which says that "the Court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge"; and then it says how they are to be appointed.

Now, my Lord, I propose to call your attention to the Rules; there are very few to which I need call your attention if your Lordship has them before you.

The President: Yes, I have them.

The Attorney-General: Rule 3 deals with the notice of investigation which has to be "served upon the owner, master and officers of the ship, as well as upon any person who, in their opinion, ought to be served with such notice." I will hand in the formal Notice of Investigation which has been served; it will not be necessary to prove the service of it; I have no doubt my learned friend will take that as evidence. "The notice shall contain a statement of the questions which, on the information then in possession of the Board of Trade, they intend to raise on the hearing of the investigation."

The President: Where is that?

The Attorney-General: That is in Rule 3 of the Statutory Rules and Orders of 1907. May I hand up a print - I think your Lordship will find that more convenient. Under the head of Rule 3, "When an investigation has been ordered the Board of Trade may cause a notice, to be called a Notice of Investigation, to be served upon the owner, master and officers of the ship, as well as upon any person who, in their opinion, ought to be served with such notice. The Notice shall contain a statement of the Questions which, on the information then in possession of the Board of Trade, they intend to raise on the hearing of the Investigation." "The Board of Trade may at any time before the hearing of the investigation by a subsequent notice amend, add to, or omit any of the questions specified in the Notice of Investigation." (4) The Board of Trade, the owner, the master, or any certified officer or other person upon whom a Notice of Investigation has been served shall be deemed to be parties to the proceedings. (5) Any other person may by leave of the Judge appear, and any person who appears under this Rule shall thereupon become a party to the proceedings." Then, my Lord, under paragraph 8, "Affidavits and Statutory Declarations may, by permission of the Judge and saving all just exceptions, be used as evidence at the hearing." Paragraph 10 is: "The proceedings on the Investigation shall commence with the production and examination of Witnesses by the Board of Trade." That deals with procedure which follows the ordinary course. Paragraph 11 is: "When the examination of the Witnesses produced by the Board of Trade has been concluded, the Board of Trade shall state in open Court the questions in reference to the casualty, and the conduct of the certified officers or other persons connected therewith upon the opinion of the Court is desired. In framing the questions for the opinion of the Court, the Board of Trade may make such modifications in, additions to, or omissions from, the questions in the Notice of Investigation, or subsequent notices referred to in Rule 3, as having regard to the evidence which has been given the Board of Trade may think fit." Then (12) "After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the Investigation upon and determine the questions so stated." Then it deals with the procedure with which I will not trouble your Lordship, because it substantially follows what is the usual practice. After all the evidence has been heard, any of the parties who desire to do so may address the Court upon the evidence, and the Board of Trade may address the Court in reply upon the whole case. Then paragraph 17 is: "At the conclusion of the

Investigation the Judge shall report to the Board of Trade." That is all there is in the Rules which affects this matter.

Then, my Lord, I will hand in the Order for the formal Investigation which contains what is called the Statement of the Case.

(The Order was handed in, and is as follows):

The Merchant Shipping Act, 1894.

ORDER FOR FORMAL INVESTIGATION

"Whereas, on or about the 14th day of April, 1912, the British Steamship 'Titanic', of Liverpool, Official Number 131,482, struck ice in or near latitude 41° 46' N., longitude 50° 14' W., North Atlantic Ocean, and on the following day foundered, and loss of life thereby ensued or occurred. And whereas a shipping casualty has occurred, and the Board of Trade have requested a Wreck Commissioner appointed under this Act to hold a Formal Investigation into the said shipping casualty, and he has consented to do so.

"Now the Board of Trade, in pursuance of the powers vested in them by Section 466 of the Merchant Shipping Act, 1894, do hereby direct that the Formal Investigation shall be held into the said shipping casualty in the Scottish Hall, Buckingham Gate, London, S. W.

"Annexed hereto is a Statement of the Case upon which the said Formal Investigation has been ordered.

"Dated this 30th day of April, 1912.

"Walter J. Howell.

"An Assistant Secretary to the Board of Trade."

"The British Steamship 'Titanic,' of the port of Liverpool, Official Number 131,428.

"STATEMENT OF CASE"

"The following is a Statement of the Case on which a Formal Investigation is ordered:

"The above named ship left Queenstown for New York on or about the 11th day of April, 1912, with a crew of about 892 hands all told, and about 1,316 passengers.

"On the night of Sunday the 14th day of April, 1912, the vessel struck ice in or near latitude 41° 46' N., longitude 50° 14' W., North Atlantic Ocean, and at about 2 a.m. on the following day foundered in about the same locality, and loss of life thereby ensued or occurred.

"Dated this 30th day of April, 1912.

"Walter J. Howell - "An Assistant Secretary to the Board of Trade."

The Attorney-General: That is the Order for Formal Investigation. Your Lordship sees that is the Board of Trade Order.

The President: Dated the 30th April.

The Attorney-General: Yes. It recites that "On or about the 14th April, 1912, the British Steamship 'Titanic,' of Liverpool, struck ice in or near latitude 41° 46' N., longitude 50° 14' W., North Atlantic Ocean, and on the following day foundered and loss of life thereby ensued or occurred. And whereas a shipping casualty has occurred "- (that is within the definition of the Statute to which I have called your Lordship's attention) - "and the Board of Trade have

requested a Wreck Commissioner appointed under this Act to hold a Formal Investigation into the said shipping casualty, and he has consented to do so. Now the Board of Trade, in pursuance of the powers vested in them by Section 466 of the Merchant Shipping Act, 1894, do hereby direct that the Formal Investigation shall be held into the said shipping casualty in the Scottish Hall, Buckingham Gate, London, S. W." Then the next is the Statement of the Case, and the Statement of the Case is "The above-named ship left Queenstown for New York on or about the 11th day of April, 1912, with a crew of about 892 hands all told, and about 1,316 passengers. On the night of Sunday the 14th day of April, 1912, the vessel struck ice in or near latitude 41° 46' N., longitude 50° 14' W., North Atlantic Ocean, and at about 2 a m on the following day foundered in about the same locality, and loss of life thereby ensued or occurred." That is the formal document containing the Order and Statement of the Case.

Then, my Lord, the only other matter I think to which I need refer is the Questions; and it might be convenient for me just to indicate what these Questions are: I think you will find it will facilitate the Inquiry. The Questions 1 to 8 inclusive relate to what happened before the casualty and before there is any question or suggestion of a warning that the "Titanic" was approaching ice. Questions 9 to 14 relate to the suggestion of warning given to the "Titanic," and ask what was done with regard to look-out or other precautions before the casualty; that is to say, it is suggested by those Questions that those responsible for the navigation of the "Titanic" were warned that they were approaching ice; and then the Questions are put in order to ascertain what was done, and the Court may answer what it finds as a fact was done by those responsible for the "Titanic" after they received such warning, if they did receive it. Then, my Lord, Question 15 is a Question relating to the casualty itself. Questions 16 to 24 relate to the events after the casualty, as to what steps were taken either to save the vessel or to save life. Then there is a general Question, 25, which relates to the construction and equipment of the "Titanic" as a passenger steamer and emigrant ship for the Atlantic service; and Question 26, which relates to the Rules and Regulations under the Merchant Shipping Acts and the administration of those Acts and the Rules and Regulations, invites such recommendations or suggestions as the Court may think fit to make with a view to promoting the safety of vessels and persons at sea. Now, my Lord, if you will look at the Questions to which I have just referred -

The President: Have I a copy of them?

The Attorney-General: I thought your Lordship had a copy of them.

The Questions were handed in and are as follows -

"S. S. 'TITANIC' - QUESTIONS TO BE ANSWERED

1. When the "Titanic" left Queenstown on or about 11th April last: -
 - (a.) What was the total number of persons employed in any capacity on board her, and what were their respective ratings?
 - (b.) What was the total number of her passengers, distinguishing sexes and classes, and discriminating between adults and children?

2. Before leaving Queenstown on or about 11th April last did the "Titanic" comply with the requirements of the Merchant Shipping Acts, 1894-1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of passenger steamers and emigrant ships.

3. In the actual design and construction of the "Titanic" what special provisions were made for the safety of the vessel and the lives of those on board in the event of collisions and other casualties?

4. Was the "Titanic" sufficiently and efficiently officered and manned? Were the watches of the officers usual and proper? Was the Titanic supplied with proper charts?
5. What was the number of boats of any kind on board the "Titanic"? Were the arrangements for manning and launching the boats on board the "Titanic" in case of emergency proper and sufficient? Had a boat drill been held on board, and, if so, when? What was the carrying capacity of the respective boats?
6. What installations for receiving and transmitting messages by wireless telegraphy were on board the "Titanic"? How many operators were employed on working such installations? Were the installations in good and effective working order, and were the number of operators sufficient to enable messages to be received and transmitted continuously by day and night?
7. At or prior to the sailing of the "Titanic" what, if any, instructions as to navigation were given to the Master or known by him to apply to her voyage? Were such instructions, if any, safe, proper and adequate, having regard to the time of year and dangers likely to be encountered during the voyage?
8. What was in fact the track taken by the "Titanic" in crossing the Atlantic Ocean? Did she keep to the track usually followed by liners on voyages from the United Kingdom to New York in the month of April? Are such tracks safe tracks at that time of year? Had the Master any, and, if so, what discretion as regards the track to be taken?
9. After leaving Queenstown on or about the 11th April last, did information reach the "Titanic" by wireless messages or otherwise by signals, of the existence of ice in certain latitudes? If so, what were such messages or signals and when were they received, and in what position or positions was the ice reported to be, and was the ice reported in or near the track actually being followed by the "Titanic"? Was her course altered in consequence of receiving such information, and, if so, in what way? What replies to such messages or signals did the "Titanic" send and at what times?
10. If at the times referred to in the last preceding question or later the "Titanic" was warned of or had reason to suppose she would encounter ice, at what time might she have reasonably expected to encounter it? Was a good and proper look-out for ice kept on board? Were any, and, if so, what directions given to vary the speed - if so, were they carried out?
11. Were binoculars provided for and used by the look-out men? Is the use of them necessary or usual in such circumstances? Had the "Titanic" the means of throwing searchlights around her? If so, did she make use of them to discover ice? Should searchlights have been provided and used?
12. What other precautions were taken by the "Titanic" in anticipation of meeting ice? Were they such as are usually adopted by vessels being navigated in waters where ice may be expected to be encountered?
13. Was ice seen and reported by anybody on board the "Titanic" before the casualty occurred? If so, what measures were taken by the officer on watch to avoid it? Were they

proper measures and were they promptly taken?

14. What was the speed of the "Titanic" shortly before and at the moment of the casualty? Was such speed excessive under the circumstances?

15. What was the nature of the casualty which happened to the "Titanic" at or about 11.45 p.m. on the 14th April last? In what latitude and longitude did the casualty occur?

16. What steps were taken immediately on the happening of the casualty? How long after the casualty was its seriousness realised by those in charge of the vessel? What steps were then taken? What endeavours were made to save the lives of those on board and to prevent the vessel from sinking?

17. Was proper discipline maintained on board after the casualty occurred?

18. What messages for assistance were sent by the "Titanic" after the casualty and at what times respectively? What messages were received by her in response and at what times respectively? By what vessels were the messages that were sent by the "Titanic" received, and from what vessels did she receive answers? What vessels other than the "Titanic" sent or received the messages at or shortly after the casualty in connection with such casualty? What were the vessels that sent or received such messages? Were any vessels prevented from going to the assistance of the "Titanic" or her boats owing to messages received from the "Titanic" or owing to any erroneous messages being sent or received? In regard to such erroneous messages, from what vessels were they sent and by what vessels were they received and at what times respectively?

19. Was the apparatus for lowering the boats on the "Titanic" at the time of the casualty in good working order? Were the boats swung out, filled, lowered, or otherwise put into the water and got away under proper superintendence? Were the boats sent away in seaworthy condition and properly manned, equipped and provisioned? Did the boats, whether those under davits or otherwise, prove to be efficient and serviceable for the purpose of saving life?

20. What was the number of (a.) passengers, (b.) crew taken away in each boat on leaving the vessel? How was this number made up having regard to:

1. Sex.
2. Class.
3. Rating?

How many were children and how many adults?

Did each boat carry its full load and, if not, why not?

21. How many persons on board the "Titanic" at the time of the casualty were ultimately rescued, and by what means? How many lost their lives? Of those rescued how many have since died? What was the number of passengers, distinguishing between men and women and adults and children of the 1st, 2nd, and 3rd classes respectively who were saved? What was the number of the crew, discriminating their ratings and sex, that were saved? What is the proportion which each of these numbers bears to the corresponding total number on board immediately before the casualty? What reason is there for the disproportion, if any?

22. What happened to the vessel from the happening of the casualty until she foundered?

23. Where and at what time did the "Titanic" founder?

24. What was the cause of the loss of the "Titanic," and of the loss of life which thereby ensued or occurred? Was the construction of the vessel and its arrangements such as to make it difficult for any class of passenger or any portion of the crew to take full advantage of any the existing provisions for safety?

25. When the "Titanic" left Queenstown on or about 11th April last was she properly constructed and adequately equipped as a passenger steamer and emigrant ship for the Atlantic service?

26. The Court is invited to report upon the Rules and Regulations made under the Merchant Shipping Acts, 1894 -1906, and the administration of those Acts, and of such Rules and Regulations, so far as the consideration thereof is material to this casualty, and to make any recommendations or suggestions that it may think fit, having regard to the circumstances of the casualty with a view to promoting the safety of vessels and persons at sea.

The Attorney-General: My Lord, may I say that the Assessors will all have copies of the Questions by this afternoon. They have, of course, had to be very hurriedly typewritten, and we have a very few copies; but I will just indicate what they are. My Lord, the first Question asks, "When the "Titanic" left Queenstown on or about 11th April last (a) what was the total member of persons employed in any capacity on board her, and what were their respective ratings? (b) What was the total number of her passengers, distinguishing sexes and classes and discriminating between adults and children?" The second Question is for the purpose of ascertaining whether the "Titanic" complied with the requirements of the Merchant Shipping Acts and the Rules and Regulations which apply to passenger steamers and emigrant ships. The third Question asks whether any special provision was made in the actual design and construction of the "Titanic" for the safety of the vessel and the lives of those on board in the event of collision or casualty. The fourth is to ascertain how the "Titanic" was officered and manned. The fifth relates to the number of boats and asks "What was the number of the boats of any kind on board "Titanic"? Were the arrangements for manning and launching the boats on board the "Titanic" in case of emergency proper and sufficient? Had a boat drill been held on board, and, if so, when? What was the carrying capacity of the respective boats? The sixth Question relates to the installations for receiving and transmitting messages by wireless telegraphy on board the "Titanic," and as to the number of operators employed on the installation, and in whether the installation was in good and effective order. The seventh Question is as to whether instructions as to navigation were given to the Master or known by him to apply to her voyage, and, if so, what those instructions were. The eighth Question relates to the track taken by the "Titanic" in crossing the Atlantic Ocean, and whether that was the track usually followed by liners, and whether that track is a fit track at that time of the year, and whether the Master had any, and, if so, what discretion as regards the track to be taken. That, your Lordship will see, deals with what I may call the first Chapter of Questions, 1 to 8, that is, as to what happened before any suggestion of warning.

Then, my Lord, Question 9 asks whether, after leaving Queenstown, information reached the "Titanic" by wireless messages, or otherwise by signals, of the existence of ice in certain latitudes. Then, if such information did reach the "Titanic," it is asked what were the messages or signals, and when were they received; was her course altered in consequence of receiving such

information; and, if so, in what way, and what replies did she send? Then Question 10 asks whether a good and proper look-out for ice was kept on board, and whether, after receiving any warning, directions were given to vary the speed, and, if so, were they carried out? Then, my Lord, Question 11 is directed to ascertaining whether binoculars were provided for and used by the look-out men, and whether the use of binoculars is necessary or useful in such circumstances; whether the "Titanic" had the means of throwing searchlights around her; whether, if she had, she made use of them to discover ice, and whether searchlights should have been provided and used on board the "Titanic"? Question 12 asks whether any other precautions were taken by the "Titanic" in anticipation of meeting ice; and the 13th Question is to ascertain whether anybody on board the "Titanic" saw and reported ice before the casualty occurred, and, if so, what measures were taken by the officer on watch to avoid it, and whether these were proper measures and promptly taken. The 14th Question asks what the speed of the "Titanic" was shortly before and at the moment of the casualty, and whether such speed was excessive under the circumstances. My Lord, that concludes the Questions before the casualty. Then the 15th Question is, "What was the nature of the casualty which happened to the 'Titanic' at or about 11.45 p.m. on the 14th April last? In what latitude and longitude did the casualty occur?"

Now, my Lord, come the questions relating to what happened after the casualty. Question 16 is, "What steps were taken immediately on the happening of the casualty? How long after the casualty was its seriousness realised by those in charge of the vessel? What steps were then taken? What endeavors were made to save the lives of those on board and to prevent the vessel from sinking? Question 17 is, "Was proper discipline maintained on board after the casualty occurred?" Then Question 18 asks what messages were sent by the "Titanic" after the casualty, and at what times and what answers were received. Then Question 19 is, "Was the apparatus for lowering the boats on the 'Titanic' at the time of the casualty in good working order? Were the boats swung out filled, lowered, or otherwise put into the water and got away under proper superintendence? Were the boats sent away in seaworthy condition and properly manned, equipped, and provisioned? Did the boats, whether those under davits or otherwise, prove to be efficient and serviceable for the purpose of saving life." Question 20 is to ascertain the number of passengers and crew taken away in each boat on leaving the vessel, and the question is asked: "How was this number made up, having regard to sex, class, and rating," and "how many were children and how many adults? Did each boat carry its full load, and, if not, why not?" Then Question 21 is to ascertain, "How many persons on board the 'Titanic' at the time of the casualty were ultimately rescued, and by what means?" And your Lordship will see that it is asked, "What was the number of passengers, distinguishing between men and women and adults and children of the 1st, 2nd, and 3rd classes, respectively, who were saved? What was the number of the crew, discriminating their ratings and sex, that were saved? What is the proportion which each of these numbers bears to the corresponding total number on board immediately before the casualty? What reason is there for the disproportion, if any?" Then No. 22 is a general question: "What happened to the vessel from the happening of the casualty until she foundered?" And then question 23 is, "Where and at what time did the 'Titanic' founder?" Then Question 24 is, "What was the cause of the loss of the 'Titanic' and of the loss of life which thereby ensued or occurred?" No. 25 is the question to which I referred, as to the construction and adequate equipment as a passenger steamer and emigrant ship for the Atlantic service, and Question 26 is, "The Court is invited to report upon the Rules and Regulations made under the Merchant Shipping Acts, 1894 -1906, and the administration of those Acts, and of such Rules and Regulations so far as the consideration thereof is material to this calamity, and to make any recommendations or suggestions that it may think fit, having regard to the circumstances of the casualty with a view to promoting the safety of vessels and persons at sea."

My Lord, those are the questions which we submit to the Court at the present moment, and, as I have indicated and as your Lordship will see, by reference to the Rules, we are at liberty at the close of our case to supplement those questions or to modify them if we think fit.

My Lord, I do not think there is anything I can say further. I think that is all that is necessary to trouble your Lordship with today. It indicates what the course of procedure will be, and I have no doubt your Lordship will find it convenient to have the Questions at this early stage, so that you may see to what the evidence will be directed. My Lord, I should propose tomorrow to proceed and open the case on such material as we have at present, and then to call the evidence which is now available.

The President: Then, Sir Robert, if you have had time to consider the questions, or if not, after you have had time to consider them, perhaps you will let me know whether you think the questions ought to be supplemented.

Sir Robert Finlay: My Lord, I saw the questions this morning and at present nothing occurs to me; but of course it will be very carefully considered, and if any further questions occur to me as desirable, of course we will lay them before the Court. I understand the Attorney-General to suggest calling in the first place tomorrow some of the survivors who have reached this country.

The Attorney-General: Yes.

Sir Robert Finlay: There are some four or five of these persons who may be in a position to give evidence with regard to the nature of the damage to the vessel which caused the sinking. There are only four or five of them, and it occurs to us that it would be most desirable that these Witnesses should not leave, as they may be wanted at a later stage, when the evidence from America and the Witnesses who are now in America are available. My Clients will supply the Board of Trade with the names of these Witnesses, and I would suggest for the Attorney-General's consideration that their evidence should be delayed; that they should be kept and that their evidence should not be taken until we are in a position to put before the Court other evidence with regard to what they can say which may be of importance.

The Attorney-General: I am not sure that I quite appreciate what my learned friend means by the last observation. When the Witnesses have been called, if it is desired to keep four of five of them here, as he says, in case any question arises with regard to Witnesses who may be called from America, of course they will be kept by us, so far as we have power to keep them, and I have no doubt they will remain here.

The President: I did not understand that to be quite the suggestion.

The Attorney-General: I thought it was from what was said at first, but from what my learned friend said just now, I gather the suggestion was that they should not be called till later.

The President: That they should be kept until some additional evidence, without which they cannot be well examined, comes from America. That is what I understand to be the suggestion.

Sir Robert Finlay: All I mean, my Lord, was this: I do not think it is desirable that the evidence of these Witnesses should be split up. It may form part of a whole body of evidence relating to an important part of the Inquiry. But I will put my learned friend, the Attorney-General, in possession of the names of the Witnesses.

The Attorney-General: If my learned friend will tell me who the Witnesses are and his reasons, I have no doubt we shall be able to agree to keep them.

Sir Robert Finlay: Then I understood my learned friend to say that after the evidence of the survivors was taken he would propose to go to the question of construction.

The Attorney-General: Yes.

Sir Robert Finlay: I quite agree with that, and I do not know that any considerable delay at all events will be necessary in dealing with the evidence on that part of the case.

The Attorney-General: No, I think that is a question at the most of two or three days, and I

think we shall probably be ready to proceed with that at some time either on Tuesday or Wednesday of next week, assuming we have got rid of the other evidence, which I do not think will take long, because although there are many Witnesses, with a large number of them, as your Lordship knows, it is mere repetition.

Sir Robert Findlay: Then my learned friend mentioned another subject which must be discussed upon the Rules and Regulations that have been made with regard to these matters as to preventing collisions. Of course, any general discussion of Rules and Regulations might take place at any time. The only suggestion I wish to make is that the full consideration of the Rules and Regulations could take place with more advantage when the evidence with regard to the circumstances of this particular casualty is before the Court.

The President: Undoubtedly.

Sir Robert Findlay: And I doubt whether any great advantage would be derived from a general discussion of the Rules and Regulations at present without regard to the particular case, the circumstances of which have not been fully disclosed.

The Attorney-General: The only point is that we could have got on with the evidence that will be forthcoming with regard to the Rules and Regulations. Some evidence will have to be given as to what has taken place in regard to that matter; and if we cannot proceed because Witnesses are not here to put before the Court, it occurred to me that we could usefully employ the time by calling Witnesses to prove these Rules - not to discuss them. We shall have to discuss them, of course, hereafter.

The President: What do you mean by proving the Rules?

The Attorney-General: I think your Lordship will have to hear something about the Rules more than mere formal proof. I mean to say as to the history of the Rules - what has been done at various times.

The President: Do the Rules need to be proved?

The Attorney-General: I think probably some evidence will be useful. They will not need to be proved, but it is desirable that you should be told what has happened with regard to them. I attribute no importance to calling that evidence at any particular time; the only thing is that I thought you would be anxious that no time should be lost that could be usefully occupied, and therefore that we should proceed as far as we could; but I quite agree with my learned friend that the discussion of them must necessarily be postponed until a later stage, when your Lordship has got the evidence before you. I did not mean to indicate that there should be a discussion; it was only a question of proving what has happened.

The President: What do you propose to do now, Mr. Attorney?

The Attorney-General: I did not propose to do anything further today. There is one matter which, I think, might be dealt with today - I am not sure that it can be satisfactorily disposed of or considered - but it may be that there are persons here today who desire to be represented, and who wish to make an application. I do not know whether your Lordship thinks it would be convenient that they should do that now, if they are here, or that it should be postponed and dealt with altogether tomorrow. We have not had notice of them at present, but whoever is here and wishes to give notice it might be desirable that he should do it. I said we had not had notice. I think we have had notice from one, but who it is I do not know.

A notice was handed to the Attorney-General.

The Attorney-General: This is apparently notice on behalf of the National Sailors' and Firemen's Union.

Mr. Thomas Scanlan, M. P.: I have to apply, my Lord, on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and the personal representatives of a number of their members who were members of the crew, and on behalf of a certain number of their

members who are survivors, to be represented in the terms of Rule 5 of the Statutory Rules and Orders to which Sir Rufus Isaacs has referred. Rule 5 is in these terms: "Any other person may, by leave of the Judge, appear, and any person who appears under this Rule shall thereupon become a party to the proceedings." In the terms of that Rule, and on behalf of this Union, which represents 80,000 sailors and firemen, I respectfully make this application.

Mr. W. M. R. Pringle, M.P.: My Lord, I desire to apply to the Court for leave to appear on behalf of the Ship Constructors' and Shipwrights' Association. That Association represents a large body of men who are engaged, not only in the construction of ships, but who are employed in the manning of ships, and they are consequently interested in this Inquiry from two points of view; first of all, from the point of view of the construction and equipment of ships, more especially in relation to life-saving, and, secondly, in relation to the manning of ships for the purposes of life-saving. It seems to me that, both of these considerations are relevant to certain of these questions which are being put to this Court by the Board of Trade, and which have been enumerated by the Attorney-General.

Mr. Thomas Lewis: My Lord, I desire to make an application to represent the British Seafarers' Union.

The President: How does that differ from the other Union of Sailors and Firemen?

Mr. Thomas Lewis: It is a distinct organisation, my Lord

The President: It may be a distinct organisation, but what is the difference between the two?

Mr. Thomas Lewis: The same class of men are catered for in the organisation, but the British Seafarers' Union represents a large number of the crew. My friend represents a certain number and my organisation represents about 200 members of the crew, about 60 or 70 of whom are survivors. That is on the Sailors' and Firemen's section, and I ask on behalf of the British Seafarers' Union to be allowed to represent them.

Mr. Clement Edwards, M.P.: My Lord, I appear on behalf of the Dockers' Union, a number of whose members formed a part of the crew, some of whom were drowned and some of whom survived.

Mr. L. S. Holmes: My Lord, I appear on behalf of the Imperial Merchant Service Guild, which is a society of officers of the mercantile marine, numbering over 15,000. The second, third, fourth, and fifth officers, who are survivors, are members of that Guild, and the chief and first officer and sixth officer, who are dead, were also members of that Guild, and on their behalf I apply for leave to appear, to represent them at this Inquiry.

Mr. Botterell: My Lord, may I say that I appear here upon instructions on behalf of the Chamber of Shipping. They are anxious to give your Lordship and the Commission any assistance and information they can, and therefore I ask that I may be allowed to appear on their behalf in case any questions arise upon which you may require any assistance.

The President: Mr. Botterell, what is the object of the Association which you are representing?

Mr. Botterell: It is the Chamber of Shipping, my Lord.

The President: In this connection I mean?

Mr. Botterell: Directly, I do not suppose they have any interest in the Inquiry at all, but indirectly, the President of the Chamber thought, as they represent the shipping of the United Kingdom and take a great interest in the matter, it would be as well for them to place themselves at your Lordship's service in case you should require any assistance from them.

The President: Now, Mr. Attorney, subject to anything you may have to say, I propose to allow the National Sailors' and Firemen's Union to be represented; and I propose also to allow the Chamber of Shipping, as I think you called it, Mr. Botterell, to be represented. With regard to the others, if during the Inquiry it occurs to me that it is desirable that they should be represented, then I can take care that the bodies concerned should be communicated with; but I do not feel

disposed at present to have more than the two I have mentioned represented, and I will not do that until I have heard whether you have any objection to it, Mr. Attorney.

The Attorney-General: No, my Lord, I raise no objection.

The President: Do you see any objection to it, Sir Robert Finlay?

Sir Robert Finlay: I am quite content to leave it on the footing your Lordship has suggested.

Mr. W. M. R. Pringle, M.P.: My Lord, may I make a further submission to you? I think that the Ship Constructors' and Shipwrights' Association has a somewhat special interest -

The President: You must not argue the question again. I thought you had said what you wanted to say.

Mr. Thomas Lewis: I am not quite clear, my Lord, with reference to your reply to the Attorney-General. Do I understand that your Lordship will allow the British Seafarers' Union to be represented here?

The President: No, not at present. I may later on.

Mr. Thomas Lewis: May I point out, my Lord, that the union I represent represents a large number of the crew.

The President: That may be; but at present my opinion is I shall have sufficient information and assistance if I allow the National Sailors' and Firemen's Union to be represented. If later on I want your assistance, I will take care to let you know.

Mr. L. S. Holmes: May I take it that your Lordship will allow the officers of the "Titanic" to be represented?

The President: I thought I had been very plain in what I said. I have allowed two of the associations to be represented, and I have mentioned them. If I find that the others ought to be represented, as I go on with the Inquiry and hear the evidence, I will take care to let you know.

Mr. W. H. Champness: My Lord, I represent the widow of a deceased first-class passenger who was drowned.

The President: Do you appear on behalf of a particular widow?

Mr. W. H. Champness: Yes, a particular widow My Lord, I think nobody has applied at present to your Lordship on behalf of the representatives of the deceased passengers?

The President: I cannot consent to your application.

The Attorney-General: I understand what your Lordship has decided is that the National Sailors' and Firemen's Union and the Chamber of Shipping shall be allowed to appear, and that with regard to the other applications all you have done is to say that at present your Lordship is not allowing them to appear.

The President: That is exactly what I have decided.

The Attorney-General: I am desirous of putting this before your Lordship for your consideration at a later time when you may have some further application made to you in connection with this matter; that so far as I am concerned, I should not raise any opposition to anyone whose interests were involved in any way, during the course of this Inquiry, being represented or at least applying to your Lordship to be represented. I only want to make that quite clear at the outset, because naturally the Board of Trade are anxious that everybody who has any interest in the matter should, when his interest is affected, have a right to put questions under the presidency of your Lordship.

The President: I quite understand that. Now is there anything more to be done today?

Sir Robert Finlay: My Lord, I hear from those sitting near me that there is great difficulty in hearing in this hall. This hall was not built for the purpose of holding Inquiries of this kind, and its acoustic properties are very bad indeed.

The Attorney-General: I quite agree.

Sir Robert Finlay: I think if we go on here it will most seriously hamper the progress of the

Inquiry. May I suggest to your Lordship and to the Attorney-General, the desirability, if possible, of getting another hall. There is a large committee room at Westminster which may be available, and, I am perfectly certain that the efficiency of the Inquiry would be enormously increased by having another room better adapted for the purpose.

The President: I absolutely agree, and I am sure if the Attorney-General will put himself in communication with the Solicitor to the Board of Trade, arrangements can be made for the sittings to be held in a hall which will be more convenient, or a room which will be more convenient to all of us.

The Attorney-General: I will see what can be done, certainly. I entirely agree with my learned friend that it is most difficult to hear and most inconvenient; but we will see what can be done. Tomorrow, in any event, we meet here, I understand.

The President: Yes. We must go on here until we find another room.

The Attorney-General: What time does your Lordship propose to sit tomorrow morning?

The President: What time will be convenient?

The Attorney-General: I suggest that we sit at half-past ten if that will be convenient to your Lordship.

The President: Very well. We will sit at half-past ten. Then, at present, I will adjourn the Inquiry till half-past ten tomorrow morning.

(Adjourned to tomorrow at half-past ten o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,
Friday, 3rd May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

SECOND DAY

The RIGHT HON. Sir RUFUS ISAACS, K.C., M.P. (Attorney General), THE RIGHT HON. Sir J. SIMON, K.C., M.P. (Solicitor-General), Mr. BUTLER ASPINALL, K.C., Mr. S. A. T. ROWLATT and Mr. RAYMOND ASQUITH (instructed by Sir R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. Sir ROBERT FINLAY, K.C., M.P., Mr. F. LAING, K.C., Mr. MAURICE HILL, K.C., and Mr. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

Mr. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

Mr. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

Mr. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on Application.)

Mr. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

Mr. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons) watched proceedings on behalf of the Allan Line Steamship Company.

Mr. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son) watched proceedings for the Canadian Pacific Railway Company.

The Commissioner: Is Mr. Scanlan here?

Mr. Scanlan: Yes, my Lord.

The Commissioner: Mr. Scanlan, can you tell me how many men there were on board this

vessel who belonged to what is called the British Seafarers' Union?

Mr. Scanlan: That I cannot tell your Lordship. The Seafarers' Union is a distinct body from the Union I represent.

The Commissioner: I understand now (I did not know it yesterday) that it is an offshoot from your body. Can you tell me how many of your body were on the "Titanic"?

Mr. Scanlan: Well, my Lord, our information is not quite accurate as yet on that point, because the officials of the Union have only just got the Ship's Articles, from which they are compiling a list. They have paid away quite a number of claims to widows of the deceased - somewhere over 30, I understand.

The Commissioner: How many men do you suppose there were on board the "Titanic" belonging to your Union?

Mr. Scanlan: I understand the number is less than 100.

The Commissioner: Have you any idea how many men there were on board belonging to the new organisation, the offshoot - the British Seafarers' Union?

Mr. Scanlan: We cannot say, my Lord.

The Commissioner: Have you any idea of the number?

Mr. Scanlan: The gentleman who represented that body yesterday, my Lord, stated that it was 200.

The Attorney-General: Sixty or 70 out of 200, I understood him to say.

The Commissioner: Can you communicate with him?

Mr. Thomas Lewis: I am here, my Lord.

The Commissioner: Can you tell me how many men belonging to your Union were on board the steamer?

Mr. Thomas Lewis: There was a communication from the Chairman - I am not aware whether your Lordship has received it or not - to this effect -

The Commissioner: About the number is enough for me.

Mr. Thomas Lewis: The number is 228 on board the "Titanic," and the corrected figure of those saved, 77 out of the total number of 228 on board.

The Commissioner: How long has the Seafarers' Union been in existence?

Mr. Thomas Lewis: Since October 6th of last year.

The Commissioner: Then it has been in existence about six months?

Mr. Thomas Lewis: Six or seven months, my Lord.

The Commissioner: Is it more closely connected with Southampton than the other Union?

Mr. Thomas Lewis: It is all Southampton men, my Lord; it is at present a Southampton Union. It is called the British Seafarers' Union, but its headquarters are at Southampton, and the bulk of its members reside at Southampton, and it has a membership of about 4,000. Practically the whole of the seafarers of the "Titanic" are members of our Union.

The Commissioner: I personally had never heard of this Union, but I have heard for many years past of the Seamen and Firemen's Union I think, Mr. Attorney, in these circumstances it would be more satisfactory if the Seafarer's Union was also represented.

The Attorney-General: My Lord, I quite accept it.

Mr. L. S. Holmes: My Lord, might I renew my application as to the whole of the officers and the deceased officers who were members of the Union? The whole of the officers were members; they belonged to the Imperial Merchant Service Guild.

The Commissioner: I think they ought to be represented.

Mr. W. H. Champness: With your Lordship's permission I desire to renew my application to represent a deceased passenger. With great respect I submit that the interest of the passengers is the most vital interest that can be affected by this Inquiry, and that interest can only be

represented by someone who appears on behalf of one or two of the deceased. There is no association of passengers, and I submit that that is an interest which should be before your Lordship. I do not desire unduly to prolong the Inquiry - possibly I may not call evidence - but I do desire to have an opportunity to ask questions of the Witnesses.

The Commissioner: I shall see about that later on. I do not accede to the application of a single person to be represented.

Mr. W. M. R. Pringle: May I be allowed to make an application on behalf of two members of the crew who were assigned to the ship in respect of the trades which I represent; one was a ship's carpenter and the other a joiner, and I am appearing on behalf of the relatives of both the deceased?

The Commissioner: There is no objection to your remaining here and listening, but I cannot at present allow you to interfere.

Mr. W. M. R. Pringle: May I be allowed to put questions with your Lordship's permission?

The Commissioner: Well, that depends upon the question and upon the circumstances of the case. Those circumstances have not arisen yet.

The Attorney-General: If your Lordship pleases, in the statement of the case which I shall now make to your Lordship, of course you will understand, as I indicated yesterday, that our information, that is to say, such information as I can act upon in opening the case to your Lordship, is founded at present upon very slight material. I do not feel justified in referring to press statements which have appeared, or reports in the papers of statements made elsewhere until, at any rate, I know that I shall be in a position to call as Witnesses before your Lordship those who made the statements; and therefore, although it would be an affectation to pretend, certainly as far as I am concerned, and I have no doubt also with regard to your Lordship and those who are assisting you, that you did not know a good deal more than may be stated this morning, you will understand why it is that I am confining myself to basing my statement upon evidence which I know at present I shall be able to put before you. And I think it will be sufficient for the purpose, because all your Lordship will require is a short statement of the material facts and some indication of the particular points upon which we desire to lay stress.

Now, my Lord, the "Titanic" was constructed under survey in the usual way by the Board of Trade for a passenger certificate, and to comply with the American emigration laws. She was a triple-screw steamer, a British steamship built by Harland and Wolff, Limited, at Belfast, for service in the White Star Line between Southampton and New York. She was a vessel of gigantic dimensions, and her length (I am reading from the register, copies of which will be handed up both to your Lordship and to those who are associated with you) from the fore part of the stem under the bowsprit to the aft side of the head of the stern post (that is the system of measurement) was 852 feet. I need not trouble about the decimal. Her main breadth, that is measured to the outside of the plating, was 92 feet. The depth of the vessel from the top of the deck at side amidships to the bottom of the keel was 65 feet. There are other measurements, but I think I have given your Lordship the material ones. Now, my Lord, she had one turbine, and two sets of 4-cylinder triple expansion reciprocating engines, with a nominal horse-power of 6,906. The two reciprocating engines drove the wing propellers, and the turbine drove the centre. That I think is sufficient for the present purpose with regard to the engines. The horse-power was sufficient to give a speed of at least 21 knots. She was registered at Liverpool with a gross tonnage of 46,328 tons. Her registered tonnage was 21,831 tons.

Your Lordship will see from the plan (and I only propose to state quite simply the points with reference to the plan) that she had five decks amidships - it is rather important to bear in mind the number of decks fore and aft and amidships - seven decks in the No 1 hold, and six decks in the other holds. Apparently there was a lower Orlop deck in the No 1 hold, and that is what made

the seven. She had a promenade deck. Your Lordship notices there is the boat deck which is the top deck, then there is a promenade deck, and a bridge deck. The promenade deck was about 500 feet long. My Lord, I will say something a little later about the bulkheads, but that is sufficient for the moment to indicate the size of the vessel, and she had a passenger certificate of the Board of Trade to carry 3,547 persons.

The Commissioner: When you say "persons" you mean passengers?

The Attorney-General: I did not mean passengers when I said "persons," and your Lordship will see why I am subdividing them. The 3,547 persons includes passengers and crew - 905 first-class passengers, 564 second-class passengers, 1,134 third-class, and the complement of crew 944. She carried, as your Lordship may see from the model which is before you, a number of boats on her boat deck. Altogether she carried 14 lifeboats and two boats which were not lifeboats but wooden cutters, which were used as emergency boats or were swung out in case of anybody falling overboard or in case of any sudden emergency in the lowering of a boat. That made her total 16, and besides that she had four Englehardt collapsible boats, and, counting the collapsible boats, that gave her 20, with a carrying capacity according to cubic feet of 1,167 persons.

Mr. Laing: I think it is 1,178.

The Attorney-General: There is a very slight difference between us I know. According to the constructor's view there was a capacity for 1,178, but it is not very material; according to our view it is 1,167. Then besides that, my Lord, there were 3,560 lifebelts or other similar approved articles and 48 life buoys. Her draught forward, on leaving Southampton, was 33 feet 8 inches and 34 feet 4 inches aft.

This was the first voyage of the "Titanic," and, as your Lordship sees from the model, and I think the statement which I am reading from here, she was, if not exactly built on the same lines and principle as the "Olympic," her sister ship, substantially so. She left Queenstown on the 11th April on this first voyage bound for New York. She carried a total number of passengers of 1,316, and a total number of crew of 892. I cannot say that those figures which I have just given, and which make a total of 2,208, are agreed figures. There is a slight variation upon which I do not think for the purpose of this Inquiry we shall need to spend any time - I think my friend's figures make it 2,206, but we need not trouble about that. My Lord, before I proceed to describe the voyage I want to indicate sufficiently, for the purpose of your Lordship bearing it in mind, that this vessel had, I think I am right in saying, fifteen bulkheads.

Mr. Laing: Yes, that is right.

The Attorney-General: Fifteen watertight bulkheads with a number of watertight doors. My Lord, I have no doubt it will be necessary, during the course of the case, to go more fully into the design of these watertight doors and also for the purpose of ascertaining how many compartments there could be divided up with these doors closed. I understand, but I do not for a moment profess to say more than that it is what I understand at the present moment with regard to this vessel, that she was designed and constructed on the principle that she would remain afloat in the event of any two adjoining compartments being flooded. That I understand to be the scheme of the design of this vessel with regard to the bulkheads and the watertight doors. She was so built and strengthened that in the event of any two of the adjoining compartments being flooded, the vessel nevertheless would float, and assuming that two of the adjoining compartments were flooded that there would still be a free-board of some 2 feet 6 inches to 3 feet in the bulkhead. That is the design of construction; that is, to put it in another way, that the bulkhead would in the event of two of the compartments being flooded extend to 2 1/2 to 3 feet above the waterline - that she would then float and the top of her bulkhead would be 2 1/2 to 3 feet above the waterline. Therefore the result would be, according at any rate to the design of this

vessel, supposing that she had come into collision either with another vessel, or even with an iceberg or any other obstacle, that so long as not more than two of her adjoining compartments were flooded she would float in perfect safety, particularly if you assume, as we do here, a calm sea. That is the position, and I understand that is the design upon which she was built. Your Lordship, of course, will hear a good deal more about this. We shall call those who were responsible for her construction. I am not quite sure for the moment, and therefore I will not go into it, how many watertight sliding doors there were. Obviously there must have been a considerable number, because there would have to be a passage in the ordinary course through the bulkheads; but it is a considerable number, and your Lordship will hear what the number was later. The watertight doors as I understand are closed some by gravity and some by gear, and we will have to go into that in greater detail later.

Now, my Lord, I come back to the commencement of her voyage from Queenstown on the 11th April. All went well. It was a quiet and successful voyage up to the casualty, which I am going to refer to directly. The weather was very fine all the way, the sea calm, and the wind west-south-west during the whole voyage. The temperature was rather cold, particularly on the 14th April, which is the date of the casualty, which took place, as your Lordship knows, between eleven o'clock and midnight of the 14th. So far as one is able to fix it (it is not possible, I think, to fix it with precision, at any rate with the material before me at present), it must have been about 11.40 that the casualty happened, at night. It was a starry night on the night of the 14th, the atmosphere was clear - some Witnesses say particularly clear. There was no moon, and the vessel, at any rate beyond all question up to the point of time to which the examination now before your Lordship relates, that is the casualty, was proceeding at the speed of 21 knots. So far as I am able to gather from the evidence, that speed was never reduced, and she continued travelling at that speed during the whole of the 14th April, right up till the time of the collision with the iceberg, and, according to the evidence which we shall place before your Lordship, notwithstanding warnings that there were icebergs in the neighbourhood and that in the track in which she was proceeding she would meet them or would be likely to meet them. My Lord, at the present moment we are able to bring before the Court evidence of two vessels, one the "Caronia" and the other the "Baltic," which by means of wireless telegraphy informed the "Titanic" during that day that icebergs, growlers, and field ice were reported in the track along which the "Titanic" was proceeding. I think, my Lord, that the distinction, so far as I follow it, between a berg and a growler is that a growler is an iceberg, with but very little protruding above the water. Now, my Lord, in that connection I think it would be useful if your Lordship would just look at the North Atlantic Route Chart for the purpose of following the track which is marked for vessels between Queenstown and New York. I have marked the place on my chart, which I am going to hand up to your Lordship, where we say the collision occurred, but I just want my learned friend to see it.

(The chart was handed up to his Lordship.)

The Attorney-General: Now does your Lordship see the blue cross which I have made - it is on the left half of the chart?

The Commissioner: Yes.

The Attorney-General: According to our view, and according to the evidence, as far as we know it at present, when she struck ice she was in or near latitude 41° 46' North, and longitude 50° 15' West. The spot I have marked with a cross I have shown to my learned friend, Mr. Laing, and he agrees that that correctly indicates the spot according to that latitude and longitude. Now, if your Lordship will look at that chart for a moment you will find New York on the extreme left, and if you follow the line indicated to the blue cross from the extreme left the course from the blue cross to New York is what she still had to do to complete the voyage. And

if your Lordship will look a little way to the right you will see a curve, which follows right up to Ireland, and that is marked "Mail steamers outward, 15th January to 14th August." There are homeward tracks and outward tracks. There are tracks for the steamers outward, from the 15th August to the 14th January, and more southerly tracks for the mail steamers outward from the 15th January to the 14th August, and also for homeward voyages. The only point for the moment to which I desire to direct your Lordship's attention, as I think the Court will probably consider these tracks during the course of this investigation, is to indicate that there are these more southerly tracks for the vessels in this period from the 15th January to the 14th August - obviously and undoubtedly, I think, because it is thought necessary on account of ice to make a more southerly track during that period.

The Commissioner: Give me the tracks again. I have got the point marked by the blue cross.

The Attorney-General: Now will your Lordship follow along a little way to the right from the blue cross, and there you have the beginning. You see there the point at which two tracks converge.

The Commissioner: From Queenstown.

The Attorney-General: Yes, one of them is from Queenstown, or from Ireland at any rate, and if you follow right along the higher of the two, you will find a few inches to the right, under the more northerly of these two tracks, the words "Mail Steamers outward, 15th January to 14th August."

The Commissioner: That is not the dotted line at all.

The Attorney-General: No my Lord, the dotted line is the homeward track; we have nothing to do with that. That is the indicated track for these mail steamers during this period of January to August, and along which, as I understand, the "Titanic" travelled. Your Lordship sees that when she gets to a certain point, the converging point of these two curves, she then proceeds in almost a straight line along the track to New York, past the cross which I have indicated. So that your Lordship will see, as far as I follow it, she was substantially travelling along the track which is marked for her for this time of year upon this chart. If your Lordship will look just a little above the spot with the blue cross you will see there, "Field ice between March and July," which is indicated upon the chart, and a little above that the great bank of Newfoundland. We may have to refer to the chart later, but for the moment I wanted your Lordship to appreciate that because of the evidence of the "Caronia."

The Commissioner: Where I see the words on the chart, "Icebergs, field ice," I suppose that means to the north of the line?

The Attorney-General: I understand so - that is, that the field of ice and icebergs have got so far south.

The Commissioner: This chart says, "Field ice between March and July."

The Attorney-General: Yes; that is to the northward of the striking point.

The Commissioner: But then further south there are these words, "Icebergs have been seen within this line." That means north of this line?

The Attorney-General: Yes, and there is another which your Lordship might note, as you have observed that, which follows immediately underneath it, "Icebergs have been seen within this line in April, May, and June."

The Commissioner: I saw that. That is a line to the southward again.

The Attorney-General: Yes, and it continues to the eastward of the indicated line of field ice. Now, I told your Lordship that these two vessels in any event, from the material now before us, gave this notice. My Lord, as it is, in our view, of importance to remember that notice was given and received by the "Titanic" during the day of the 14th that there were icebergs within this latitude and longitude, I call further attention to this, that in the case of the "Caronia" the notice

was given in the morning.

The Commissioner: The morning of the 14th.

The Attorney-General: The morning of Sunday, the 14th of April. At nine in the morning the message was sent to the "Titanic," and at 9.44 of that same morning the "Titanic" acknowledged the message. I gave your Lordship the substance of the message, and it was that these bergs, growlers, and field ice were reported in 42° N., from 49° to 51° W. That was the message which the "Titanic" acknowledged.

The Commissioner: I think you have other copies of this chart.

The Attorney-General: Yes, I will hand them up. I am sorry we did not have them before. Certainly, I quite agree that it is very important that the gentlemen who are with your Lordship should have them. I handed you up my own, my Lord.

The Commissioner: I should like something to be marked on my chart at all events to show these icebergs.

The Attorney-General: Certainly, my Lord.

The Commissioner: What I should like, Mr. Attorney is - perhaps Mr. Aspinall will do it for me - to have the points indicated on my chart which correspond with the information given by the "Caronia" as to the position of the ice. I do not know, Mr. Aspinall, whether you could mark it with a red pencil.

The Attorney-General: We could do that if your Lordship will hand the chart down to us.

Mr. Aspinall: I do not know, my Lord, if I might make this suggestion - that one of the Assessors, Captain Clarke, would do it with much greater accuracy than we could.

The Commissioner: Very well, I will ask Captain Clarke to do it for me.

The Attorney-General: If your Lordship will just pursue the line for about an inch to the right of the blue cross, that is the exact spot as I make it.

The Commissioner: It is no use my going along unless I have got it accurately in my mind.

The Attorney-General: I think that is right, my Lord.

The Commissioner: I daresay, but I want to see it on the chart, and I want to know also whereabouts the "Titanic" would be on her course at 9.44 in the morning of the 14th.

The Attorney-General: Yes, that, of course we do not know, we shall have to form an opinion from calculation.

The Commissioner: She was steaming 21 knots an hour you say, and you can put her back to 9.44 in the morning and ascertain where she was then, so that I may see what her relative positions were with the ice that was indicated. When you talk about 9.44 in the morning you are taking that time I suppose from the "Caronia"?

The Attorney-General: Yes.

The Commissioner: Does that mean the "Caronia's" mean time, or what is it?

The Attorney-General: I am not quite sure what it means. It may mean, of course her time, I do not know. I rather gathered it was, but I will not be sure; but I know in the "Baltic," which is the other vessel, that is given as New York time. So that we shall have to ascertain that as we proceed, I do not know myself; I have made a note to ask the same question.

The Commissioner: I do not know if it is of very serious consequence.

The Attorney-General: No, I do not think it is, because, put it at what time you like, it is a considerable time before the casualty.

The Commissioner: Yes, it is more than twelve hours before the casualty.

The Attorney-General: Yes it would make a difference. The "Baltic" (I have given you the "Caronia" and I am dealing now with documents so that I can be precise) passed on reports of ice by wireless telegraphy to the "Titanic" from 49° 9' W., to 50° 20' W.

The Commissioner: When did she pass on those reports?

The Attorney-General: They were passed on and acknowledged by the "Titanic" at 1 p.m. New York time on the same day.

The Commissioner: At 1 p.m.?

The Attorney-General: Yes, quite roughly, I think it would work out to about 3 p.m. by the "Titanic."

The Commissioner: About 3 p.m. by the "Titanic's" time?

The Attorney-General: Yes, that is it, and my Lord, while I am upon that, having given your Lordship 49° 9' W., longitude to 50° 20' W., I ought to have added "on the outward southern track." That was the message. That is the track to which I called your attention.

The Commissioner: I want to see if I have got the "Baltic's" figures right - 49° 9' N., 50° 20' W.?

The Attorney-General: Yes.

The Commissioner: I notice that the ice was between those points?

The Attorney-General: Yes on the outward southern track. Now if your Lordship would look just below the blue cross marked there, you will see the outward southern track is that line which you see immediately underneath.

The Commissioner: What are the figures again for the "Baltic"?

The Attorney-General: The only figures I have given you are longitude -

The Commissioner: For the "Baltic" I want them.

The Attorney-General: 49° 9' W to 50° 20' W longitude on the outward southern track.

The Commissioner: Where was the "Titanic" at the time that she received the "Caronia's" message, and where was she at the time that she received the "Baltic's" message?

The Attorney-General: All we can give your Lordship with reference to that is the distance that she must have travelled and for that you must have the times.

The Commissioner: Yes, you can form an idea, by the speed she was making, where she would be at the time that she received these two messages; and I want that.

The Attorney-General: Yes.

The Commissioner: Mr. Attorney, am I right in supposing that she ran right into the locality where the ice was after the warning that the ice was there?

The Attorney-General: Yes.

The Commissioner: That is what it comes to.

The Attorney-General: Yes, that is the point, and if you work it out with the chart, as we have been doing, it follows that she did that; because taking the point at which she struck the iceberg, and the indication to her by the "Baltic," you will observe that will work out the position which I have just told your Lordship, immediately below the spot of the collision, actually on the southern track.

The Commissioner: Mr. Laing, do you agree about this?

Mr. Laing: No, my Lord, I cannot agree without seeing my figures of the exact spot. We are not quite certain of the exact spot, at the moment, of the collision.

The Commissioner: It is not a question of the exact spot. According to the indication made for me by my colleagues upon this chart, if, that is to say, the figures given to me by the Attorney-General are right, it looks as if she, having had warning, made for the ice.

Mr. Laing: Well, my Lord, we are not quite satisfied about the exact place of collision; we think there may be a substantial difference.

The Commissioner: Very well, if you say so, I will wait.

Mr. Laing: Yes, we think there may be, but at present we are not certain about it.

The Commissioner: Very well.

The Attorney-General: I quite appreciate what my learned friend says. I am sure my learned

friend will agree with the way in which I put the blue cross. If the figures we have given are correct the spot indicated in the chart is correct, and if the figures we have given of the "Baltic" just now are correct what your Lordship said is also correct. My Lord, I cannot think that there can be any question between us as to the spot at which she struck the iceberg, because her own wireless messages to the "Baltic" asking for assistance were from 41° 46' N., and 50° 14' W., which is practically the spot. Her message was "Sinking; want immediate assistance." Of course, that is out of its order in the story, but I only wanted to tell your Lordship that to show there cannot be any question between us as to the spot at which we say she struck?

The Commissioner: Now that you say comes to the blue spot?

The Attorney-General: Yes. I have now in my hands the "Caronia's" receipt of the message from the "Titanic" - what I gave just now was the "Baltic." This is the "Caronia": "Titanic requires immediate assistance. Been in collision with iceberg. Position: latitude 41° 46' N., longitude 50° 14' W."

The Commissioner: You told me 15.

The Attorney-General: Yes, I did - that is the spot that has been indicated at the same time. It is a difference of a mile; it is the same thing. Now, my Lord, according to the evidence which we shall call before you, after the receipt of these warnings, so far as we know, no reduction of the speed of 21 knots was made, and she traveled on during the afternoon, and when it became dark on this starry night, with no moon, she was going at a speed of 21 knots when she struck the iceberg. Of course that is a factor the importance of which your Lordship will appreciate, and which I desire to indicate at the earliest moment, so that any explanation that may be available should be given to your Lordship, and also, if there is any denial of the fact, that my friend may have notice that that is a point which I place before the Court as one of extreme importance as affecting this Inquiry.

Now, my Lord, the story of what happened immediately before the "Titanic" struck the iceberg is certainly somewhat difficult to give, and I do not propose to be in any way precise about it. I cannot be from the material we have at present, and your Lordship will have to hear the evidence upon it. What I have given now, and the evidence upon which I comment, is evidence which rests really upon documents, except as to speed, upon which we will call evidence which will, I think, place the matter beyond question as far as I understand what has taken place. Now, my Lord, there is also some further evidence. Undoubtedly during that day, Sunday, the 14th April, the temperature was extremely cold. It had been cold during the voyage; it became colder much on this 14th, and as they proceeded on their way till before the happening of the casualty the cold increased. My submission to the Court is that that would be an indication to those responsible for the navigation of the "Titanic."

The Commissioner: Are you talking of the temperature of the air or of the water?

The Attorney-General: I am talking of both, my Lord. The cold increased very considerably, and was an indication to those who were responsible for the navigation and were accustomed to the voyages that they were in very close proximity to ice. That is my submission, that this increasing cold, and particularly of the water, was an indication to them of this proximity, more especially when taken in conjunction with the fact that the "Titanic" was then approaching the zone in respect of which she had received the warnings that there were growlers, icebergs, and fields of ice. My Lord, a little before she struck (I cannot give at present more indication than that) the man on the look-out in the crow's-nest sounded three bells. My Lord, the signal of three bells we understand to be something ahead. The practice apparently is to sound this signal and then to telephone from the crow's-nest, I imagine to the bridge, but I am going to leave the matter with that indication, because I am not able to speak precisely enough of what happened at that moment; we will wait till the evidence is a little more sifted. Then at that point Mr.

Murdoch, who was the Chief Officer of the vessel and was in charge, was on the bridge.

The Commissioner: Mr. Attorney, when you say the Chief Officer, I want to know whether you mean the First Officer?

The Attorney-General: I was just asking about that, my Lord. I thought he was the Chief Officer, but I am told he was the First Officer. There has been some confusion about it, but I understand he was the First Officer.

My Lord, Captain Smith, who was the Captain of the "Titanic," was, at the actual time of striking, below, not on the bridge; he had gone down to his berth. He was a very experienced Captain in the employment of the White Star Line, and had, in fact, been in charge of the "Olympic" right up to the time of the "Titanic's" first voyage. He took charge of the "Titanic" because, as one would gather, the White Star Line had complete confidence in his skill and judgment. He had been many years in their employment and in charge of vessels belonging to the White Star Line; and I believe I am right in saying that, except for the occurrence between the "Hawke and the "Olympic," there had never been any collision in any vessel which he had commanded; and, as your Lordship knows, the matter of the "Olympic" and "Hawke" is now still *sub judice* in the Court of Appeal - litigation has resulted.

The Commissioner: What was the judgment?

The Attorney-General: The judgment was that owners were excused - were not liable, on account of compulsory pilotage, but that the "Hawke" was not to blame; the "Olympic" was. That is the judgment.

Mr. Laing: No fault was found with the Master.

The Commissioner: The "Olympic" was in charge of a pilot?

The Attorney-General: Yes, my Lord; not in charge of Captain Smith, but of a pilot. That matter is still the subject of litigation. That is how it stands at the present moment.

The Commissioner: Was there any blame imputed by the judgment to Captain Smith?

The Attorney-General: Not by the judgment, my Lord.

Now my Lord, after this report of the three bells signal, which was given by the look-out man, it is very difficult to know whether anything was done immediately before the casualty. I confess that I am not able to make out, from the evidence that I have got at present, that anything at all was done, nor am I able to state to the Court how long an interval elapsed between the signal and the striking of the "Titanic" on the berg. We must leave it. I cannot attempt to say with any great precision what happened.

The Commissioner: Can you tell me, Mr. Attorney, how many of the men in charge would be apprised of these messages in the ordinary course of things?

The Attorney-General: Well, two officers, I think, would know. I cannot say more. Your Lordship sees, of course, that everybody no doubt is in this difficulty, that the persons chiefly concerned have succumbed in this disaster, and we have got to pick up, as best we can from those who survived, what happened; and, of course, from those who survived, as your Lordship will appreciate, we have not yet got statements.

The Commissioner: What I was asking was this - perhaps I ought to ask Mr. Laing - what in the ordinary course would be done with these messages? Would they be communicated to the officers of the ship, and, if so, to how many of them?

Mr. Laing: I am sorry I cannot answer, my Lord - certainly to the Captain.

The Commissioner: Of course, and I presume Murdoch would have received them. They would have been communicated to him.

Mr. Laing: I should imagine so, but at present I do not know.

The Commissioner: You do not know what the practice is?

Mr. Laing: I will try and find out, my Lord.

The Attorney-General: I have no doubt he would have received them, because, according to some of the evidence which we have even at present, it will be shown that the look-out man had special instructions to look out for ice; but, so far as I know on the evidence, nothing further was done by the "Titanic" after receipt of the warnings than to give this notice to the look-out man to keep a special eye open for ice.

The Commissioner: Is the look-out man alive?

The Attorney-General: We are going to call one, my Lord.

The Commissioner: Is this man you speak about, who rang the three bells, alive?

The Attorney-General: I am not sure that he is, my Lord. We shall find out, of course, as we proceed, but he is not one of those who came home in the "Lapland." We have someone who heard it, but not the man who actually rang it.

Now, my Lord, the shock, so far as one knows from the evidence, taking it generally, does not appear to have been a severe one; that is, according to the accounts of the survivors. I am not saying there are not some who take a different view; but (I am only dealing with the evidence so far as I am able to at present), speaking generally, it does not appear to have been as severe perhaps as one would have imagined. However, your Lordship will hear all about that. Apparently, part of the starboard side of the vessel below the waterline was struck, and possibly also (although this is to a certain extent speculation or deduction from what happened afterwards) part of the bottom of the vessel was ripped up. Now, almost immediately after this had happened, water was observed to be pouring into the fore hatch.

My Lord, I see there is a reference in a newspaper report, and I am right in saying that the man who struck the three bells is alive, although we have not got a proof from him yet; he is in America.

Now, my Lord, from this moment again it is very difficult to ascertain what actually happened between the striking (which I place at 11.40 on the 14th April) and about two o'clock on the 15th in the morning when she sank. According to one of our Witnesses, who will be called before you, at a very early stage, the carpenter went to ascertain what water she was making, and he reported that she had made seven feet of water within a very few minutes; in the fore part - exactly in what part I cannot say -

The Commissioner: Is the carpenter alive?

The Attorney-General: No, my Lord, a number of Witnesses state that pieces of ice were observed immediately after she struck on the fore-well deck.

The Commissioner: Is anyone able to indicate with the pointer where the fore-well deck is?

The Attorney-General: Yes, my Lord. It is just abaft the foremast; it is easily seen.

Now, my Lord, I am not sure that I have stated yet that almost immediately after she struck, Captain Smith came on the bridge - which is reconstituting, as best we can from the evidence, what happened - and I gather, from the orders that were given by him very shortly after he came on to the bridge, that he must have realised that the matter was serious; but, according to the information which we have got from the survivors, at any rate at present, there does not appear to have been any panic on board the vessel. Orders, generally speaking, were carried out in an orderly and a regular fashion. The men were told to go to their stations in their boats. I understand that each man had his station in the boat, and that there was a list, or there were lists in the boats, indicating the stations which the men were to take in the boats if the orders came, so that when an order came for men to go to their stations in the boats it was not necessary to tell him to what particular place he should go or what particular boat. The boats were numbered, and a man would know he had to go to boat No. 12 and take a certain place there. I cannot say from the evidence which will be called before your Lordship that the men seemed to know very well what their places in the boats were, notwithstanding these precautions which had been taken by

the owners and the Captain, but still there appears to have been very little confusion. Orders were given for the boats to be lowered - to be got ready first; and also orders were given that the women and children were to come first; and orders were also given; the men were all called up - those who were not on watch and had gone below were called up, as well as the passengers - and all were told to take lifebelts and put them on. Now I am not going at the present moment, particularly as it is not necessary, into further detail as to what happened at that time, because it is very difficult to say. I gather from the evidence (I mean now, of course, from the evidence which I know I can call before you) that the women and children were placed in the boats; that all the boats were lowered; that is the 16; the 14 lifeboats and the two wooden cutters; and that also the four collapsible boats were either were put into the sea or attempts were made to launch them. I am not sure what happened with regard to the four.

The Commissioner: There were sixteen wooden boats?

The Attorney-General: Yes, my Lord, and four collapsible boats. Of the 16, as your Lordship knows, 14 were lifeboats, but it seems clear from the evidence that the boats did not carry the full complement they were capable of carrying. With regard to the boats, undoubtedly although it may be that one or two carried as many as they possibly could, yet, speaking generally, they do not seem to have taken as many women and children or persons on board as could have been taken. There is some evidence undoubtedly that some wives refused to leave, declining to go without their husbands. There is also considerable evidence of husbands insisting upon their wives and children going in accordance with the orders that were given.

Now the boats were ordered to remain in the neighbourhood of the vessel, and did apparently for some time. Here, again, perhaps it is not remarkable, but it is impossible to get anything like a reliable estimate of time from those who survived, but there they were, in the boats, at distances, so far as I am able to judge, speaking generally, of 100 to 200 yards, in some cases more, from the "Titanic," standing by her, which they continued to do until just a little before, or at about, two o'clock in the morning, when undoubtedly she went down by the head. She began to go down by the head, and, according to some accounts, buckled, and then broke in two, and the fore part of the vessel went down into the water and the stern part stood right up for some time (that there is a great deal of evidence about), and eventually that disappeared too. According to some statements there was an explosion before she broke in two, several explosions some Witnesses say. According to others, she plunged head down into the water with her stern standing right up, and was in that position for some few minutes (it is impossible, of course, to gauge the time accurately), and then disappeared. Which is the correct version of those three statements, of course it is not possible to say, certainly at the present moment, but there is undoubtedly evidence that as she began to settle, apparently by the head, there came a moment at which there was a great rush aft, which seems to indicate it was quite clear that something was taking place in the fore part of the vessel, apart altogether from the sinking, which caused persons to rush to the afterpart of the vessel. That somewhat suggests that there had been some breaking of the vessel which caused them to make this rush; but it might be because it also became apparent that she was going down by the bow. Whatever the reason was, undoubtedly a large number of persons who were left on board the vessel rushed aft and remained there until the vessel went down.

The Commissioner: Is there any evidence as to the length of time between this rush aft and the final settlement of the afterpart of the ship?

The Attorney-General: No, my Lord, there is not. When I say no evidence, I mean nothing so far which is reliable.

The Commissioner: I suppose it would only be a question of a few minutes?

The Attorney-General: That is all, my Lord. According to one Witness, I think it was put at ten

minutes; others say a few minutes, and no one knows better than your Lordship how unreliable estimates of time must be necessarily at moments such as those.

My Lord, there ends the melancholy and lamentable story of the "Titanic." The boats were subsequently picked up by the "Carpathia," which, in conjunction, or which alike with a number of other steamers, received wireless messages from the "Titanic" for assistance, and informing everybody who could receive wireless messages that she was sinking, and stating the position, latitude and longitude, which I gave to your Lordship a little while ago, in one of the messages sent to the "Caronia."

Now, my Lord, these wireless messages had been sent continually, not only to the vessels which I have indicated, but to a number of others, including, as I have just stated, the "Carpathia"; your Lordship will hear the account of those. I am not going to trouble you at the present moment by going into detail with regard to them.

My Lord, I think that one thing must emerge from this Inquiry, and that is that if it had not been for that marvel of science, wireless telegraphy, I doubt very much if anyone would have been picked up in these boats, or at least whether as many would have been saved as were actually saved. That is a matter your Lordship will consider when you hear all the evidence with regard to it.

Now, my Lord, I can give your Lordship figures which, I think, are of some importance. I am going to analyse the figures a little directly, because I do think that they are of considerable importance in the case, and that your Lordship should have them as far as we are able to give them. The total of passengers and crew on the vessel, if your Lordship will take them, were 2,206. The figures originally given were 2,208, but I will deal with them at 2,206. My Lord, there were 703 of the 2,206 saved, leaving 1,503 who succumbed in this disaster. Now, my Lord, of the 2,206 the percentage saved is 32, that is the 703 of the 2,206. I think it is useful to split up the 2,206 into men, women, and children. There were 1,662 men - I am dealing now with passengers and crew - carried in the vessel; there were 315 saved all told, which gives a percentage of 19. There were 439 women carried; 336 were saved.

The Commissioner: What percentage is that?

The Attorney-General: Giving a proportion of women saved of 77 percent. There were 105 children carried, of whom 52 were saved - 49 percent.

Now, my Lord, I propose to subdivide the figures again into passengers and crew, and the passengers into classes. There were altogether 322 first-class passengers, and if it would save your Lordship trouble we will have the table copied for the use of your Lordship and the Assessors, but the figures I am going to give you are not very many. I think your Lordship will find it useful to have them in this detached way. There were 322 first-class passengers; 173 men, 144 women, and five children. Of the 173 men, 58 were saved, giving a proportion of 34 percent. Of the 144 women carried 139 were saved, giving a proportion of 97 percent, of the women first-class passengers saved. Of the five children carried, five were saved, giving a proportion of 100 percent. In the second-class, there were 1,602 carried.

The Commissioner: What was the total number?

The Attorney-General: I beg your pardon, my Lord. I ought to have given that first, as I did in the other case; 277 were carried, 115 were saved, and the percentage was 42 percent.

The Commissioner: You are giving men, women, and children now?

The Attorney-General: Yes, the same as I did the others, my Lord.

The Commissioner: No, you did not give me the others.

The Attorney-General: I think so, my Lord. Yes, I began in the same way.

The Commissioner: Three hundred and twenty-two is the total?

The Attorney-General: Yes.

The Commissioner: Then you divided them into 173 men, 144 women, and five children; but although I can work it out, you did not tell me what was the total percentage of the first-class passengers saved.

The Attorney-General: It was 34 percent.

The Commissioner: 34 percent of the men were saved.

The Attorney-General: Your Lordship means the percentage of the total.

The Commissioner: I thought you were going to give it in connection with the second-class.

The Attorney-General: Certainly. It is 63 percent, 322 carried, 202 saved, 63 percent. Then of the second-class the percentage saved is 42 percent, 277 carried, 115 saved, 42 percent., 160 men were carried, 13 were saved, making a percentage of eight percent; 93 women were carried, 78 were saved, the percentage was 84; 24 children carried, 24 saved, percentage 100.

Now, my Lord, of third-class passengers there were 709 carried, 176 saved, making a percentage of saved 25 percent. Of these 454 were men, of whom 55 were saved, giving a percentage of 12; 179 women were carried, 98 were saved, giving a percentage of 55; 76 children carried, 23 saved, percentage, 30. Taking the passengers, therefore, without the crew, there were 1,308 carried, 493 saved giving a percentage of 38. Now, my Lord, dealing with those in the same way, subdividing them: Of the 787 men carried, 126 were saved, giving a percentage of 16 percent. Of the 416 women carried, 315 were saved, percentage 76; of the 105 children carried, 52 were saved, giving a percentage of 49.

Now, my Lord, the only other figures are as to the crew, which are short. Eight hundred and ninety-eight were carried, 210 were saved, giving a percentage of 23. Of the 875 men carried 189 were saved, giving a percentage of 22. Of the 23 women carried, 21 were saved, with a proportion of 91 percent.

My Lord, the striking figures and figures which will no doubt engage the Court's attention during this Inquiry, are that 63 percent of the first-class passengers were saved, 42 percent of the second-class, and only 25 percent of the third-class.

The Commissioner: And 23 percent of the crew.

The Attorney-General: And 23 percent of the crew. My Lord, one striking figure to which I would direct your Lordship's attention also is this: that taking the figures I have given you of the first-class passengers, dealing with the women, and knowing as we do that some wives refused to go without their husbands, you will see that all except five were saved. If you assume that those five refused to leave their husbands the consequence is, that one must take it, that all the women in the first-class either were saved or had the opportunity of being saved and refused to avail themselves of it. One fact, my Lord, which does stand out in these series of figures which I have given to your Lordship is that of this very large number of men carried, of the passengers, only 126 were saved, giving the lowest percentage of any of the different classes to which I have referred. I mean taking the men of the first, second, and third-classes.

Now, my Lord, it may be necessary, and I daresay it will be later, during the course of the case, to analyse those figures even a little more closely; but I do not suppose that there will be any dispute with regard to them, and I thought it was important that your Lordship should have them at the outset.

Now my Lord, that really ends the story so far as I propose to trouble your Lordship and the Court with it in opening. The salient points which occurs to me at the moment (I am dealing with it only upon such material as we have at the moment), to which no doubt your Lordship's consideration will be directed - are first the speed of the vessel after the warning; secondly, that the number of boats was not sufficient for the number of persons carried; and thirdly, the construction of the watertight doors, and the effect of their action, will be another matter which will engage your attention during the course of the case. My Lord, dealing with the speed and the

warning, there are the points which I have already sufficiently indicated, not only of the wireless telegrams, but of the temperature and also of the look-out. With regard to the boats, your Lordship will also hear what the rules and regulations are. I think I am right in saying this, that the "Titanic" carried sufficient boats to comply with the rules and regulations of the Board of Trade under the Merchant Shipping Acts, and no complaint is to be made against the "Titanic" that she in any way did not comply with those conditions. Whether they are sufficient, in view particularly of the experience which we have now had, and to what extent, and in what direction those rules and regulations should be amended is a matter which, as I indicated to your Lordship yesterday, will be for your Lordship's serious consideration.

The Commissioner: Have you, Mr. Attorney, obtained any figures as to the proportion of lifeboats carried by other lines?

The Attorney-General: We propose to do that, my Lord.

The Commissioner: By other lines I mean, of course, the German or French, or other lines. Do they carry a proportion of lifeboat accommodation in excess of that which was carried by the "Titanic."

The Attorney-General: We are inquiring into that matter, my Lord, and will produce evidence. I would rather not answer the question until I am in a position to state more definitely what the facts are. We are making the Inquiry which will give the answer to your Lordship's question. I am not, as I stated just now, in a position to answer it at present.

My Lord, the Board of Trade Rules are made under the Merchant Shipping Act, under Section 427. I need not trouble your Lordship with the Section. It is the one which gives power to make rules for providing life-saving appliances. In those rules there is a table which is at page 17 of the print if your Lordship happens to have it. If not I will hand it up in due time. It is sufficient if I state to your Lordship what the effect is. It is only one figure that you need to look at.

The Commissioner: I do not know whether I have it.

The Attorney-General: No, my Lord, you have not got it. It was proposed to deal with all these rules together, and, no doubt, that is the convenient form, but I thought your Lordship ought to have in the opening what undoubtedly is an important factor - what the Board of Trade Regulations are with regard to life-saving appliances. The only figure with which your Lordship need be troubled is this (it is at page 17): "The table referred to in the foregoing rules, showing the minimum number of boats to be placed under davits and their minimum cubic contents. When the gross tonnage is 10,000 and upwards, the minimum number of boats to be used under davits, 16."

The Commissioner: What was the tonnage of the "Titanic"?

The Attorney-General: She had a registered tonnage of 21,831 and a gross tonnage of 46,328.

The Commissioner: It does not matter what size over 10,000 tons a vessel may happen to be, 16 boats is the minimum number?

The Attorney-General: Yes, my Lord, that is how it stands.

Now, my Lord, I propose at once to call the evidence of those who, as I indicated yesterday have returned in the "Lapland," although they do not properly come perhaps in the order in which we might have wished to call them.

The Commissioner: What about tomorrow, Mr. Attorney.

The Attorney-General: Well, my Lord, there is some difficulty. We cannot finish this class of Witness, I think, and in any event we have got to get material ready. I think it would be better if your Lordship would say you would resume on Tuesday; then we shall be prepared to go on daily.

The Commissioner: You mean not to sit tomorrow?

The Attorney-General: Yes.

The Commissioner: One of my colleagues is very anxious to know, because he has other matters to attend to.

The Attorney-General: As far as I am concerned, I am ready to do anything.

The Commissioner: Do you agree, Sir Robert, that we should not sit after this afternoon until Tuesday morning?

Sir Robert Finlay: I agree, my Lord.

The Commissioner: Very well, then, let it be so.

ARCHIE JEWELL, Sworn.

Examined by the SOLICITOR-GENERAL.

1. Is your name Archie Jewell? - Yes.
2. And were you one of the look-outs on the "Titanic"? - Yes, quite right.
3. On the "Titanic" did all the able seamen take their turns at the look-out or had you a special set of look-outs? - Yes, six special look-outs.
4. You were one of the six? - Yes.
5. Now on the night of that Sunday, the 14th April, which was your look-out - which was your watch? - From 8 to 10.
6. And where were you - were you in the crow's-nest or at the fore-castle-head, or where? - In the crow's-nest on watch.
7. Was there a second look-out with you in the crow's-nest? - Yes, there were two, one at a time.
8. There were two of you together in the crow's-nest? - Yes.
9. Who was the man who was with you? - Symons. He is back in New York.
10. And he was saved too, was he? - Yes.
11. Then those are the two in the crow's-nest. Then are there two on the bridge? - No.
12. Are there two forward? - No, not in clear weather; we take two hours each.
13. Let us just get it clear. There was you and there was Symons in the crow's-nest. Were there no other look-out men on duty? - No, not so long as the weather was clear.
14. Then on this night, during your watch from 8 to 10, was the weather clear? - Yes.
15. Was there any moon? - No, I never see no moon.
16. Was it starry? - Yes.
17. Now do you remember when you were on your watch, from 8 to 10, any message coming to you about ice? - Yes, about 9.30.
18. What was the message? - To keep a sharp look-out for all ice, big and small.
19. How did the message come to you? - On the telephone; we have a telephone in the crow's-nest.
20. That was telephoned up to the crow's-nest, and where was the telephone from? - From the bridge.
21. Then it would be the officer on the bridge who would telephone to you? - Yes.
22. Do you happen to know who it was - which officer it was? - I could not say. I think the second officer was on watch at the time.
23. Up to that time, up to the time you got that message, had you seen any ice? - No.
24. And after you got that message until you went off duty, did you keep a sharp look-out? - Yes, and passed the word along.
25. And did you see any ice? - No.
26. (*The Commissioner.*) What do you mean by "passed the word along" - to keep a sharp

look-out for ice? - To the other look-out.

27. How far does the other look-out stand from you? - They relieve me from the nest.

28. (*The Solicitor-General.*) The two of you were together in the crow's-nest, and you would be relieved at 10 o'clock? - Yes, that is right.

29. And when you were relieved at 10 o'clock did you hand on this message? - Yes.

30. Who were the look-out men who relieved you at 10 o'clock? - Fleet and Lee.

31. I think Fleet has given evidence in New York? - Yes.

32. So he was saved? - Yes; all the look-out men were saved.

33. And Lee was saved as well? - Yes.

34. Do you know whether Lee has given evidence in New York? - I do not know. He has been kept back.

35. (*The Commissioner.*) What age are you? - Twenty-three.

The Solicitor-General: There are six of them, my Lord, and we had better have the names of the other two.

The Commissioner: Yes.

36. (*The Solicitor-General - To the Witness.*) Just give us the names of the remaining two look-out men? - Hogg and Evans.

37. And do they always work in the same pairs? - Yes, always.

38. You and Symons, Hogg and Evans, and Fleet and Lee? - Yes.

39. Then you had relieved at 8 o'clock, had you, Hogg and Evans? - Yes.

40. And you in your turn were relieved at 10 o'clock by Fleet and Lee? - Yes.

41. And up to the time you went off duty, you had not seen any ice at all? - Not any.

42. Just tell us, supposing that something is seen ahead and you want to send the warning, how is it done from the crow's-nest? - Strike the bell three times.

43. And is that a bell hanging in the crow's-nest? - Yes, a big bell.

44. Then you can telephone from the crow's-nest to the bridge? - Yes.

45. And do the look-out men use the telephone to the bridge from time to time? - Yes.

46. Now, supposing that during your watch, the 8 to 10 watch, there had been any ice and you had seen it, what would you have done; would you ring the bell and then telephone? - Yes, to tell them what it was.

47. However, nothing of that sort happened while you were on duty? - Nothing at all.

48. (*The Solicitor-General.*) My Lord, we have picked out this Witness because he begins the story, but of course he can also speak to a few matters after the casualty, and perhaps it is as well to take them now. (*To the Witness.*) When you went off duty at 10 o'clock and went below, did you go to bed - turn in? - Yes, I went to bed.

49. And what was the next thing you knew? - The boatswain came below and called all hands on deck. I heard the crash first; that woke me up.

50. You were woke up were you by the crash? - Yes.

51. What did you do then? - Ran on deck to see what it was.

52. What did you see? - I saw some ice on the well deck on the starboard side.

53. You mean the forewell deck, I expect? - Yes.

54. Did others turn out at the same time with you? - Yes.

55. And saw it too? - Yes.

56. What did you do then? - Went down and put on some clothes. We all went below. They did not think there was any harm.

57. Do you mean you turned in again? - No, we did not turn in.

58. Then you spoke about the boatswain coming. How long after was that? - Not long. I cannot say exactly the time. He came and called all hands on deck. I could not tell you exactly the time;

it was not long.

59. Then, when the boatswain came and called all hands on deck, did you go on deck with the others? - Yes, all hands went on the deck.

60. Had you got a station? - Yes, at my own boat.

61. Which was your boat? - Number 7.

62. (*The Commissioner.*) Were the engines revolving at this time?

63. (*The Solicitor-General.*) I will ask him, my Lord. We have evidence to show that they were not; that they were stopped at once. (*To the Witness.*) Did you notice whether the engines had stopped? - The ship was stopped when I looked over the side.

64. Now I was just going to ask you about your boat station. Which was your boat? - Number 7.

65. How do they number them on the "Titanic"; how do the numbers run? - Well, all odd numbers on the starboard side; even numbers on the port.

66. And your boat was No. 7, you say? - Yes.

67. One on the starboard side? - Yes.

68. Then just take the odd numbers; do they run forward aft? - Yes.

69. The fourth boat on the starboard side. Now how did you know that that was your boat? - We had got a boat list right in front of our forecabin.

70. Had you taken part in any boat drill before the accident? - We always have a drill leaving port.

71. Then did you take part in one? - Yes, always.

72. (*The Commissioner.*) Where was that? - At Southampton.

73. (*The Solicitor-General.*) And had No. 7 been your boat at that drill? - No; there were only two boats lowered away.

74. (*The Commissioner.*) Only two boats lowered for that drill? - Yes.

75. And is that the practice? - Yes, it is the practice.

76. What I mean is, you have travelled on these liners before, I suppose? - Yes.

77. Is it the practice when you have your boat drill to have it with two boats only? - That is all I have seen.

78. That has been your experience? - Yes.

79. (*The Solicitor-General.*) You say only two boats would be lowered at the drill. What I want to know is whether your boat drill included everybody going to their boat stations? - Yes, all hands are on the boat deck.

80. Just one thing more about that. There are two boats, are there not, that are kept swung out as emergency boats? - Yes.

81. And the rest of the wooden boats, the lifeboats would be swung in - kept in? - Well, they are not swung quite really in; they are just on the edge of the rails.

82. How do you know whether it was the emergency boats that were swung out that were used for the practice on which boat it was? - Oh, no, it was the lifeboats.

83. Two of the lifeboats? - Yes.

84. Now we can see which your boat is - because the model shows us the starboard side? - Yes, this is the one (*pointing to the model*) - there was one on the other side here and a fourth one on the starboard side.

85. That would be No. 7? - Yes.

86. Then there are No. 5 and No. 3, and No. 1 is just behind the emergency boat, is it not? - No, that is No. 1 (*pointing to the model*).

87. (*The Commissioner.*) The emergency boat is No. 1.

Sir Robert Finlay: Yes.

88. (*The Solicitor-General.*) You say that when you were ordered up on deck and there was the

muster, you went to No. 7? - Yes.

89. Just tell us what was done with boat No. 7? - We all cleared away the boats. The orders were for all hands to clear the boats, and we all went and cleared the boats. I helped to clear away No. 7, cleared away the falls, and got them all ready and the First Officer, Murdoch, told us to lower away the boats to the level of the rail.

90. That was Mr. Murdoch you say? - Yes, he was in charge of us.

91. And he gave the order to lower the boat to the level of the rail? - Yes.

92. And, of course, up to that time the boat would be empty? - Yes.

93. Then, when she was lowered down level with the rail, what were the orders then? - "Women and children in the boat."

94. Had any seamen been put into the boat? - Not then. We were all standing by that belonged to the boat.

95. (*The Commissioner.*) How many men man one of these boats? - There are two sailors told off for each boat, so many firemen, and so many stewards. I do not know how many firemen; I have never seen their list.

96. (*The Solicitor-General.*) Two seamen and a certain number of the firemen, and a certain number of the stewards? - Yes.

97. Did you count as one of the two seamen for this boat? - Yes.

98. Who was the other? - Weller.

99. You say Mr. Murdoch said "women and children first," and what was done? - Well, we put all the women in that was there, and children. Up to that time there was not many people; we could not get them up; they were rather afraid to go into the boat; they did not think there was anything wrong.

100. Were there men passengers there too? - Yes, we had some men passengers.

101. Did any of them get into your boat? - Yes. I do not know how many. There was three or four there. Three or four Frenchmen there - I do not know whether they got into the boat.

102. I only just want to know; did any men passengers get into No. 7? - Yes.

103. Three or four? - Yes.

104. Was there excitement? - No, Sir, none at all; very quiet.

105. And how many people got into No. 7 before she was lowered? - I could not say; it looked pretty full; there was not much room to work in her.

106. But you do not know the number? - No, I could not say the number at all.

107. You were one of the seamen told off for her. Did you get into her? - Yes, there were three seamen into that boat.

108. Where was the third? - I never see no fireman or no stewards up there at that time; it was about the first boat to be lowered.

109. Number seven was? - Yes.

110. And how is it done on a big liner like this: when you lower the boat from the rail down to the water, is it done from the boat or from the deck? - From the deck.

111. So that the people in the boat would not do the lowering away? - No, just keep the boat off the ship's side.

112. Did she get down to the water safely? - Yes.

113. Were there oars in the boat? - Yes.

114. A proper number? - Yes.

115. Was she provisioned? - I never saw any biscuits or nothing; I do not know whether there was any; I do not know that there was anybody looking for any.

116. Had she got any light? - No.

117. (*The Commissioner.*) Is a lifeboat usually provided with a light? - I think so, Sir; I do not

know about every one.

118. And where is the light kept? - In the after-locker; the locker in the afterend of the boat.

119. Did anyone take it out and light it? - No; there was none there. We had a look to see if we could find a light, and there was none there.

120. Whose business was it to look after the light? - Well, I think the men in Southampton came on board ship to look after all that, to see that the boats were all looked after.

121. (*The Solicitor-General.*) Who was in charge of the boat? - Hogg.

122. That is the look-out man you spoke of, is it? - That is right.

123. There was Hogg and yourself and Weller? - Yes.

124. Were those the only three members of the crew in the boat? - That is all.

125. When you got down to the water, had you got any of these men passengers in them? - Yes.

126. They stayed in? - Yes.

127. You say you thought about four? - Well, I should say about that; I could not say the exact number.

128. Then the rest of them would be women and children? - Yes.

129. Were there any children? - We had one I think, that was all; the rest were women.

130. And you said, you did not know how many there were altogether, but I want to know was the boat full or not? - Well, she might have held a few more, Sir.

131. You say Mr. Murdoch was giving orders about lowering the boat; did he give orders to launch her down to the water? - To lower her right down to the water.

132. And what were the orders about - what was she to do? - He told us to stand by the gangway.

133. I do not quite know what you mean by that. What is the gangway you are referring to? - The doors that open in the ship's side. Just about here (*Pointing to model*) - the door is open continually.

134. Amidships? - Yes.

135. Where the gangway would be if she were in port, I suppose? - Yes, that is right.

136. (*The Commissioner.*) Just go to the model again and show me whereabouts on that model the waterline was, and where the gangway was, so that I may know where the boat was. - (*Pointing to the model.*) There is one door there, and there is the waterline right along here. There are several gangway doors in the side; there is one about there somewhere, and one about there.

The Solicitor-General: The actual line of the sea.

137. (*The Commissioner.*) You see the port holes, do not you? - Yes.

138. Now where was the waterline outside the vessel? - It was straight along here, I should say.

139. Now, where was this gangway you speak of? - There.

140. And you were told to remain in the water below that gangway? - Yes.

141. (*The Solicitor-General.*) Those were your orders. How far off from the ship did you keep? - We kept right alongside.

142. Was the sea smooth? - Yes, very smooth.

143. Just tell us what happened after that? - Well, we see all the other boats lowered away and pull away from the ship. Then we saw the ship settling away, and we had to pull away clear.

144. Let us just see if we can get clear about these other boats, if we can. Did you keep on the starboard side? - Yes.

145. You said, I think, that you thought your boat, No. 7, was one of the first to be lowered? - Yes.

146. Just think. Did you see any boat lowered into the water before you got into the water? -

No.

147. You think you were the first to get into the water? - I know we were the first on our side.

148. I am talking of the starboard side; and you were the first to get into the water on the starboard side? - Yes.

149. So that there would be seven others, I think, on that starboard side? - Yes.

150. Did you see each of them launched? - No; I could not see afterwards very well from where I was.

151. Why not? - We were all messing about with the other boats being lowered, and looking out for our own boat. We were not taking any notice of the others.

152. But you saw some of the others lowered, at any rate? - I saw them all after they were launched.

153. You cannot tell us, I suppose, about the order of the others being lowered? - No, I can say nothing about that.

154. Can you give us any idea of about how long it was from the time when your boat got to the water before the other boats got to the water - the last of the others on the starboard side? - I could not say, they were not long; they were all down by the time we pulled away from the ship. We kept alongside and kept to our orders.

155. Then you told us you pulled away; you thought the ship was settling down? - Yes.

156. Can you give me any sort of idea how long it was from the time you pulled away to the time when the ship disappeared? - Well, about one and a half hours I expect. I had got no time; that is just a rough guess.

157. Did you see signs of the "Titanic" settling down when you left her side? - Well, very little. I did not notice anything in the boats alongside the ship.

158. And you pulled away from her side because you saw these other boats were pulling away? - Yes.

159. And how far off did you go? - We only just went a little way at first, just kept so that we could speak to them on board the ship in case we were wanted.

160. Did anybody speak to you from the deck? - No.

161. That would be some little distance off. Give me an idea how far off it would be? - About 20 yards or something like that, and we stopped there.

162. And when you were in that position, some 20 yards from the ship, so that you could be hailed from the deck, did you see any signs of her settling down then? - Yes, you could notice her going away by the head.

163. Was that gradual or sudden? - No, very slow.

164. This was when you were about 20 yards off? - Yes.

165. Were the other boats on the starboard side about the same distance off, or further off? - Further off.

166. Do you mean you think you were the nearest? - At that time.

167. Then when was it that you made a move again? - The fore-castle-head was getting close down to the water then.

168. And what did you do then with your boat? - Pulled away clear.

169. Now can you give me any idea about how long that was before she disappeared? - I could not say that; not more than about half an hour I should say.

170. And how far from the ship did you pull away then? - Oh, a long way. We met with the Third Officer, and he moored his boat alongside of ours all night.

171. What is the Third Officer's name? - Mr. Pitman.

172. And you met Pitman in his boat? - Yes.

173. And he moored his boat alongside of yours? - Yes, alongside of ours all night.

174. Lashed together, I think? - Yes.

175. Just tell us shortly what you yourself saw then. What did you see that happened to the "Titanic" before she went down and as she went down? - We stopped there and watched her gradually sink away. We could see the people about on the deck before the lights went out. As she went away by the head so the lights went out, and we heard some explosions as she was going down. But all the lights went out and we could only see a black object in front of us.

176. Was it light enough to see if her stern was up in the air? - Yes. I saw the stern straight up in the air.

177. At that time were the lights still burning or had they gone out? - No. As the stern stood up in the air so all the lights went out.

178. Can you tell us at all how long you think the stern was like that? - Not more than a few moments.

179. And then when the stern sank did she sink slowly or all at once? - She went down pretty fast.

180. Now you say you heard some explosions? - Yes.

181. Did you hear more than one? - Yes; I heard two or three.

182. Were the explosions close together or at intervals? - Close after one another.

183. And how near was that to the disappearance - to the end? - Not long.

184. Was it before you saw the stern up in the air? - No, just as the stern went up in the air.

185. Were the lights burning when you heard the explosion? - Some on the afterend.

186. Did you hear any noise apart from the explosion? - Some people have spoken of the noise of the machinery? - I never heard nothing.

187. It is suggested that the heavy machinery fell. Now just come back to your boat for a minute. Did your boat pick up anybody out of the sea? - No, not one.

188. So that you landed the same number of people into the "Carpathia" as got into the boat at the rail level? - Well, we took two or three out of Mr. Pitman's boat.

189. That is the Third Officer? - Yes.

190. Because you had got more room than he had, I suppose? - Yes, to make it more even.

191. Did he remain in command of your boat the whole time till you got to the "Carpathia"? - Yes.

192. And how many of you were rowing? - Me and Hogg was doing most of the work; the rest were trying to pull. I was pulling from the time I went in the boat to the time we got alongside the "Carpathia."

193. What time did you get alongside the "Carpathia"? - It must have been somewhere about 7 or 8 in the morning or getting on that way.

194. (*The Commissioner.*) What time was it? - 7 or 8 in the morning.

195. (*The Solicitor-General.*) I will just ask you this: Had you seen any ice after the accident and before your boat was launched? - No.

The Commissioner: He saw a little, as I understand, on the deck.

196. (*The Solicitor-General.*) I meant really in the water. (*To the Witness.*) Did you see any icebergs when you were in your boat? - When it became daylight.

197. (*The Commissioner.*) What time did it become daylight? - That I could not say; there was nobody had any time.

198. Would it be about half-past five? - I should say it would be about that time.

199. When it became daylight you saw some icebergs, do you say? - Yes.

200. (*The Solicitor-General.*) Did you see many of them? - Yes, a lot, all around us.

201. Except for drifting, how far were you from where the boat sank? - We could not tell. We were drifting along with the wreckage. We could not tell where the boat went down; when it

came daylight we had no idea; we had been drifting all night.

202. And had the wreckage been drifting with you alongside? - Yes, I expect so.

Examined by Sir ROBERT FINLAY.

203. You say that when you looked over the side the ship was stopped? - Yes.

204. Can you tell us when it was that you looked over the side? - Just after the accident, just after she struck; I rushed right up from below. I got out of my bed and went on deck.

205. Only one other question. Did you try to find any people to pick up? - Yes. There were only two to do any pulling; we could not get the boat about.

206. You did your best? - Yes; we done our very best.

Mr. Scanlan: With your Lordship's permission, I propose to ask some questions.

Examined by Mr. SCANLAN.

207. While you were on the look-out, were you given glasses? - No, we never had any glasses.

208. Had any glasses been supplied from the commencement of the voyage? - No.

209. When you have been on other liners, has it been usual to provide the look-out man with glasses? - Well, we had them in the "Oceanic." I was on the look-out once there.

210. Is the "Oceanic" the only other large liner you have been on? - Yes.

211. So far as you know it is the practice to supply glasses? - I can say nothing about that, because I could not say.

212. Did you ask for them? - Yes.

213. Whom did you ask? - My mate went and asked. I do not know who he asked - I did not ask.

214. (*Chairman.*) You did not ask? - No, I did not ask.

215. (*Mr. Scanlan.*) You did not ask yourself? - No.

216. Do you derive much help from the glasses when you are on the look-out? - Yes, they are very useful.

217. I think you said there was no look-out man forward? [No answer.]

218. (*The Commissioner.*) Will you tell me this: How often have you used glasses? - Well, we had them on the "Oceanic"; we used them there all the time.

219. How often have you used them in your life? - Well, I have used several glasses, not on the look-out.

220. But I am talking of on the look-out. How often in your life have you used glasses on the look-out? - Only on the "Oceanic."

221. How often did you use them there? - Oh! very often.

222. Did you see anyone else using them? - Yes, my mate.

223. How many had you? - Only one pair.

224. And where were they kept? - In a little bag on a little box in the crow's-nest.

225. Was there a box or bag on the "Titanic" for these glasses? - There was a box there.

226. But nothing in it? - No, nothing in it.

227. (*Mr. Scanlan.*) Did you look in the box on the occasion of your first watch to find out if there were glasses there? - Yes.

228. So that you are quite certain that from the commencement of the voyage you were not supplied with glasses? - Yes, we never had any glasses.

229. Tell me this: Is it usual on liners to have a look-out man stationed forward of the crow's-nest? - Well, it is not all big liners that have lookout men.

230. (*The Commissioner.*) How many liners have you been on? - Only the "Titanic" and the "Oceanic."

231. Have you ever been working on any other liners? - No, only sailing ships.

232. Then your knowledge is confined to these two vessels? - That is right.

233. How many voyages have you made on the "Oceanic"? - Seven or eight.

234. And half a one on this? - Yes.

235. (*Mr. Scanlan.*) Was the "Titanic" provided with a flashlight? - What do you mean?

236. Was there any electric light - any searchlight? - I never saw any. I could not say that.

237. (*The Commissioner.*) Was there one on the "Oceanic"? - I never saw any. I do not think so.

238. (*Mr. Scanlan.*) At the time you were taken on board the "Carpathia," was your boat full? - Well, nearly full.

239. Could you even then have accommodated a few more? - Very few.

240. You stated in answer to the Solicitor-General, that when your watch was finished, your watch finishing, I think at 10, you passed on to the two men who succeeded you the information you had got? - Yes, that was my orders from the bridge.

241. That ice was ahead? - Yes.

The Solicitor-General: His orders were to keep a sharp look out for ice.

242. (*Mr. Scanlan.*) You had a warning about ice? - Yes, and I passed the word along.

243. Is it usual for a man on the look-out - is it part of his duty to pass the word along in these circumstances? - Yes.

244. Now, did the two watchmen whom you and your mate replace, give you any word? - No, they had had no message then.

245. So that the first message of ice was not communicated until half-past time? - No, it could not have been.

246. Now, with regard to the boat drill, did you personally take part in it at Southampton? - Yes.

247. What boat did you go to when the order was given for boat drill? - Well, there was only two got ready, and so many told off for each.

248. Were you assisting in lowering one of the two lifeboats that were actually let down into the water at Southampton? - Yes, the two forward ones.

249. How many assisted at each boat? - Nine sailors and a quartermaster and an officer.

250. How many? - About eleven, I think.

251. Eleven seamen? - Yes, something like that; a quartermaster, an officer, and seven or eight seamen.

252. Did any firemen assist in the lowering of the boats at the trial? - At Southampton?

253. Yes. - No.

254. Did any stewards assist at the lowering of the boats? - No, only sailors.

255. You have told us that in the list which was set up in the forecandle you were assigned to this boat, No. 7. Who were the others set down for this boat? - Weller. I know Weller was there; who else I could not say.

256. At this boat which you assisted in lowering in Southampton, you say eleven seamen were engaged in the lowering? - Not in the lowering; two men would lower away the boat.

257. How were the eleven engaged? - They were the crew of the boat.

258. What was the crew of the boat's work? - To pull and practice - pulling round the harbour and back.

259. How many were engaged in pulling her round the harbour? - I suppose there were six or seven pulling.

260. And were these six or seven able seamen? - Yes.

261. What I want to make clear is, amongst the six or seven you had not any firemen? - No.

262. Or stewards? - No, all able seamen.

263. Now, so far as the firemen and stewards were concerned, did they at Southampton or anywhere else get any practice or any training either in lowering boats or rowing them? - I never saw them.

264. (*The Commissioner.*) You saw none? - No.

265. (*Mr. Scanlan.*) Can you tell the Court how many firemen were expected to assist you as part of the crew of No. 7? - No, I could not say; I never saw their list. Their list is down in a different place from mine.

266. Is the list which is exhibited in your cabin merely a list of the deckhands? - Of the deckhands.

267. And on that list is it the case that there was no other name except yours and Weller's? - I think there was a quartermaster; I am not sure. We only go and look for our own name when we are on a job like that.

268. Then a third man came on? - Yes.

269. Hogg? - Yes.

270. Are you quite sure that Hogg's name was not on this list? - I am not sure.

271. So that you do not know whether No. 7 was Hogg's boat or whether he belonged to some other? - I could not say that.

272. Is it not a usual thing when there is boat practice to call to the boat deck all the men who are expected in an emergency to go with that boat? - Yes. Once on the trip. Once going out and once coming home - twice on the trip.

273. Had this been done on this trip? - No; it is generally done on the Sunday, but it was not done on that day. There was a strong wind.

274. (*The Commissioner.*) This was the first Sunday you were out? - Yes.

275. Had it been done on that day? - No. It was blowing hard that day; there was a strong wind that day; that was the reason why it was not done.

276. (*The Commissioner.*) A strong wind on what day? - On the Sunday.

277. What Sunday? - On the day of the accident; a strong breeze blowing all that day.

278. I thought the sea was quite smooth? - So it was when the accident happened.

279. Then the wind had gone down? - Yes, it had gone down as the sun set.

280. (*Mr. Scanlan.*) What time did the wind abate on the Sunday? - It went down as the sun began to go away.

281. And you say that that was the reason you had no boat practice. Who told you so? - Well, that is the only thing we knew.

(After a short Adjournment.)

Mr. Quilliam: Will your Lordship allow me to make an application on behalf of the National Union of Stewards. They had over 200 members on board the "Titanic," and they have over 15,000 stewards, members of their union, in the British Isles, and they are greatly concerned that they should be represented here, as there are many points which they wish to bring out which concern the stewards on these boats?

The Commissioner: Very well. Be moderate in the questions which you ask.

282. (*Mr. Scanlan.*) I have a few more questions, my Lord. (*To the Witness.*) I understand there were three of you seamen in the lifeboat No. 7? - Yes, Sir.

283. Besides you three was there any fireman? - No.

284. Had you any assistance in the manning of that boat besides the three of you? - There were two gentlemen there who helped as well as they could.

285. They were passengers who by chance knew something about handling a boat, and they gave you assistance? - They did not know much about it, Sir.

286. To handle a lifeboat in a rough sea, in an ordinary sea, how many men would you require? - We would want six at the least, Sir.

287. Six trained men? - Oh, yes, we would want six men who understand the boat.

288. And you had only three? - That is all, Sir.

The Commissioner: It was similar on this occasion.

Mr. Scanlan: Yes, Sir, it was similar on this occasion.

289. (*The Commissioner.*) I suppose when you did get on board this lifeboat, in point of fact the men you had with you were able to manage it? - There were only three.

290. Was it swamped? - No, Sir, it was not swamped.

291. (*Mr. Scanlan.*) I think you said you were tired out when you were picked up? - I was myself.

292. (*The Commissioner.*) What do you say? - He asked me if I was tired when I was picked up, and I said I was.

293. You were on the boat for something like eight hours, were you not? - About seven hours.

294. Had you anything to eat? - No.

295. Had you anything to drink? - No, I had nothing, Sir.

296. (*Mr. Scanlan.*) When you speak of six men being required do you mean seamen, or would that allow for some of the men being stokers? - It does not matter who it is, so long as they understand how to handle a boat.

297. Now to your knowledge, had any of the men in the ship's complement knowledge of manning boats except the seamen, the A.B.'s, and the deckhands?

The Commissioner: But, Mr. Scanlan, you must be a little reasonable. Did he know all the other men? He cannot answer that question.

298. (*Mr. Scanlan.*) Very well, my Lord. (*To the Witness.*) Did you know in point of fact of your own knowledge how many seamen were on board? - No.

The Commissioner: It is no use asking him that question, because if he said he did I should not believe him.

299. (*Mr. Scanlan.*) Were the collapsible boats tested at all? - I could not tell you that, Sir.

300. You did not see it? - No.

301. From what part of the ship did the passengers come who were on your boat? - I would have a hard job to say; they were on deck when I got there.

302. Did you have instructions not to allow men on board? - Yes.

303. (*The Commissioner.*) Men as distinguished from women?

Mr. Scanlan: Yes, male passengers.

The Witness: Yes.

304. Had the lifeboat a compass? - No, Sir, not on board.

305. Should a lifeboat have a compass? - I do not think it is much use in an open sea like that. A compass is no good to anyone, it is all right if you see the land and know where you are.

The Commissioner: Would you ask him the question, do lifeboats carry compasses as a rule?

306. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) Do lifeboats as a rule carry compasses? - There is one on board for every boat.

307. Where is it kept on board? - I do not know where it is kept on the big ship - on the "Titanic."

308. Whose duty is it to put on board the lifeboats all that is required in the way of provisions

and appliances? - That is done in port; I could not say.

309. Is it done in port before the commencement of the voyage? - Yes.

The Commissioner: Do they put water on board before the commencement of the voyage?

310. (*Mr. Scanlan.*) Do they put water in the boat? - Yes, there is water in every boat.

311. (*The Commissioner.*) And how often is it changed; ever? - I could not say.

312. But have you known it ever changed? - I have never seen it.

313. And what food do they put on board? - A box of biscuits.

314. Is the box of biscuits kept on board the lifeboats while they are swung on the deck as we see them in this model? Has every lifeboat a box of biscuits? - I think so, Sir.

315. Or is a box of biscuits put on board when the lifeboat is being lowered into the water? - I do not know; I have never seen any on board; I could not say.

316. Have you ever seen any on board any lifeboat? - No, Sir.

317. (*Mr. Scanlan.*) There were not any of these things in yours - neither water nor biscuits? - Yes, there was water; but as to biscuits, I cannot say. I do not think anyone looked.

318. (*Mr. Lewis.*) There is one question I should like to ask first with regard to the speed. Could you say what speed you were going at? - No.

The Commissioner: He does not know anything of that kind.

319. (*Mr. Lewis.*) I am merely asking the Witness whether he noticed any appreciable difference in the speed on the Sunday, the day of the accident, and on the Saturday; could you say? - I could not say anything about that.

320. You did not see any difference? - No.

321. With regard to glasses, did you make any personal application to anyone? - My mate did, Sir.

The Commissioner: He says his mate told him that he did.

The Witness: Yes.

322. (*Mr. Lewis.*) Which one? - Symons.

323. Could you tell how long the boat you were in took to prepare and lower? - Half an hour at the most, I should think.

324. Half an hour at the most? - Yes, we were all in a hurry; I could hardly judge the time.

325. Have you a knowledge of the ship itself, of the different parts; the first-class, the second-class, and the third-class quarters? - No, I could not say much about that, because I was not over the ship much.

326. You could not express an opinion whether it was difficult for the third-class passengers to reach the deck where the boat was? - There were some, so I heard.

327. You could not say how difficult it would be to reach it? - No.

Mr. Searle: I do not know if any of us are allowed to put any questions.

The Commissioner: What do you mean by "any of us"? I do not know whom you represent.

Mr. Searle: I understood we had to get permission from you.

The Commissioner: Who are you?

Mr. Searle: I represent persons who are some of the deceased passengers' relatives, relatives of waiters and different persons.

The Commissioner: What is it you want to ask?

Mr. Searle: One or two questions.

The Commissioner: Will you tell me what it is?

Mr. Searle: I should have liked to have asked him how he got to know that the ship had absolutely stopped.

The Witness: That is a very foolish thing to ask. Any man looking over the side could tell whether the ship was going ahead or stopped.

The Commissioner: Who is it you represent? I do not know.

Mr. Searle: I can give you their names.

The Commissioner: But who are they?

Mr. Searle: Those who have lost relatives, Sir, fathers and husbands.

The Commissioner: Have you made any application previously?

Mr. Searle: Not to you, my Lord. I have only come this morning. I have only just come in.

The Commissioner: I cannot listen to people who have only just come in. I must have some sort of limit to these questions. Will you tell me what it is you want to ask the man?

Mr. Searle: I wanted to ask him how long it was after he came up from below that the ship struck. (*To the Witness.*) You said when you came up from below the ship had stopped?

The Commissioner: The engines had stopped.

Mr. Searle: That is another thing. He said the ship had stopped.

The Witness: The ship had stopped.

Mr. Quillium: May I ask a question, my Lord.

The Commissioner: What do you want to ask?

Mr. Quillium: Had they any practice with regard to the collapsible boats?

The Commissioner: Oh, yes, that is right enough; you may ask him that.

328. (*Mr. Quillium.*) Did you have any practice with regard to the collapsible boat or boats before the "Titanic" sailed? - Not the collapsible boats.

329. Have you ever had any practice on any liner with regard to collapsible boats? - No.

The Commissioner: He has only been on two, you know.

330. (*Mr. Quillium.*) Now with regard to the food on the lifeboats - during the boats drills did the stewards bring the biscuits to the boat? - I never saw it done.

Re-examined by the ATTORNEY-GENERAL.

331. When you were in the boats did you see any steamer? - Not before the "Carpathia."

The Commissioner: Is there any other question that you want to ask, Sir Robert?

Sir Robert Finlay: No, my Lord.

The Commissioner: Thank you, Jewell; and if you will allow me to say so, I think you have given your evidence very well indeed.

The Witness: Thank you, Sir.

(The Witness withdrew.)

(Joseph Scarrott was called, but did not appear.)

The Commissioner: Mr. Attorney, have you any information from any of these Witnesses as to how long after the fore-castle-head went under, the stern went up in the air?

The Attorney-General: We have certain information, my Lord, but it is an estimate of time.

The Commissioner: You mean it is an estimate made by untrained men?

The Attorney-General: Yes, it is a question of minutes.

The Commissioner: Well, minutes or seconds.

The Attorney-General: To express it in minutes is very difficult.

The Commissioner: A man of the kind we had in the box just now talks sometimes about minutes when he means moments.

The Attorney-General: That is why I hesitated to answer, my Lord.

The Commissioner: Where is Mr. Scarrott?

The Attorney-General: He has been called, and he has not answered.

The Commissioner: Is there nobody who looks after these Witnesses?

The Attorney-General: Yes, and he was warned he would be called, but he does not seem to have come back.

The Commissioner: There should be somebody whose business it is to keep these men in hand, otherwise they stray about.

JOSEPH SCARROTT, Sworn.

Examined by Mr. BUTLER ASPINALL.

332. Were you serving as A. B. on the "Titanic" on the occasion of this accident? - Yes.

333. Was it your watch from 8 to 12 on the Sunday night? - Yes.

334. What were your duties during that watch? - To stand by for a call in case I was wanted for anything whatever.

335. Shortly before the ship struck the iceberg did you hear the bell strike in the crow's-nest? - Yes.

336. What did you hear? - Three bells.

337. Do you know what time that was? - Not to be exact I do not, but it was round about half-past eleven.

338. Shortly after that did you feel anything? - Yes.

339. What did you feel? - Well, I did not feel any direct impact, but it seemed as if the ship shook in the same manner as if the engines had been suddenly reversed to full speed astern, just the same sort of vibration, enough to wake anybody up if they were asleep.

340. Did you feel anything besides that? - No.

341. Did you feel the ship strike anything? - No, not directly.

342. "Not directly," you say? - Not as if she hit anything straight on - just a trembling of the ship.

343. How soon did you feel this vibration after you heard the three strikes on the gong? - As I did not take much notice of the three strikes on the gong, I could hardly recollect the time; but I should think it was - well, we will say about five or eight minutes; it seemed to me about that time.

344. Where were you at the time? - Just about the fore-castle-head.

345. Did you remain there? - No.

346. Where did you go? - I rushed down to tell my mate that was in the bath room just at the bottom of the ladder. He asked me to give him a call if anything was doing.

347. What did you do after that? - Rushed on deck with the remainder of those that were in the fore-castle. The shock caused everybody to turn out, and we came on deck to see what was the cause of the vibration.

348. Did the boatswain give any orders to the hands? - Yes.

349. What was his order? - "All hands on deck; turn out the boats and take the covers off and place the covers amidships."

350. When you got on deck did you see anything; did you see any ice or iceberg? - Oh, yes, when we first came up.

351. Tell me what you saw. - When we came up, that was before the boatswain's call, we saw a large quantity of ice on the starboard side on the forewell deck, and I went and looked over the rail there and I saw an iceberg that I took it we had struck. It would be abaft the beam then - abaft the starboard beam.

352. Was it close to? - No, it seemed the ship was acting on her helm and we had swung clear of the iceberg.

353. But how far away from your beam was the iceberg, a ship's length or two ships' length? - Not a ship's length.

354. You speak of this ship as if answering her helm - as if answering under which helm? - Under the starboard helm - under the port helm.

355. Get it right? - Under port helm. Her stern was slewing off the iceberg. Her starboard quarter was going off the icebergs, and the starboard bow was going as if to make a circle round it.

The Commissioner: You must be a little more particular about this, and make me understand it.

Mr. Butler Aspinall: I think what he means is that she was acting - correct me if I am wrong.

The Witness: Yes.

356. She was acting as if under port helm, her head going to starboard? - That is correct.

The Commissioner: The ship's head was going to starboard?

357. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) Had your ship headway on at the time - or not do you think? - I cannot say.

358. You do not know? - No.

The Commissioner: You can tell me this, my colleagues will know this, no doubt. After a collision of this character what is the order generally given to the engines? Is it an order to stop or an order to reverse?

Mr. Butler Aspinall: It is difficult for me to say, my Lord; it depends so much upon the circumstances of each case.

The Commissioner: Then you cannot give a simple answer.

Mr. Butler Aspinall: No, my Lord, I am afraid I cannot. I do not know how they might be wishing to maneuver her.

The Commissioner: With a ship going 21 knots, how soon after an order to stop will the way on the ship stop?

Mr. Butler Aspinall: I should think, if the engines are only stopped and not reversed, a laden ship will carry her way for a very considerable distance.

The Commissioner: Can you tell me what you mean by a very considerable distance?

Mr. Butler Aspinall: I do not think I could give your Lordship any answer to that which would be of value.

The Commissioner: Very well. And, of course, if the engines are ordered to be reversed, then the way upon her is stopped in a much shorter time?

Mr. Butler Aspinall: That is so, and if the ship has run into something that, of course, is also a factor to be taken into consideration.

The Commissioner: That arrests her course?

359. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) You have told us that somewhere on your starboard beam, within a ship's length of you, was the iceberg. How high was the iceberg as compared with your vessel? - I should say about as high as the boat deck; it appeared to be that from the position of it.

360. (*The Commissioner.*) How high from the water would that be - 90 feet? - I cannot say.

The Attorney-General: I think about 60 feet.

361. (*Mr. Butler Aspinall.*) What was the shape of this iceberg? - Well, it struck me at the time that it resembled the Rock of Gibraltar looking at it from Europa Point. It looked very much the same shape as that, only much smaller.

362. (*The Commissioner.*) Like a lion couchant? - As you approach Gibraltar - it seemed that shape. The highest point would be on my right, as it appeared to me.

363. (*Mr. Butler Aspinall.*) You received the words, "Uncover and turn out the boats"? - Yes.

364. Now which was your boat? - No. 14.

365. On which side was she? - The port side.

366. And was she well aft on the port side? - In the after-section.

367. Did you go to that boat? - No.

368. Did you go to any other boat? - I went to 14 boat finally, but not at first.

369. Not at first? - No, not at the first order.

370. Which boat did you go to first? - The first boat on the port side - not the emergency boat. The first boat was the first boat to uncover. You understand we started on the port side and got those boats uncovered and cleared and turned them out, falls all ready for lowering, and then worked with the starboard boats. At the time we were working at the starboard boat - I think I was at boat 13 - the chief officer came along and asked me whether it was my right boat. I said, "No, we are all assisting here." He said, "All right, go to your own boat," and then I went to No. 14 boat.

371. Then how comes it that you did not go to your own boat in the first instance? - Acting on the boatswain's orders.

372. (*The Commissioner.*) Which boat did you go to first - what number? - I think it is four, the first boat abaft the emergency boat on the port side.

Sir Robert Finlay: It would be No. 4.

373. (*Mr. Butler Aspinall.*) How many boats did you assist in getting out and down to the water before you went to your own boat? - I think I assisted in getting four out ready for lowering, but not down to the water. I was at my own station then. By the time the order was passed for women and children first, by Mr. Wilde, I assisted to get them all out ready for lowering. I personally helped at four boats.

374. Was there any difficulty or not in getting them out? - There was in one or two cases, but the difficulty was not great. It merely wanted a kick of the foot just to clear the chock.

375. That is a small difficulty, if it is a difficulty at all. It has always got to be done? - Yes, you have to watch for that. That is common. That is a thing which is likely to happen at any time.

376. Apart from the difficulty, if it can be called a difficulty, the boats were got out readily and easily? - Yes.

377. (*The Commissioner.*) What is the number of your boat? - Fourteen.

378. (*Mr. Butler Aspinall.*) Then, later, having assisted at the other boats, you got to your own boat? - Yes.

379. Does that boat belong to any particular officer? - Whether it does or not I do not know.

380. That you do not know? - No.

381. Who was taking charge of that boat when you got there - was there anybody? - When I got there I put myself in charge as the only sailorman there. I was afterwards relieved by the Fifth Officer, Mr. Lowe.

382. Later? - Yes.

383. Yes, we will come to that. Now having got to boat 14, which was your boat, what was done about that? - Directly I got to my boat I jumped in, saw the plug in, and saw my dropping ladder was ready to be worked at a moment's notice; and then Mr. Wilde, the Chief Officer, came along and said, "All right; take the women and children," and we started taking the women and children. There would be 20 women got into the boat, I should say, when some men tried to rush the boats, foreigners they were, because they could not understand the order which I gave them, and I had to use a bit of persuasion. The only thing I could use was the boat's tiller.

384. (*The Commissioner.*) When you say that foreigners tried to rush the boat, were they passengers? - By their dress I should say yes, my Lord.

385. (*Mr. Butler Aspinall.*) Did the Fifth Officer assist you in this persuasion? - He was not there then.

386. Did you get these men out of your boat, or prevent them getting in? - Yes, I prevented five getting in. One man jumped in twice and I had to throw him out the third time.

387. Did you succeed in getting all the women and children that were about into your boat? - Yes, when Mr. Lowe came and took charge he asked me how many were in the boat; I told him as far as I could count there were 54 women and four children, one of those children being a baby in arms. It was a very small baby which came under my notice more than anything, because of the way the mother was looking after it, being a very small child.

388. (*The Commissioner.*) How many women did you say? - Fifty-four.

389. And four children? - Yes.

390. (*Mr. Butler Aspinall.*) Were there any other passengers in that boat? - Not passengers; no, Sir.

391. Who else was in that boat? - Myself, two firemen, and three or four stewards. I will not be certain as regards the exact number of stewards, but there were not more than four.

392. Two firemen and three or four stewards? - Yes; not more than four.

393. Was Mr. Lowe, the Fifth Officer, also in the boat? - We were practically full up. I was taking the women in when Mr. Lowe came. There was another officer with him on the boat deck, but I do not know which one that was, and he said to this other officer: "All right, you go in that boat and I will go in this." That would mean No. 16 boat; she was abaft us, the next boat. Mr. Lowe came in our boat. I told him that I had had a bit of trouble through the rushing business, and he said, "All right." He pulled out his revolver and he fired two shots between the ship and the boat's side, and issued a warning to the remainder of the men that were about there. He told them that if there was any more rushing he would use it. When he fired the two shots he fired them into the water. He asked me, "How many got into the boat?" I told him as near as I could count that that was the number, and he said to me, "Do you think the boat will stand it?" I said, "Yes, she is hanging all right." "All right," he said, "Lower away 14."

394. Was she then lowered to the water? - Yes.

395. And having been lowered to the water, was she disengaged? - No, she hung up. The forward fall lowered all right, sufficiently far enough that the forepart of the boat was afloat and the forward fall slack. Her after-fall then would be about ten feet - we had about ten feet to go on the after-fall. Our boat was at an angle of pretty well 45 degrees. I called Mr. Lowe's attention to it. He said, "Why don't they lower away aft?" I know the man that was lowering the after-fall, it was McGough. I looked overhead naturally enough, seeing the boat did not come down, and the fall was twisted. It resembled more a cable hawser than a fall, and would not render at all. I called Mr. Lowe's attention to the fact. He said, "What do you think is best to be done?" I said, "I can case it. I will cut one part of the fall, and it will come easy. I have not the least doubt but what she will come away with her releasing gear." He said, "Do not you think the distance rather too much?" I said "No; she might start a plug, but I will look out for that." We dropped her by the releasing gear, and when she was clear I jumped to the plug to see if the impact of the water had started it, but it remained fast. After that we got clear of the ship.

396. Now you are clear of the ship? - Yes.

397. Now, having got clear of the ship, what was done with that boat? Where did it go to? - We just rowed clear of the ship. I suppose Mr. Lowe used his discretion to get clear of the suction which was likely to take place, and we saw four other boats then. Sixteen was the nearest boat. She had just got clear a little previous to us.

398. On which side of the ship? - The port side.

399. On which side of the "Titanic," I mean? - On the port side.

400. How many were rowing? - Four.

401. Do you know who they were - were they seamen? - I can only account for two as regards their rating. I was pulling the after-oar on the port side of the boat, and on my left was a fireman; but as regards the other two that were further forward on the boat, I cannot say what they were as regards their rating.

402. (*The Commissioner.*) I thought you said they were stewards. - I do not know whether those stewards were rowing. There were more than four men in the boat.

403. Am I right in supposing that in your boat, No. 14, there were yourself, two firemen, three or four stewards, and Lowe? - There is a correction there, my Lord. There was one man in that boat that we had been under the impression - when I say "we," I mean the watch of sailors - that he was a sailorman. That man was not a sailor at all, though acting in the capacity of sailor. That was another man that was in the boat.

404. What was he? - A window-cleaner; he was supposed to be in the ship as a window-cleaner.

405. (*Mr. Butler Aspinall.*) Who was steering your boat? - Mr. Lowe, the fifth officer.

406. How far off from the "Titanic" was your boat rowed? - I should judge about 150 yards.

407. Then did she lie there? - She lay there with the remainder of the other boats - with the four other boats that we saw when we got clear of the ship.

408. Did you see four other boats there? - Yes.

409. Did you speak them? - Yes.

410. And was anything done with the other boats? - Mr. Lowe asked them who was in charge of the boats, what officers were there, and we got a reply from each boat individually to say they had no officer in the boat. He said: "All right consider the whole of you are under my orders; remain with me," and when the ship sank, when there was nothing left of her above the water, he waited, I suppose, about a couple of minutes, not more, and ordered all our boats to row where we last saw the ship to see if we could pick up anybody.

411. You have gone on a little too fast. You spoke four other boats? - Yes.

412. And you remained there? - Yes.

413. Now what was happening as far as you could see, on the "Titanic" while you were lying off; was she sinking by the head, or what? - She was sinking by the head.

414. You could see that? - Yes.

415. Was she sinking at first fast or slow? - Very slow it appeared to be.

416. As time went on did she sink faster? - As the water seemed to get above the bridge she increased her rate of going down.

417. Going down head first? - Head first.

418. (*The Commissioner.*) As the water got above the bridge did you say? - As the water got above the bridge she started to go down faster.

The Commissioner: I should have thought that when the water got to the bridge the boat would go to the bottom at once.

Mr. Butler Aspinall: I should have thought so too.

The Witness: She was right up on end then.

419. (*The Commissioner.*) Do you say the water got to the bridge? - Yes, I am judging from what I saw. When the port bow light disappeared she seemed to go faster. That light is seen about level with the bridge, the port bow light.

420. Is it level with the bridge? Is not the bridge above it? - The bridge would be above it, yes.

421. Put your finger on the bridge on that model. (*The Witness pointed it out.*) Do you want me to understand that the fore part of the ship was so deep in the water that the bridge was touching the water? - All this part (*pointing on the model*) was in the water; you could just see the port

bow light. Of course, that would be the other side. This would be the starboard light, here.

The Attorney-General: He said she was standing end-on.

422. (*The Commissioner.*) What do you mean by that? - This part of the ship was right up in the air. You could see her propeller right clear, and you could see underneath the keel; you could see part of her keel.

423. And at the stern she was so much up that you could see the propeller? - Yes.

The Attorney-General: And part of the keel.

424. (*Mr. Butler Aspinall.*) You saw the port light disappear? - Yes.

425. And then after that the ship went? - Yes, she seemed to go with a rush then.

426. (*The Commissioner.*) How soon after you saw the bridge level with the water did the ship disappear? - Well, I cannot say as regards the time, but when it got there the ship went with a rush, and you could hear the breaking up of things in the ship, and then followed four explosions. To the best of my recollection that is the number of the explosions.

427. (*Mr. Butler Aspinall.*) As soon as the ship went down, what was done with your boat? Did she remain where she was for a little time, or did she row in to where the ship had sunk? - She rowed in in company with the four other boats, under the orders of Mr. Lowe, to see if we could pick up anybody from the wreckage.

428. The whole five of you rowed in? - The whole five of us.

429. Was there much wreckage? - No, not so much as you would expect from a big ship like that.

430. Did you see many people in the water? - Later on, but not then. We did not see many then when we got right over the top of the ship. There did not appear to be many people in the water at all.

431. Did you hear cries? - Yes.

432. Much? - Yes, rather a great deal.

433. Now did you succeed in rescuing anybody? - Not our boat individually, but the other boats in our charge did get somebody, but how many I cannot say.

434. (*The Commissioner.*) You mean people who had dropped from the vessel into the water? - I take it that is where they came from.

435. (*Mr. Butler Aspinall.*) Your boat got none of them? - We got none of them. The boats that got them were the boats away to our right; they would be to leeward, where the wreckage would drift.

436. Did you see anything of a raft or rafts in the water? - Later on in the morning we saw one.

437. That was not till later on? - No.

438. You succeeded in rescuing no passengers? - No.

439. Now, after seeing there was no chance of rescuing passengers, what did you do; did you remain there or did you sail away in any direction, or row, or what? - Mr. Lowe ordered four of the boats to tie together by the painters. He told the men that were in charge of them, the seamen there, what the object was. He said, "If you are tied together and keep all together, if there is any passing steamer they will see a large object like that on the water quicker than they would a small one." During the time that was going on - we intended to make fast ourselves, of course, with the four - we heard cries coming from another direction. Mr. Lowe decided to transfer the passengers that we had, so many in each boat, and then make up the full crew; it did not matter whether it was sailors or anything, and make up the full crew and go in the direction of those cries and see if we could save anybody else. The boats were made fast and the passengers were transferred, and we went away and went among the wreckage. When we got to where the cries were we were amongst hundreds, I should say, of dead bodies floating in lifebelts.

440. Was it dark then? - Yes.

441. Still dark? - Yes, and the wreckage and bodies seemed to be all hanging in one cluster. When we got up to it we got one man, and we got him in the stern of the boat - a passenger it was, and he died shortly after we got him into the boat. One of the stewards that was in the boat tried means to restore life to the man; he loosed him and worked his limbs about and rubbed him; but it was of no avail at all, because the man never recovered after we got him into the boat. We got two others then as we pushed our way towards the wreckage, and as we got towards the centre we saw one man there. I have since found out he was a storekeeper; he was on top of a staircase; it seemed to be a large piece of wreckage anyhow which had come from some part of the ship. It was wood anyhow. It looked like a staircase. He was kneeling there as if he was praying, and at the same time he was calling for help. When we saw him we were about from here to that wall away from him, and the boats, the wreckage were that thick - and I am sorry to say there were more bodies than there was wreckage - it took us a good half-hour to get that distance to that man to get through the bodies. We could not row the boat; we had to push them out of the way and force our boat up to this man. But we did not get close enough to get him right off - only just within the reach of an oar. We put out an oar on the fore-part of the boat, and he got hold of it, and he managed to hold on, and we got him into the boat. Those three survived. There was one dead in our boat, and that was the passenger, the first one we picked up.

442. You got four on board, one of whom died - is that it? - Yes, that is correct.

443. And three were saved? - Yes.

444. What did you do after that? - We made sail and sailed back to take our other boats in tow that could not manage themselves at all. We made sail then, but just as we were getting clear of the wreckage we sighted the "Carpathia's" lights.

445. Then what did you do; did you go back to the four other boats? - Yes, we went back to the four other boats. On our way back we saw one of our patent rafts.

446. (*The Commissioner.*) What is a patent raft? - I can give the details of the construction of it. These are air boxes with a seat construction on them, and on the top of them there is a sort of canvas bulwark. It is not a Berthon boat at all; it is not collapsible. It is constructed, and there is a canvas bulwark to it. This one we saw was awash. There seemed to be about 18 or 20 people on it. I particularly took notice of two women that were there, and we made straight for them first and got them off and got them into our boat.

447. How many? - I will not be exact to the number, but I think there would be about 20, because we were under sail at the time. My attention was directed to the sail while the officer manoeuvred the boat alongside this raft.

448. How many on the raft were women? - I only noticed two.

The Commissioner: But what is this patent raft? Is it a thing which is carried on board the boat?

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: Is it a thing which is constructed by the passengers or by the crew?

Mr. Butler Aspinall: I think it is part of the equipment of the ship.

The Commissioner: I have not heard of it.

Mr. Butler Aspinall: I think they are so constructed; they are put all about the deck, are not they?

The Witness: Yes. I will show you on this model. There is one at the end of this boat and there is one on the other side on the boat opposite to this one.

The Commissioner: Are these things which are carried in accordance with the Regulations of the Board of Trade? I never heard of them.

Mr. Butler Aspinall: I have heard of them before, my Lord.

The Commissioner: Do you know anything about them, Mr. Attorney?

449. (*The Attorney-General.*) Yes. It is a frame, and you can make round it by the

arrangements there are there a bulwark of canvas. That is as I understand it. (*To the Witness.*) Is that right? - That is correct, Sir, but there are air boxes there that form the seats of that raft. Those are tanks.

The Commissioner: Those are air boxes which help to float the thing.

450. (*The Attorney-General.*) I presume so, my Lord. (*To the Witness.*) Do you know what an Englehardt collapsible boat is? - No; the only collapsible boat I have had any dealings with is the Berthon boat and I understand that thoroughly.

451. I am not sure what he is dealing with in regard to collapsible boats. Do you know how many there were? - No, I do not know how many there were.

The Commissioner: Is he talking about collapsible boats?

The Attorney-General: He may be.

The Witness: No, not collapsible boats.

The Commissioner: Is there anyone here, Sir Robert, connected with the White Star Line who can give us any information about these rafts, because I know nothing about them?

Sir Robert Finlay: Yes, my Lord. Captain Steele, the Marine Superintendent, will.

The Commissioner: Will you tell me, Captain Steele, what these things are?

Captain Steele: They are similar to an ordinary boat; just like the bottom of an ordinary boat, only there are air spaces in them, and they have canvas bulwarks.

The Commissioner: They are things which have to be rigged up I suppose when they are needed?

Captain Steele: They have; the bulwarks have to be raised, yes.

The Commissioner: How many of those are carried on board the boat?

Captain Steele: Four.

The Commissioner: Two on each side?

Captain Steele: Two on each side.

The Attorney-General: Will your Lordship ask him whether they are things we have been calling the Englehardt collapsible boats?

Captain Steele: Yes, they are.

The Commissioner: Are they the collapsible boats?

Captain Steele: Yes, they are, the Englehardt collapsible boat.

The Commissioner: They are the collapsible boats that you spoke of, Mr. Attorney.

The Attorney-General: Yes, I spoke of four Englehardt collapsible boats.

The Commissioner: Now I understand. They are not something additional to what you mentioned in your opening?

The Attorney-General: No.

The Commissioner: Now, Mr. Aspinall, please go on.

452. (*Mr. Butler Aspinall.*) Did you leave any dead bodies on this collapsible boat, what you call a raft? - Yes, two.

453. Were they men or women? - Men.

454. Having got these persons off this structure, what did you do then? - We took another collapsible boat, as you term what I mentioned just now, one of a similar kind, not a Berthon boat, a similar kind, to the one I said was awash - we took her in tow; she had passengers on board.

455. Do you know how many? - No, I do not.

456. You took her in tow and towed her in what direction? - Towed her to the "Carpathia."

457. The "Carpathia" was in sight then? - Yes.

458. Did you then go to the "Carpathia"? - Yes.

459. And get alongside of her? - Yes.

460. Was it dark - or light by the time you got alongside of the "Carpathia"? - Daylight.

The Commissioner: I understood it was 8 o'clock in the morning when they got to the "Carpathia."

The Attorney-General: Between 7 and 8, my Lord.

461. (*Mr. Butler Aspinall - To the Witness.*) And then, did you all go on board the "Carpathia"? - Yes.

462. When daylight came that morning, was there much ice about? - Yes, an enormous quantity of ice about.

463. Were there bergs about - icebergs? - Yes.

464. Many? - Yes. I did not count them, but I saw half a dozen that I took notice of.

465. How long do you think it was from the time the "Titanic" struck the iceberg until she sank? - Roughly, about two hours and a half.

466. How long was it from the time she struck the iceberg until you got your boat into the water? - It was about one o'clock when we got our boat into the water.

467. (*The Commissioner.*) And would that be about an hour and a half? - It would be about an hour and a half.

468. Or an hour and a quarter? - I judge that she struck about twenty minutes to twelve, and it was about one when we got our boats into the water.

469. It was about an hour and twenty minutes before you got your boat into the water? - Yes.

470. (*Mr. Butler Aspinall.*) What were you doing during that hour and twenty minutes or hour and a half? How were you occupied? - Getting other boats ready for lowering - not the whole of the time.

471. What were you doing during the rest of the time? - Well, there was an interval between when Mr. Wilde sent me to my boat. I was there a fairly decent while, time enough for me to give a good look round to see my boat was ready for lowering before we had orders to take the passengers in. I would not say how long, but I had ample time to look round the boat and see she was all in perfect order.

472. And was your boat in good order? - Yes.

473. Had she got her oars? - Yes.

474. And her plug or plugs? - Yes.

475. Did you notice anything else; what else had she got in her? - Well, I could not go right into details. There was one thing we found was not in her after going away, and that was the boat's lamp; but as regards there being biscuits in the tanks we did not require to use them, so we did not sound the tanks to see if there were biscuits there, but there was an ample supply of water there, because we drank some of it, so we know.

476. Was it good water? - Good fresh water.

477. Was there a place for this lamp in the boat? - The usual place for a lamp to be in a boat when she is fully equipped is to be hung underneath one of the thwarts.

478. Did you look there? - Yes.

479. And it was not there? - It was not there. I looked under all the thwarts.

480. (*The Commissioner.*) Whose business is it to see that these lamps are in the boats? - Any ship that I have been in in my experience it has been the boatswain's duty to see that all the boats are equipped.

481. It is the boatswain's duty to see the lamps are there? - Yes.

482. (*Mr. Butler Aspinall.*) How long do you think it was after the ship struck the iceberg until you got the women and children into your boat? - Well, I should say, taking the time we got into the water, it would be half-past 12 we started getting the women into the boat - near about that time I should say.

483. As far as you could see, apart from the rush made by these few men, was there any panic?
- No panic whatever.

484. Were the people behaving well, as far as you could see? - Exceptionally well.

485. The crew and the passengers? - Yes.

486. I think you said you had ample time to make an inspection of your boat? - Yes.

487. Before the women and children were put in? - Yes.

488. You remember telling us that after you came on deck there was a general order, "Women and children first." Do you remember that? - I remember that order.

489. Can you tell me what interval of time there was between that order being given and the women and children getting into your boat? - About three minutes previous. It seemed no sooner the order came along my side of the deck from Mr. Wilde - I heard him personally give that order - we had just started to get people into the lifeboat. We heard that before he got abreast of our boat; we heard it further along the deck, and I continued getting the women in, and when Mr. Wilde came along he gave the order again and assisted me to get the women into the boat.

490. With regard to the women, I want you to tell me this; from your knowledge of the ship what were the means of summoning the women, say in the third-class compartments to the place where the boats were to take the people off? - I know of no special means of summoning them there.

491. You do not know? - No.

492. I suppose that really is not in your department? - No.

493. That is more in the stewards' department? - Yes.

494. The stewards will tell us about that? - Yes.

495. I suppose the boats are in a place where the first-class passengers are allowed to go as soon as they are swung out and lowered a bit? - And second-class.

496. So that first and second-class passengers in that sense would have a better chance of getting to the boats, would they not? - Yes, on account of their being allowed on that deck.

497. You told me of the efforts that were made to save life after your boat had cast off, how you picked up people from what you called the raft. Did any people from the water try to get into your boat, and were told there was not room for them? - No, not at all.

498. Did anything of that sort come under your notice, either in your boat or in any of the other boats which were about you? - No, that is not to my knowledge; I speak for my own boat.

You are quite right; I only want your own knowledge.

Sir Robert Finlay: I have nothing to ask at present, my Lord, but if any question should be put by any other of the gentlemen who are attending, your Lordship will allow me to cross-examine.

The Commissioner: You can ask him in the way of re-examination.

Sir Robert Finlay: I think in future it might be more convenient if I was allowed to make our cross-examination after the others.

The Commissioner: Very well.

Examined by Mr. SCANLAN.

[no question 499]

500. You said that the first and second-class passengers had a better chance of getting to the boat deck than the third-class passengers. Is it not the case that from the time the collision happened until you were ready to take in passengers there was ample time for the women and children in the steerage to have been brought on to the boat deck? - Yes, there was ample time.

501. With regard to the lamp, is it not the usual practice to supply the lifeboats with lamps before leaving the port of departure from which the voyage starts? - In the boat's equipment

when it has gone into Southampton, when boats are overhauled, with regard to the full equipment, the lamp counts part of the boat's equipment; it is always put in the boat.

502. Is it not the practice to overhaul the boats and examine their contents before the ship is cleared? - I have always seen that done in the Union and Castle Line, where most of my time has been, but on the Wednesday we left in the "Titanic" I did not see anything in the boats overhauled at all.

503. (*The Commissioner.*) Were you there? - I was there and went away in one of the boats that was under exercise under the Board of Trade's Surveyor.

504. Which of these boats, what number was it that you were present at? - On the test on the sailing day?

505. Yes? - No. 13 boat I was in.

506. That is not on your side of the ship but on the other? - Yes, on the other side.

507. And what did you see? - I do not quite understand the question.

508. You saw a boat overhauled, I understand? - No, I did not.

509. Then what did you see? - The boat turned out; we were told to put our lifebelts on, so many men, there were both watches there, an officer there, junior officers, and two chief officers.

510. Did you see, for instance, that there was no lamp there? - I did not notice anything in the boat then in particular.

511. Then you do not know whether there was a lamp or there was not? - In my own boat I do as regards the day the accident happened.

512. What boat are you talking about now? - I am talking about 13 boat that I went away in practice.

513. Thirteen boat was not your boat? - No, but it was the boat I was in for survey on the day of sailing.

514. That was at Southampton, was it not? - Yes.

515. Now, was there a lamp in that boat? - That I cannot say.

516. You do not know? - No.

517. Did you look? - No.

518. I suppose you did not look? - No.

519. Then you cannot say whether there was a lamp there or not? - No.

520. (*Mr. Scanlan.*) In the overhauling of the boat No. 13, and in the practice of boat drill was there any inspection made by you or anybody else to see whether the boat was fitted with a lamp and compass and the other proper equipment? - There was no inspection made.

The Commissioner: Now, Mr. Scanlan, will you tell me what "the other proper equipment" means, so that I may understand what you are asking?

Mr. Scanlan: I am reading from the rules made by the Board of Trade on page 15. No. 5 says: "Equipments for collapsible or other boats, and for life-rafts. In order to be properly equipped each boat shall be provided as follows: (A.) With the full single-banked complement of oars, and two spare oars."

The Commissioner: Now stop a moment. Did you see whether the boat that you were on, No. 14, was equipped with a proper complement of oars? - With a proper complement of oars, yes.

The Commissioner: Now what is the next?

Mr. Scanlan: "(b) With two plugs for each plug-hole, attached with lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by sound lanyards."

The Commissioner: Did you look for those?

The Witness: My position in the boat -

521. Now, will you answer the question? Did you look for those? - Not for the plug, but for the crutches.

522. You looked for some; did you find them? - Yes.

523. And the others you did not look for? - No.

524. I suppose it was not your business to look to these things? - Not as regards the plug.

Mr. Scanlan: "With a sea anchor, a bailer, a rudder, and a tiller, or yoke and yoke lines."

525. (*The Commissioner.*) Did you look for those things? - No.

Then you cannot tell us whether they were there or not? - No.

The Attorney-General: There was a tiller, my Lord; he said he used it.

The Witness: Not in that boat, Sir.

The Commissioner: This man was not there for the purpose of seeing whether the boat was properly furnished or not.

Mr. Scanlan: "A painter of sufficient length and a boat-hook."

526. (*The Commissioner.*) Did you look for the painter and the boat-hook? - Yes.

527. Were they there? - Yes.

Mr. Scanlan: "The rudder and bailer to be attached to the boat by sufficiently long lanyards."

528. (*The Commissioner.*) Did you measure the lanyards? - No.

Mr. Scanlan: "A vessel to be kept filled with fresh water shall be provided for each boat."

The Commissioner: That was there; it was there after the collision.

Mr. Scanlan: In those rules the next Section (6) is headed "Additional equipments for boats of Section (A.) and Section (B)."

The Commissioner: What does that mean - "(A.) and (B)?"

Mr. Scanlan: I understand (A.) are lifeboats. It gives Section (A.) in the general rules, "Section (A.). A boat of this Section shall be a lifeboat of whale boat form properly constructed of wood or metal, having for every 10 feet of her cubic capacity as in Rule 2 at least one cubic foot of strong and serviceable enclosed airtight compartments so constructed that water cannot find its way into them. In the case of metal boats an addition will have to be made to the cubic contents of the airtight compartments so as to give them a buoyancy equal to wooden boats."

The Commissioner: This man will know nothing about that unless he was a skilled naval architect.

Mr. Scanlan: This was an ordinary lifeboat. Section 6 provides that the boat should have two hatchets or tomahawks - that is the language of the Board of Trade Rules - "one to be kept in each end of the boat, and to be attached to the boat by a lanyard."

529. (*The Commissioner.*) Did you see the hatchet or tomahawk? - No, my Lord.

530. Do you mean to say they were not there or that you did not look for them? - I did not look for them.

Mr. Scanlan: "With a mast or masts and good sail and proper gear for each."

531. (*The Commissioner.*) Was that there as far as you know? - Yes.

The Commissioner: What is the next?

Mr. Scanlan: "With a line becketted round the outside of the boat, and securely made fast."

532. (*The Commissioner.*) Had it that? - Yes.

Mr. Scanlan: "With an efficient compass."

533. (*The Commissioner.*) Did you look for a compass? - No.

534. You did not look for one? - No.

535. Then you did not know whether it was there or not? - No.

536. (*Mr. Scanlan.*) Had 14 a compass when you got into it after the accident? - No.

537. It had no compass? - No.

538. (*The Commissioner.*) Whose business is it to see the compass is there? Is it the boatswain's place? - I am being questioned as regards two boats now.

539. You are being asked particularly about No. 14. Do you know when you were being

exercised? - That was 13.

540. In No. 13 you did not look for a compass? - No.

541. And therefore you do not know whether it was there or not? - No.

542. But when you got into 14, which was after the collision, there was no compass? - I looked for one and I found there was not one there.

543. You found there was not one there? - Yes.

544. Now, I am going to ask you whose business is it to see that the compass was on the lifeboat. Is it everybody's business or nobody's business? - Yes, it is somebody's business.

545. And who is the somebody? - The Chief Officer.

546. The Chief Officer? - Yes, on any ships I have been in the Chief Officer has seen that the boats were properly equipped, but the boatswain has seen the boats equipped and reported to the Chief Officer. That is the rule.

547. It is the boatswain's business in the first place? - I would rather not say whose business it is, not as regards the state of affairs.

Sir Robert Finlay: I think your Lordship will observe in Rule 6, not more than four boats in anyone ship are required to have this outfit mentioned in the rule to which Mr. Scanlan is referring.

The Commissioner: Is that so, Mr. Scanlan?

Mr. Scanlan: It is so my Lord, but I think for the purposes of this investigation as the boats are being taken one by one, it is desirable to see whether the individual boats had this equipment. But I wish to read to your Lordship -

The Commissioner: Am I to understand that according to the Board of Trade Regulations only four boats out of the whole complement of boats are required to have a compass?

Mr. Scanlan: That is so, my Lord.

The Commissioner: You see he only saw two boats, one at Southampton and one he got afloat in after the accident. In the one boat he did not look for the compass, in the other he found there was not one.

Mr. Scanlan: What I suggest, my Lord, is this. If we find on examining the people who were responsible for each particular boat that each particular boat was deficient, then it will be found, I submit, that this regulation was not complied with. May I read to your Lordship this sentence from the General Rules: "All boats shall be constructed and properly equipped as provided by these rules, and two boats and other life-saving appliances are to be kept ready for use to the satisfaction of the Board of Trade."

The Commissioner: Yes, but the Board of Trade, you know, cannot be afloat on the ship every day that the ship is at sea. They can only see that the things are right before the ship leaves port.

Mr. Scanlan: That is my submission, my Lord, that a survey before the boat leaves port should disclose whether or not the requirements of these sections have been complied with.

The Commissioner: I am pointing that out to you. This man made no survey. It is not his duty to make a survey.

548. (*Mr. Scanlan.*) I pass from that generally to this. This particular boat to which you were attached had neither a compass nor a lamp? - That is boat 14.

The Commissioner: Now you are talking of No. 14.

549. (*Mr. Scanlan.*) Yes, my Lord (*To the Witness.*) I want to ask you this as a practical seaman: Do you consider it very important that a lifeboat laden as this one was, with the full complement of passengers, should be provided on a dark night with a lamp? - Yes.

The Commissioner: Well, now you know that is not a question to ask this Witness; that is a question for me. You may ask me the question at the proper time. I shall probably not answer it.

550. (*Mr. Scanlan.*) I shall observe your Lordship's ruling. (*To the Witness.*) Now I want to ask

you about the numbers of the crew who were attached to this lifeboat. I understand it is the practice to have posted up in the cabin or in the fore-castle a list of the crew for the manning of each particular lifeboat. Is that so? - Yes.

551. Was there a list for No. 14? - Yes.

552. Besides your own name what other names were there on this list? - I am not certain; I do not know.

553. Do you know how many names were on it? - No.

554. As part of the boat drill which took place at Southampton were the different officers and the members of the crew whose names were put down for the different boats expected to go to their stations at the falls? - Not in their own particular boat, no.

555. Not in their own particular boat? - No.

556. So that so far as the "Titanic" were concerned there was no practice of bringing the boatmen and crew of the lifeboats to their respective boats before the voyage commenced? - No one went to their own particular boats until the voyage had commenced.

557. (*The Commissioner.*) Was there any difference in regard to those boats? - No.

558. So that for the purpose of practice it did not matter which boat you went to? - No.

559. (*Mr. Scanlan.*) You rowed back, I understand, to see if you could rescue anyone in the water. How many of the crew did you take to row this No. 14 back? - Eight and the officer in charge would be nine.

560. Will you tell his Lordship how many of the crew are necessary for the proper manning of a lifeboat of that size? - Eight and a man at the tiller.

561. Suppose, instead of it being a calm night you had a storm, would eight men be necessary to safely navigate such a boat as that? - Yes.

562. And when you started, I think there were only two of you capable seamen? - No, only one.

563. Only one?

564. (*The Commissioner.*) Who was that? - That was myself, your Lordship.

565. (*Mr. Scanlan.*) I do not doubt your capacity, but I understand Mr. Lowe was with you? - Yes, Mr. Lowe was there.

566. When the boat was lowered into the water? - Yes.

567. Besides you and Mr. Lowe, was there any other practical man, I mean to work the oars or assist in the navigation of the boat? - There was no other practical seaman in the boat.

568. You do not think that sufficient? - No.

Examined by Mr. QUILLIAM.

569. I want to ask you about the two icebergs. Can you tell his Lordship how far you were able after the collision to see that iceberg distinctly - when you got into the small boat I suppose you were from time to time some distance off the iceberg?

The Commissioner: I do not know that he was, you know; for aught I know he was close upon it.

570. (*Mr. Quilliam.*) Were you close upon it? - I did not see the iceberg after we were away in the boat, not till daylight.

571. At any time you could not see the iceberg when you were away in the boat? - Well, we really did not look for it.

572. It was only in the morning time you noticed the iceberg. With regard to rafts, did you see any of them lowered into the water? - No.

573. Were you the last boat to leave? - No.

574. How many rafts did you see at daylight? - Two.

575. Did you see any rafts floating about without passengers or crew on them? - No, none at all.

576. There was no practice before the "Titanic" left the port - no practice as to lowering the lifeboats or manipulating them? - Yes, there was practice.

The Commissioner: You must not put questions of that kind, which are directly contrary to the evidence. The evidence is that there was practice at Southampton.

Mr. Quilliam: Very well, my Lord.

The Commissioner: Whether it was sufficient or not is a different matter.

577. (*Mr. Quilliam.*) You saw practice, but you are not in a position to say whether there was any lowering of the lifeboats or not, or whether they came adrift after the boat went down? - Do you mean on the night of the accident or at Southampton?

578. On the night of the accident? - On the night of the accident I saw three boats lowered.

579. Three of the rafts? - No, not rafts, boats, ordinary lifeboats.

580. You saw no rafts lowered at all? - No.

581. (*The Commissioner.*) He never saw any rafts until he saw the two in the water, I understand? - That is correct, my Lord.

582. (*Mr. Scanlan.*) Were the falls of all the boats long enough? - Yes.

Mr. Holmes: May I ask a question?

The Commissioner: Who are you?

583. (*Mr. Holmes.*) I made an application, my Lord, on behalf of the officers. (*To the Witness.*) You told me two shots were fired by Mr. Lowe into the water? - Yes.

584. No shots were fired at anyone? - No.

585. And did you hear any other shots fired at all? - Yes.

586. Where? - After we came back from the wreckage where we had taken one of those rafts in tow, Mr. Lowe emptied his pistol into the water; as regards the number of rounds left in it I cannot say, but I think he emptied five rounds out of it.

587. But all shots were fired into the water? - Yes.

588. (*Mr. Lewis.*) I represent the British Seafarers' Union. I understand you helped to lower the boats? - To turn them out, not to lower them - to turn them out ready for lowering.

589. How many men would have been there? - Three.

590. Then you proceeded to another boat? - Yes.

591. You did not take the three men who were assisting you on to the next boat, and so on? - We divided ourselves as we came on the boat deck; we each went so many to a boat, irrespective of any number whatever, and as we got the boats out so we passed on to another one.

592. When you reached the next boat, was anyone there? - Yes, there was somebody there. In some cases there was one man there working, and in some cases there were two, and perhaps three.

593. Then you assisted? - Yes.

594. As you came to each boat there were not sufficient men there -

The Commissioner: Do not ask questions by making statements; ask the question.

595. (*Mr. Lewis.*) Were there enough men there when you came to the boat to prepare and lower the boats successfully? - No.

596. You mentioned in regard to one of the boats that the falls were rather short; is that so? - Not the falls short; the falls being new, I take it, it twisted and so prevented it from rendering, from overhauling properly, as we call it.

597. Am I correct in saying that McGough was in the boat? - No.

598. He assisted you? - Yes, he lowered that fall.

599. He did not go into the boat? - No.

600. You gave in your evidence that the third-class passengers would have very little chance of going by your boats because they did not have access to the embarkation deck? - I will not say that, because every barrier is down in a case like that.

The Commissioner: You do not listen to him. Every barrier was down, he says, and therefore every one could get on to this deck.

The Witness: Yes, the decks were quite open.

601. (*Mr. Lewis.*) Have you sailed in the "Olympic"? - No.

602. Do you know the character of the "Titanic" fairly well; did you know its form? - No, I do not know anything about the structure of the vessel.

603. Could you say whether it was difficult for the third-class passengers to obtain access to the deck which you were referring to just now? - Yes, it is difficult.

604. (*The Commissioner.*) In what sense? - There is only one ladder. May I point to the model?

605. There is only one ladder to approach that deck for the third-class passengers? - There is a ladder here goes on to this deck and you have to go inside this part here and up another ladder, but there are other ladders here on the afterpart of this deck-house, but they are only rungs on the side of a house, hardly ladders. They are straight up and down, and anybody outside seafaring men would find it a difficult job.

606. He would find it a clumsy job to do? - Yes.

607. Point me out where you were during this time - during the lowering of the boats? - This was the last boat I worked on, No. 13. That was the last one I worked on. My boat was on the other side of the ship.

608. You were on the port side? - Yes; I went to my own boat afterwards.

609. You were on the port side about where you have put your finger? - Yes.

610. Did you see any third-class passengers coming up? - I saw none coming up, but I saw some there.

611. You were close to this ladder that you talk about? - No.

612. Show me how far away the ladder was from where you were standing. - The ladder is here and I am right away on the other side.

613. Is there not a ladder on each side of the ship? - No.

614. Do you mean to say there is only the ladder on the starboard side of the ship? - No, there is one each side of the well deck.

615. Of course there is; there is one on the starboard side and one on the port side? - Yes.

616. And could you see the ladder on the port side? - No.

617. Then you do not know how many people were coming up that ladder? - No.

618. (*Mr. Lewis.*) At the time you placed the women and children on board, were the decks at all crowded near your boat? - There were people round about my boat, but I could not say what space there was beyond the cluster of people I saw there.

619. How many years have you been at sea? - Eighteen years.

620. You have had a fair experience. How many seamen were on your boat? - On boat 14?

621. No, on the "Titanic" itself? - I do not know the number.

622. Would it be round about 42 or 43? - Yes, it would be round about that.

623. How many men did you say it required to prepare and lower a lifeboat? - At least four.

624. So that it would require more skilled men? - They would want to be skilled men.

625. I understood you to say you formerly worked for the Union Castle Company? - Yes.

626. And you had systematic boat drill? - Yes.

627. Have you been on any other boat of the White Star Line except the "Titanic"? - Yes, the "Teutonic."

Mr. Lewis: I take it I am in order to ask what is the general practice on the White Star boats. I want to ask whether Mr. Scarrott has had experience of other White Star Line boats.

The Commissioner: He has told you he has been on the "Teutonic."

628. (*Mr. Lewis.*) Did any boat drills take place while you were on the "Teutonic"? - Yes.

629. Regularly? - One drill during the voyage.

630. (*The Commissioner.*) How long was the voyage? - Three weeks then.

631. Where was it from and to? - From Southampton to New York and back.

632. Did the "Teutonic" take three weeks to get to New York? - It was on a different service from what we are on now.

633. I never heard of a White Star liner taking three weeks to get from Southampton to New York. I should think a sailing ship could do it. When is the time you are talking about? - Our contract lasted for that time that we belonged to that ship. Our agreement was, when we belonged to that ship, for a voyage of three weeks, occupied from Southampton to New York and return.

634. (*Mr. Lewis.*) You mean there and back do you? - Yes.

635. You said the collapsible boat or raft was waterlogged? - No, not waterlogged; it was awash.

636. Was it serviceable; was it of any use? - No.

The Commissioner: What are you talking about now?

Mr. Lewis: I am talking about the collapsible boat termed a raft and asking the Witness whether it was in his opinion at all serviceable. I asked him if it was waterlogged, and he tells me he thinks it was not serviceable.

637. (*The Commissioner.*) I understood him to say that he did not think it was waterlogged. (*To the Witness.*) Was it waterlogged? - It was full of water; its compartments were full of water.

638. You think it was waterlogged? - Yes.

639. What happened to it? - It was unserviceable.

640. When was this? - When we went to take the survivors off of it.

641. At all events it was serviceable enough to keep afloat? - Yes.

642. And to preserve the people on it? - Yes.

643. And then you took the people off it? - Yes.

644. (*Mr. Lewis.*) Was that the only raft or collapsible boat that you saw? - No, that was not the only one, but that was the only one I saw in that condition.

645. You saw others in the water? - Yes.

646. (*The Commissioner.*) How many? - One other.

647. (*Mr. Lewis.*) Were there passengers in that? - Yes.

Re-examined by the ATTORNEY-GENERAL.

648. You have told us you saw another raft, what we have called an Englehardt collapsible boat. Was that one waterlogged? - No.

649. So that she was doing her service properly? - Yes, she was full of passengers; we had her in tow at the time.

650. One question, I want to ask you about the Sunday when the vessel sank; when she came into collision with the iceberg did you notice at all any difference in the temperature; did it get any colder or warmer on that day? - Colder. It was very cold after sundown.

651. Colder than it had been yet on the voyage? - Yes.

(The Witness withdrew.)

The Commissioner: I do not propose to go any further, but I want to ask whether you think it would be of service if I and my colleagues were to go down to Southampton to see the "Olympic"?

The Attorney-General: I think it would.

The Commissioner: If so we will make arrangements to be there at some time that fits in with the trains on Monday.

The Attorney-General: If your Lordship pleases.

Sir Robert Finlay: Everything will be ready on Monday.

The Commissioner: Very well, then, we will arrange amongst ourselves, and let you know by what train we propose to go. We had, perhaps, better do it now. We can get a railway guide.

The Attorney-General: As a result of today's experience, particularly having regard to inquiries which have been made, we think it would be quite well to stop where we are. There is a considerable improvement today both by the sounding-board and bringing us closer.

The Commissioner: I am very glad to hear that because I understand the arrangements have all been made, and it would be very difficult to undo them.

The Attorney-General: Yes, I think it is very much better to stay.

The Commissioner: Well, I hear you very well. I do not know whether you hear me, but I hear you.

Sir Robert Finlay: Yes, it is really very much better.

The Attorney-General: We have a number of Witnesses here, and I think it is an obvious disadvantage to have a lot of these men here when they may not be wanted on a particular day. What it is proposed to do, therefore, is to have as many Witnesses here on Tuesday as can usefully be examined during that day, and leave the rest out.

The Commissioner: That is a matter that I must leave entirely to you. I am told there is a train at 10.15 on Monday morning for Southampton, whether it is true or not I do not know, but I have it on fairly reliable authority. If it is I propose we should go down by that train.

Mr. Laing: There is a train about 10, my Lord.

The Commissioner: Very well then, we will leave it in that way. We will be at Waterloo to take that train about 10, and we shall expect somebody at Southampton to look after us and to insure that we see what we want to see.

(Adjourned to Tuesday next, at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,
Tuesday, 7th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

THIRD DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS. M.P., appeared on behalf of the Dockers' Union. (Admitted on application.)

Mr. Roche: I have an application to make to your Lordship on behalf of the Marine Engineers' Association. It is an application to take a limited part in this Inquiry, but there are certain things which affect the members of that society very deeply. It is an association, the largest, I think, and the most recognised association, of marine engineers in England, with 10,000 seagoing members, marine engineers. The magnitude of the society is shown by the fact that some half or a large proportion of the engineers of this unfortunate vessel were members of this society.

The Commissioner: That seems reasonable.

The Attorney-General: I see from the ratings there were 25 engineers on board. I think they ought to be represented.

Mr. Harbinson: May I make an application to your Lordship? I have been instructed on behalf of a section of third-class passengers, Irish passengers, 180 of whom left Queenstown on the "Titanic," and of whom I am informed only 20 were saved. I have been asked to apply to your Lordship, with the authority of the learned Attorney-General, for permission to take part in this Inquiry. I quite appreciate and understand that it will be undesirable that there should be any duplication or anything in the nature of overlapping in the evidence given or in the questions asked. That, my Lord, would be undesirable. With your Lordship's permission, perhaps, on behalf of this important section, I might supplement some of the others and add something to the information to be submitted to this Inquiry.

The Commissioner: Will you put down in writing the names and addresses of those whom you represent and hand it in to my secretary, and I will then consider your application?

Mr. Harbinson: That shall be done.

Mr. Clement Edwards, M. P.: May I make an application on behalf of the Dock, Wharf, and Riverside Workers' Union? There is an application before your Lordship stating the names of persons on whose behalf I seek to appear. I do not know whether your Lordship has it in mind.

The Commissioner: I have not seen such a paper, but you must give me the names and addresses of the persons who desire to be represented and state what the reasons are. If I grant all these applications, this Inquiry will get into a state of inextricable confusion, but I will try to give permission to everybody that I think ought to be heard, separately.

Mr. Edwards: I have here a copy of the written application.

The Commissioner: Well, then you must hand it in to my secretary, and I will look at it.

Dr. Jackson Wolfe: I appear for the relatives of a number of third-class passengers, Irish emigrants, who joined at Queenstown. I think there is some misapprehension as to the number of passengers.

The Commissioner: Is this an application on behalf of another section of third-class passengers?

Dr. Wolfe: Yes, my Lord, and I am in a position to hand in the names and addresses.

The Commissioner: Is it suggested I should allow the third-class passengers to be divided into groups, and each group to be separately represented?

Dr. Wolfe: If your Lordship would allow me to suggest, I am sure I could work in harmony with my friend.

The Commissioner: Then you must consult him, and when you have arrived at some sort of agreement, let me know.

Dr. Wolfe: I can hand in the names and addresses.

The Commissioner: You can hand it in together with the list which that gentleman is going to hand in.

Mr. Harbinson: I wish to say, my Lord, that Mr. Farrell, who instructed me to make the previous application to your Lordship on behalf of the third-class passengers, represents almost the whole of the number, and tomorrow morning he can have authority practically from the

whole.

The Commissioner: Then what does that gentleman mean by telling me he represents a number?

Dr. Wolfe: The number I represent is 21. The total number of Irish passengers who joined at Queenstown is 113. Of those, 69 were drowned, and of those 69 who were drowned, the relatives of 21 have instructed the solicitor who has instructed me.

The Commissioner: You must put it all down so that I can understand it, but at present I am not at all disposed to let any one class split itself up into a number of groups and each group to be represented. I should not know really how to conduct this Inquiry if I did. (*To Mr. Roche.*) It has been suggested that I had not given you leave to appear; I certainly intended to do so.

Mr. Roche: And I so endorsed my brief, my Lord.

The Commissioner: Is there anyone else?

The Attorney-General: No, not that I am aware of.

GEORGE WILLIAM BEAUCHAMP, Sworn.

Examined by MR. RAYMOND ASQUITH.

652. Is your name George William Beauchamp? - Yes.

653. And were you a fireman on the "Titanic"? - Yes.

654. Were you on duty on Sunday, the 14th, when the ship struck? - Yes.

655. Where were you? - Eight to twelve watch.

656. Were you down below in the stokehold? - Yes.

657. Which stokehold was it? - No. 10.

658. Can you see the plan from where you are? - The second one from the forward end.

659. The second one from the bow? - Yes.

660. Can you say what pressure of steam was being carried at that time? - I could not say.

660a. (*The Commissioner.*) Do you know anything about the pressure of steam? - We were carrying it where we had orders. What the orders were I could not say for certain.

661. I do not want you to tell me anything you do not know yourself; I do not want you to guess. I want you only to tell us what you know yourself? - Sometimes they carry 210 and sometimes 200. I think we were carrying thereabout 210 then.

The Attorney-General: We will get it from somebody else who knows it better.

The Commissioner: I do not think he knows anything about it, and I should not expect him to.

661a. (*Mr. Raymond Asquith - To the Witness.*) Did you notice the shock when the ship struck? - Yes, Sir, I noticed the shock.

662. Was it a severe shock? - Just like thunder, the roar of thunder.

663. And immediately after the shock was any order given? - Yes.

664. What order? - To stand by, to stop. - The telegraph went "Stop."

664a. (*The Commissioner.*) You got that order from the bridge, "Stop"? - Yes.

664b. (*Mr. Raymond Asquith.*) And were the engines stopped at once or not? - The telegraph rung off "Stop," so I suppose they were.

665. Did the engineer in your section give you any order? - Yes; the engineer and the leading stoker shouted together - they said, "Shut the dampers."

666. Did you shut the dampers? - Yes, immediately; "shut everything up."

667. Was anything done to the watertight doors after that time? - Yes, immediately the telegraph rang "off" and the order was given to shut up everything the watertight doors dropped.

668. The watertight doors dropped? - Yes.

668a. (The Commissioner.) How soon do you suppose after the order to "Stop" came from the bridge did the watertight doors close? - In less than five minutes.

668b. (Mr. Raymond Asquith.) Can you say which watertight doors they were - in which bulkhead they were? - The watertight doors shut. There was only one in the section where I was. They all shut all through.

668c. (The Commissioner.) Did not all the bulkheads close at one time? - Yes.

The Commissioner: If the order came from the bridge to close the watertight bulkheads, would not they all simultaneously be closed?

Mr. Butler Aspinall: I believe if they were all in working order they would.

668d. (The Commissioner.) I assume they would all close; they would not close some only. (To the Witness.) At all events, all you know is that those which were in your compartment were closed? - Yes, Sir.

668e. (Mr. Raymond Asquith.) After the watertight doors were closed, was any order given to you with regard to the fires? - Yes, I could not say when - it was a few minutes afterwards; the order was given to draw fires.

669. A few minutes after what? - After the order was given to shut up, an order was given to draw fires. I could not say how many minutes, but the order was given to draw fires.

670. And did you obey that order? - Yes.

671. Did you see any water? - Water was coming in on the plates when we were drawing the fires.

672. What do you mean by "the plates"? - The plates of the stokehold where you stand.

672a. (The Commissioner.) You mean where the stokers were standing? - Yes.

673. What happened then? - The water was just coming above the plates then.

673a. (Mr. Raymond Asquith.) You mean it was coming through the floor? - Yes, coming through the bunker door and over the plates.

674. Through the bunker door? - Yes, coming through the bunker like.

675. When you had drawn the fires what did you do next? - Waited till everything was shut down and an order was given. Someone shouted "that will do," when everything was safe, when everything was shut down.

676. What did you do? - When the order was given someone shouted "that will do," and so I went to the escape ladder.

677. Is that the ladder by which you get out of your stokehold when the watertight doors are closed? - Yes, the escape ladder.

678. Can you say how long it took to draw the fires? - I could not say how long it took, just the usual time; I could not say for certain.

679. What is the usual time - you have often done it, I suppose? - Yes, I have done it a good many times. Of course, it all depends what you have got in the fires as a rule.

680. Can you say whether it took a few minutes or half an hour? - It took about a quarter of an hour, I suppose.

681. Did you notice any more water coming through during that quarter of an hour? - When the order was given and everything was shut up, someone shouted "that will do," and I went to the ladder then, the escape ladder.

682. But I asked you did you notice any more water coming through as time went on; did it come through in greater quantities? - I was going up the ladder.

683. Your answer is you do not know - is that what you mean? - I do not know.

684. When you went up the ladder where did you go to? - I walked aft in the alleyway, right aft.

685. Which deck? - Where the stokehold doors were; I do not know what deck it was.

686. Did you go up to the boat deck? - Yes, I went right along aft up the companionway up to the boat deck.

687. Did you know what your boat station was? - No.

687a. (*The Commissioner.*) Why not? - The list was put that morning, they said, but I did not see it.

688. Does that mean to say you could have seen it but did not look? - I heard someone say it was put up, but did not look.

689. Therefore you did not know which was your boat? - No, Sir.

690. And that was because you had not looked to see? - Yes, I did not look to see. That is right, Sir.

690a. (*Mr. Raymond Asquith.*) You say you heard a list had been put up that day? - Yes, that morning.

691. Had you looked to see if there was a list before that day? - There was no list before that day.

691a. (*The Commissioner.*) Had you looked, was the question. You did not look for this one. Had you looked to see whether there was a list? - Yes, Sir.

692. When did you look to see if there was a list? - You generally see anything put up like that.

693. When did you look to see if there was a list? - When I was going about in the daytime.

694. But when - how many days before? - I was in the room, and I did not see any notice up.

695. Answer the question. You say you looked for this list some time before, and that you did not see it. When was it you looked for it? - The second day out.

696. Did you tell anyone the list was not there? - No, I did not say anything about it.

697. Why did not you tell someone that the list was not there, if it was not there? - I never took any more notice of it.

698. Then you say you looked and found it was not there and you said nothing. Is that right? - Yes, that is right.

699. And then on the morning of the day on which the collision took place you know there was a list there hanging up? - I never saw it.

700. You did not look? - No.

700a. (*Mr. Raymond Asquith.*) And not knowing where to go to, what your boat was, what did you do? Where did you go? - I went aft on to the boat deck, and across to the starboard side, and stood on the deck of the ship by the boat and one foot on the boat and one foot on the lifeboat, like that, and helped the ladies and children in that were there, and the order was given by the officer then, "Lower away the boat, that will do."

701. Which boat was it? - No. 13.

702. No. 13 on the starboard side? - Yes.

703. Who was looking after that? Was there an officer there looking after it? - On the deck giving orders, yes.

The Commissioner: This is the starboard side (*pointing to the plan.*) Tell me where No. 13 boat was.

The Attorney-General: Is not the model better for him, my Lord?

The Commissioner: That is also the starboard side?

The Attorney-General: Yes.

The Commissioner: Now show me No. 13. (*The Witness indicated the position on the model.*)

703a. (*Mr. Raymond Asquith.*) Was there an officer looking after the loading of that boat? - Yes.

704. Who was he, do you know? - No, I could not say who he was.

705. Did he give you any order? - He said, "That will do in that boat. Who can pull oars?" I

said, "I can." He said, "Get into that boat. Lower away. That will do."

706. How long were you there before the order to lower away was given? - I could not say how long it was.

707. Did you help many people to get into the boat? - Yes. The order was given, "That will do; that is enough for that boat," and I stepped into the boat and went away with it.

708. I want you to say, if you can, how the people were chosen that got into the boat? - Women and children first.

709. Were there a lot of people standing about the boat or not? - There was. Some ladies would not come in the boat.

709a. (*The Commissioner.*) Did you say some lady or some ladies? - Some ladies. I heard one say it.

710. Some ladies refused to come in? - Yes.

710a. (*Mr. Raymond Asquith.*) How many refused? - Well, I heard them saying - two or three of them saying, "No, I will not go; I will not go away in the boat."

711. Did they give any reason for refusing? - They did not give any reason, Sir.

712. However, you did put a good number of ladies into the boat? - Yes, all that would come.

713. Did you put any men in as well? - No, Sir.

714. Any passengers, I mean - any male passengers? - No, I never put any in.

714a. (*The Commissioner.*) Did any get in? - Yes, I suppose some of them.

714b. (*Mr. Raymond Asquith.*) Do you know how many, if any, got in? - I could not tell you the amount of male passengers there were in the boat.

714c. (*The Commissioner.*) The question is how many men got into the boat - men passengers? - I could not tell you the number.

715. Well, did some get in? - Yes.

716. Can you give us about how many? - I could not tell you the number that got there.

717. Was it 20? - I do not know. I never saw 20 get in. I stood like I could not see everything, helping the ladies and children in.

718. Then I suppose you took an oar after the boat went into the water, did you not? - Yes.

719. Well, you would see then how many men there were in the boat and how many women? - No. I was keeping the boat off the ship's side with an oar.

720. How long were you in that boat before you were picked up? - It was 10 minutes to 10 when I was picked up by the "Carpathia."

721. The next morning? - Yes.

722. Very well then, you were in the boat a very long time. Cannot you remember how many men there were in it and how many women passengers? - No, I could not say how many men there were in there. The boat was full, 70 - about 60 or 70 I should think all told.

722a. (*Mr. Raymond Asquith.*) Before the boat was lowered, while people were still getting in, were there a lot of men passengers as well as women passengers on the deck? - Yes, there were a lot on the deck all round there.

723. Did they try to get in or was it orderly? - Quite orderly. Everyone obeyed orders. Everything was quite calm.

724. Could you tell whether the people that you saw standing round that boat were third-class passengers or first-class passengers? - No, Sir.

725. You did not know which they were? - No.

726. Who was in charge of that boat after it had been lowered? - The leading stoker and a sailor in the sheet ends of it. They were both in charge. I could not tell you which took charge of her.

727. Do you know their names? - Only Barrett. I think he took the tiller. He was giving orders.

Barrett, the leading stoker.

728. How many of the crew were in this boat? - I could not say how many of the crew altogether that was in this boat.

729. There was you, and a sailor, and Barrett, the stoker? - Yes.

730. Did you have any difficulty in lowering and launching the boat? - Yes, we had a difficulty, because we were under the engine room discharge.

731. Did water come into your boat? - No. Everything lowered easily right till she got to the bottom, to the discharge, then we had a difficulty in keeping it away from the ship's side, to prevent the water coming in.

732. Did you succeed in keeping her away from the side and getting off? - Yes.

733. Did you have any difficulty in getting the boat free from the falls? - Yes. The boat was crowded. We could not get to the lever to get the blocks out.

733a. (*The Commissioner.*) That was because the people were in your way? - Yes, because the boat was crowded.

734. You had to push through? - You could not get through to where the lever was.

734a. (*Mr. Raymond Asquith.*) What did you do? - Barrett cut one end of the falls and a sailor cut the other.

735. What did you do when you got free of the falls; did you row away or did you stand by the ship? - We pulled a little way away and then laid on the oars.

736. Can you say about how far you pulled away? - Well, I could not judge the distance; it was not very far away.

737. Do you mean 100 yards or do you mean half a mile? - It was not half a mile.

738. Could you see from where you were what was going on on the deck of the vessel? - Yes, we could see what was going on.

739. How long did you remain there? - We pulled on our oars again then and pulled further away because of the suction of the ship.

740. What I asked you was how long did you remain in your original position? - What, stopped pulling the oars?

741. No. You told me you first of all rowed a short way away from the ship. How long did you stay in that position? - I could not say how long it was.

742. How long was it between the time when you launched your boat and the time when the ship sank? Can you say that? - Well, I should say about half an hour.

743. Within half an hour she sank? - Yes.

743a. (*The Commissioner.*) I want to ask a question about that. How long were you upon No. 13 boat getting her into the water? How long did it take you to get her into the water? - I could not say the time, but not very long.

744. What do you mean by not very long? - Everything worked all right and very easily till we got to the engine room discharge.

745. Yes, and then you had to push the boat away with your oar from the ship's side? - Yes.

746. But how long were you altogether in getting that boat launched, getting the passengers in, getting in yourselves, letting her down, cutting the falls, and getting her into the sea? - I could not say.

747. Can you give me no idea? - Well, as quickly as possible. Every man did the best he could.

748. I have no doubt of that, but how long did it take? - I could not say the time.

749. Did it take an hour? - No, not an hour, certainly not.

750. Did it take 20 minutes? - No, Sir.

751. You did it in less than 20 minutes? - Yes, I should think so.

752. How long was it after the shock, after you felt the shock in the engine room, that you

began to let down the boat? - I could not say.

753. To loosen the boat on the deck, you know? - I could not say.

754. We have heard something. You were a quarter of an hour drawing the fires and you were some time down in the stokehold after you got the order to stop. You were down there, as I understand, about half an hour after the order to stop came? - No, not so long as that.

755. Say 20 minutes, and then it took you 20 minutes to lower the boat? - It took us about that or less than that.

756. That would be about three quarters of an hour; and do you tell me the ship sank in half an hour after your boat got free? - From the time of the impact when the ship struck, someone in our boat had a watch; it was just about 2 hours and 10 minutes.

757. So I thought - a great deal longer than that. It was over 2 hours between the impact and the foundering? - About 2 hours and 10 minutes. Someone in the boat had a watch because it was between 20 and 25 to 12 when she struck, and it was just after 2 the gentleman said that she went down, or just about 2, somewhere handy 2 o'clock.

757a. (Mr. Raymond Asquith.) When she sank were you near enough to see what happened; did you see how she sank? - Yes, she went down bows first; I could see the stern and then the stern went.

758. Did you hear any explosion? - I could hear a roaring just like thunder.

758a. (The Commissioner.) Yes, but I wish you would apply your mind to the question. You were asked, did you hear any explosions? - Yes.

759. Are you sure? - Yes.

759a. (Mr. Raymond Asquith.) How many did you hear? - You could hear the roaring as the ship went down as the explosion occurred.

760. Did you see anyone in the water after the ship went down? - No; you could hear the cries after the ship sank.

761. Did you go back to the place where the cries came from or not? - No; no order was given.

762. You did not go back? - No.

762a. (The Commissioner.) I did not understand him to say he heard cries. (To the Witness.) Did you hear cries after the ship went down? - Yes, Sir.

763. Was that from the people in the sea? - Well, I could not say; I daresay it was, I suppose it was.

763a. (Mr. Raymond Asquith.) You did not go back? - No.

764. Had you any room for more people in your boat or not? - No. Had we had any more room we should have gone back, but we could not go back owing as we were full up.

765. Do you know whether there was any compass in your boat? - No, Sir; there was not.

766. Did you look for one? - There was no compass, not in the boat I know.

767. Did you look for a compass? - Some of them did, I think.

767a. (The Commissioner.) Did you? - No, I never. When I got on the "Carpathia" I looked.

767b. (Mr. Raymond Asquith.) Was there any lantern or lamp on the boat? - No, Sir.

768. Did you look for that? - Yes.

769. Did you know where to look for it? Where did you look? - We looked everywhere; everyone tried and looked the best they could, and there was no light in the boat, none whatever.

770. Were there any provisions? - No, Sir.

771. Any water? - No, Sir.

772. Did you look for those? - Yes, Sir.

772a. (The Commissioner.) Can you tell me whose business it would be to put the water and the biscuits on the boat? - I could not say.

772b. (Mr. Raymond Asquith.) You have said already that it was about 10 minutes to 10 when

you were picked up by the "Carpathia." Is that right? - Yes, it was 10 minutes to 10 by the clock when I looked.

773. By what clock was it 10 minutes to 10? - By the clock in the saloon of the "Carpathia."

774. Were you rowing all through that night? - Yes.

775. How many other men were rowing? - There was a steward there.

776. And did Barrett, the stoker, row? - He was taking charge of the boat aft.

776a. (*The Commissioner.*) Where were you rowing to; were you simply keeping the boat steady? - Well, we kept pulling till we saw a light, and we would row a little way and then stop, lay on our oars until we saw a light.

776b. (*Mr. Raymond Asquith.*) Who else were rowing in the boat besides you and the steward? - I could not say who else. The steward and I were on the oar I was on.

777. Can you say how many oars were being used? - Six.

778. Were they all men who were rowing of some sort, or did some women row? - They were all men, so far as I know.

778a. (*The Commissioner.*) How many oars were there? - We only had three oars each side.

779. That is six oars? - Yes.

780. Were six men handling those six oars? - There was me and the steward on the oar I was on.

781. You and a steward on one oar? - Yes.

781a. (*Mr. Raymond Asquith.*) You said there was a sailor on the boat as well, an ordinary seaman. Was he rowing? - I do not know; I could not say.

782. Do you know whether there was a man called Major, a fireman, in the boat? - Yes.

783. Was he rowing? - I believe he was, yes.

784. And a man called Foley, a steward? - I do not know the steward's name.

785. Had you ever had any boat drill while you were on the "Titanic"? - No.

786. Or seen anybody else having boat drill? - No.

787. Where did you join the ship? - Southampton.

788. You saw no boat drill and had none yourself? - No.

789. When you were picked up by the "Carpathia" were you among the first of the boats or the last of the boats to be picked up or in what order were you picked up? - There were several there before us. I could not say how many for certain.

790. Do you know how many were picked up altogether by the "Carpathia"; how many boats, not how many people? - Thirteen.

791. Were those all lifeboats or do you include some collapsible boats? - They were all lifeboats.

792. Had you a lifebelt on during all this night? - No.

793. How was that? - I was on watch and of course I came up and I never had time to go and get a lifebelt, the ship was too flooded.

794. (*The Commissioner.*) Had any of the passengers lifebelts on in this boat? - Yes.

795. How many of them? - I could not say how many for certain; all those round me had lifebelts on.

796. (*Mr. Raymond Asquith.*) Had you a lifebelt of your own if you had been able to go and fetch it? - Yes; I believe there is one in our quarters for every man.

797. (*The Commissioner.*) Did you ever look at it? - No.

The Commissioner: Are you going to ask any questions, Sir Robert?

Sir Robert Finlay: I may have some, but I think it would be convenient if I waited.

The Commissioner: Do you want to come next, Mr. Scanlan?

Mr. Scanlan: I am not particular about the order, my Lord; but I should like to ask a question

or two.

The Commissioner: Well, I want to get the thing in order if I can.

Examined by MR. SCANLAN.

798. How long have you been going to sea, Beauchamp? - Ten years.

799. Have you been employed as a stoker on many liners? - Yes.

800. Is it the usual practice on liners to give the stokers boat stations? - Yes.

801. Do you, as a rule, get your boat station before the ship leaves the port of departure? - On some ships you do, Sir, and on some ships you do not.

802. Is it the usual practice on liners to have boat drill? - Yes.

803. How often is the boat drill held? - Some companies every Saturday.

804. Once a week? - Once a week. Not round the coast as a rule.

805. I am speaking now about liners; is it not the case that on liners you have boat practice or boat drill before the ship leaves for a voyage? - Yes.

806. And then do you have a boat drill or practice in the course of the outward voyage? - Yes, once a week.

807. When you were taking on the passengers on the boat deck, was there any officer of the ship bringing the passengers up to the boat deck? - There was one on the deck giving orders.

808. Do you know if any officer went down to the steerage quarters to let the steerage passengers know the lifeboats were ready? - No, Sir; I do not know.

809. Can you tell me how many of you were rowing? [No Answer.]

The Commissioner: Will you ask him what he was rowing for.

810. (*Mr. Scanlan.*) Yes, my Lord (*To the Witness.*) I think you said, Beauchamp, that you saw a light? - Yes.

811. And that you were rowing for that light? - Yes.

812. (*The Commissioner.*) Now, what was that light? - We did not know what it was then. We thought it was a boat.

813. How long did you see that light? - We could not see at all till we got handy to it, and then we could see it was a ship.

814. What sort of a ship was it? - Well, it was the "Carpathia's" lights.

815. When did you first see the "Carpathia's" light? - I could not say what time it was.

816. How long before the "Carpathia" picked you up? - A long time.

817. What do you mean by a long time - three hours? - I could not say the time; I have no idea of it.

818. What I want to know is this: What were you doing rowing in the boat before you saw the light? Where were you rowing to? - We rowed and then had a blow, and then rowed on again when we saw the light, Sir. We rested on our oars.

819. Were not you resting on your oars most of the time? - I do not know what you would row for? - Well, we rowed to the light when we saw one.

820. When you saw one, I can understand, but before you saw the light you were resting on your oars, were you not? - Yes.

821. (*Mr. Scanlan.*) Did you first of all row away from the sinking ship? - Yes.

The Commissioner: Yes, he has told us that.

822. (*Mr. Scanlan.*) And then you commenced rowing to the light you saw. Can you tell me how many men were rowing with you in that boat? - There were two on the oar I was on; there were only six oars. I do not know how many men there were on each oar.

823. Were there six oars being in use at the time? - Yes.

824. Actually in use? - Yes.

825. If you had a light in the boat at the time the boat was lowered from the ship's side, could you have seen better to disengage the boat from the falls? If you had had a lantern or any light in the boat, could you have seen better how to disengage the boat from the falls? - No. That was all right; everything went all right.

The Commissioner: This light is quite a small thing, and it would not, in my opinion, be of any assistance for that purpose.

Mr. Scanlan: What I thought was that it might light them through the lifeboat itself.

The Commissioner: Oh, no, it would not do anything of the kind.

826. (*Mr. Scanlan - To the Witness.*) Is it usual on liners for each fireman to get a badge something like this, letting him know his boat station (*exhibiting badge.*)? - In some companies it is.

827. And some companies do not do it? - No.

The Attorney-General: Let me look at it. (*The Badge was handed to the learned Counsel.*)

828. (*The Commissioner.*) What companies have you had it at? Have you ever had a badge like that? - Yes.

829. What company? - The Union Castle Company.

830. Have you had a badge from any other company? - No, Sir.

831. How many companies have you served under? - Under the Union Castle Company, the Royal Mail, the White Star.

832. Any others? - No, Sir.

833. No other liners? - No, Sir.

834. (*Mr. Scanlan.*) You have told his Lordship that a stoker was in charge of this lifeboat? - Yes.

835. Have you ever heard of a stoker being in charge of a lifeboat in the arrangements of any company you have travelled with before? - No.

The Commissioner: I do not quite know what you are driving at, Mr. Scanlan. Nothing went wrong in this boat, and it seems to have been launched in a very reasonable time.

Mr. Scanlan: What I am trying to get at, my Lord, is that in ordinary circumstances the proper thing is to have an experienced sailor in charge of a lifeboat, and not a stoker.

The Commissioner: I daresay, but these were not ordinary circumstances; they had to do their best.

836. (*Mr. Scanlan - To the Witness.*) When a list of a lifeboat's crew is put up in a ship, in what part of the ship is it placed? - In the forward end where the crew's quarters are.

837. If this had been in its place would you have necessarily seen it in going to your quarters? - I never looked.

The Commissioner: That is not a pertinent question. Ask him if he would necessarily have read it.

838. (*Mr. Scanlan.*) You only heard of the list having been put up after the wreck took place? - No; I heard that morning.

The Commissioner: (*To Mr. Holmes.*) Whom do you represent?

Mr. Holmes: The officers.

Examined by MR. HOLMES.

839. Have you any recollection of the name of the officer who was in charge of the deck at the time? - No, I do not know.

840. He did not sail in your boat? - No; there was no officer there.

841. Can you say how many boats he was in charge of on the deck? - No.

842. Was he superintending people getting into more than your boat? - I never got up there in time to see that, only this boat.

843. And what order was given to you when your boat was lowered? - When we lowered there were enough in it.

844. You are satisfied there were enough people? - Yes, it was crowded.

The Commissioner: He has told us it was full; so full they could not get any more on board.

845. (*Mr. Holmes.*) What order was given when you got into the water? - There was no order given. We could not get to the lever owing to so many people.

846. Were you told to stand by or to row away? - There was no order given.

847. No order was given at all? - No.

848. (*The Commissioner.*) But you knew what to do; you knew you had to get away from the side of the ship? - Yes, we had to get away from the side.

849. (*Mr. Holmes.*) Were you alone the whole time in your boat till you got to the "Carpathia," or were you one of the four boats that were tied up together under the charge of Mr. Lowe? - No; our boat was alone.

Examined by MR. LEWIS.

850. How long have you been employed by the White Star Company? - I have come out of the Union Castle Company into the White Star Company.

851. Have you ever served on any other ship? - Yes.

852. Have you ever had a boat station given to you on any other ships of the White Star Company? - Yes.

853. Have you taken part in boat drill? - I have always had boat drill in New York.

854. On the Sunday? - Yes, on the Sunday morning.

855. (*The Commissioner.*) Is that the practice of the White Star Line? - I believe so.

856. Then is it the practice to have a boat drill before you start from Southampton? - Your names are called out; the fire stations and boat stations are given when you go on the ship. Your name is called out and you are generally told.

857. Told what? - Where to go. As you go along there; your name is called out; there are many of you there and you do not take much notice like.

858. You say that it was usual to have boat drill on Sunday at New York? - Yes.

859. Sunday comes after Saturday. I suppose in those circumstances you would not have a boat drill on Saturday. You would not have one on Saturday and one on Sunday? - No.

860. Therefore, on this line the lifeboat drill is on Sunday, is it? - Yes.

861. Is it usual to have a boat drill before the vessel leaves Southampton? - Yes.

862. Had you one on this occasion? - I cannot remember now.

863. I thought you told me a little time ago that you had not had one. Which am I to understand, either that you had not one or that you cannot remember? - I do not remember now, Sir; I cannot say.

864. (*Mr. Lewis.*) Were you on joining the ship told the number of your boat? Were you informed at any time of it? - I could not say.

865. Now, with regard to this list, have you ever noticed the boat list posted anywhere when leaving Southampton? - I have never looked - not the day of leaving Southampton.

866. Have you ever noticed it? - I never looked, not to see for certain the first day away.

867. You cannot say? - No.

868. Did you meet any other boat after you left the ship? - So many boats were all round; we

could see the other boats round.

869. Do you remember any one in particular and anyone on the boat hailing it? - Someone hailed leading stoker Barrett on our boat, but I could not say who it was.

870. What boat was it? - I do not know the number.

871. Did you observe the boat? - Yes, we were close to it. They sung out, "Barrett, have you got any more room in that boat?" and he said, "No, full up."

872. Did you observe how high it was out of the water? - No, I did not take much notice of that.

Examined by SIR ROBERT FINLAY.

873. How long was it before the ship sailed that you joined at Southampton? - I joined her some time between 8 and 9 o'clock in the morning.

874. And when did she sail? - Twelve.

875. You do not remember any boat drill? - No.

876. Whether there had been one before you joined or not you do not know? - I do not remember.

Re-examined by the ATTORNEY-GENERAL.

877. I want you to help us if you can on this one point. You were in this boat for some hours after you left the "Titanic"? - Yes.

878. And you have told us, at any rate, that they were mostly women and children in the boat? - Yes.

879. I want you to try if you can to give us some idea of how many men there were in the boat? - I could not say the number of men.

880. You could not give us any idea? - No.

881. You have told us who were there, seamen and firemen like yourself? - What I know.

882. Yes, quite right. There were some men passengers there? - Yes, I think there were some.

883. But cannot you give us some idea whether there was a dozen, or six, or anything like that? - No, Sir, I do not know. I have no idea of the number at all.

884. (*The Commissioner.*) Were there more women than men in the boat? - Yes, there were more women and children in the boat.

885. (*The Attorney-General.*) Have you any idea how many there were in the boat altogether? - They were full up - someone said between 60 and 70 - I know it was crowded. I did not count the number.

Sir Robert Finlay: Perhaps your Lordship will allow the Witness to point out on the plan where he was.

The Commissioner: Yes.

The Attorney-General: He did so.

Sir Robert Finlay: It was not pointed out on the plan.

886. (*The Commissioner - To the Witness.*) Do you understand that plan? - Yes.

887. Could you point out to us what stokehold you were in? - Yes.

887a. (*Sir Robert Finlay.*) Take that pointer and go over and point it out.

(*The Witness indicated the position on the plan.*)

888. (*The Commissioner.*) That is No. 10, is it? - Yes; No. 6 boiler, No. 10 stokehold.

889. (*Sir Robert Finlay.*) Was the stokehold fore or aft of the boiler? - Aft.

890. (*The Commissioner.*) I thought you said you were in the second stokehold from the bow? -

Yes, Sir.

891. Now show me there which is the first stokehold from the bow.

(The Witness indicated the position.)

892. I thought that was the stokehold you pointed to as the one in which you were? - No, that is the first one. This is the second one.

The Attorney-General: And that is the one he pointed to, my Lord.

ROBERT HICHENS, Sworn.

Examined by the ATTORNEY-GENERAL.

893. Are you a quartermaster? - Yes.

894. And did you sail on the "Titanic"? - Yes.

895. Do you remember the Sunday, the day of the collision with an iceberg? - Yes.

896. During that day can you tell us whether it was particularly cold or not? - Yes, intense cold towards evening; in the day it was not very cold.

897. It got colder towards evening? - Yes.

898. I do not know whether you took the temperature of the water or whether you only speak of what it felt like about in the air? - I took the temperature of the water.

899. As well? - Yes.

900. *(The Commissioner.)* Was that part of your business? - Yes, my Lord.

901. *(The Attorney-General.)* When did you take it last before the collision? - A quarter to 10 - between a quarter and ten minutes to 10.

902. Did you take it at all before a quarter to 10 on that evening? - No.

903. Then you took it about a quarter to 10, and what was it? - I entered the reading in the logbook, but I can hardly remember at present.

904. Did you notice whether it was particularly cold? - Yes, intense cold.

905. Do you mean that is what you found from taking the temperature of the water? - Yes.

906. Can you tell us when it first began to get colder on that day? - As far as I remember I went on watch at eight o'clock; it was bitter cold then.

907. Colder than when you had been on watch before? - Yes.

908. When did you go off watch before? - At six o'clock, the first dog-watch.

909. You were in the first dog-watch, and you went off at six? - Yes.

910. And then you came on after the second dog-watch? - Yes.

911. When you came on watch at eight o'clock did you act as stand-by on the bridge? - Yes.

912. Who was at the wheel? - Quartermaster Oliver.

913. You remained there on the bridge? - When I was not running a message.

914. Did you get any instructions from the second officer to give to the carpenter? - Yes.

915. About when in point of time? - Just immediately after I got on the bridge; I could not tell you to a few minutes.

916. It would be a little after eight o'clock? - Yes.

917. What were the instructions you were to give to the carpenter? - To take his compliments down and tell him to look after his fresh water; it was going to freeze; the thermometer was very low.

918. He was to look after the fresh water; it was going to freeze; the thermometer was very low? - Yes.

919. Is that the fresh water in the tanks? - Yes.

920. Is that the carpenter's business? - Yes, it is the carpenter's duty.

921. When you had done that did you come back to the bridge? - Yes.
922. Did you see the carpenter? - Yes.
923. Did you tell him? - I came back and reported to Mr. Lightoller, the second officer in charge of the bridge.
924. (*The Commissioner.*) And he was the man who sent you to the carpenter? - Yes.
925. (*The Attorney-General.*) Soon after you returned to the bridge, did you hear a conversation between the second officer and another officer about the look-out? - Yes.
926. The second officer and what officer was it? - The sixth officer, Mr. Moody.
927. Tell us what you heard? - I heard Mr. Lightoller speak to Mr. Moody and tell him to speak through the telephone to the crow's-nest to keep a sharp look-out for small ice and growlers until daylight and pass the word along to the look-out man.
- The Commissioner:* Send a message to the crow's-nest to do what - to keep a sharp look-out for ice?
928. (*The Attorney-General.*) Small ice and growlers, I think he said (*To the Witness.*) That is right, is it not? - Yes.
929. Until daylight and pass the word along to the look-out man? - Yes.
930. That would be sending the message to the man in the crow's-nest and telling him to pass it along to the man who would relieve him? - Yes.
931. Who was in charge of the bridge at that time? - The Second Officer, Mr. Lightoller.
932. Who were the other officers with him at this time? - The Sixth Officer, Mr. Moody, and Mr. Boxhall, the Fourth Officer.
933. Mr. Lightoller, the Second Officer, Mr. Boxhall, the Fourth Officer, and Mr. Moody, the Sixth Officer? - Yes.
934. Were they all on the bridge at this time? - Yes.
935. Did you relieve Quartermaster Oliver? - I did.
936. At what time? - Ten o'clock.
937. What was the course given to you? - N. 71° W.
938. Do you know what was the course which was given to Quartermaster Oliver? - That was the same course.
939. Was there a course-board in the wheelhouse? - Yes.
940. Was there anything on the course-board to indicate the course you were to steer? - Yes, N. 71°.
941. That was on the course-board? - That was on the course-board, the steering compass.
942. Was she a good steering ship? - Fairly well, yes.
943. Up to the time of the collision did she vary from her course at all? - Not that I am aware of, not more than a degree on either side.
944. Were there two clocks in the wheelhouse? - Yes.
945. Do you remember the vessel striking? - Yes.
946. Did you notice the time when she struck? - Yes.
947. What was it? - Twenty minutes to twelve.
948. Had you had any instructions before she struck? Had you been told to do anything with your helm before she struck? - Just as she struck I had the order "Hard-a-starboard" when she struck.
949. Just as she struck, is that what you said? - Not immediately as she struck; the ship was swinging. We had the order, "Hard-a-starboard," and she just swung about two points when she struck.
950. You got the order, "Hard-a-starboard"? - Yes.
951. Had you time to get the helm hard a starboard before she struck? - No, she was crashing

then.

952. Did you begin to get the helm over? - Yes, the helm was barely over when she struck. The ship had swung about two points.

953. She had swung two points? - Yes.

954. (*The Commissioner.*) Do let me understand; had she swung two points before the crash came? - Yes, my Lord.

955. (*The Attorney-General.*) I am not quite sure that I understand what you had done to the helm before this. You had got an order, "Hard-a-starboard"? - "Hard-a-starboard," yes.

956. You proceeded at once to put the wheel hard-a-starboard? - Immediately, yes.

957. Before the vessel struck had you had time to get the wheel right over? - The wheel was over then, hard over.

958. (*The Commissioner.*) Before she struck? - Oh yes, hard over before she struck.

The Attorney-General: I rather understood him to say the opposite before. I do not think he understood.

The Commissioner: Let me see if I understand it. Someone gave an order, "Hard-a-starboard"?

The Attorney-General: Yes.

The Commissioner: This was before she struck?

The Attorney-General: Yes.

The Commissioner: He put the wheel hard over?

The Attorney-General: Yes; and got it hard over.

The Commissioner: And got it hard over. The ship moved two points?

The Attorney-General: That is right.

The Commissioner: She did not move any more, because, as I understand, the crash came?

959. (*The Attorney-General.*) Exactly; that is the story. (*To the Witness.*) Who gave the order "hard a starboard"? - Mr. Murdoch, the First Officer.

960. When had he come on the bridge? - He relieved Mr. Lightoller on the bridge at ten o'clock.

961. Did the Fourth and Sixth Officers, Mr. Boxhall and Mr. Moody, remain? - Mr. Moody was standing behind me when the order was given.

962. And was Mr. Boxhall on the bridge? - From what I am given to understand, Mr. Boxhall was approaching the bridge.

963. Was Captain Smith on the bridge? - No, Sir.

964. Do you know where he was? - Yes, Sir; in his room.

965. So far as you know was there any change in the speed at which the vessel was travelling before she struck? - I took the log which was part of my duty at half a minute to ten, as near as I can tell, and the vessel was going 45 knots by the Cherub log every two hours.

966. Forty-five knots? - Forty-five was registering on the log.

967. (*The Commissioner.*) Was the speed altered before the collision? - Well, the crash came immediately.

968. I know it did. Had the speed been altered before? - No, I could not say, my Lord, because I could not see the officer on the bridge. I am in the wheelhouse. I cannot see anything only my compass.

969. (*The Attorney-General.*) I think we can get at it in this way. What was the first notice to you that there was something ahead? - Three gongs from the crow's-nest, Sir.

970. That you would hear in the wheelhouse, would you? - Certainly.

971. And you knew what that meant? - Certainly, Sir.

972. That meant something ahead? - Yes.

973. How long was that before the order came "Hard-a-starboard"? - Well, as near as I can tell

you, about half a minute.

974. In order that we may understand, if there was a telephone message from the crow's-nest to the bridge, would you hear it? Would you know anything about it? - Certainly so, Sir.

975. Would you indicate on the model where you were, where the wheelhouse is? - Yes. (*The Witness indicated the position on the model.*)

975a. (*The Commissioner.*) And the crow's-nest is just on the mast in front, is it not? - Just above the eyes of the fore-rigging.

976. (*The Attorney-General.*) Put your finger on it? - Yes. (*The Witness did so.*)

977. I think that is the indication of it; is it not? - Yes.

978. Then there is the telephone. What was the telephone message? Did you hear any? - I did not hear the message, but I heard the reply.

979. What was the reply? - "Thank you."

980. Who gave it? - Mr. Moody.

981. Then it means this, that Mr. Moody, the Sixth Officer, got a telephone message after the three bells had been struck? - Immediately after.

982. You did not hear what was said to Mr. Moody, but you heard him acknowledge the message, and say "Thank you"? - Yes. I heard Mr. Moody repeat, "Iceberg right ahead."

983. To whom did he repeat that? - To Mr. Murdoch, the First Officer.

984. "Iceberg right ahead"; is that what he said? - Yes.

985. Repeating what he had heard from the telephone message? - Yes.

986. And then what happened? - I heard Mr. Murdoch rush to the telegraph and give the order, "Hard-a-starboard."

987. When you say he rushed to the telegraph, is that the telegraph to the engine room you are speaking of? - Yes.

988. The order, "Hard a starboard," was to you? - Yes.

The Commissioner: What order did he give to the engine room?

989. (*The Attorney-General.*) I do not think he knows. (*To the Witness.*) Do you know what order it was that was telegraphed down to the engine room? - No.

990. I think your Lordship will hear that it was, "Stop: full speed astern." Now just for a minute give me your attention on the point of speed. You have told us according to the log that the speed was 45 knots in two hours? - Yes.

991. Up to the time of hearing the three bells struck, was there any change of the speed at which the vessel was proceeding? - No, none whatever.

992. And the order, if any, that was given with regard to the speed would be the order by telegraph to the engine room, which you have told us you do not know? - I do not quite understand you.

993. You have told us what happened; first of all, the signal of the three bells, then the telephone message, then it was repeated to the First Officer, "Iceberg right ahead"; then the First Officer went to the telegraph to give an order to the engine room and gave you the order, "Hard-a-starboard"? - Yes.

994. At any rate up to his going to the telegraph as I follow you, there was no change of speed? - No, Sir.

995. What that order was you do not know? - No, Sir.

996. Then "Hard a starboard," and you immediately put up your helm? - Hard a starboard.

997. Right over? - Yes.

998. What is it, 35 degrees? - Forty degrees.

999. Then you got the helm right over? - Right over, Sir.

1000. Then she comes round two points and then strikes. Is that right? - The vessel veered off

two points; she went to the southward of west.

1001. And then struck? - Yes.

1002. Were there blinds in the wheelhouse? - Yes.

1003. They were all closed? - Always closed just after sunset.

1004. And no lights were in the wheelhouse at all except the compass light? - And the small light.

1005. And the small light on the course board? - Yes.

The Commissioner: Have you a green board here with some small wooden models?

The Attorney-General: No.

The Commissioner: You know what I want?

The Attorney-General: Yes.

The Commissioner: The report from the crow's-nest was "Iceberg ahead."

1006. (*The Attorney-General.*) "Iceberg right ahead." (*To the Witness.*) The helm was put hard-a-starboard? - Yes.

1007. And the ship moved two points? - Yes.

1008. Assuming the iceberg was right ahead, I should like to see what difference the two points would make, and what part of the ship would then be presented to the iceberg? - Yes.

The Attorney-General: We can do it, of course. I quite appreciate what your Lordship means.

The Commissioner: Mr. Laing could do it for me in a minute.

1009. (*The Attorney-General.*) It is a mere question of taking the indication of course. (*To the Witness.*) Did any one of the officers see you carry out the order? - Yes.

1010. Who? - Mr. Moody, and also the Quartermaster on my left. He was told to take the time of the collision.

1011. Let us get the fact of what happened. Was Mr. Moody there when you put the helm hard-a-starboard? - That was his place, to see the duty carried out.

1012. Was it his duty to report it? - Yes; he reported the helm hard-a-starboard.

1013. To whom? - To Mr. Murdoch, the First Officer.

1014. Then you had put the helm hard-a-starboard and Mr. Moody had reported it hard-a-starboard to Mr. Murdoch? - Yes.

The Attorney-General: That is the only fact your Lordship had not got in the story.

The Commissioner: I do not see the significance of it.

1015. (*The Attorney-General.*) It is only because you cannot fix the time except by seeing exactly what happened. That is the point of it. The estimate of time is of very little value, but if you can get what happened you can form an estimate. So that he had reported, and then it was after that that she strikes, is that right? - She struck almost at the same time.

1016. Almost as he reported it? - Yes.

1017. How long did you remain at the wheel? - Until 23 minutes past 12.

1018. And who relieved you? - Quartermaster Perkis.

1019. After she struck, did you notice at all what happened? - No.

1020. Did you notice whether the ship had stopped? - Oh, yes, the ship had stopped.

1021. Can you tell us how long it was after the collision that you noticed that the ship had stopped? - Immediately.

1022. While you were remaining at the wheel until 2.23 [12:23, see 1017], could you see what was going on on board the vessel? - I could not see anything.

1023. You remained at your post? - Yes.

1024. I suppose you heard something of what was going on? - I heard a few words of command, that was all.

1025. Tell us what you heard in the way of command? - Just about a minute, I suppose, after

the collision, the Captain rushed out of his room and asked Mr. Murdoch what was that, and he said, "An iceberg, Sir," and he said, "Close the watertight door."

The Commissioner: Wait a minute. A minute after the collision, Captain Smith -

1026. (*The Attorney-General.*) Came out of his room on to the bridge do you mean? - Yes, Sir; he passed through the wheelhouse on to the bridge.

1027. He rushed out of his room through the wheelhouse on to the bridge? - Yes.

1028. And asked Murdoch, "What is that?" - Yes.

1029. And Murdoch said, "An iceberg." Is that right? - Yes.

1030. Mr. Murdoch said "An iceberg," and then? - The Captain immediately gave him orders to close the watertight doors. He said, "They are already closed." He immediately then sent for the carpenter to sound the ship.

The Commissioner: The Captain gave orders to close the watertight doors?

1031. (*The Attorney-General.*) Yes. Mr. Murdoch said, "They are already closed." Do you know where they were closed from? - Yes, the fore-part of the bridge.

1032. Could you see them being closed? - I could not see anything but my compass.

1033. Where you were you would not be able to see it? - No.

1034. (*The Commissioner.*) Do you know what these doors are? - Yes, my Lord.

1035. Would that order from the bridge refer to all the watertight doors, or only to those that close automatically? - Only those that close automatically, my Lord.

The Attorney-General: That is what I understood, my Lord. I think all the lower ones closed. I think that is how it stands; but, of course, your Lordship will hear it.

The Commissioner: Some of them are worked by hand.

Sir Robert Finlay: There are 12 lower doors which close when the button is pressed.

1036. (*The Attorney-General.*) Let us follow it. Mr. Murdoch said, "They are already closed"? - Yes.

1037. And then what happened? - He then gave orders to send for the ship's carpenter to sound the ship.

1038. That is what Captain Smith did? - Yes.

1039. Do you know whether the ship's carpenter was sent for? - I do not know; I only heard the order given.

1040. Did you hear any other order? - No other order after that. That was the last order I heard with the exception of the boats.

1041. What was that you heard about the boats? - I heard the Captain say "Get all the boats out and serve out the belts." That was after 12.

1042. I am rather anxious to get the time if I can? - I could not barely tell you the time.

1043. That is enough - as near as you can; it was after 12? - Yes, the Captain then looked at the commutator and he found that the ship was carrying a list to starboard.

1044. And were those all the orders you heard until you were relieved from the wheel? - Yes.

1045. When the vessel struck, did you feel any shock? - Yes. I felt the ship tremble, and I felt rather a grinding nature along the ship's bottom.

1046. While you were in the wheelhouse you had the compass in front of you? - Yes.

1047. Could you see ahead at all through the wheelhouse? - I could not see anything.

1048. You would not be able to see the iceberg even if it had been quite clear. Is that what you mean? - No, I could not see it, on no account whatever could I see it.

1049. You said that the Captain rushed out of his room through the wheelhouse to the bridge? - Yes.

1050. Where was his room? I do not know if you can point it out on the model. Was it on the starboard or port side? - The starboard side.

1051. That model is the starboard side. Where was the Captain's room? - About here. (*Pointing on the plan.*)

1052. Was it quite close to the wheelhouse? - Yes, quite close to the wheelhouse.

1053. We have a plan which will show it. I do not know whether your Lordship has the plan, but we need not stop to consider it very carefully now. It is quite close. (*To the Witness.*) Then, when you were relieved by Quartermaster Perkis, what did you do? Did you get an order first of all? - Yes, orders to carry on, helping to get a collapsible boat uncovered - getting the cover off a collapsible boat.

1054. Carry on and get the cover off the collapsible boat? - On the port side.

1055. Who gave you that order? - I think it was the Chief Officer, Mr. Wilde, or Mr. Lightoller, I am not sure which.

1056. Had you any station on the boats? - Yes.

1057. What boat were you stationed to? - I think it was one of the emergency boats.

1058. Do not you know which? - No; we never had any boat drill while we were there.

1059. There are only two emergency boats, one on the starboard and one on the port side? - Yes.

1060. But you were stationed to an emergency boat. You do not know whether it was port or starboard. Is that it? - There were two Quartermasters with their names specially picked out for those two boats, but I was not told off to anyone of them. I never went to either one of them for any drill.

1061. That is not quite what I want to know whether you went to drill. I will ask you about that directly. What I want to know is whether you had any station to which you were to go? - Not that I am aware of, no.

The Commissioner: I am getting a little in confusion. I have written down, "I was stationed to one of the emergency boats."

The Attorney-General: He did say so, my Lord.

1062. (*The Commissioner.*) Am I to understand you were not stationed to any boat? - I had no proper station. I had no station to go to on paper that I was notified where to go on a station.

1063. What did you mean by saying just now, "I was stationed to one of the emergency boats"? - One of the Quartermasters was at the wheel at that particular time and it would be my duty to go there and fill his vacancy during his absence at the wheel.

1064. (*The Attorney-General.*) It would be the duty of the two Quartermasters to go to the two emergency boats. Is that right? - Yes.

1065. What he means is that if the Quartermaster was on duty, and somebody had to go to the emergency boat it would be his duty to act as one of those Quartermasters. Is that right? - Yes.

1066. But to which of the two boats, whether it was port or starboard there were no orders? - No orders.

1067. Did you see the lists of the stations for the boats on board? - No.

1068. If I understand you correctly, your name would not be on the list, would it? - Not that I am aware of.

1069. You would not have any cause to look at the list for yourself? - I have never seen any list put up anywhere. The usual thing is to have the fire and boat stations marked on a sheet of paper and put up for everyone to see, but I did not see it.

1070. (*The Commissioner.*) I should like to have this clear. Would your name be on such list? - Certainly, my Lord, in boat stations.

1070a. I rather understood you to suggest that it would not.

1071. (*The Attorney-General.*) I did. I understood from him that it would not, because it would

depend whether he was on duty or not. (*To the Witness.*) I understood you to say that you would not expect to find your name on the list of stations. Is that right? - No, Sir. I did not mean that at all.

1072. Tell us what you mean about it. - In every ship that I have been in we always have had every Quartermaster, or whatever he may be, seaman, fireman, steward, always have their boat stations, and they would have a proper muster every Saturday or whenever it may be - it lies at the Captain's discretion whenever he liked to give us a drill, and everybody is mustered in front of their boats, but I never saw it like that on the "Titanic."

1073. That means you never saw a muster? - No.

1074. Where did you join the "Titanic"? - Southampton.

1075. How long before the vessel sailed? - Four days.

1076. Do you remember the day of the week that you went on board of her? - I think the first day when we dressed ship.

1077. What day was that, do you remember? - I think it was Good Friday, holiday time.

1078. Then from that time until the collision occurred had you any boat drill at all? - I did not see any; they might have had when it was my duty off. We Quartermasters were keeping gangways in harbour.

1079. You, personally, had not had any; is that right? - That is quite right.

1080. Whether the others had or not you do not know? - That is right.

1081. They might have had without your knowing it? - That is right.

1082. Now will you come back to the order that you got to remove the cover of one of the boats? - Yes.

1083. It was the cover of one of the collapsible boats on the port side? - Yes.

1084. Did you do that? - I did, Sir.

1085. Did you finish that job? - Yes.

1086. Did you clear her, taking away all the coverings? - I was ordered away to one of the next lifeboats before I had time to ship the rudder, and so on.

1087. You had the cover off? - I had the cover off and got the boat's grips off.

1088. And then you were ordered to another boat? - Yes.

1089. Who ordered you to another boat? - Mr. Lightoller.

1090. And to what boat? - No. 6 boat.

1091. Is that a lifeboat on the port side? - Yes.

1092. It would be the third on the port side from forward, would it not? - I do not know whether it was the second or third boat. It was one of the two.

1093. We have been told it was the third. When you got to No. 6 lifeboat was that all ready? - Yes. She was swung out then.

1094. Did you take passengers on board? - Yes.

1095. When you got to her were there any passengers on board? - No.

1096. She had only been swung out ready? - That is all.

1097. And then what happened - who was giving orders then? - Mr. Lightoller was in charge of the port side.

1098. Did you hear any order given? - Yes, I heard the captain say, "Women and children first," and the officer repeated the words from the captain.

1099. "Women and children first"? - Yes.

1100. (*The Commissioner.*) Where was the captain? - Just standing by the collapsible boat by the officers' quarters between the officers' quarters and the collapsible boat.

1101. Will you just show us where that is on the model? - Yes, here, in the centre; the officers' quarters were here, and the collapsible boat under the emergency boat (*pointing on the model.*)

1102. Are you speaking of the port side? - Yes.

1103. You have indicated to us the corresponding point on the model on the starboard side? - Yes.

1104. Was No. 6 boat that you went to a boat which was on the deck where the first-class cabins were? - Yes.

1105. The first-class promenade? - Yes.

1106. How many people did you take on board? - Forty-two all told.

1107. First of all, will you tell me, how many crew there were besides yourself? - One seaman, Sir.

1108. And how many passengers? - Forty passengers.

1109. How many men passengers? - One man and one boy.

1110. And the rest were ladies? - Yes.

1111. Could you tell at all whether they were first, second, or third-class passengers? - Nearly all first and second-class, I think, Sir.

1112. Do you know the name of the one man passenger? - Yes, Sir.

1113. What is it? - Major Pewan. [Peuchan.]

1114. P-e-w-a-n - is that it? - Yes, I think it was spelt something like that.

1115. Very well, that is near enough. Was there room for any more in that lifeboat? - The boat seemed pretty full, Sir, but from what I am given to understand she could carry five or six more. She seemed pretty well full up with the ladies with their lifebelts on, scattered about the boat.

1116. Were all the lifeboats the same size? - I am not quite certain, Sir; I do not think they were. Some were smaller than others.

The Commissioner: How is that?

The Attorney-General: According to what we make out, they are all the same size except, of course, the two emergency boats. I asked him about the lifeboats. We make out that they are all the same as I understand it. The fourteen boats would all be the same.

The Commissioner: All of them are marked on the plan as 30 feet?

The Attorney-General: Yes, that is so.

The Commissioner: They would all have the same beam?

Sir Robert Finlay: I am told they are all the same size except the emergency boat.

1117. (*The Attorney-General.*) That is just what I stated. (*To the Witness.*) The lifeboats, I suppose, were bigger than the two emergency boats? - Oh, yes, Sir.

The Commissioner: Beauchamp said that on board his boat there were 60 or 70 persons.

The Attorney-General: He did.

The Commissioner: And I understand this Witness says there were 42 in his boat.

The Attorney-General: Yes, we will get that from some other Witness. We can only get as far as that from this one. According to Scarrott's evidence there were about 60 in his boat all told. In this one we have only got 42.

The Commissioner: Then I took a wrong note of it.

1117a. (*The Attorney-General.*) I think your Lordship will find that that is right - just about 60. (*To the Witness.*) According to what we have heard these lifeboats were all about the same size. If you only had 42 on board all told, there was room for something like 20 more. Did you notice that at all? - Well, I do not think she would have held 20 more, Sir. That was nothing to do with me. That was the officer's orders.

1118. Who gave orders for her to be pushed off? - The Second Officer, Mr. Lightoller, ordered the boat to be lowered away.

1119. Where was he when he gave that order? - Right abreast of the boat, Sir.

1120. On deck? - Yes, on the promenade deck.

1121. Then she was lowered away? - Yes.

1122. You were in her? - Yes, Sir.

1123. Who was in charge of the boat? - I was.

1124. Were there any other passengers on the deck so far as you could see when you got the order to lower away - when the order was given to lower away? - Yes, there were some passengers there.

1125. Women? - I think there were one or two women, Sir, besides gentlemen as well. They felt half inclined - they did not care about getting into the boat.

1126. Who felt half inclined? - Why, the passengers, Sir.

1127. They did not like getting into the boat? - They did not like to get into the small boat - no.

1128. Who is "they" that you are speaking of? - Why, the passengers that were standing there on the deck that I heard talking.

1129. Do you know how you came to have the one man passenger and a boy in the boat? - I do not know how the man passenger got in the boat at all, Sir - nor the boy.

1130. You do not know how they got in? - No, Sir.

1131. You did not see them get in? - No, Sir.

1132. Did you see they were in when the boat was lowered? - Just after we got away from the ship I did.

1133. But not till then? - No.

1134. As I understand it, when you saw the boat lowered you thought there were only ladies in the boat and yourself and another seaman. Is that right? - Yes, Sir.

1135. Who was the other seaman? - Seaman Fleet.

1136. That is one of the look-out men that we have heard about? - Yes.

1137. When did you count the number of ladies on board? - I counted them as near as I could when we got down to the "Carpathia," just before we got aboard the "Carpathia."

1138. Not till then? - No.

1139. (*The Commissioner.*) That was hours afterwards? - Yes, Sir.

1140. (*The Attorney-General.*) You may as well tell us - when did you get to the "Carpathia"? - As near as I can tell you about 7 o'clock. We were the last boat to get alongside.

[*The Attorney-General*] That does not tell me anything, but I will take the statement for the moment.

The Commissioner: It does not fit in with the other evidence.

1141. (*The Attorney-General.*) It depends on clocks, and so on. There is some difficulty in arriving at the time. (*To the Witness.*) When the order was given to lower away, did you hear any question asked as to whether there were any others ready to go on the boat? Did you hear any such question as that? - I do not remember, Sir.

1142. (*The Commissioner.*) I think you will remember if you think about it? - No, I do not remember, my Lord.

1143. Do you know what you were asked? - Yes, my Lord.

1144. What were you asked? - If there was any more passengers asked to get on board before the boat was lowered away.

1145. Do you mean to tell me that you do not remember whether the people waiting on deck were asked to get into your boat. You know there was room in it; there was room in your boat. Was no one asked of those people who were standing about on deck if they were going into the boat? - Oh, yes, my Lord. The officer asked for them to get into the boat then - women and children first.

1146. And then what did they say - those that remained behind? - They were talking between themselves; they would rather stay aboard of the ship.

1147. (*The Attorney-General.*) Now let us go back for a moment. You told us he asked to go on board - the women and children first. That was the first order to passengers to get into the boat? - Yes.

1148. Then, as I understand you, a number did get into the boat? - Yes.

1149. Then your boat was not full? - The Second Officer would not allow any more in my boat.

1150. Did you hear the Second Officer give any order? - I heard the Second Officer say; "Lower the boat away," yes, Sir.

1151. You said just now that he would not allow any more people to get into your boat. Did you see anybody wanting to get into your boat who was stopped? - No, Sir.

1152. But there were people there then, I suppose? - Plenty of men there.

1153. Did he stop them? - He did not.

1154. I do not understand what you mean by saying he would not allow any more to get into the boat. How do you know that? - Because the boat was lowered away. There was enough people in the boat.

1155. Did he say that? - I think so, as much as I can remember.

1156. What do you remember he said? - I think he said, "Lower away."

1157. Did you hear anything said at all about, "There is enough people in the boat"? - I do not hardly remember, Sir.

1158. What! You can hardly remember? You said just now you thought "there was enough people in the boat" - I do not care about the particular words. Did you hear anything like that said? - I do not remember, Sir - only "Lower away the boat." That is all I remember.

1159. Then, when the boat was lowered, did you have any order as to what you were to do? - Yes, Sir.

1160. Who gave it to you? - Mr. Lightoller, the Second Officer.

1161. What was the order? - To pull for that light - to steer for that light.

1162. What light? - There was a light about two points on the port bow, about five miles away, I should judge.

1163. You are speaking now of the time that the order was given to lower the boat? - I am speaking now of the time when the boat was going to be lowered away.

1164. Then you got the order from Mr. Lightoller, the Second Officer, to steer for a vessel which was two points on the port bow, or, rather, I said for a vessel, you said for a light; it is the same thing? - Yes.

1165. To steer for a light which was on the port bow? - That is right, Sir.

The Commissioner: A light two points off.

1166. (*The Attorney-General.*) Yes, on the port bow, and he also said about five miles distance. That is right, is it not? - Yes, Sir.

1167. When you had first seen that light two points on the port bow? - While we were in the boat, Sir, taking the passengers on board. That was the order then, to steer for that light.

1168. (*The Commissioner.*) Do listen to the question. When had you first seen that light? - During the time that I was standing in the lifeboat taking the passengers into the lifeboat, my Lord.

1169. (*The Attorney-General.*) When you looked and saw this light, could you tell what it was at all? - No. We surmised it to be a steamboat.

1170. As I understand, you saw that light for the first time when you were standing in the boat before the order was given to lower away? - Yes, Sir.

1171. Then, when you got down to the water you started rowing away, I suppose, did you? - Yes, Sir.

1172. Who rowed? - When we got half way down the boat she was hanging at an angle, and I stopped them from above from lowering by shouting to the Second Officer to steady forward and lower away a bit astern, and I told him I had only one seaman in the boat.

1173. And then - tell us what happened. - This major here was in the boat. When I looked around I saw the major.

1174. Was that while the boat was being lowered? - When the boat was down in the water, just before we let go of the falls.

1175. How came you to see him? - He was standing up there, standing up in the bows of her.

1176. The bows of the boat? - Yes.

1177. Was there any difficulty in freeing her from the falls? - No, Sir.

1178. Then, when you got free of the falls you started rowing? - Yes, Sir.

1179. What I was asking you was who rowed - how many of you rowed? - The sailor and the major and two or three of the ladies put out oars.

1180. What did you do? - Steered for the light, Sir.

1181. How far did you go? - About a mile, I suppose.

1182. A mile from the ship in the direction of the light, two points on the port bow. Is that right? - Yes, Sir.

1183. Could you tell at all whether the light was moving or whether it was still? - The light was moving, gradually disappearing. We did not seem to get no nearer to it.

1184. As I understand you, it seemed to get further away from you? - Yes, Sir.

1185. Could you tell us how many boats had got away before you? - I think there were two on the port side, but how many on the starboard side I could not tell you.

1186. On the port side you think there were two before you? - Yes, Sir.

1187. Did any of the other boats travel in the same direction that you took? - Yes, Sir, four or five of us there altogether.

1188. When you say "altogether" you mean close to each other - you do not mean lashed together? - No, close together, going away to this light.

1189. When you stopped rowing were there any of these boats near you? - One right alongside of us, Sir.

1190. Do you know who was in charge of that? - Yes, the Master-at-Arms, Mr. Bailey.

1191. What sort of a night was it? - It seemed a clear night, a starlight night.

1192. And calm, as we have been told - very calm? - It was calm, Sir, till about three o'clock in the morning, when it came on choppy, a little breeze sprung up.

1193. Nothing to speak of, was it? - No, Sir; but quite enough for a small boat.

1194. When you were rowing away did you see the "Titanic" still? - Yes, I saw the lights of the "Titanic."

1195. You saw the lights of the "Titanic"; did you see any signals sent up by her? - Yes, and before I left, Sir.

1196. What? - Rockets.

1197. Before you left and after you left? - Yes, Sir.

1198. Can you tell us what colour rockets? - I did not take no particular notice of the colour, Sir. Some were green, some were red, and some were blue - all kinds of colours - and some white, Sir. I think, if I remember rightly, they were blue.

The Commissioner: Have these colours a different significance?

The Attorney-General: My Lord, that is what I am trying to ascertain. There is a special reason for wanting to know it. Has your Lordship got the "Regulations for Preventing Collisions at Sea"? Is that what you are looking at?

The Commissioner: Yes, the last page.

The Attorney-General: I am much obliged. That is what I was looking at myself.

The Commissioner: "At night."

1199. (*The Attorney-General.*) Yes. That is Article 31, dealing with distress signals: "When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately"; and then, as your Lordship pointed out, "At night" No. 3 is "Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals." That is it. (*To the Witness.*) Will you tell me how long it was before you left the vessel that you saw rockets sent up? - I could not give you no estimate of time, because by the time I come from the wheel I was there working about the boat.

1200. It would be after you came from the wheel, because you could not see till then? - Yes, Sir. I could not give you no time for that.

1201. Had it been going on any time before you left the vessel? - No, not very long, Sir, I should not think it would be. It could not have been, in fact, because I was working there not more than a quarter of an hour or 20 minutes, I suppose, before I was sent away in the boat.

1202. When you came first of all to remove the cover of the collapsible boat, did you see any then? - No, not at that time, I didn't.

1203. It was only when you went to No. 6 lifeboat; is that right? - Yes.

1204. You saw it then? - Yes.

1205. Do you remember how many boats got on board the "Carpathia"? - No, Sir, I do not.

The Commissioner: Are you leaving this point now?

1206. (*The Attorney-General.*) No; I was trying to get his mind to a particular question I wanted to put to him. (*To the Witness.*) You say you saw the rockets being fired as you were rowing? - Yes.

1207. Did that continue during all the time? - It continued for about half an hour, I suppose, after we left the ship, as near as I can tell you. I never had no time in the boat; I am only guessing the time.

1208. That is your best estimate? - Yes, Sir.

1209. Did you see the "Titanic" go down? - No, Sir.

1210. Did you see her lights? - The last time I looked I saw her lights.

1211. Was your back to her then? - Yes. I was steering away from her then.

1212. You were steering? - Yes.

1213. The last time you looked you saw the lights, and then you did not see them any more? - No, Sir.

1214. When you had got about a mile's distance away, did you see the "Titanic" then? - Yes, Sir; I saw the lights.

1215. Were you facing her then? - No, Sir, going away from the ship all the time.

1216. I thought you stopped when you got about a mile's distance? - It was about that time when we did not see the lights - when me and Bailey made our boats fast side by side.

1217. And you did not see the lights of the "Titanic" any more, is that what you mean? - Yes, Sir. I did not see the lights of the "Titanic" again after that.

1218. Let me see if I understand the story. You rowed away from the "Titanic," and when you looked round you saw the lights there. As you were being rowed away from the "Titanic" you saw her lights? - Yes.

1219. When you got about a mile's distance you stopped; and then when you looked you did not see the lights any more; is that right? - That is quite right, Sir.

1220. That is all you can tell us about what happened? - Yes.

1221. Is that right? - That is all, Sir.

1222. Did you hear any explosion? - Well, no, Sir.

1223. What does that mean, "Well no"? - Well, not that I could say that I heard any explosion.

1224. But you heard something - is that it? What is in your mind about it? - I do not think I heard any explosion.

The Attorney-General: Do you mean you have heard other people talking of it; is that what you mean?

The Commissioner: That is what he means.

1225. (*The Attorney-General.*) Is that what you mean? - No, I do not.

1226. (*The Commissioner.*) Do you mean to say you have not heard it said that there were explosions before the boat went down? - Yes, my Lord. I have heard those questions repeated and talked about, but I never heard them myself.

1227. (*The Attorney-General.*) Now, we understand what you mean. Did you look in your boat for a light? - I had a light served out to me before I left the ship.

1228. Who served it? - A lamp-trimmer, Sir.

1229. Do you remember his name? - No, I do not know his name - a stranger.

1230. And you took it on board with you? - Yes, Sir.

1231. Did you hear an order given to the lamp-trimmer to bring a light, or did he give you the light without your hearing an order? - I never heard any orders. I see him coming along with the lights, and he had orders to give me one of them.

1232. Orders from whom? - From Mr. Lightoller, the officer.

1233. Did he have any other lanterns with him? - Yes, Sir, several.

1234. Of the same kind that you had? - Yes, Sir.

1235. And he served you out one as he passed? - Yes, Sir.

1236. And then went along as far as you could see to the other boats: Is that right? - Yes, Sir.

1237. How many oars had you on board? - I do not know; there was not much time for counting the oars; I did not think much about the oars.

1238. But you had time afterwards? - I did not count them, Sir; I do not know.

1239. How many did you see used? - Four.

1240. Four altogether? - But then there was more in the boat than that.

1241. Very well, I understand. Were there any biscuits on board? - Not that I am aware of, Sir.

1242. Did you look for them? - No, Sir.

1243. Then you cannot say? - No.

1244. Was there water on board? - Yes, Sir, there was a breaker of water.

1245. A breaker with water in it? - Yes, Sir.

The Commissioner: What is a "breaker," - a can?

1246. (*The Attorney-General.*) I understand it is a cask that shape (*showing*). (*To the Witness.*) It is a breaker into which you put the water? - A breaker with a bung-hole to it, just like the top of this water-bottle. There was no compass, Sir, and no biscuits.

1247. (*The Commissioner.*) I thought you said you did not look for the biscuits? - I understood the other two men to say there was no biscuits, my Lord.

1248. (*The Attorney-General.*) So far as you are concerned you did not look, and so far as you know there were none - that is as I understand it? - Yes.

1249. Did you tell anybody to look? - No, Sir.

1250. You were in charge? - No, Sir, not at that time.

1251. But at any time before you got on to the "Carpathia"? - I heard them say that there was no biscuits when we got to the "Carpathia."

1252. When you got to the "Carpathia"? - When we got to the "Carpathia." When we were aboard the "Carpathia."

1253. Did you look yourself then? - No, I did not look myself then.

1254. You said something about the compass; did you look for a compass? - Yes, Sir.

1255. Was there one? - No, Sir.

1256. Had you a mast and sail on board? - That was taken out of the boat before the boat was launched.

1257. By whom? - By the men that were working about in the boat.

1258. You mean the men uncovering the boat? - The men that were helping to get it out. When the boat was being lowered down out of the rails the passengers took them and laid them on the deck.

1259. When you started, did you start from the ship's side without any mast or sail? - Yes, Sir.

1260. But there had been a mast and sail in the boat which had been removed before she was launched, is that it? - Yes, Sir.

1261. Does that mean that in the confusion the mast and sail were not taken - is that what you mean, or were any orders given? - No, Sir. They were passed out of the boat to make room, I think.

1262. At any rate, they were passed out of the boat and not passed back into the boat? - Yes.

1263. But you did not hear any special order given about it? - No, Sir.

1264. Now about the boats on the "Carpathia"; were the boats taken on board the "Carpathia"? - Some were. Mine was not. Mine was cut adrift.

1265. Some were taken on board. They were all taken to the "Carpathia," and then the boat was set adrift - was that it? - Yes.

1266. (*The Commissioner.*) Do you know how many lifeboats were taken on the "Carpathia"? - I think about 13, my Lord.

1267. Then there were not many cut adrift? - I think there was about two cut adrift, my Lord.

1268. (*The Attorney-General.*) Do you know anything about the use of glasses for the look-out? Have you acted as look-out at all? - Well, I have been on the look-out, Sir, in mail boats, but not in the White Star Line.

1269. In what mail boats have you been on the look-out? - Troopships chiefly, Sir, and different kinds of vessels.

1270. Have you been on any liners? - Yes, Sir.

1271. For what companies? - The Union-Castle and the British India.

1272. When you were on those vessels were glasses used by the look-out? - I do not know, Sir. I was never on the look-out on those ships. I was quartermaster always.

1273. You cannot tell me. You do not know whether there were or not? - No, Sir.

1274. And you do not know whether there were on the White Star Line or not? - No.

The Commissioner: I want to know if this man can tell me whether the rockets which were sent up would be visible to this supposed ship which was five miles away.

1275. (*The Attorney-General.*) You told us, you know, that rockets were sent up to a ship that was, according to your view, two points on the port bow about five miles away? - Yes.

1276. Would the rockets that were sent up from the "Titanic" be seen by a vessel five miles away? - Quite easily, Sir.

1277. Did you see any answer - any answering signal? What I want to know is this: Did you see any rockets from any other vessel? - No, Sir.

Examined by MR. SCANLAN.

1278. I think you have told his Lordship that the night was calm? - Yes.

1279. Was the whole of the Sunday a calm day? - As far as I can remember there was a little breeze in the afternoon.

1280. A moderately calm day, it was? - Yes.

1281. Considering that the night was calm, would it have been possible if the "Titanic" had been provided with sufficient lifeboats to have taken safely away from her after the collision every passenger and every member of the crew? - Well, I think so, Sir.

1282. You have told us that you had only one sailor, in addition to yourself, in this lifeboat? - That is all, Sir.

1283. How many sailors do you consider would be necessary in order properly to man and navigate this lifeboat? - At least four besides the man that is steering the boat - five.

1284. Would that number have been sufficient even though the sea had been stormy? - No, Sir. In stormy weather you require more men. It is all according to the weather.

1285. (*The Commissioner.*) Will you tell me this: Would the lifeboats, in your opinion, have been of any use at all if there had been a rough sea? - I am sure they would not, my Lord.

1286. They would not? - No.

1287. (*Mr. Scanlan.*) Would the utility of the lifeboats depend to some extent on the proximity to you of any rescuing ship? - I beg pardon; I did not quite follow you; Sir.

The Commissioner: That is not a question which it is necessary to ask.

Mr. Scanlan: Even in a rough sea is it not possible with good seamanship to keep a lifeboat afloat?

The Commissioner: Will you ask him first whether it is possible or easy to get it afloat to begin with.

1288. (*Mr. Scanlan.*) In a rough sea, when you have some wind, is it possible - is it easy (of course it is more difficult) to launch a lifeboat? - Well, yes, it is very difficult in lowering and launching a lifeboat in strong weather or strong winds - heavy sea.

Mr. Scanlan: Is it possible even in a heavy sea for qualified seamen, able-bodied seamen, to launch, man, and navigate a lifeboat?

1289. (*The Commissioner.*) Had you ever had to do it? - Well, not in big ships, I have not, Sir.

1290. What was the fall from the boat deck to the water? - About 65 ft., my Lord.

1291. (*Mr. Scanlan.*) You say that your boat had a light. I think you stated that you came close beside four of the other lifeboats? - Yes, Sir.

1292. Was there a light in any of those? - The one that we tied up to - Mr. Bailey's - had no light because we were talking to him. He came alongside of us.

1293. Were you sufficiently near the other two or three boats to observe whether or not they had lights? - Oh, yes. We kept on showing our lights. The boats that had lights kept on showing their lights. Everybody did not have a light.

1294. While you were in the deck-house engaged at the wheel, did you learn from any of the officers whether warning had been communicated to the "Titanic" of the presence of icebergs? - The only thing I knew about ice at all was the order I received for the carpenter from the second officer.

1295. Was anything said to you about the reporting of icebergs? - No, Sir.

1296. Is it usual on board liners in circumstances of danger to double the watches - the look-out? - That is always so, Sir.

1297. Had the watch been doubled or augmented - increased in any way - on this occasion? - Not that I am aware of. They do not double the watches on the bridge, where there are three officers on the bridge, two junior officers taking eight-bell watches, and the senior officer taking

command of the bridge.

1298. (*The Commissioner.*) Do they double that watch? - No, Sir.

1299. (*Mr. Scanlan.*) What watches do they double? - In ships where they are not manned with so many officers, and when they are nearing the shore in foggy weather they might double the watches.

1300. Is it usual in circumstances of danger to station a watchman at the bows - a look-out man? - I cannot say. He cannot see so well as the man can see in the crow's-nest.

1301. I am asking you, is it usual or not? - In some ships, Sir, they do station a man there.

1302. (*The Commissioner.*) As well as in the crow's-nest? - I have not seen that, my Lord - not a man stationed forward and stationed in the crow's-nest, too.

1303. (*Mr. Scanlan.*) If a watchman was stationed at the bow he would be considerably nearer the water than the man in the crow's-nest? - Yes, that is so, Sir.

1304. Would not a watchman stationed there with glasses have a better opportunity of detecting an iceberg ahead than a man in the crow's-nest? - I do not think he would have so good a chance myself, Sir.

1305. On this occasion there was not a watchman or a look-out man on the bows? - Not that I am aware of, Sir.

The Commissioner: Are your instructions, Mr. Scanlan, that it is the practice on large liners to put a man in the bow to watch?

Mr. Scanlan: Yes, my Lord.

The Commissioner: From whom do you get such instructions?

Mr. Scanlan: The instructions I get are from the Seaman's and Fireman's Union, my Lord, and from officials of that Union.

1306. (*The Commissioner.*) Have you ever seen a man in the bow, when there are men in the crow's-nest? - Never, my Lord.

1307. Did you ever hear of such a thing? - Never, my Lord.

1308. (*Mr. Scanlan.*) Besides you there were six other quartermasters? - Five others besides me.

1309. Six quartermasters in all. Is it usual when the order for drilling is given and the order for crews of the lifeboats, to station a quartermaster to a particular boat? - Yes. In the case of an emergency and a boat being launched the quartermaster not at the wheel would be the likely man to be sent with the boat with the officer in charge.

1310. I want to ask you a question about boat drill. When you have boat drill on the ships you have been sailing on, is it the practice for the seamen and the firemen and the stewards to muster on deck and take their stations in the places that they have to go to if an accident happened? - Always, Sir.

1311. And is it your evidence that on this occasion this was not done? - Not that I remember, Sir. It might have been done, but not to my knowledge.

1312. Had there been any training given to the seamen to your knowledge in the launching and manning of the "Englehardt" collapsible boats? - Not that I am aware of.

1313. Are they as easy to launch as the ordinary lifeboat? - No, they are a little more difficult, Sir, because those boats are swung in. You have to get the boats out, Sir.

Examined by Mr. HOLMES.

1314. You were given the order to hard-a-starboard? - Yes.

1315. Was that the only order you had as to the helm? - Yes.

Mr. Holmes: Because, if your Lordship will remember, the evidence of the Witness Scarrott on Friday was quite the contrary, when he came up on deck.

The Commissioner: What did he say?

Mr. Holmes: He said that the ship appeared to be under a port helm, and appeared to be going around the iceberg towards the starboard side.

The Commissioner: Did he say so?

The Attorney-General: Yes, I think so.

1316. (*Mr. Holmes.*) It is Question 354. (*To the Witness.*) She never was under a port helm? - She did not come on the port helm, Sir - on the starboard helm.

1317. You said that after you left the "Titanic" the boats that had lights were showing them to each other? - Yes.

1318. Can you say how many boats you saw lights in? - No; I did not count them.

1319. Were there two, or three, or four? - Five or six of us.

1320. Five or six other boats had lights as well as yourself? - Yes.

Examined by Mr. LEWIS.

1321. Had you ever crossed the Atlantic before? - This was my first time in the North Atlantic, Sir.

1322. So that you had no idea as to the course, whether it was the usual course or not? - No.

1323. With regard to the captain giving an order to the carpenter, did the carpenter return? - I do not know, Sir.

1324. Have you had any experience as a quartermaster? How many able men would be required to successfully man a lifeboat the size of the one you were in? - For drill purposes they take 10 to 12 men.

1325. I mean under circumstances like these that you have been explaining? - They take about 4, Sir, besides somebody in charge to steer the boat.

1326. You think it would require at least 4 men and someone in charge to look after her properly? - Yes, Sir.

1327. Can you tell me whether any steps were taken to prevent passengers approaching the boat? - Steps were taken as regards the male passengers. They had to stand back and let the women and children get in the boats first. That was the order, Sir.

1328. What method was adopted to see to that? - All the officers had revolvers, as far as I am aware of, Sir.

1329. Did you observe any ropes drawn across the deck in any way? - Not that I am aware of. I never went to the aft side of the bridge, scarcely, from the boat I was stationed in.

1330. These revolvers - were they used at all? - I heard several reports, Sir, but, as regards anything else, I do not know.

1331. You simply heard? - I heard the reports of the revolvers - yes, Sir.

1332. You would not have seen the whole of the deck? - No, I assisted in one boat, and my own boat that I was in.

1333. You would not have seen the whole of the deck? - No.

1334. When you left the ship, what position was she in? Was she well down? - Yes, the ship was well down by the head - well down by the bow, Sir.

1335. Had you any knowledge at all as to wireless messages having been sent? - No.

1336. No knowledge whatever? - No, Sir.

Further examined by the ATTORNEY-GENERAL.

1337. There are two or three questions that I should like to ask this Witness before my friend, Sir Robert Finlay, or Mr. Laing examines him. I am now going to deal with some questions which I see were put to him in America, because we shall have to call another Witness later on, and as this Witness may not be here then, he should be asked them now. You were examined before the Commission in America - you remember that? - Yes.

1338. Did you say that you started for the light which you expected to be that of a fishing schooner? - I said that, Sir. Yes, I did say that.

1339. You told us here it was a steamer; I see that this is what you said there? - We expected it to be a steamer from the ship, but when I got into the boat and could not get nearer to it, and being calm weather, and then we expected it to be a fishing boat, a cod banger, as we call it.

The Commissioner: You led us to suppose that you thought at the time it was a steamer?

1340. (*The Attorney-General.*) I must point out to you that you said she was disappearing gradually as you were getting towards her? - So she was.

1341. Did you borrow a fireman from one of the other boats to help you to row? - Yes, that was in the morning part, to row back to the "Carpathia."

1342. Did you say this? "We borrowed a fireman from one of the other boats to help us to row, but we got no nearer the light"? - No, I do not remember saying that. I remember when I got this fireman out of Mr. Bailey's boat. It was to pull back to the ship. In fact I know we pulled back to the ship immediately I got him aboard, because all the other boats were going ahead of us showing us their lights.

1343. Were you at the tiller through the night? - I was, all the night.

1344. It was very cold? - Bitter cold.

1345. Did you hear cries of distress? - Faintly; yes, Sir.

1346. For several minutes? - I could not say several minutes, for a minute or two.

1347. Did you answer to the question: "Did you hear cries of distress"? Answer, "Yes, for several minutes"? - I think I said for two or three minutes. I do not think I said for several minutes.

1348. "Some men in the boat said they were the cries of people in the other boats signalling. I suppose they said that so as not to alarm the women." You said that? - Yes.

1349. Did you go in the direction of these cries of distress? - We had no compass in the boat and I did not know what direction to take. If I had a compass to know what course I could take from the ship, I should know what course to take, but I did not know what course to go upon.

The Commissioner: I do not understand you. "I did not know where these cries came from."

1350. (*The Attorney-General.*) You heard cries of distress, you have told us? - Yes.

1351. Where did they come from? - I suppose from the "Titanic" when the "Titanic" had sunk.

1352. Could not you tell in what direction they were coming? - No, not hardly, Sir.

1353. Not hardly? - No, I could not tell what direction they were coming.

1354. (*The Commissioner.*) Was this after the "Titanic" had gone down? - After the lights had gone. I did not know whether the "Titanic" was gone down, but the lights had gone away from the ship.

1355. (*The Attorney-General.*) As I understand, what you told us before was that you saw the "Titanic," that she had her lights burning, you stopped about a mile's distance, and when you got to about a mile's distance you did not see the lights any more? - That is right, Sir.

1356. That is what you tell us? - Yes.

1357. What I want you to tell us is this: how long after that was it, or when was it, that you heard the cries of distress? - I had no time in the boat. I could not tell you hardly what time.

1358. Had you stopped before you heard the cries of distress? - Yes. We were made fast then to the other boat. Me and Bailey was made fast together.

1359. Mr. Bailey's boat? - Yes.

1360. If I understand you correctly, you did not make any attempt to reach the cries of distress, did you? - It was a matter of impossibility; I could not do it.

1361. I want to understand why it was a matter of impossibility? - I only had one sailor in the boat, and I did not know where we were. I had no compass. I judge I was about a mile away the last time I saw the lights.

1362. (*The Commissioner.*) You had your ears. Could not you hear where these cries came from? - Your Lordship, in the meantime, the boats were yelling one to another as well as showing their lights to try and let each other know whereabouts they were.

1363. I do not understand how a compass would help you to get to the cries? - That is the only thing that would help me, your Lordship.

The Commissioner: I should have thought your ears would help you better?

Examined by MR. COTTER.

1364. On the day of muster in Southampton, what officer called the names out? - Mr. Murdoch, I think, Sir.

1365. After you had answered your name did he give you any instructions with regard to the boat, fire, or bulkhead door drill? - Not that I am aware of.

1366. He never gave you any? In other ships you have been in you said you have seen the general boat muster? - Yes.

1367. There was none on the "Titanic"? - No.

1368. Now I will take you to the time that she struck and you came out of the wheelhouse. You stated that she took a list to starboard? - Yes.

1369. When you got on deck had she come to a level keel, or had she still a list to starboard? - She still had a list to starboard when I was out on the deck.

1370. Had you any trouble in getting the people into the boat - the women? - Well, not a great deal of trouble, Sir; some seemed to come and some was half-inclined - they seemed rather to prefer to stay, to the best of my knowledge.

The Attorney-General: May we know who this gentleman represents?

1371. (*Mr. Cotter.*) I represent the National Union of Stewards. (*To the Witness.*) When you got on deck you said the boats were slung. How far from a large ship's side is a boat when it is slung from the davits? - About two feet - that is, when the ship is level, when she has no list.

1372. Did any of the women object to step over that gap of two feet, with a drop of 60 feet? - You understand, Sir, that our boat was listed in against the ship's side because the vessel had a list to starboard, and I was on the port side of the ship.

1373. But no women endeavoured to step on board the boat? - Some had to be helped into the boat.

The Commissioner: And some would not go at all?

1374. (*Mr. Cotter.*) Yes; but I am going to try and point out that some women will object, when boats are slung out, to go on board. (*To the Witness.*) In your opinion, if you had shipped the women with the boats slung, would it not have been better, and you would have got more women and children in? - I do not know that.

1375. I was just asking you for your opinion. When you were being lowered had you any

difficulty in getting the boat away from the ship's side? - Yes, we had to put our hands out several times.

1376. To push it away? - Yes.

1377. That is, through the length of the drop from the upper deck? - Yes, and the list as well.

Examined by MR. LAING.

1378. With regard to the "Cherub" log, where was it put out? - I think it was put out shortly after we left Queenstown.

1379. Is it taken every watch? - It is taken every two hours by the quartermaster when he got on the poop at the time.

1380. What was the reading when you took it? - The reading for the last day had been 45 miles.

1381. That is the calculation. What was the reading on the log? - I do not know the exact reading on the log, Sir.

1382. It would show the distance run from Queenstown, I suppose? - Yes.

1383. And in order to get what you said it was, 45 miles in two hours, you must make a calculation? - No. We took it, you see. We used to take it, we Quartermasters, by the speed the ship was travelling. We used to talk about it ourselves in our cabin.

1384. I want to know what reading you got from this log at 10 o'clock? - I could not tell you.

1385. Unless you knew what it was at eight o'clock you could not make the calculation? - We could only make the calculation by the run for the day. She had been going by the log.

(The Witness withdrew.)

(After a short adjournment.)

WILLIAM LUCAS, Sworn.

The Commissioner: I have since the adjournment received a letter from Mr. Champness, a solicitor, a gentleman who applied to me to appear for one passenger, and I declined to allow him to do so. He now tells me that he is instructed by five altogether, one first-class passenger, one-third-class passenger, another third-class, another third-class, and fourth a third-class, and he wants to appear for those five. He also says he is instructed by seven gentlemen who are constantly in the habit of making Atlantic voyages as passengers, and that they desire to be represented. In addition now I have a number of deceased Irish passengers; I daresay there are forty or fifty of them. Now, it appears to me quite impossible to allow gentlemen who are in the habit of crossing the Atlantic to be represented at all. I do not know where I should get to if I began that. I might as well admit the man in the street who takes an interest in this Inquiry to be represented. But I suggest that the representatives of passengers should consult together and agree upon some committee of passengers first, second, and third, and then if they can do that I shall be glad to have that Committee represented, so that the interests of the passengers may be in somebody's hands.

The Attorney-General: I suggest that you might not see fit to object to representatives of each of the classes appearing. There may be some difference in the point of view taken.

The Commissioner: I should have thought they could all have been entrusted in the hands of one man who would look after the interests of all three classes, but if you think we shall not get

into difficulties by these innumerable people being present I shall not raise any objection. I have a strong objection myself to these numerous applications. One of the strangest is this last, in which gentlemen who occasionally or frequently make voyages across the Atlantic should be represented.

The Attorney-General: If your Lordship could see your way to allow a representative of each of the classes to be present I think it would satisfy the demand.

The Commissioner: I do not think so, but if it will, so much the better. Then let the representatives of the first-class, the second-class, and the third-class - there is not a fourth class I hope - each form a Committee, and then they may be represented.

The Attorney-General: If your Lordship pleases.

Examined by Mr. ROWLATT.

1386. Is your name William Lucas? - Yes.

1387. Were you A. B. on the "Titanic"? - Yes.

1388. When did you join her? - Southampton.

1389. What day? - The day of the sailing.

1390. What time of the day did you join her? - I caught her at ten minutes to twelve when all the gangways were up.

1391. When did she sail? - The same day.

1392. Yes, but how long after that; what time? - Well, just after twelve.

1393. You joined the very last thing? - Yes.

1394. And where were you employed on the voyage? - With the watch.

1395. On the deck? - Yes.

1396. What was your watch on the Sunday that she hit the iceberg? What was your watch that afternoon? - We had the first watch. That would have been our watch below.

1397. When did you go off in the evening? - We had the first from four to six, and then our next watch was from eight to twelve.

1398. Therefore it was your watch when the accident happened? - Yes.

1399. Where were you when the collision did occur? - I had just left the mess room.

1400. Where is that on the ship? - Just above the fore-castle.

1401. Will you show it us on the model? - Yes, it will be under here (*pointing to the model*).

1402. Down in the well? - That is right.

1403. Where the mast comes up - forward of the mast? - It would be about there (*pointing on the model*).

1404. Port or starboard side? - The port side.

1405. What was the weather? - We could not wish for better weather.

1406. Was it cold? - Well, it was.

1407. When did it begin to get cold? - I noticed it Saturday morning.

1408. Did it get colder and colder after that? - Colder and colder, yes.

1409. I suppose you did not think to look at any thermometers or anything of that sort yourself? - No, I only put on an extra jersey.

1410. You were your own thermometer? - Yes.

1411. I see. Did you hear of any ice? - Well, I knew it was knocking about.

1412. Did you hear it talked of or anything of the sort on board? - Only among my own sailor fellows, that is all.

1413. Discussing the question whether there might be ice? - Yes.

1414. Was that because it was so cold that you did that? - Yes.
1415. Did you not hear any orders about ice from officers? - No, not at all.
1416. You say you had just come out of the mess room when the collision occurred? - Yes.
1417. What did you hear, how did it sound like to you? - It very nearly sent me off my feet.
1418. A hard shock? - Yes.
1419. Was there a loud sound? - Well, I did not take that particular notice. I went to the fore-well deck and there I saw ice on the deck.
1420. Did you see the iceberg? - No, I did not.
1421. You would be down a little way you would not be able to see over the side? - No, we would have passed it.
1422. Where did you see the ice on the deck? - On the fore-well on the starboard side.
1423. Show me on the model how far forward does the well come? - This is the fore-well deck I am touching now (*pointing to the model*).
1424. How far forward does the well come before the deck begins? - This is the fore-well; it would be about here; that is where we sleep. There is about six yards difference.
1425. Where was the ice just abaft the mast? - About here, in the centre of the fore-well (*pointing on the model*).
1426. How much ice was there on the deck there? - I suppose, about a couple of tons.
1427. What colour was it? - It was a darkish white.
1428. What happened then, as far as you know? Whom did you see who came? - The first orders I got was up under the bridge; that would be the boatswain's mate, followed by the boatswain, "All hands up about the boats."
1429. How long was that after the collision do you suppose? - I suppose, about a quarter of an hour.
1430. What had you been doing in the meantime? - I had been playing nap - playing cards.
1431. Were you playing at nap again after the collision? - No.
1432. What were you doing between the time of the collision and the time you had the order about the boats? - Playing nap.
1433. After the collision? - No, not after the collision; before the collision.
1434. When the collision happened you stopped playing nap? - I stopped before the collision, because I was broke.
1435. Then after the collision what did you do? - I went down below to put on my extra jersey.
1436. Did you put on a lifebelt? - No, not at all.
1437. Had you a lifebelt? - I had one, but I would not put it on.
1438. At that time did you think there was any danger? - Not at all.
1439. You say you came on deck and you heard the order, "All hands up to the boats"? - Yes.
1440. Did you obey that order? - I did.
1441. And did you go up on to the boat deck? - Yes.
1442. Where did you go? - The first boat I had anything to do with was No. 2, but that boat was already swung out.
1443. What was your boat? - My boat was No. 1.
1444. Did you know that? - I knew that, yes.
1445. How had you found out? - By the lists that is always put up in all the boats I have been in; in nearly all the White Star boats.
1446. Where was the list put up? - Just above the fore-castle.
1447. And you saw it there? - Yes; I saw it.
1448. When did you see it? - I saw it the day after we left Queenstown.
1449. Did you say you had found it in all the White Star boats? - In all that I have been in and I

have been in four of them.

1450. You saw it the day after you left Queenstown? - Yes.

1451. Do you know when it was put up first? - Well, they very nearly always put them up so that you can muster on a Sunday.

1452. Can you remember when it was put up on the "Titanic" this time? - Well, I should say on Saturday night.

1453. You saw it when you left Queenstown? - Yes.

1454. (*The Commissioner.*) You left Southampton on Good Friday, I understand? - Yes.

The Commissioner: Is not that right?

The Attorney-General: I am not sure that it is. I think they joined on the Good Friday.

Mr. Rowlatt: When did you leave Southampton? - It was the next week, was it not?

1455. (*Sir Robert Finlay.*) It was on the Wednesday following.

The Witness: It was on the Wednesday, I think.

1456. (*Mr. Rowlatt.*) You say your boat was No. 1? - Yes, that was my emergency boat. While I was at sea I got told off to two boats.

1457. When you got upon the deck did you go to No. 1? - No, not at that time, I did not.

1458. Where did you go? - I went to the assistance of all the boats there to be swung out from the deck.

1459. This one had not to be swung out? - No, it was already swung out.

1460. That is it, slung outboard already (*pointing on the model*)? - Yes.

1461. Then you went to the next one, No. 2? - The opposite side, the port side.

1462. Who was in charge of that boat at that time; was any officer there? - The only officers I saw there were Mr. Moody and Mr. Lightoller.

1463. Did they give you any orders? - Yes.

1464. What did they say? - They said "get out the boats," we all got out those boats - before the boats were lowered, before they were swung out.

1465. They had to be uncovered I suppose? - Yes.

1466. And then got out outside the rails? - We took the covers off and slung them inboard.

1467. Did you stay at No. 2 boat? - No.

1468. Where did you go? - To number 4 and number 6, and then I went right aft.

1469. What boats did you go to right aft? - The lifeboat - I mean on the boat deck.

1470. Do you know what number? - Well, No. 16, No. 14.

1471. Right aft on the other side, on the port side? - On the boat deck there, right aft.

1472. That was before anybody got into the boats was it? - That is right.

1473. Do I understand you to say that all the boats were outside before anybody got in? - Before anybody was lowered.

1474. Where did you see the first people get into the boats? - The afterpart of the ship where I first started lowering boats.

1475. What boat was that? - That was number 16, 12.

1476. How many people got into that? - They were not fully manned by a long way.

1477. Not full? - No not full.

1478. Was any order given about filling up? - Yes, but there was not anybody there handy - No women. I was singing out for women myself.

1479. Had you received the order that women were to be put in the boats? - Yes.

1480. Whom did you receive that from? - Mr. Moody, the sixth officer.

1481. Was he there or was he by the falls? - He was near me when I was lowering.

1482. And you called out for women and there were no more? - That is right, Sir.

1483. That was right at the afterend was it? - Yes, the afterend of all.

1484. Do you know where the access from the third-class accommodation comes up? - Well, I never knew my way up myself and I was a sailor on the ship.

1485. I daresay you had never been that way before? - No. I do not think those people had time to go there without directions from somebody; I hardly knew my way there myself.

1486. When you say the way, what do you mean - the way where to? - The boat deck.

1487. You had come up this forward end, had you not? - Yes, the fore end.

1488. I see there is third-class accommodation at both ends of the vessel? - Yes.

1489. Were there third-class passengers here forward? - Yes, they were.

1490. Do you know if there were aft too; perhaps you do not know? - Well, I think the general rule is women aft and the men forward.

1491. As far as the third-class passengers forward were concerned they would come up the same way that you went to the boat? - The same way as I went.

1492. How did you get up? What sort of access is there? - You come up about three flights of ladders to get to the promenade deck.

1493. And then from the promenade deck? - And then I have to go up another two flights to get to the boat deck.

1494. Where are they in the ship? - About here. There is a ladder leads up here, and then you go back again and go up the ladder here (*pointing on the model*).

1495. What sort of ladder? - A wooden ladder.

1496. A gangway ladder? - Yes.

1497. Not a ladder that you can go up hand over hand? - No.

1498. (*The Commissioner.*) Steps? - Yes.

1499. (*Mr. Rowlatt.*) Did you know what the passengers were on the boat deck - first-class, second-class, or third-class? - The majority first-class.

1500. Along where you were? - Yes.

1501. How many boats did you see filled. How many boats did you take notice of as they were being filled? - About nine.

1502. Could you see whether they were all filled to the full capacity? - They were not all filled.

1503. Why was that? - Because there were no women knocking about.

1504. Was there good order? - Yes, excellent order.

1505. And were the boats that you saw all lowered successfully to the water? - I lowered the majority of the boats on the port side. I never lowered a boat in the water at all; I lowered them about three feet from the water.

1506. But they all got into the water all right? - Yes. Those boats are all fitted with a patent dropping gear. You pull a little lever, and the boats drop without lowering them into the water.

1507. Were you told to help to lower the boats? - I was warned off by Mr. Moody, and to stand by.

1508. How many boats did you help to lower? - About eight.

1509. One after the other? - Yes.

1510. With regard to each of them was there very orderly embarkation of women? - Yes.

1511. Then finally did you go in a boat? - Well, I got in a boat and I got ordered out by Mr. Lightoller. That was the last boat that left.

1512. Then you were ordered out of the boat? - Yes.

1513. Could you see whether the boats were properly equipped with oars and things? - The two boats that I got into afterwards were properly manned with oars.

1514. You said 16 was the last boat, did you not? - No; 16 was the last boat like, the after boat on the port side.

1515. What was the last boat you got in? - The collapsible boat, the port side, inside the

emergency boat.

1516. Is that the one you got into? - I got into her and got ordered out.

1517. Who ordered you out? - Mr. Lightoller.

1518. What did you do then? - I went over to the starboard side to see if there was any more boats there. There were no more boats there so I came back and the boat was riding off the deck then. The water was up under the bridge then. The ladies sung out there was no sailor in the boat and no plugs, so I was a sailor and I jumped into the boat.

1519. It was a boat that was on the deck, just explain that? - Just here (*pointing to the model*).

1520. What boat was that? - A surf boat; they call them collapsible boats.

1521. She was lying on the deck? - Yes.

1522. The sides collapse, do not they? - No, they are three parts clinker boats and about three parts of the gunwale is canvas.

1523. Had the gunwale been pulled up? - Yes.

1524. And made fast? - Yes.

1525. Who had done that? - I assisted in doing that.

1526. Who else? - There were eight more sailors there besides myself just at the time.

1527. At that time you say the water was right up to the place where you were? - The ship was at that angle then (*indicating*).

1528. (*The Commissioner.*) And the water up to the bridge? - Yes; the water under the bridge.

1529. (*Mr. Rowlatt.*) How long was that after the collision? - I should think about an hour and a quarter.

1530. Was it long after all the other boats had gone away? - I should say about a quarter of an hour.

Mr. Rowlatt: Here is an illustration of these collapsible boats, if you care to look at it, my Lord. It is a very shallow boat. (*the same was handed to the Commissioner.*)

The Commissioner: I have seen them.

1531. (*Mr. Rowlatt - To the Witness.*) You were telling us about this collapsible boat; you assisted to get her out? - Yes.

1532. Now what did you do with her? - I pulled her to the davits.

1533. Did you hook her on the falls? - The same falls used for the emergency boat picked up that boat.

1534. Did you get the falls up again? - Yes, but the water was about 1 1/2 feet then when she was strung up to the davits.

1535. What falls do you say? - The same falls as the emergency boat used.

1536. They had been hauled up again? - Yes.

1537. Did you lower her and get her to the water by these falls? - No, they only required lowering. They were already in the water.

1538. Who got into her? - About forty women.

1539. And what men? - Well, I found three men in the boat afterwards, but I never saw them in the boat when she went away.

1540. Did you go away in that boat? - I went away in that boat.

1541. Who were the other men? Were they seamen? - One-quartermaster and two foreigners in the boat.

1542. (*The Commissioner.*) What do you mean by foreigners - passengers? - Yes.

1543. (*Mr. Rowlatt.*) Two foreign passengers? - Yes.

1544. Do you know what class they were? - Well, I should think they were third-class.

1545. Then did you push off from the side? - No.

1546. I mean to row away? - The water was there.

1547. Did you row away? - Yes.
1548. You practically floated off the ship? - Yes.
1549. How far off did you go? - Well it was about 100 yards before the first explosion went. It was a very loud report.
1550. You heard an explosion? - Yes.
1551. Then did you row further off again? - Yes.
1552. How many oars had you? - About eight.
1553. Plenty? - Yes.
1554. How many people had you rowing? - Well, I had to ask a couple of women to get hold of an oar.
1555. How many oars had you out altogether? - About four.
1556. Who was in charge of the boat - who was steering? - There was no rudder there.
1557. No rudder at all? - No, I was in charge of the boat.
1558. Did anybody steer with anything? - No. I kept on changing my oar from port to starboard to keep her away as best I could.
1559. You were doing that? - Yes.
1560. You were in command of the boat? - Yes.
1561. Did you see the "Titanic" sink? - Yes.
1562. How far off were you when she sank? - I suppose about 150 yards.
1563. Then it was not very long after you left her that she did sink? - No.
1564. Had you been rowing all the time? - I was not rowing long before she went down.
1565. (The Commissioner.) When you floated in this collapsible boat into the sea were you on the port or the starboard side? - The port side.
1566. (*Mr. Rowlatt.*) Did you see any light? - Well, I did see a light, a faint sidelight of another ship.
1567. Where away? In what direction? - On my port hand it was then.
1568. You saw a light? - Yes.
- The Commissioner:* A faint sidelight as I understand.
1569. (*Mr. Rowlatt.*) Where was it? - Off my port hand as I was in the boat.
1570. Do you mean it was a port light? - Was it a red or a green light? - A red light - a sidelight.
1571. Now in what direction from you was it? That is what I wanted to ask - taking the bow of the "Titanic"? - Taking it from here it would be the starboard side.
1572. Broad on the starboard side? - Yes, from her quarter.
1573. What, astern? - No, as she is left now it would be in that direction.
1574. Right out here? - Yes.
1575. Aft the beam? - Just the same as she is lying now, on her quarter.
1576. That is where you saw the light? - Yes.
- The Commissioner:* Is that where the other man said?
- Mr. Rowlatt:* No, he said two points on the port bow. That would be in that direction (*indicating*), assuming they are speaking of the time when the ship was in the same place.
- The Commissioner:* It is possible the "Titanic" had turned, you mean?
1577. (*Mr. Rowlatt.*) We cannot tell how she was moving. Did you notice whether the "Titanic" moved at all after the collision? - No, I do not think she did.
1578. She lay pointing in the same direction? - Yes.
1579. Did you take any notice of that? You would not notice unless you noticed the stars, I suppose; you would not see, would you? - No.
1580. Did you see any other light beside the red light? - Yes, the steaming light.

1581. You did? - Yes, I saw the sidelights and the steaming light.
1582. You said the sidelight was faint? - Yes, certainly.
1583. Was the other light faint or clear? - You can only see one side.
1584. I know that, but I mean the masthead light? - Yes, clear.
1585. Could you judge at all how far off it was? - It was about eight or nine miles; it was right on the horizon.
1586. Are you speaking of it being on the horizon when you were in the boat? - Yes.
1587. And of course before you left the "Titanic" you were down on the water as you have told us? - Yes.
1588. I want to go back for a moment to get one thing clear. You told us you got into a boat and were ordered out of it? - Yes.
1589. Which boat was that? - That was the collapsible boat.
1590. Is that the same one you went away in? - That is the same one I went away in.
1591. I see - port side? - Yes.
1592. You came back to her afterwards? - I came back to her afterwards.
1593. When the "Titanic" went down did you see wreckage about? - Chairs and spare cupboards like.
1594. And people in the water? - No, I never saw anybody in the water.
1595. Did you go back in your boat? - I transferred all the women from my boat to No. 8 boat because I was frightened of my boat capsizing and going down.
1596. Whose boat was No. 8 boat? - Poingdestre was in charge.
1597. You got all your women out of your boat into No. 8? - Yes.
1598. Then what did you do with your boat? - Poingdestre asked me if I would go in the boat and get hold of an oar and I said yes, and then I went over to the upturned boat where we had picked up 36 from the wreckage.
1599. What upturned boat was this? - This was one of the boats that had got off from the deck where I was assisting before I went away in this collapsible boat.
1600. Was it a collapsible boat? - It was a collapsible boat.
1601. It was upturned? - It was upturned.
1602. Were there people clinging to it? - Yes, 36 on the top of it.
1603. There were two collapsibles on the "Titanic," were there not? - There are four.
1604. These are the two that got off? - Yes.
1605. Now with regard to these 36 people on this upturned boat, what happened to them? - I put them in the boat that I was in.
1606. You took them off? - Yes.
1607. With your collapsible? - No, with this No. 8 boat.
1608. What happened to your collapsible? - I let that go with the three men in it.
1609. Where did they go? - Well, they hung on to the remainder and were knocking round - tied themselves together afterwards.
1610. I just want to get it quite clear. You went with this collapsible boat alongside No. 8? - Transferred the women into No. 8 because I was frightened the boat was going down.
1611. I daresay you were rather crowded, were you? - Yes, we were; the gunwales were under water.
1612. You got them out? - Yes.
1613. You went in No. 8 yourself? - Yes.
1614. Now, was anybody left in the collapsible? - Yes, three men - a quartermaster and two men.
1615. What did they do? - They stopped there till they were picked up.

1616. By the "Carpathia"? - Yes.

1617. Did they go to see if they could save any people out of the water? - Yes, but they could not arrive there because our boat had two or three sailors in it and we got in there before them.

1618. They went, and you went back towards the scene of the wreck? - Yes.

1619. Now, you picked up 36 people off an upturned boat? - Yes.

1620. Did you pick up anyone else in No. 8? - No.

1621. Were there any other people to be picked up? - Well, there were people to be picked up, but they were dead before we got there.

1622. I suppose it took you some time to get there, did it? - Well, say about a quarter of an hour.

1623. How many men had you rowing in No. 8? - Four.

The Commissioner: Will you ask him what his boat load was?

1624. (*Mr. Rowlatt.*) I was going to ask him that. (*To the Witness.*) When you got into No. 8 how many people were in altogether, after you got the 36 people out of the collapsible? - Well, I should say near about 80.

1625. Would she hold all that? - Well, we were frightened of her ourselves. Mr. Lightoller gave orders, "Keep quiet, men, before you get into the boat now."

1626. I want to get it clear. I do not quite understand why you left the collapsible so very empty and filled this boat so very full? - Because we were frightened of her. We had no plug in it.

1627. You had no plug? - We did not know whether there was a plug in it or not. We could not find it.

1628. Was it full of water? - There was water under our feet. The women were frightened of her.

1629. Surely if there had been no plug there, there would have been a great deal of water with 40 people in her? - These boats have a false bottom and plug hole about that depth. Me and Mr. Lightoller were looking round for that plug a good ten minutes before any passenger got into it and could not find it.

1630. Is it plugged from the top? - I should say so.

1631. Do not you know how this boat ought to be plugged? - Well, not these boats. They are the first boats I have seen of that build.

1632. (*The Commissioner.*) For aught you know the plug may have been in position? - Yes, my Lord.

1633. (*Mr. Rowlatt.*) Did you see No. 8 go away from the ship? - I lowered No. 8 myself.

1634. How many people were there then in her? - I should say near about forty.

1635. How many men as far as you can recollect? - Three.

1636. How long before you went did she go? - About half an hour.

1637. Then she did not go very far away? - No.

1638. She had only three men to row and a heavy load? - Yes.

The Commissioner: A heavy load! She had 40, and afterwards took 40 more apparently.

1639. (*Mr. Rowlatt.*) Yes. The other 36 makes up the other 40? - Yes. But when we got to the other boat I transferred some of those people off the upturned boat into another boat; I think it was No. 10.

1640. I have not got it yet, I think. When No. 8 went away she had 40 people in her, you think? - Yes.

1641. How many people went in your collapsible? - Forty; loaded right up.

1642. And they went into No. 8, did they not? - Yes.

1643. And that made 80? - Yes.

1644. Where did the 36 men off the collapsible go? - We took them aboard our boat and then we transferred some of them to another boat that came up alongside us; No. 10, I think.

1645. At one time you had more than 80 on No. 8? - Yes, at the time we were crossing.

1646. You did not see any living people in the water? - No.

1647. Did you hear any cries? - I did.

1648. Did you see No. 12 boat at all, or only No. 8, or was it No. 12? - Well, I started all those boats on the port side right till I got forward.

1649. The one you transferred your people to, was that No. 8 or No. 12? - They were the last people to go on board the "Carpathia," and to be picked up.

1650. Were they No. 8 or No. 12? - I think one was No. 8. I think the other was No. 10 or 12. I would not be sure; I know the coxswain of her.

1651. What is his name? - Foley.

1652. Was he a steward? - No, a sailor.

1653. He is not a third-class steward? - No.

1654. Was he saved? - Yes.

1655. Now, did you have any boat drill? - Yes.

1656. Where was that? - Southampton.

1657. You told me you came on board just before she sailed? - Yes, but we always had this boat drill with the Board of Trade muster - just after we have our muster, that is just after 9.

1658. Earlier in the day? - Yes.

1659. You mean you had your boat drill and then went ashore again? - Yes; it is a regular thing for sailors to go ashore and have a final drink.

1660. Did you actually take part in the boat drill or did you only muster? - I went up to the boats to lower them, but I went ashore.

1661. How do you mean? - I went up about the boat, and as soon as I saw a chance I went ashore.

1662. You did not take part yourself in the actual drill? - No.

1663. Where was the drill held, on the boat deck? - Yes.

1664. How near to the drill did you get? - I got on the boat deck to get the boats out, and then I went ashore.

1665. You did not bear a hand in anything? - No.

1666. Did you get to your right boat? - It is any boat you get in. They lower the boats and you go away in those boats, you sail back and get hoisted in board.

1667. You do not muster at your particular boats? - No.

1668. You had a particular boat? - Yes, you always muster at that when you are at sea.

1669. Did you have any boat drill at sea? - Not in this ship.

1670. You knew where your boat was? - Yes.

1671. How many seamen were there in No. 8 when you got there? - Two.

1672. How many seamen, in your judgment, does it want to man one of these boats? - A lifeboat wants at least 12 hands in it.

1673. And how many passengers would she then hold safely? - I should think she would take 40 comfortably.

1674. Then how many oars would she row with 12 men according to your reckoning? - Twelve oars.

1675. And a coxswain beside? - Yes.

1676. (*The Commissioner.*) Do I understand, in your opinion, a lifeboat to accommodate 40 people ought to have in it 12 men with each an oar? - Yes, my Lord.

1677. (*Mr. Rowlatt.*) Did you have one man to each oar or two men to an oar? - One man to an

oar in a lifeboat.

1678. Do they have sails? - Yes.

1679. And when you say 12 men - ? - That includes the four to sail the boat.

1680. Would they be enough in bad weather? - That is the crew.

1681. When you say 12 - ? - I am talking of rough weather.

1682. A crew to face everything? - Yes.

1683. Did you find it difficult to row these lifeboats with only two oars? - Well, we just kept her going that is all.

1684. And the collapsible, how many men do you think would be wanted for the collapsible? - About five hands.

1685. Four to row and one to steer? - Yes.

1686. Is the collapsible intended to have a rudder? - Yes.

1687. Did you never see a rudder belonging to a collapsible? - I never saw one there.

1688. Had she the proper number of oars? - Yes.

1689. And rowlocks or crutches? - Yes.

1690. Did you never see the rudder? - No.

1691. What happened to the collapsible ultimately? - I do not know.

1692. Was she cut adrift, or was she taken on board the "Carpathia"? - None of the collapsible boats were taken on board of her. They were cast adrift.

1693. Therefore you never had an opportunity of seeing? - No.

1694. Can you form any judgment as to whether she had a plug or not? - If there had not been a false bottom I might have been able to find it out, but they carry a false bottom about 2 feet from the keel.

1695. As far as you were able to see you could not see whether there was a plug or not? - To speak the truth, I do not think there was a plug in the boat.

1696. Would she have floated as well as she did without a plug? Would not the water have spurted up from the hole? - We could not see that because there was a false bottom - that was what I was frightened of.

1697. You mean a false bottom, not watertight? - Yes.

1698. Not one hole coming through the two bottoms? - The boat is like that, and the false bottom is laid like a bit of a platform. (*describing.*)

1699. You did not know what was going on under the platform? - No.

1700. I see; that is what it was. Would not you have expected the water to have come over the platform more than it did if there had been no plug at all in the boat? - I should have done, yes.

1701. What is your conclusion about whether there was a plug or not? - The passengers wanted to get out of the boat, and I got them out of it.

1702. Was there a lamp in the boat? - No.

1703. And no provisions nor water? - Not in this boat.

1704. (*The Commissioner.*) A compass? - No.

1705. (*Mr. Rowlatt.*) Was there going to be any other boat drill as far as you heard? - No, I do not think there was, they would have mustered that Sunday. It is a regular thing in these boats to muster on Sunday for boat drill and fire stations.

1706. You had had a Sunday? - Yes, this was a Sunday.

1707. Did you muster? - No.

1708. (*The Commissioner.*) Why was that? - I do not know, my Lord.

Cross-examined by Mr. SCANLAN.

1709. In the boat drill you had at Southampton is it the case that only able seamen and deckhands took part in it? - That is all.

1710. No firemen, no stokers, no engineers or stewards were called to take part in it? - No.

1711. Had you been given any training in the launching of a collapsible boat? - That is my work. I do not want any training.

1712. I know you are a capable man. Had you on board the "Titanic" been instructed in the launching of any of those collapsible boats? - No.

1713. In the state of your knowledge while you were on the "Titanic" did you know whether to expect plugs or not in the collapsible? - No.

1714. If there had been plugs in this collapsible boat attached with lanyards or chains, could you have found them easily? - Certainly.

1715. Can you tell my Lord that there was not a plug attached by a lanyard or a chain in this collapsible boat? - I should say now that there was no plug attached to the boat; I never saw one.

1716. Was there a sea anchor in this collapsible? - No.

1717. Was there a baler? - Yes, there was a baler.

1718. A rudder or tiller? - No rudder or tiller.

The Commissioner: Is a rudder used in those boats?

Mr. Scanlan: I am reading, my Lord, from the general rules under the Merchant Shipping Act, and if your Lordship will refer to page 15 of the rules you will see: "Equipments for collapsible or other boats and for the rafts. In order to be properly equipped each boat shall be provided as follows: - (A.) With the full single banked complement of oars and two spare oars. (b) With two plugs for each plug hole, attached with lanyards or chains and one set and a half of thole pins or crutches, attached to the boat by sound lanyards. (c) With a sea anchor, a baler, a rudder and a tiller, or yoke and yoke lines, a painter of sufficient length and a boat hook. The rudder and baler to be attached to the boat by sufficiently long lanyards and kept ready for use."

The Commissioner: What is the date of those rules?

Mr. Scanlan: 1894 my Lord, it is here.

The Attorney-General: February, 1902.

Mr. Scanlan: Yes, 1902. I think there was a rule made in 1910.

The Attorney-General: Quite right, and there is another in 1909.

Mr. Scanlan: And the rules were reprinted in 1911.

The Commissioner: Are they the same in 1911 as they were in 1902?

Mr. Scanlan: Yes, my Lord, with the exception of the one added rule.

The Attorney-General: I do not think that affects this.

1719. (*The Commissioner - To the Witness.*) Is it possible to steer these collapsible boats without a rudder? - Yes, by putting an oar over the stern.

1720. Is not there a provision made in the stern of collapsible boats for an oar which is to act as a rudder? - No, my Lord.

1721. Well, there is according to my notion. Are you sure? - I have never seen a place, my Lord.

1722. I mean a place for a rowlock? - No, I never saw one, my Lord.

1723. Did you ever look? - Well, I did look when I was in this collapsible boat.

Mr. Scanlan: I think that point that your Lordship is referring to is met in one of the rules which I did not finish. "In boats where there may be a difficulty in fitting a rudder a steering oar may be provided instead."

The Commissioner: According to the picture which I have here of one of these collapsible boats, there is no rudder, but there is the provision of a row-lock and so provision for steering

with an oar.

1724. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) Were there four collapsible boats on board? - One either side of the emergency boats and one each side of the funnel.

1725. Of the four, how many were actually launched? - I can answer for two.

1726. Do you know whether the others were launched or not? - I cannot say.

1727. You have told us that you saw eight lifeboats being launched? - Yes.

1728. And sent off with a complement of passengers? - Yes.

Were all these incompletely filled with passengers?

The Commissioner: Not his own I should say.

1729. (*Mr. Scanlan.*) Before his own. (*To the Witness.*) Yours was the last to leave? - Yes.

1730. But of the eight which you saw leaving is it true that they were incompletely filled? - Some had more passengers in than others.

1731. How many more do you think could have been accommodated in these? - In some of them they could have taken another 15 or 20.

1732. (*The Commissioner.*) Now, what I want to know is this; why were they not filled up? - There were not any females on the deck to put in the boats.

1733. Or if they were they would not go? - Some would go in and some would not; they wanted to stay behind with their husbands.

1734. (*Mr. Scanlan.*) From the time of the order which you received to assist in uncovering and launching the lifeboats until they were being sent off from the side, was there sufficient interval to enable the female passengers in the steerage to be got up to the boat deck? - They would if they had anybody there to direct them to the boat deck.

1735. Was there any person, so far as you were aware, directing the steerage passengers, either those who were stationed forward or aft, to the boat decks? - I do not think so.

1736. You do not think there was anybody? - No.

1737. (*The Commissioner.*) But you were not there to see, I should think? - No, my Lord; but there were hardly any third-class passengers up there.

1738. (*Mr. Scanlan.*) You say that you heard shouts, "Any more passengers?" "Any more women?" - Yes; I shouted myself.

1739. Could those shouts by any possibility have been heard by the passengers in the third-class quarters? - No, not at all.

1740. Of the eight boats which you saw launched how many were properly manned with seamen? - [No Answer.]

The Commissioner: Do you mean with twelve seamen? - I do not know what you mean by "properly manned." Is your definition of "properly manned" twelve seamen?

Mr. Scanlan: It is not, my Lord.

The Commissioner: What is your definition?

Mr. Scanlan: I should hesitate, my Lord, at this stage of the Inquiry, on my instructions to give a definition as to what is a sufficient number of seamen to man a lifeboat.

The Commissioner: This Witness said twelve.

Mr. Scanlan: My instructions have never gone to that extent, my Lord -

The Commissioner: I am not astonished to hear that.

1741. (*Mr. Scanlan.*) As to the efficiency of a crew for manning a lifeboat. (*To the Witness.*) How many seamen could, in your opinion, man one of those lifeboats in fine weather and under favourable conditions which you had on the night of this unfortunate accident? - If they were to keep in the boat for any length of time it would want at least six.

1742. In those eight boats which were launched while you were looking on, can you tell my Lord how many seamen were in each on an average? - To my knowledge there was either one or

two in each.

1743. Was that insufficient in your opinion? - That is the regulation, two sailors to each boat.

The Commissioner: I really do not understand it. He says the regulations are two in each boat. He says there ought to be twelve in some circumstances, and apparently six in other circumstances. What am I to understand? Are we getting this Witness's skilled opinion on the point?

1744. (*Mr. Scanlan.*) I think his opinion might be of some value. (*To the Witness.*) When you speak of twelve men being required do you mean stokers as well as seamen? - I am a Service man and I did nine years in the Navy, and for a lifeboat it was always considered fourteen men is a lifeboat's crew.

1745. (*The Commissioner.*) How many persons will that boat manned with 14 men carry in addition to the 14 men? - That boat would carry at least 50 besides the crew.

1746. Besides the fourteen? - Yes.

1747. (*Mr. Scanlan.*) When you speak of Mercantile Marine boats - I am not talking of Service boats now - you referred to a crew of twelve? - Yes.

1748. Does that include firemen and engineers and stewards as well as seamen? - Yes.

1749. You also stated a moment ago that you are supposed to have two seamen to each lifeboat? - Yes.

1750. Is that an ordinary regulation - two qualified seamen? - Yes, that is a regulation laid down by this Company - two sailors to each boat.

1751. Were there two sailors to each of the boats which you saw launched before you left the "Titanic"? - There were two sailors in several of them, one in some, and a fireman took their place.

1752. Do the firemen and stokers in other ships? - No.

Mr. Holmes: I have no questions.

Examined by Mr. LEWIS.

With regard to this boat drill at Southampton, are many men allowed to run away as you did on that Saturday?

The Commissioner: What is that question?

1753. (*Mr. Lewis.*) I am asking about the boat drill on Saturday at Southampton, where, I think, Mr. Lucas departed to have a drink. (*To the Witness.*) Was any notice taken of your going away? - No.

1754. What time is generally spent upon these boat drills as a rule? - I should say about an hour from the time they are lowered to the time they are hoisted.

1755. Who takes part - only sailors? - Only sailors.

1756. The whole of the sailors? - Yes.

1757. And how many boats? - Two.

1758. Is the Board of Trade Inspector generally present? - Yes.

1759. And does he make a thorough examination of the boats? - Yes.

1760. Does he see that they are properly equipped? - Yes.

1761. Now with regard to the "Titanic," I understand you went from your quarters? - Yes.

1762. How long did it take you to get from your quarters to the boat deck? - I should say about five minutes.

1763. No more? - No.

1764. (*The Commissioner.*) Where are your quarters. I thought they were here? - Yes; in the fore-well deck.

1765. You had got up to the boat deck? - Yes.

1766. Does it take you five minutes to get up? - At times it took me longer than that. I never knew my way; it was a new ship.

1767. In ordinary circumstances, or what I conceive to be ordinary circumstances, do you mean to tell me it takes five minutes to get from your quarters in the fore part of the ship up to the boat deck? Just think about it? - It took me close on that. I never knew my way properly upon the boat deck.

1768. Do you mean to say that you were groping about in places that you knew nothing about? - Yes.

1769. Had you never been up before? - Yes, I had been on the boat deck every watch.

1770. And had not you then learnt your way? - Yes, I had learnt my way.

1771. Then having learnt your way how long did it take you to go your way to get to the boat deck? Five minutes seems a very long time. I should have said half-a-minute? - It is rather long, my Lord.

The Commissioner: I came up those stairs in the "Olympic" yesterday. It is quite true I was shown the way but five minutes seems an extraordinary length of time.

Mr. Lewis: Would you say the boat is very complicated?

1772. (*The Commissioner.*) Was it difficult for you to find your way from your quarters up to the boat deck? - No.

1773. (*Mr. Lewis.*) Was it easy to get from the men's quarters to the deck? Would it be more difficult on the "Titanic" than one of the Union-Castle boats? - Yes.

1774. You say it would be more difficult? - In the "Titanic," yes.

1775. How long did it take you? I understand you say you assisted to get eight lifeboats out? - Yes.

1776. How long did it take you from the time you commenced till the time you finished with the last boat? How long were you engaged on the work? - I should say about an hour.

1777. You said that you were launching that boat. I understood you to say there were eight sailors there? - That is right.

1778. You were rather short-handed in launching the eight boats? - Yes.

1779. And there were not sufficient seamen sent out with the boats? - No.

1780. What had those eight men been doing? - Lowering all the boats.

1781. But they were left behind? - Yes, left behind along with me - got orders to stand by the boats and lower, and do nothing else.

1782. As two sailors at each boat went out they left the number behind to look after the other boats? - Yes.

1783. It would not require the eight sailors to do the last two or three boats, would it? - It required every man that was there. I got ordered out of the boat I was in, the last collapsible boat, to get one off from the funnel.

1784. Were there any women or children left behind when you left on this collapsible boat? - Yes, I left two myself.

1785. Where were they? - They were lying alongside of me and I said to them: "Wait a minute, there's another boat going to be put down from the funnel for you."

1786. That was because you could not take them? - I could not take them.

1787. Were they young people or old? - Two young girls.

Examined by Mr. COTTER.

1788. How long have you been in the employ of the White Star Line? - About eighteen months or two years.

1789. Have you been in any other lines that have first-class passenger ships? - No.

1790. When you got to the boat decks, you found these collapsible boats lashed down? - Yes, they were secured down.

1791. How were they secured? - I could not tell you.

1792. Have you any idea how you got them away? - The collapsible boats?

1793. Yes? - The same falls from the emergency boat picked the collapsible boats off the deck.

1794. Who cut them away? Did you chop them away with anything, or did you unfasten them? - Firemen and sailors.

1795. How many firemen were there? - I should say about 40.

1796. Forty firemen and how many sailors? - Three while I was there.

1797. I thought you said eight? - This is getting the collapsible boat off the deck. Eight sailors were there when I was alongside the funnel - by the boat by the funnel.

1798. You had had no drill or any practice in getting these collapsible boats away in case of emergency? - No.

1799. None at all? - No.

Examined by SIR ROBERT FINLAY.

1800. You said you saw a sidelight and a masthead light? - Yes.

1801. Was I right in thinking that you said you judged them to be eight or nine miles apart? - Yes.

1802. Could you see a sidelight eight or nine miles distant? - A night like that I could.

1803. Eight or nine miles distant? - I think so.

1804. You saw nothing more of the vessel to which those lights belonged? - No; the light went further away every time we looked at it.

1805. (*The Commissioner.*) I am not quite clear about it. Did you see this masthead light and this sidelight before you got into the boat? - No.

1806. Before you were on the surface of the water? - No, I never saw it.

1807. And you saw one of them nine miles away when you were down in the boat? - Yes.

1808. (*Sir Robert Finlay.*) At the time of the collision did you hear any noise? - No, only the collision we had with the berg.

1809. That is what I mean. If it made any noise can you describe what it was like? - Like a ship running up on gravel, a crushing noise.

1810. Grating on gravel? - Yes.

1811. In regard to all these lifeboats that you saw lowered, did you notice whether there was water? - There was breakers of water.

1812. Yes? - The boat I was in had breakers of water.

1813. You mean the collapsible? - Yes, and No. 8 boat.

1814. (*The Commissioner.*) Both had? - The collapsible boats are not fitted with any breakers, not the one I was in; but No. 8 had water in it.

1815. (*Sir Robert Finlay.*) Did you notice with regard to any of the other boats? - No.

1816. Did you notice whether there were biscuits in any of them? - I asked the coxswain of No. 8 whether he had any biscuits in the boat, and he said "Yes, he had and water too."

1817. Did many of the women passengers refuse to leave the ship? - Me and Mr. Lightoller helped one elderly lady into the collapsible boat, and we had to get her out again because she

refused. She would not go without her husband. There were several cases like that while I was lowering my boats on the port side.

1818. Several cases like that came under your own notice? - Yes.

1819. You know that a great many third-class women passengers were saved? - Yes.

1820. You were not there to hear how they were told what was happening? - No.

1821. Somebody must have told them? - Yes.

Re-examined by the ATTORNEY-GENERAL.

1822. You have spoken to us of what happened before you left Southampton. With reference to the boats, was it No. 3 and 7 lifeboats which were swung out, do you remember? - I could not answer for that.

1823. Were there two boats on the starboard side? - Yes.

1824. Were the deckhands duly mustered? - Yes.

1825. And then were a number of men told off to swing out and lower the boats into the water? - Yes.

1826. Do you remember at all how many men? - No. That is all the men, all sailors - it does not matter what you are - all go to those two boats.

1827. All the sailors who would otherwise have to man the other boats? - Yes.

1828. The sailors? - Yes.

1829. A number of them with an officer formed the crew of each boat? - Yes.

1830. Then were the boats swung out at the same time? - Yes, they went away together.

1831. Is that a matter which takes about 3 1/2 minutes, or something like that? - It would be about that.

1832. Were the crews exercised by the officers in the water? - Yes.

1833. Did you see an Emigration Officer of the Board of Trade there at the time this was done? - Yes, there was an officer there.

1834. We are talking of it as a boat drill; it is as well to get it correct, my Lord; it is not boat drill?

The Commissioner: So I gathered.

The Attorney-General: It is a muster.

The Commissioner: They do not go through any evolutions.

The Attorney-General: No.

The Commissioner: They simply go up and stand opposite two boats, not more.

The Attorney-General: Yes. Then, of course, they swing out the boats and they go into the water and they are exercised. This is in order to satisfy the Emigration Officer of the Board of Trade. That is the point. It is not boat drill at all; it is a muster. Your Lordship asked a question also about the rules. I find that the last rule is the 14th June, 1911, and that makes some additions and amendments to rules in reference to deck lifeboats. If your Lordship has not got it we will see you get it. We will go into that more fully hereafter.

(The Witness withdrew.)

FREDERICK BARRETT, Sworn.

Examined by the SOLICITOR-GENERAL.

1834. Is your name Frederick Barrett? - Yes.
1835. Are you a fireman, a leading hand? - A leading stoker.
1836. Does a stoker and a fireman mean the same thing? - No.
1837. What is the difference? - One is a little higher than the other.
1838. I beg your pardon, are you a leading stoker? - Yes.
1839. Is there a leading stoker to each stoke-hold? - There is a leading stoker to each section.
1840. And how many sections are there? - Six, one is a single section. There are five leading stokers on each watch.
1841. You say there are six sections? - Yes, one is a single section.
1842. Which was the number of your section? - No. 6.
1843. Does that correspond to No. 6 boiler room? - Yes.
1844. We had a fireman here this morning, Beauchamp his name was, he told us it was No. 10 section? - That is No. 10 stokehold. There are two stokeholds to each section.
1845. That is one of the two stokeholds in No. 6 section? - No. 10 and 11 stokeholds is No. 6 section.
1846. Yes, that works it out. I suppose it runs like that all through. One and two corresponds to No. 1 boiler? - Yes, No. 10 and 11 is No. 6 section and 8 and 9 is No. 5 section.
1847. Is this section of yours, No. 6 section, the foremost section of the ship? - Yes, right forward.
1848. It is under the fore funnel, of course? - It is the forward boiler.
1849. It will be under the fore funnel? - It is just close under the fore funnel.
1850. Were you on duty at the time this accident happened? - Yes.
1851. How many firemen or stokers are there in a watch working with you in No. 6? - There are eight firemen in No. 6 section and four coal trimmers. That is what they call the men who wheel the coal.
1852. And yourself as well? - Yes, and an engineer.
1853. Who was the engineer who was on duty? - Mr. Shepherd.
1854. Now can you tell me where you were or what you were doing just at the time the collision happened? - I was talking to the second engineer.
1855. What is his name? - Mr. Hescott. [Hesketh]
1856. Can you tell us where you were? - I was in No. 10 stokehold.
1857. I think it is important to fix the place. Does this stokehold extend across the ship from the starboard side to the port side? - Yes.
1858. Can you tell me which side you were in the stokehold? - The starboard side.
1859. You were talking to Mr. Hescott [Hesketh]? - Yes.
1860. Now just tell us what happened that you noticed? - There is like a clock rigged up in the stokehold and a red light goes up when the ship is supposed to stop; a white light for full speed, and, I think it is a blue light for slow. This red light came up. I am the man in charge of the watch, and I called out, "Shut all dampers."
1861. You saw this red light? - Yes.
1862. You knew that was an order to stop the engines? - It says "stop" - a red piece of glass and an electric light inside.
1863. Shutting the dampers, I suppose, would be? - To shut the wind off the fires.
1864. To shut the draught off the fires. And you gave an order, "Shut the dampers"? - Yes.
1865. Was that order obeyed? - Yes.

1866. What was the next thing that happened? - The crash came before we had them all shut.

1867. They were shutting them when the crash came? - Yes.

1868. Where was the crash - what was it you felt or heard or saw? - Water came pouring in two feet above the stokehold plate; the ship's side was torn from the third stokehold to the foreword end.

1869. We will get this slowly, because it is important. Just let us have that again. You said something about the water coming in? - Yes.

1870. Did it come in on you? - Yes.

1871. Did it come into this No. 6 section No. 10 stokehold? - Yes.

1872. Then you said something about the side of the ship being torn? - Yes.

The Commissioner: Before you leave that will you tell me where the water came from?

1873. (*The Solicitor-General.*) It is the same thing as I was upon, my Lord. (*To the Witness.*) Where did the water come from? - Well, out of the sea, I expect.

1874. (*The Solicitor-General.*) I think your last question and mine meant the same thing, my Lord. (*To the Witness.*) I wanted to know where it came from - underneath or from the side or from the port side or from the starboard side? - The starboard side.

1875. Can you tell us at all compared with where you were standing whether it came from above or below? - About two feet from where I was standing.

The Commissioner: That is what I want to know - exactly where the water came from. He says from the starboard side.

1876. (*The Solicitor-General.*) We will get it by degrees, my Lord. (*To the Witness.*) About two feet from above where your feet were? - Yes.

1877. On the starboard side? - Yes.

1878. What is it you stand on in the stokehold? - We call them plates. It is like a floor.

1879. Iron plates, I suppose? - Yes.

1880. I expect you can find your way about a plan. Do you think you could point on this section here with a pointer what would be the level you were standing on? - Yes.

The Solicitor-General: I think it would be well if he did that, my Lord.

The Commissioner: Yes. (*To the Witness.*) Just do so. Perhaps we could understand it better if he did it on the upper plan.

The Solicitor-General: I will get it from the lower one first and then turn to the other.

(*The Witness pointed out on the plan.*)

1881. (*The Solicitor-General.*) Is the place you are pointing out now No. 6 section and No. 10 stokehold? - Yes.

(*The Witness further pointed out on the plan.*)

1882. And is the place you are pointing out now the floor level where you would be standing? - No, that is about *here*. (*Pointing on the plan.*)

1883. Lord Mersey thinks you might also be able to point it out on the section above. You see there is the water level outside the ship where she would be? - The plates were supposed to be six feet above the tank tops. That is what it is reckoned to be.

1884. The floor you are standing on is supposed to be six feet above the top of the tanks? - Yes.

1885. What tanks are those? - I could not tell you.

1886. The tank top is marked there, is it not? - Yes. (*The Witness pointed out the position on the top plan.*) There would be about six feet over these tank tops.

1887. (*The Commissioner.*) Those were the plates you were standing on? - Yes.

1888. Did the water come up through those plates? - No, from 2 feet over those plates.

1889. Did the water come through the side of the ship? - Yes.

1890. Before you go away can you point out to me whereabouts in the skin of the ship the water came from. Look at the top plan? - I cannot judge by the top plan. I can judge better by this one.

1891. Very well? - The ship was torn right through here (*indicating on the plan*). I consulted Mr. Shepherd and Mr. Hescott [Hesketh] about the hole being in this bunker, and that was the farthest aft the ship was torn. This is a watertight compartment, and the ship was torn from there to there. That is in the next section.

1892. (*The Solicitor-General.*) What do you call that section? - No. 5.

1893. (*The Commissioner.*) Just show me on that plan the watertight bulkhead that is nearest the bow? - I have no duty at the forward end; I only know where I am working.

The Commissioner: Point out to me, Sir John, will you?

The Solicitor-General: As I understand the collision bulkhead is here (*pointing*) and then there is one here, a third one here, and a fourth one here.

The Commissioner: And the water came in on the aftside of the bulkhead that you are pointing to?

1894. (*The Solicitor-General.*) We have still one more to go. There is a fifth one here. I understand the Witness to say that he found water was coming in aft of that bulkhead, the fifth, and therefore the skin of the ship was certainly injured at that point? - Yes.

The Commissioner: How many watertight compartments are there forward of that point? Are there four or five?

The Solicitor-General: Your Lordship sees that forward of that point there are five bulkheads, and a compartment would be formed I presume by any two of them.

Sir Robert Finlay: There are six altogether, my Lord, I think.

The Commissioner: I want to see how far aft the rent or whatever it was caused by the iceberg extended.

The Solicitor-General: May I ask the Witness a question about it?

The Commissioner: Certainly.

1895. (*The Solicitor-General - To the Witness.*) You pointed out that you found that this rent was abaft of this bulkhead here and therefore that the water was coming into No. 5 section? - Yes.

1896. Can you tell me whether the rent went further aft than that? - It did not.

1897. So it got as far as that and no further? - Yes.

1898. That is one end your Lordship sees. (*To the Witness.*) Now as far as you are concerned, can you tell me whether the rent ran right through No. 10 section? - I did not stop to look; I jumped from that section when she struck.

1899. You jumped from No. 6 section back to No. 5. - Yes.

1900. And you cannot tell me of your own knowledge whether there was damage done more forward than aft? - I cannot.

The Commissioner: He knows nothing about the damage, I suppose, except in the place in which he was.

1901. (*The Solicitor-General.*) That is it, my Lord. Now, if I may keep him here for a moment, there are two or three things I want to ask him. (*To the Witness.*) The water came into No. 6 section, where you were at work? - Yes.

1902. Just after you had given the order to close the dampers, and while they were being closed; is that right? - Yes.

1903. Did it come in fast? - Yes.

1904. Did it come in fast enough to begin to flood the place? - Yes.

1905. Then what was it that you did? - Me and Mr. Hescott [Hesketh] jumped into this section,

and the watertight compartment closed up.

1906. You and Mr. Hescott [Hesketh] both jumped into the next section? - Yes.

1907. There were stokers working there still; firemen in No. 6? - Yes.

1908. What happened to them? - There was one of them saved.

1909. One of them was saved? - Yes.

1910. Did he get through the watertight compartment with you? - I could not tell you where he got to.

1911. What was his name? - Beauchamp, I think it was.

1912. He is the man who has given evidence here this morning, because he said he was in No.10. As far as you know were any others of your gang saved? - I could not tell you.

1913. Now point out in this bulkhead whereabouts in the section of it does this watertight door come that you jumped through? - This connects in the amidship part of the ship. There is a pass connecting this bulkhead. It is further aft than that, it is about here in the centre of the ship (*pointing on the plan*).

1914. It is in a passage, is it? - Yes.

The Commissioner: Is that a door that works automatically, or is it a door that has to be shut?

1915. (*The Solicitor-General.*) I think we shall find out, my Lord. (*To the Witness.*) Can you tell me whether that is one of the watertight doors that is worked from the bridge? - It is.

1916. At the time the accident happened it was open. You and Mr. Hescott [Hesketh] got through it just in time and it shut down behind you? - Yes.

1917. Then when you got into the next section, No. 5, did you find water there? - I went through this bunker here - it is a coal bunker - and then the water was rushing in.

1918. You say you went through the coal bunker, which is immediately abaft of the watertight door which you had passed through? - Yes.

1919. And did you find water coming in in that bunker? - Yes, pouring in the bunker.

1920. Was it coming in rapidly? - Yes.

1921. Could you tell us from what level it was coming in? The same as the other? - Two feet above the plates.

1922. Still the same? - Yes.

1923. And then did you get into the stokehold, here? - We were in the stokehold.

1924. And water was coming into the stokehold? - No, only into the bunker.

1925. And that is as far aft as the rent seemed to go? - Yes.

1926. Then what did you do when you got into No. 5? - Mr. Hescott [Hesketh] shouted out "all hands stand by your stations." That is for the men to stand by the fires. My station was in the next boiler room, and Mr. Shepherd and I went up an escape and down to the boiler room, but we could not get in. There were 8 feet of water in it.

1927. (*The Solicitor-General.*) I do not know whether your Lordship caught that. I will ask it again. It is more satisfactory than my telling you. (*To the Witness.*) I was asking you, and I will get you to repeat it slowly and clearly, what happened when you got through this doorway and into No. 5? You told me that Mr. Hescott [Hesketh] gave an order? - Yes.

1928. What was the order he gave? - "Every man to his station."

1929. Your station was No. 6? - Yes.

1930. The one you had just come from? - Yes.

1931. Then what did you do? - Me and Mr. Shepherd, that is the engineer who is in my section, go up the escape of No. 5 and down No. 6 escape.

1932. You tried to go back into the place you had come from? - Yes, we did go back, but we could not go in there because there were about eight feet of water when we got there.

1933. You could not get back to No. 6 through the doorway because it was shut? - Yes.

1934. So you had to go up one escape and down another? - Yes.
1935. When you came into No. 6 what water did you find in it then? - Eight feet above the plates.
1936. That is a rise of six feet since you left it? - Yes.
1937. (*The Commissioner.*) How long? - It was not a quarter of an hour, just on ten minutes.
1938. (*The Solicitor-General.*) You told us you got as quickly as you could into No. 5? - Yes.
1939. And when this order was given did you obey it as quickly as you could? - Yes, we obeyed it as quickly as we could.
1940. Now just think. Was there much length of time after you got into No. 5 and before Mr. Hescott [Hesketh] gave that order? - I should say about ten minutes.
1941. You had been in the bunker? - Yes.
1942. (*The Commissioner.*) Why did you go into the bunker? - I never went into the bunker, my Lord. The bunker was empty, my Lord, and you can stand on the stokehold plates and look into the bunker from the stokehold. You can see into the bunker from where you are working.
1943. (*The Solicitor-General.*) Your Lordship appreciates that it is up to there that he says the rent came. (*To the Witness.*) When you returned or tried to return to No. 6 coming down that emergency ladder did you see anything of your mates in No. 6? - No.
1944. (*The Commissioner.*) What had become of them? - I cannot tell you, my Lord.
1945. Have you seen any of them since? - Only one.
1946. (*The Solicitor-General.*) That is Beauchamp, my Lord. (*To the Witness.*) Suppose you were in one of these sections and you went to get out of it at ordinary times. I want to know how many ways out there are? You have said you can get through the watertight doorway when it is open, and there is this emergency ladder. Is there any third way? - I could not tell you. I was only four days on the ship myself.
1947. As far as you know is there any third way? - No, not to my knowledge.
- The Commissioner:* I do not think there are any other ways.
1948. (*The Solicitor-General.*) I do not think so, my Lord. (*To the Witness.*) The bunker you went into was empty? - Yes.
1949. There was no coal in it? - No.
1950. Was there any water in that? - The water was pouring into it when I noticed it.
1951. That brings us as far as you are finding eight feet of water in your own section? - Yes.
1952. When you found there were eight feet of water there, what did you do then? - We came back to No. 5.
1953. Again using these emergency ladders? - Yes.
1954. That really means, does it not, passing over the top of the bulkhead? - Yes; you come out into the alleyway where the passengers would be.
1955. (*The Commissioner.*) The alleyway that goes right fore and aft of the ship? - Yes.
1956. (*The Solicitor-General.*) Did Mr. Shepherd come back with you to No. 5? - Yes.
1957. And when you got back to No. 5, you and Mr. Shepherd, who else did you find there? - Mr. Harvey and Mr. Wilson.
1958. What is their rating? - I could not tell you; they are engineers, second assistant engineers.
1959. Anyhow, they are engineers? - Yes.
1960. Mr. Harvey, one of the engineers, and Mr. Wilson? - Yes.
1961. And what were they doing? - Attending to the pumps.
1962. Are there pumps in each section? - As far as I understand, there are.
1963. At any rate there were pumps in No. 5? - Yes.
1964. And when you got back to No. 5, how much water was there in No. 5? - None.
1965. Let us understand it. You said that the bunker in No. 5 had got some water coming into

it? - Yes; but the hole was not so big in that section as it was in No. 6 section. By the time the water had got there she had stopped.

1966. So that the water was not coming into No. 5 fast enough to flood it? - No.

1967. Were the pumps working in No. 5? - I could not tell you.

1968. Did you get down to the plate level in No. 5? - Yes.

1969. And the water was not above that? - No.

1970. Now tell us what happened after that. We have come back to No. 5, and you say they were attending to the pumps there. What was the next thing that happened? - They rang through from the engine room to send all the stokers up and me to remain there.

1971. They rang through from the engine room. The engine room is further aft, of course? - Yes, right aft.

1972. It is under the after funnel? - They have a telephone in every section.

1973. The engine room is between the third and fourth funnels? They telephoned from the engine room to No. 5 section did they? - Yes.

1974. And what did you say the message was? - Send all the stokers up.

1975. Up where? On deck? - Yes, up on deck.

1976. I think you told me you were told to remain? - Yes.

1977. Who gave you that order? - Mr. Harvey.

1978. That was one of the engineers that was in No. 5? - Yes.

1979. Do you know what he wanted you to remain for? - In case he wanted anything, I could go and fetch it, because you have to travel up ladders. You cannot go through the watertight doors.

1980. That is what I wanted to know. Was the watertight door in the bulkhead behind you, the one at the afterend of No. 5 shut? - Yes.

1981. Does that shut automatically too? - I believe it shuts the same as the remainder.

1982. Then you were given an order by Mr. Harvey to remain there, and I suppose you did. What did the other hands there do? - I sent them up.

1983. They all went up? - Yes.

1984. Then you and Mr. Harvey were left alone in No. 5? - And Mr. Wilson and Mr. Shepherd.

1985. The three engineers and you. Was it still clear of water? - Yes.

1986. So the bulkhead in front of No. 5 was holding the water back? - Yes.

1987. Now what happened after that? - The lights went out.

1988. The lights went out in No. 5? - Yes.

1989. And when the lights went out what did you do? - Mr. Harvey sent me up for some lamps.

1990. Did you go? - I went to the top of the escape and sent two firemen. They fetched 12 to 15 back.

1991. I should like to understand about the escape. This is the escape ladder, of course? - Yes.

1992. Is it an iron ladder, and you climb up hand over hand? - No, it is an iron ladder on a slant. It slants over the boiler.

1993. Where does it come out? - Into the main alleyway.

1994. And then that runs fore and aft, and you can go forward by it? - Yes.

1995. You sent two firemen for lamps? - Yes.

1996. Is the lamp room in the forecastle? - You have to go down into the engine room for them.

1997. They had to go aft? - Yes, aft to the engine room.

1998. Did they get lamps? - Yes.

1999. And bring them back to you? - Yes.

2000. Did you take them down to Number 5? - Yes.

2001. (*The Commissioner.*) The electric lights were still burning in the alleyway? - They went out for ten minutes. They must have been changing over to the other engine. As soon as I got the lamps they came on again.

2002. That is in the alleyway? - In the stokehold.

2003. (*The Solicitor-General.*) I am not sure you have answered my Lord's question. You went up as far as the alleyway, and the alleyway is lighted by electric light? - Yes.

2004. Was the light burning or was it out there too? - It was burning there.

2005. It was only in No. 5 it had gone out as far as you know? - Yes.

2006. Then the lamps are got and you take them down to No. 5, and how soon did the electric light come back? - It just came back as we got the lamps.

2007. When you got back to number 5 was it still clear of water, or not? - Still clear of water.

2008. What was the condition of the boilers at this time? - I looked at the water. There was no water in the boilers.

2009. You looked at the water gauge? - Yes.

2010. And there was no water in the boilers? - No.

2011. Then it had been let out, had it? - With the ship blowing off it had blown it out.

2012. Then after you had looked at the boilers and found they had no water in them what was the next order you got from Mr. Harvey? - To fetch some men down to keep the fires pulled.

2013. Would that be in all the sections? - No; only in No. 5 section.

2014. How many men were wanted for that? - I got between 15 and 20 down. There were 30 furnaces to pull.

2015. How many furnaces are there in each section? - There are 30 in some sections, and there are 24 in some.

2016. But in No. 5 there are 30? - Yes.

2017. And you got some 15 men to help about it? - Yes.

2018. And did they draw the fires? - Yes.

2019. How long do you think it would take them to draw the fires? - It would take them 20 minutes.

2020. And after they had drawn the fires what happened to them? - I sent them up again.

2021. They went up again? - Yes.

2022. Did you stay below? - Yes.

2023. With Mr. Harvey? - Yes.

2024. Then what was the next order? - He asked me to lift the manhole plate off.

2025. Where was the manhole plate? - On the starboard side of No. 5 section.

2026. When the plate was in position what was it - closed? - It is something you lift up to get at the valves. I do not know what valves it is. It is just like a hole in this table. You lift it off to get to the valves to turn on the pumps or something.

2027. Is it in the floor? - Yes.

2028. And did you do that for him? - Yes.

2029. That would leave a hole in the floor? - Yes.

2030. And what happened then? - Mr. Shepherd was walking across in a hurry to do something and then fell down the hole and broke his leg.

2031. He did not notice the manhole plate had been lifted? - No.

2032. He broke his leg? - Yes.

2033. What did you do with him? - We lifted him up and carried him into the pump room, me and Mr. Harvey.

2034. Is that the pump room in No. 5? - Yes.

2035. At this time, in this No. 5, was it easy to see? - No, all the water which had been thrown

on the furnaces when they were pulled out was making the stokehold thick with steam.

2036. And then you attended to Mr. Shepherd as best you could. Did you stay there after that?
- Just about a quarter of an hour after that.

2037. And during that quarter of an hour did No. 5 keep free from water? - Yes.

2038. Then tell us what happened at the end of a quarter of an hour? - A rush of water came through the pass - the forward end.

2039. You say the forward end of the pass. What is the pass? - It is a space between the boilers where we walk through.

2040. There are boilers on either side of it? - Yes.

2041. From which direction did this water come? - From the forward end.

2042. And this pass that you walk through, is that at the same level as the plates? - Yes.

2043. The same level as where you were standing? - Yes.

2044. Supposing that the bulkhead which is the fore-end of No. 5 had given way, would water come through it and through this pass? - Yes.

2045. Do you know yourself where it was the water came from, whether it had got through the bulkhead or not? - I did not stop to look.

The Solicitor-General: There is a plan here my friend Mr. Rowlatt has found, which is really a very great help in following this. May I bring it up to your Lordship. It is a plan which is numbered No. 3. At the bottom of this plan one gets the tank top level, and here No. E is the transfer section of the watertight bulkhead. W.T.D. is the watertight door to which the Witness said he had got. Immediately behind it is the bank of boilers, and here is the pass between two of the boilers.

The Commissioner: Let the Witness come round here. (*The Witness explained the plan to the Commissioner.*)

The Commissioner: Sir John, can you tell me what the height of the bulkhead is at this part?

The Solicitor-General: It can be scaled, my Lord, of course. I have no doubt one of Mr. Laing's advisers can say.

The Commissioner: It could not come over the top of the bulkhead, I suppose?

2046. (*The Solicitor-General.*) I was going to ask him. He could tell from his feet, of course, whether the ship had shown any tendency to tip, because that gives one some guide. (*To the Witness.*) Can you tell us, up to this time, was the ship lying on an even keel? - No, she was sloping down by the head.

2047. You felt that she was down by the head? - Yes.

2048. Had you noticed that already? - Yes.

2049. And had it been getting worse? - Yes.

2050. Had you ever remarked on it to Mr. Shepherd, or any of them? - No, we never passed any remarks, the engineers never had time to pass any remarks; they were working all the time.

2051. Can you tell me where you were when you first noticed it? Did you notice it in No. 5?

You were in No. 5 after the first all the time. Had you noticed it before the lamps went out? - No.

2052. Had you noticed it before the electric light returned? - No.

2053. Then you said there was a quarter of an hour, about, before this rush of water? - After the fires were drawn.

2054. Had you noticed it while the fires were being drawn? - Yes.

2055. That is when you noticed it? - Yes.

2056. And you say it got worse. Now can you give me any idea whether the water came from over the top of the bulkhead or through it? - I do not see how it could come over the top.

2057. You do not think it did come over the top? - No.

2058. Now, when it came through this pass between the boilers, did it come with a rush? - Yes.
The Commissioner: I suppose he means by that as if something had given way.

2059. (*The Solicitor-General.*) Do you hear my Lord's question? He is asking whether, when you said that, you got the impression that something had given way? - That was my idea.

2060. (*The Commissioner.*) Something that had been holding the water back gave way? - That is my idea, my Lord.

2061. (*The Solicitor-General.*) So it came with a rush? How fast did it fall? - I never stopped to look. I went up the ladder. Mr. Harvey told me to go up.

2062. (*The Commissioner.*) Could it have been a bunker bulkhead that gave way, do you think? - I have no idea on that, but that is the bunker that was holding the water back.

2063. It was the bunker that was holding the water back? - Yes.

The Solicitor-General: It is entirely my fault, but I have not followed the meaning of that.

2064. (*The Commissioner.*) It was suggested to me that it was a bunker bulkhead that gave way, and that the water rushed from the bunker. (*To the Witness.*) Do you think that is possible? - It would be possible, because there are watertight compartments inside the bunker. There is a watertight compartment going through the centre of the bunker.

2065. Was the bunker door shut? - I dropped the bunker door.

2066. (*The Solicitor-General.*) I think there are the elements of a little confusion over this. The bulkhead runs across the ship from the starboard side to the port side, does it not? - Yes.

2067. Is there a coal bunker on either side of the bulkhead on the starboard side? - There is a watertight compartment running right through the centre of the bunker.

2068. There is the watertight bulkhead? - Yes.

2069. (*The Commissioner.*) But the bunker is partly on one side of the watertight bulkhead and partly on the other? - Yes.

2070. And the watertight bulkhead goes through the middle of the bunker? - Yes.

2071. And then across the ship? - Yes.

2072. (*The Solicitor-General.*) If you imagine this box is the bunker and that is the starboard skin of the ship, the watertight bulkhead runs through it like that does it not, down the middle? - Yes.

2073. And you were on the after-side of this No. 5? - I was in No. 6 when we shipped it; I was on the after-side of the bulkhead later.

2074. You cannot tell what part of the watertight bulkhead it was which gave way? - No.

2075. But it was your impression that something gave way and the water came in with a rush? - Yes.

The Solicitor-General: I see by this plan that the bulkhead, if you trace the line of it across the ship, runs down in a line between the two compartments of the coal bunkers, then it takes a right angle turn up to the watertight door, then it zigzags back again and then it goes through the corresponding bunker on the other side.

The Commissioner: I do not quite understand that.

(*The Solicitor-General explains the plan to his Lordship.*)

(*The Witness withdrew.*)

(*Adjourned to tomorrow at 10.30 o'clock.*)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,
Wednesday, 8th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

FOURTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., appeared on behalf of the Dockers' Union. (Admitted on application.)
MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

Mr. Harbinson: May it please your Lordship, I desire this morning to renew the application I made to your Lordship yesterday morning on behalf of a section of the crew of the "Titanic," with this modification. My application today, my Lord, is to be appointed by you to represent the third-class passengers, the whole class. We have been in consultation with some of the other gentlemen who have been in communication with the relatives of the deceased, and my solicitor represents the survivors of a great number of Irish passengers, and especially he has personal and direct authority to appear on behalf of two survivors, of two persons, whose evidence, according to the view that has been put before us, is of a very important character. It involves serious issues as between the crew of the "Titanic" and the survivors; and considering the importance of those on whose behalf I ask your Lordship to allow me to appear, considering the number of those whom my solicitors represent, and considering the importance of the class for whom I desire to appear, I ask your Lordship to nominate me on behalf of the third-class passengers. Mr. Farrell, M.P., is the gentleman who raised this question in the House.

The Commissioner: Is Mr. Farrell the gentleman who is instructing you?

Mr. Harbinson: Yes, my Lord, and his brother is Mr. Farrell, the Member of Parliament who raised this question in the House of Commons. Mr. Farrell, the Member of Parliament, is here.

The Commissioner: Is the Mr. Farrell who is instructing you a solicitor?

Mr. Harbinson: Yes, my Lord.

The Commissioner: Is he a brother of the Mr. Farrell who is in the House of Commons?

Mr. Harbinson: That is so, my Lord.

The Commissioner: Now, who are the two people that you want to have represented here?

Mr. Harbinson: The name is Thomas McCormick, who alleges in his statement -

The Commissioner: Never mind what he alleges. What is the other name?

Mr. Harbinson: The other name is Bernard McCoy.

The Commissioner: And where are they living?

Mr. Harbinson: At the present moment in America.

The Commissioner: Are they coming over here?

Mr. Harbinson: Subject to what your Lordship may say, it was my wish, were I allowed to appear, to apply to your Lordship to have their evidence taken on commission.

The Commissioner: I think I am very unlikely to do that. They are in America?

Mr. Harbinson: That is so, my Lord.

The Commissioner: When did you get instructions to represent them?

Mr. Harbinson: I, my Lord, was instructed two days ago, but probably Mr. Farrell can tell you.

Mr. J. P. Farrell, M. P.: I was a colleague of your Lordship in the House of Commons.

The Commissioner: I daresay. When did you get these instructions?

Mr. J. P. Farrell: About three weeks ago from the relatives and the friends in my constituency.

The Commissioner: I am asking about those two gentlemen in America. From whom did you receive instructions?

Mr. J. P. Farrell: From their parents in County Longford, which I represent in the House of Commons.

The Commissioner: Very well, that is all right. And you have their letters?

Mr. J. P. Farrell: Yes.

The Commissioner: Now what are the issues which have been mentioned as being issues between those two gentlemen and the crew?

Mr. J. P. Farrell: They are of the very gravest kind. Thomas McCormack alleges that when swimming in the sea he endeavoured to board two boats and was struck on the head and the hands and shoved back into the sea, and endeavoured to be drowned. That is one charge.

The Commissioner: That gentleman who did it may be guilty of manslaughter for aught I know.

Mr. J. P. Farrell: McCormack was not drowned, my Lord.

The Commissioner: Very well, then he may be guilty of an attempt to commit manslaughter, but I cannot try that.

Mr. J. P. Farrell: Is it not a question for investigation by this Court?

The Commissioner: I do not think so.

Mr. J. P. Farrell: There is another charge we have about a man named McCoy.

The Commissioner: That I do not think comes within my jurisdiction at all. If any crime has been committed by some individual in connection with this unfortunate matter that has to be tried by somebody else.

Mr. J. P. Farrell: But, my Lord, we also appear for others. We have gone to a great deal of expense.

The Commissioner: Now you know, Mr. Farrell, if you will confine yourself to what I think is possibly a legitimate position on your part, there will be no difficulty about it.

Mr. J. P. Farrell: I will accept any suggestion with great pleasure.

The Commissioner: You want to represent, as I understand, not the representatives of two but the representatives of a great number of the passengers on board this vessel.

Mr. J. P. Farrell: Quite so, my Lord.

The Commissioner: Third-class passengers?

Mr. J. P. Farrell: Quite so, my Lord.

The Commissioner: I can quite conceive that there may be circumstances in connection with this catastrophe which affected third-class passengers and perhaps did not affect the first-class and the second-class, and if you or your brother, the solicitor, will take up that position and bring before me any matters that particularly affect the third-class passengers I shall be very glad to be assisted by the evidence that he is able to put before me.

Mr. J. P. Farrell: I am obliged to your Lordship.

The Commissioner: But do not turn me into a criminal judge to try charges of attempted manslaughter.

Mr. J. P. Farrell: Very well, my Lord, I will request my brother to get in communication with the others.

The Commissioner: Very well, let that be done as far as Mr. Farrell, your brother, is concerned.

Mr. J. P. Farrell: Will your Lordship allow Mr. Harbinson to appear in the meantime, because witnesses may be passing through the box -

The Commissioner: Is not your brother here at present?

Mr. J. P. Farrell: Not at present.

Mr. Champness: I desire again to mention an application I made last week -

The Commissioner: Will you allow me to finish one thing before I begin another. This gentleman, Mr. Harbinson, can represent what I call your clients, Mr. Farrell.

Mr. J. P. Farrell: I thank your Lordship.

The Commissioner: Until Mr. Farrell arrives, and then if Mr. Farrell chooses to take it out of the hands of this competent gentleman, he can do so.

Mr. Harbinson: I have been instructed directly by Mr. Farrell to appear and also by another London solicitor -

The Commissioner: Do not introduce somebody else.

Mr. J. P. Farrell: In the meantime you will allow Mr. Harbinson to appear.

The Commissioner: I will.

Mr. Harbinson: May I appear on behalf of the third-class passengers?

The Commissioner: I hope you do; but I will tell you this: I am not going to allow you to appear on behalf of some of them and somebody else for another group and another person on behalf of another group. I must have only one representative of the third-class passengers.

Mr. J. P. Farrell: I am satisfied.

The Commissioner: I quite understand you are satisfied.

Mr. Harbinson: I am prepared, subject to other gentleman's approval, to do this. If he, as well as others, who are interested in the third-class passengers, will call my attention to any evidence or give me any information at their disposal, to make the best use of it I can according to my judgment.

The Commissioner: That seems very reasonable, but I cannot be any party to that arrangement.

Mr. Braddock: There were 113 Irish passengers on the "Titanic"; of that numbers, 69 were drowned, and the solicitor who instructs me represents 21 of those passengers.

The Commissioner: Very well, then, put your interests into Mr. Harbinson's hands, and let him look after them.

Mr. J. P. Farrell: I am glad to see there is something in having been fellow Members of the House of Commons.

The Commissioner: That is an insidious compliment.

Mr. Champness: I was afraid there might have been some misunderstanding with regard to those my friend wants to represent. I am appearing on behalf of Irish, Scotch, and English passengers, third-class passengers, although few in number, I understand now your Lordship has granted leave to Mr. Harbinson to represent all the third-class passengers. Is that right?

The Commissioner: Yes.

Mr. Champness: That being so, I ask you to give me leave to represent the first-class passengers' interests.

The Commissioner: The Home Rule Bill is not law yet. I am going to allow them to be all represented together.

The Attorney-General: With regard to the sittings, I have spoken to my friend, Sir Robert, about it, and I hope your Lordship will think it reasonable, that we should at the close of the proceedings on Friday, adjourn till Tuesday. There is a great deal of preparation to be made in connection with it, to put it in as short a fashion as possible before your Lordship. It really makes it shorter to give me a little time to consider. We are all anxious to go to the "Olympic" to see what your Lordship has already seen with the assessors. I am sure it is a considerable assistance in understanding the case, and we shall take advantage of that period to make that visit.

The Commissioner: Very well. Then I shall rise on Friday and not sit again till Tuesday morning.

The Attorney-General: If your Lordship pleases.

The Commissioner: Now, is Sir John Simon here?

The Attorney-General: Yes, my Lord.

The Commissioner: Now, Sir John, will you be kind enough yourself to state what you understand to be the effect of the present Witness' evidence up to this point?

The Solicitor-General: Yes, my Lord.

The Commissioner: I am very sorry to have to ask you to do it, but my mind is in a state of confusion, and I want to clear it up; and I think some of the assessors want an explanation of the matter.

The Solicitor-General: I think I have a view of what he said.

The Commissioner: If you state it to us now we shall be able to follow on with the remainder of his evidence.

The Solicitor-General: My Lord, if I may say so, I think it would greatly help if your Lordship

and the Assessors would look for a moment at what Mr. Wilding has just done for me on that model. He has tipped the model so that we can see more of the bottom than we otherwise should, and he has put on that model two pieces of white paper, a long piece which is perpendicular and then a short white piece a little further along. The long piece represents the line of the watertight bulkhead between No. 5 and No. 6. That white line on the outside of the ship starts at the top where the watertight bulkhead begins, and it goes down to the bottom to the place where the watertight bulkhead would join the inner skin of the ship. Your Lordship asked that length, and that length is 40 feet.

The Commissioner: The bulkhead is 40 feet perpendicular.

The Solicitor-General: That is it, my Lord. Then the other piece of paper which is rather more forward is the point on the outside of the ship corresponding to the place where, according to this Witness's evidence the water came in at the moment of the collision.

The Commissioner: Now can you tell me what space that hold opened into.

The Solicitor-General: Yes, my Lord, I can. As I understand, his evidence is to this effect. Immediately in front of that watertight bulkhead which is there indicated is Section No. 6, which is the foremost boiler room of the ship. Immediately behind that perpendicular bulkhead is Section No. 5. The man's evidence begins by his being in No. 6, which is his proper place, and he says he was at work there in No. 6 together with, I think, eight firemen and four trimmers, and the first thing that he testifies to is the appearance of a red disc in No. 6 which, as he knew, indicated that a message had been sent to the engine room to stop. The engine rooms, of course, are further on. That is the first thing he says. Then he says as soon as he sees this red disc appear in his stokehold, which means that the engines had been told to stop, he orders his gang to push in the dampers so as to reduce the draught on the fires. He says that they were in the act of putting those dampers in when the collision occurred, and that he felt it. He says that the moment it occurred, or immediately afterwards, water came into No. 6, where he was standing.

The Commissioner: That is where the small piece of white paper is.

The Solicitor-General: Yes. And this is what I venture to think is the important point. He says that as far as he could judge the water came in at something like 2 feet above the plate level where he was standing. The plate level, Mr. Wilding tells me, there would be something like 18 inches or 2 feet above the top of the tanks; and by that means one is able to tell, Mr. Wilding says, how far that is below the level of the water outside approximately. Mr. Wilding tells me that he estimates that the waterline outside, the level of the sea outside, would be 25 or 26 feet above the stokehold plates. Therefore, if the water came in some 2 feet above the stokehold plates it came in at a point some 23 or 24 feet below the level of the sea.

The Commissioner: The level of the sea would be how many feet below the top of the watertight bulkhead?

The Solicitor-General: Perhaps Mr. Wilding will just tell us. My Lord asks, Mr. Wilding, assuming your figures, how much below the top of the bulkhead the level of the sea would be?

The Commissioner: The waterline?

Mr. Wilding: About 13 or 14 feet. It is the difference between 23 or 24 feet and 40 feet.

The Commissioner: The ship had to sink 13 or 14 feet before the water could get over the bulkhead.

The Solicitor-General: It had to sink that amount at this point.

The Commissioner: But the moment it sank that amount at that point, then supposing the bulkhead was quite firm and strong, the water would come over into the next compartment?

The Solicitor-General: That is so - 13 or 14 feet from the top would bring you to the level of the sea; another 25 or 26 feet would bring you to the plates.

The Commissioner: That makes the 40 feet.

The Solicitor-General: That makes the 40 feet. Then, the Witness goes on to say that upon this water rushing in from the side, as he describes it, he and Mr. Shepherd, who is the second assistant engineer, ran back through the watertight door which was then open, that is to say through the bulkhead into No. 5, and that they had just passed through that open door when the door shut behind them automatically.

The Commissioner: From the bridge.

The Solicitor-General: From the bridge; and that brought him and Mr. Shepherd into No. 5.

The Commissioner: Yes.

The Solicitor-General: Your Lordship may remember we had an earlier Witness, Beauchamp, yesterday, who was a fireman, and who spoke as to the order to close the dampers; he said that the water had come in and he said that he escaped by the emergency ladder.

The Commissioner: Yes.

The Solicitor-General: Then, my Lord, this Witness goes on to say that as soon as he got into No. 5 with Mr. Shepherd and the watertight door shut behind him, he looked to see whether water was coming into No. 5, and his evidence is that a certain amount of water was coming in immediately behind this bulkhead in the empty coal bunker.

The Commissioner: Yes, through the skin of the ship.

The Solicitor-General: I understand through the skin of the ship, but I propose to ask him this morning a question to be sure, because your Lordship will remember the plan shows that immediately behind the bulkhead is a coal bunker on the starboard side and another on the port side, the passage-way being between the two.

The Commissioner: But the watertight bulkhead, as I understand, goes through the middle of the bunker.

The Solicitor-General: There are two bunkers, one on each side, one bunker to serve No. 5, and one bunker to serve No. 6. Of course, there are more bunkers than one.

The Commissioner: Oh, yes; but that particular bunker is divided by the bulkhead.

The Solicitor-General: Yes. He says that particular bunker, that is to say, the bunker immediately behind this bulkhead on the starboard side was empty. The coal had been used; and that he could see into it; and in that way he noticed some water coming in. I propose this morning to ask him another question about that, because I am not clear as to how it came to be stopped. Then he went on to say that in addition to Mr. Shepherd and himself he found also in No. 5 two others of the engineer's staff; he found Mr. Harvey and Mr. Wilson. He says they were busying themselves about the pumps. He says that orders were given that the other stokers and firemen should go up; he was kept behind, as he says, in case he should be wanted. He says that almost immediately afterwards the lights went out, and that it was his business then to go up by the emergency ladder to the alleyway where he sent a man to the engine room for some lights.

The Commissioner: To get a lamp.

The Solicitor-General: Yes. He says that when this lamp or these lamps came back he took them down to No 5, and almost at the same time the electric light came back. I think the next thing he says is that orders were given to him to get some firemen back in order to draw the fires in No. 5, and that he did get 15 or 20 men to come back, and that they drew the fires; and he says that that took about a quarter of an hour. He says that they had just done this, they had just drawn the fires, when they were ordered up again; that he was then in No. 5 with the engineers; that there was a short wait, and that during that time he was asked to lift a manhole plate from the floor in No. 5. He says that No. 5 was full of steam owing to the fact of the fires having been drawn, water had been thrown on them, and that in the confusion Mr. Shepherd fell into this hole and broke his leg. He says he lifted Mr. Shepherd up and put him in what he calls the pump room which is in the same level, in No. 5, one of the little rooms, and that just as he put him there,

suddenly there was a rush of water into No. 5 through what he describes as the pass.

The Commissioner: Between the two boilers?

The Solicitor-General: Yes, my Lord, the pass being the space between the two boilers - a little space, and, as I follow, on the same line as this emergency door, which had already closed. He says it came in very suddenly, and he had to escape, and did escape.

The Commissioner: It came from the direction of No. 6?

The Solicitor-General: Yes, my Lord. Your Lordship will remember you asked him just at the close yesterday whether his impression was that the thing had come with a rush, as though something had given way, and he said that was his impression. I think the only other material evidence up to date is that I asked him whether he had noticed that the ship was tipping, was going down by the head, and he said he had noticed it; and I asked him when it was he first noticed it, and he said that he had first noticed it when the fires were being drawn, and that it got worse. To the best of my recollection, that is the whole.

The Commissioner: I wanted to ask you a question. Can you account for the lights going out and coming on again?

The Solicitor-General: My Lord, his suggestion was that they were changing over from one dynamo to the other.

The Commissioner: There is a sort of reserved dynamo on board, which may be put into operation and which will keep all the lights in what you may call the public part of the vessel alight. It will not keep the lights in the cabins and such like places alight; and it may have been that when the main dynamo stopped, the whole ship was in darkness for a short time. Then when they got the supplementary dynamo to work, the lights would come in the passages and in the engine rooms and in places of that kind.

The Solicitor-General: I did ask him, if your Lordship remembers, whether, when he went up to get the light, he found the lights were also out in the alleyway, and he said, "No; the lights were burning in the alleyway."

The Commissioner: I do not understand it.

The Solicitor-General: It seems to have been a local failure.

FREDERICK BARRETT, Recalled.

Further examined by the SOLICITOR-GENERAL.

The Attorney-General: Your Lordship has No. 3 plan.

The Commissioner: Yes.

2076. (*The Solicitor-General - To the Witness.*) Before we go on there are just two things you told us about yesterday that we want a little more information about. First of all, about the lights. You told us yesterday that the electric lights went out in No. 5? - Yes.

2077. And so you were sent to get some lamps? - Yes.

2078. And that you went up the ladder to the alleyway, and then sent along to the engine room? - Yes.

2079. When you got to the alleyway, were the electric lights burning there or had they gone out? - They were burning there.

2080. As far as you know had the electric lights gone out elsewhere in the ship except in No. 5? - That I cannot tell.

2081. You do not know? - No.

2082. Did the electric lights continue to burn in the alleyway until those lamps were brought and you went down again? - When I went down with the lamps the lights were burning in the

fireroom again.

2083. The fireroom is the stokehold? - Yes.

2084. How long should you suppose the lights were out in that stokehold? - I could not estimate. After I went up and got the lamps and came back again they were lit.

2085. That would not take very long? - No; you have to run along the alleyway and down the engine room to the stores and come back again, and down the escape ladder.

2086. And of course they would have to find the lamps when they got to the stores? - I could not tell you; I did not go down to the stores.

2087. Now the other thing is this. You told me yesterday that when you got into No. 5 and the watertight door closed behind you, you found that there was some water coming into No. 5? - No. 5 coal bunker.

2088. Yes, the coal bunker. Is that the coal bunker immediately behind the watertight bulkhead? - Yes.

2089. Is it the coal bunkers on the starboard side? - On the starboard side.

2090. So that as you came through the watertight door from No. 6 into No. 5 it would be immediately on your left hand? - Immediately on the left hand.

2091. Was it empty? - Yes.

2092. And was the door of it open? - Yes.

2093. So that you could look in? - Yes.

2094. Just tell us, when you did look in, what was it you saw? - I saw water pouring in through the ship's side.

2095. In this bunker? - In this bunker.

2096. In the ship's side in the bunker. At what level was it coming in, as far as you could see? - The coal bunker is about 2 feet below the plates; it was coming about 4 feet higher than the coal bunker - the bottom of the coal bunker is 2 feet below the plates.

The Solicitor-General: Your Lordship sees that.

The Commissioner: I understand.

2097. (*The Solicitor-General - To the Witness.*) So that if it was 4 feet below the bottom of the coal bunker it would be the same level as if it was 2 feet above the plates? - Yes.

2098. And that is the same level as you found it was coming in in No. 5? - In No. 6 and No. 5 about the same level.

2099. Was it coming in the opening in No. 5 as fast as it had been coming into No. 6? - No, Sir.

2100. What is the width of the side of the ship in that coal bunker? The side of the ship is one of the sides of the coal bunkers there. How many feet is it, should you say? What is the width? - From the watertight bulkhead to the other?

2101. Yes. From the watertight bulkhead to the other wall of the bulkhead? - The forward end of the watertight compartment would be about four feet wide, but the after-side was wider.

2102. I am told it would be nine feet wide? - I could not estimate; I am no judge of measurement.

The Solicitor-General: My Lord, that is the depth of the coal bunker immediately behind the watertight bulkhead, measured along the skin of the ship, fore and aft, nine feet. Your Lordship sees what I mean?

The Commissioner: Yes.

2103. (*The Solicitor-General.*) Then you got this wall, nine feet or thereabouts. I want you to tell us, was the water coming through all parts of that or through some part of it only? - Which wall do you mean?

2104. The water is coming through the skin of the ship into the bunker? - Yes.

2105. And the bunker is about nine feet along the side of the ship. Now, I want to know, was the water coming in at this level right across the bunker or only in part of it? - Water was coming in about two feet abaft the watertight bulkhead.

2106. Do you mean that it was coming in from the watertight bulkhead and for two feet back? - No; only from the ship's side. The watertight bulkhead was not damaged.

2107. Was it coming in at one point, or was it coming in for two feet? - I could not estimate exactly how large the hole was.

The Commissioner: I do not think this Witness can answer your questions. I should place very little reliance upon his evidence, because I do not believe that in these circumstances such particular notice would be taken.

The Solicitor-General: No, my Lord.

The Commissioner: And I think you are trying to tax his memory too much.

The Solicitor-General: If your Lordship pleases.

The Commissioner: Ordinary people, or even extraordinary people, would not have all these details in their head. I do not think so. It seems to me sufficient that the water was coming in in the forward part of the coal bunker - that is to say, in the part forward of the bulkhead - and was also coming in in the afterpart of the coal bunker and at about the same height - more coming in, it is true, in No. 6 than in No. 5.

The Solicitor-General: If your Lordship pleases.

The Commissioner: But evidently coming in from the same wound. I think that is enough.

The Solicitor-General: The only thing I was concerned about was to see whether one could not ascertain whether this wound ran the whole length of the coal bunker, or whether it only ran back a little way from the watertight bulkhead, and I gather he says it was about 2 feet back; but of course, he cannot say more than that.

The Commissioner: Very well.

2108. (*The Solicitor-General - To the Witness.*) That being so, I will only ask you this further question about this part of the case. What was done, if anything was done, about the water that was coming into that coal bunker? - The engineers put pumps on as far as I understand; but, of course, I am only a stoker; I do not know what engineers' work is.

2109. But you were there, and you will help us. They succeeded in getting the water down by pumps? - As far as I was concerned, the plates never got covered while I was there.

2110. (*The Commissioner.*) I want to ask you about that. How were the pumps worked? - I could not tell you, my Lord.

2111. Cannot some one tell me. The engines had been stopped? - There was steam. They opened the pump by the steam valve in the pump room.

The Solicitor-General: The only engines that would be stopped would be the engines that actuated the propeller. There is plenty of other machinery in the ship.

The Commissioner: Then these pumps work notwithstanding that the fires are drawn and the main engine stopped?

The Solicitor-General: I do not suppose all the fires were drawn, my Lord.

The Commissioner: I thought all the fires were drawn?

The Witness: Only one section, my Lord.

The Solicitor-General: I think, if your Lordship would like to know, Mr. Wilding would be able to tell your Lordship.

The Commissioner: No, it is my fault; I understand it now.

2112. (*The Solicitor-General.*) I think that is all I can ask him about that part, my Lord. (*To the Witness.*) Now then, Barrett, when all that was over, you told us you came up out of No. 5 when the rush came in? - Yes.

2113. Where did you go to? - Up the escape into the main alleyway.
2114. And where did you go to after that? - I walked aft.
2115. Did you go up on the deck? - On the saloon deck I went.
2116. Then above the saloon deck there is a shelter deck, the bridge deck, the promenade deck, and the boat deck? - I call the saloon deck the one under the boat deck.
2117. You got up to the boat deck? - The one underneath the boat deck.
2118. That is called the promenade deck, I think. Were there people there? - I did not see any. I saw some of the stewards, and there were some third-class passengers - men and women. No. 13 boat was pretty well filled when I got there.
2119. No. 13 boat is a boat on the starboard side? - Yes.
2120. It is last but one on the starboard side? - It is last but one on the starboard side.
2121. (*The Solicitor-General.*) That is the boat that Beauchamp, the fireman, spoke about yesterday, my Lord. (*To the Witness.*) When you got there was that boat on the level of the boat deck, or was it lower? - Lowered to the deck I was on.
2122. And was that deck immediately below the boat deck? - Yes.
2123. We can see that in the model. It is the last boat but one on the side we are looking at, is it not? - Yes.
2124. And you say it was lowered by that time as far as the next deck? - Yes.
2125. Now you said you found stewards there and you mentioned third-class passengers? - Yes.
2126. Men? - Yes.
2127. Women? - Women were coming up.
2128. Women were coming up. Did you see them coming up? - Yes.
2129. Would that be coming up from the steerage? - Coming round from aft to forward.
2130. And moving forward? - They had to go forward to get to the boats.
2131. When you say you saw them coming up, what was it they were doing? Where were they coming? - They were going towards the two boats; there were only the two boats left.
2132. There is a stairway, or a gangway, or something, I suppose, is there? - I cannot say.
2133. You did not actually see them mounting a stairway or a gangway? - No.
2134. When you did there were only two boats left. I know No.13 was one; what was the other one? - No. 15.
2135. That is the last boat on the starboard side? - Yes.
2136. And those other boats on the starboard that were not left, were they in the water? - Which boats?
2137. The others on the starboard side? - I never saw any.
2138. You did not see them? - No.
2139. They had gone? - Yes.
2140. And by this time what was the position of the ship in the water? - Her fore-castle-head was not under.
2141. Can you tell us a little more closely about it? Did you notice? - I noticed when I got away in the lifeboat it was not under.
2142. Even when you got away in the lifeboat it was not under? - Even then it was not under.
2143. Now, why did you go to No. 13? I suppose it was the only one? - I took a walk along the deck. I made my way aft because it was no use going forward.
2144. Had you got a particular boat to which you ought to have gone? - I never bothered looking.
2145. (*The Commissioner.*) With reference to that do the men ever bother to look at these lists that are hung up? - Some do, my Lord, and some do not.

2146. What do the bulk of them do? The bulk of them do not, I suppose? - No, my Lord.
2147. Am I right? - That is right, my Lord.
2148. (*The Solicitor-General.*) Are you able to tell us the time when you got to No. 13? - No. As a rule a stoker never carries a watch when he is at work.
2149. I got an impression that you could for some reason? - No.
2150. Now when you got to No. 13 just tell us what you found about that boat - whether she was filled or empty, and all that? - She was just on getting filled.
2151. What sort of people were they in her? - Five-sixths were women.
- The Commissioner:* This is No. 13?
2152. (*The Solicitor-General.*) Yes, my Lord, the same boat that Beauchamp spoke of. (*To the Witness.*) Do you know the fireman Beauchamp? - Yes.
2153. He is in your section, I think? - Yes.
2154. No. 6. Was he already in the boat? - I never took that much notice. I did not notice him in the boat till morning; it was too dark.
2155. Was there any officer in this boat? - No.
2156. After you got up to her did any more people get in? - Yes, there were about three more got in after I got in, and the order was given from the boat deck, "Let no more in that boat; the falls will break."
2157. That order was given from the deck above, I suppose? - From the deck above.
2158. Are you able to tell us who gave you that order? - I could not exactly tell you.
2159. But you heard the order given? - Yes.
2160. When that order was given, "Let no more in that boat," was the boat lowered? - Only just where the people were getting in; it was lowered to the deck below the boat deck.
2161. What happened to it after that? - It was lowered away.
2162. (*The Commissioner.*) Which deck did you get into the boat from? - From the deck below the boat deck.
2163. Was it lowered partly full and stopped again at your deck? - I could not tell you, my Lord, because the majority were in when I got up.
2164. You mean to say you do not know from what deck the people got into the boat? - I could not tell you.
2165. But you got in from the deck below the boat deck? - Yes.
2166. (*The Solicitor-General.*) And as I understand, two or three other people got in after you? - Yes.
2167. And then this order was given? - Yes.
2168. I think Beauchamp told us (he was in the boat) that as it was being lowered down the side the main discharge from the engine room threatened to swamp the boat? - Yes.
2169. It was somewhere opposite the rear funnel, was it not? - Yes.
2170. Then there was one other boat on the starboard side still, No.15; what was happening to that at this time? - It was getting lowered about 30 seconds after us. It was coming on top of us.
2171. It was coming on top of you. Just tell us about that shortly? - Yes. When we found the discharge was coming out we stopped lowering and all the hose was tied up in the boat. I had a knife and I cut the hose adrift and shoved two oars over the forward end to shove the lifeboat off the ship's side. We got into the water and there was a bit of a current and it drifted us under No. 15 boat, and I sung out "Let go the after fall." Nobody seemed to realise what I was doing. I walked across the women to cut the fall, and the other fall touched my shoulder.
2172. Supposing the ship was going down by the head and No. 15 boat was being lowered, after No. 13 boat was in the water No. 15 boat would tend to get on the top of No. 13? - Yes.
2173. Then whatever the cause, you say No. 15 was coming on top of you? - Yes.

2174. Did you get clear? - We just got clear.

2175. Then what happened to No. 13, the boat you were in? - We got the oars out. I did not see anybody that was going to take charge of the boat. The rudder was lying in the stern at the bottom, and I shipped the rudder and took charge of the boat till after the "Titanic" sank.

2176. And then did you take charge of her after the "Titanic" sank? - No. I gave the tiller to somebody else because I was too cold; I could not feel my limbs. I had only thin gear on, coming out of the fire room. Some woman put a cloak over me, and I do not know what happened then.

2177. Now can you tell us how many people were in your boat - how many men and how many women and how many of the crew? - I could not tell you exactly.

2178. Tell us as near as you can? - I could give a rough idea - 70 all told.

2179. Can you tell us how many of the crew there were? - I could not; the crew mostly consisted of stewards.

2180. There was yourself and there was Beauchamp the fireman? - Yes. I think there was another fireman, but I am not sure; I cannot say for certain.

2181. There may have been another fireman; that would make a leading stoker and two firemen. Were there some stewards? - Yes.

2182. Do you know how many or about how many? - No idea.

2183. You must have some idea? - Judging by the majority, because they were sitting six on a thwart, two inside of each oar, and the man pulling made a third one. He could not pull; he was only just dipping the oar into the water.

2184. Because they were sitting six on a thwart? - Yes.

2185. You say five-sixths were women? - Yes.

2186. Were there any children? - There were two - I am not sure whether there were two or one.

2187. You have told us you saw some third-class passengers coming up to where these boats were, as far as you know. Had you got some of those third-class passengers in your boat? - All the women were getting up in the boat at the last of it, and the women were there till there was no more. The men stood all in one line when I was getting up there. I saw them standing in one line, as if at attention waiting for an order to get into the boat, against the back of the house.

2188. Was there good order on deck? - Yes.

2189. Did you see who was keeping them back, if anybody was? - I did not.

2190. Was there any officer there? - No.

2191. They were keeping good order without him? - Yes.

2192. You say you had got about 70 people in your boat. Did you pick up anybody out of the sea or not? - No.

2193. Had you any room to? - No.

2194. There are two or three questions we ask everybody about these boats; I will put them to you. As far as you know, was there any compass in this boat No. 13? - I did not look.

2195. At any rate, no compass was used as far as you know? - The only thing I looked for was a light.

2196. Was there any light in the boat? - No.

2197. Was there any water? - I did not look.

2198. Biscuits? - I did not look.

2199. I gather, Barrett, really, that you felt the cold so much that you do not remember very much? - No, I remember the ship went down.

2200. You remember the ship going down? - Yes; then I must have fallen asleep.

2201. You said one of the women put a cloak over you? - Yes.

2202. We know that the fires were lit in No. 5, and I suppose in No. 6, your section. Were all

the fires lit in the ship? - No.

2203. Do you know how many sections were lit? - The first two days when she left Southampton there were nine boilers out. The next two days there were eight out.

2204. When you say they were out, do you mean they were not lit? - They were not lit.

2205. And on the day of the accident were there eight boilers not in use? - I could not exactly say about how many were not in use. There were either eight or five; I can say sure for five.

2206. Would you know at all anything about the number of revolutions they were making or the pace they were going? - Seventy-five was my order.

2207. Seventy-five were your orders? - Yes.

2208. I do not quite understand what you mean by saying it is your orders? - The second engineer gives orders to me of the revolutions he wants, and I pass the word to all my other men.

2209. Then do you hear in the stoke-room if you are not making the revolutions? - They ring through on the telephone.

2210. And the order was 75 revolutions, was it? - Yes.

2211. Were you making 75? - I could not tell you that because it is a long way to walk. I never used the passage to the engine room.

2212. You never heard a complaint? - No, I heard no complaints.

2213. Can you tell us, is 75 revolutions what you had been doing during that day, or ordered to? - I got the order the day before.

2214. You got the order the day before? - Yes.

2215. On the Saturday; and how many revolutions had you been doing before that? - Just the same, I think.

2216. Then, so far as you know, the order for the number of revolutions was the same up to the accident? - Yes.

2217. Then as far as you know there was no reduction in speed? - There were two main boilers lit up on the Sunday morning, but I could not tell you whether they were connected with the others or not.

2218. You mean two main boilers which had not been lit up before? - Yes, they were lit up.

2219. That is extra? - Yes.

2220. On the Sunday morning? - Yes.

2221. That is why you told me that there had been 8 boilers out and afterwards you thought there were only 5 or 6 out; is that it? - Yes.

The Commissioner: What he said was 5 boilers, certainly, and perhaps 8.

2222. (*The Solicitor-General.*) Yes, my Lord, I am much obliged. (*To the Witness.*) That is what you said, Barrett - you said 5 boilers were out, certainly, and perhaps 8? - Yes, and perhaps 8.

2223. Now, just explain why you say that? - When you light a boiler up it will take 12 hours before you can connect it with the others to get steam on as a rule in a merchant ship as far as my experience goes.

2224. These three, the difference between the 5 and the 8, were they lit up? - Those three were lit up on the Sunday morning.

The Commissioner: Was it 3 or 2? I wrote down 2 main boilers were lit up on the Sunday morning, and you said 2.

The Solicitor-General: It would not be in his section.

2225. (*The Commissioner.*) Which was it, 2 or 3? - I could not exactly say.

The Commissioner: Then we will say 2 or 3.

2226. (*The Solicitor-General.*) Do you know in which section they were? - In the after section - the next one to the after section. That would be No. 2 section.

2227. In No. 2? - Yes.

2228. Of course that would not be your section? - No.

2229. So I suppose you can only have heard this? - My other leading hand is in charge of that section and he tells me this when he comes by.

2230. What is his name? - Ferris.

2231. (*The Solicitor-General.*) He says, my Lord, the other leading hand, a man named Ferris, who would be in charge of No. 2, told him this when he came by. (*To the Witness.*) Was Ferris saved, or not? - He was drowned.

2232. (*The Commissioner.*) Now I want to know this. Can you tell me when those two or three main boilers were lit on the Sunday morning - about what time? - As near as I could say, 8 o'clock in the morning.

2233. Then they may have been connected that same night? - Yes.

Examined by Mr. SCANLAN.

2234. In No. 13 lifeboat was there any seaman? - I could not tell you.

2235. How long have you been going to sea? - I have been going to sea over 10 years in the fire-room, but I was on the deck previous to that.

2236. Have you experience of a number of liners? - Yes, I have been in quite a quantity of liners.

2237. Is it usual for an officer to draw the attention of stokers to the stations given to them? - It is usual for the list to get put up.

2238. Can you tell his Lordship whether a list was put up on the "Titanic"? - I never look for that as a rule.

2239. Is it usual on liners to call all hands, including stokers, to muster for boat drill? - About twice a trip - once going to New York and once coming back.

2240. Are firemen called too on these occasions? - Yes.

2241. And there was no such practice or no such muster on this voyage? - No.

Examined by Mr. ROCHE.

2242. I want you to answer two or three questions. You saw in your section Shepherd, the engineer No. 6? - Yes.

2243. And the last you saw of him was he had broken his leg and was taken to the pump room? - Yes.

2244. You have told us you saw Second Engineer Hesketh in No. 6? - That was the man who jumped through the watertight door, not Mr. Shepherd.

2245. And you left him in No. 5 also? - I left him in No. 5 also.

2246. And you saw there also two other engineers, Wilson and Harvey? - Yes.

2247. Did you see any other engineers at all? - No.

2248. Did you see any engineers at all on deck? - No; when I went up I saw one of the builders' men.

2249. That is all you can tell me about the engineers. Now I want to ask you one question about the hole in this bunker that you have described to my Lord. I do not suppose you can tell us how big it was, but I expect you can tell us whether the water was coming through in a rush, or was trickling through? - I explained it was not coming through as much as in the other section.

2250. But did it look as if it were a hole, and as if a hole had been made by something outside puncturing the bunker, or did it look as if a rivet had been started by the shock? - That would be

a question for an engineer.

2251. You can tell us, I think, by the amount of the flow. Was it pouring through? If you cannot tell us, you cannot? - I cannot explain.

2252. You cannot say how much water was coming through at all? - No.

2253. (*The Commissioner.*) I do not understand this. Was a teacupful of water coming through? - No.

2254. What was it? - A continual pour of water.

2255. Now, describe the pour of water. It was not like Niagara Falls, I suppose, but try and tell me what it was like? - Just the very same as an ordinary fire hose would come in.

Examined by Mr. HARBINSON.

2256. I understood you to say when you came up on to the deck there were a number of third-class passengers coming out? - Coming around the house.

2257. You did not see whether or not any third-class passengers were coming from the fore part of the ship? - No; I never made an attempt to go forward.

2258. Your impression is that all the passengers in the neighbourhood of boats 13 and 15 were third-class passengers? - Yes; I believe the majority in No. 13 boat were third-class passengers.

2259. All the other boats except 13 and 14 had been launched? - On the starboard side.

2260. Did many passengers remain? - I could not say.

2261. Were there many passengers about on the boat deck that you picked up? - I was not on the boat deck.

2262. On the deck below? - Not many.

2263. Not many? - No.

2264. All the women were put into the boat? - Yes.

2265. Into boat 13? - As many as were there. Boat No. 13 was never lowered until all the women were taken off the deck.

2266. Was boat 15 lowered at this time? - It was lowered to the saloon deck.

2267. How many seamen were in charge of it? - I cannot tell you.

2268. Was it full? - I cannot tell you.

2269. You could not see it? - No.

2270. Were there any boats on the port side at this time? - I cannot say.

2271. Were passengers continuing to go from the deck above? - I cannot say that. They were just coming round as I got into the lifeboat.

2272. Many? - No; one's and two's.

2273. Were they men or women? - The women who came around were put in No. 13 boat.

2274. After No. 13 boat had been launched could you see what took place? - No.

2275. Were there any officers or seamen about at this time? - I cannot say.

2276. You do not remember? - No.

Examined by MR. LEWIS.

2277. How long have you been in the White Star Line employment? - I was sailing out with the Company at Liverpool.

2278. You draw distinction between a boat drill and boat stations? - They do not lower a boat at sea; they only go and muster before the boats.

2279. Have you ever been stationed at your boat at a definite place? - Yes.

2280. Is it the general practice for the men to examine the boat list? - It is. When the list gets

put up you might see your name and what boat you are at.

2281. With regard to this boat you left in, I understand you to say about 70 were in the boat? - Yes.

2282. Would you consider that boat safe? - No.

2283. How far from the water was the gunwale? - I should say, as a rough idea, about half a foot.

2284. I take it if it had been at all choppy it would have been extremely dangerous? - Yes.

2285. (*The Commissioner.*) If it had been bad weather would it have been worthwhile to get into the boats at all? - No.

2286. (*Mr. Lewis.*) Did you see any other boat? - There was one boat; I hailed one boat.

2287. Why? - Because I thought there was hardly anybody in it.

2288. How could you tell that? - The boat was pretty high out of the water.

2289. Did you get any reply? - They said they were full up.

2290. What height was it out of the water? - Between 3 and 4 feet.

The Commissioner: Such a question and such an answer produce no effect upon my mind. This man was not busy measuring the amount the other boats were out of the water. He was nearly unconscious.

Mr. Lewis: I am anxious to know whether this witness hailed another boat, and I am entitled to ask him why he hailed the boat and whether, in his opinion, the boat he hailed was full or not.

The Commissioner: He has answered that question. Then you asked him how many inches the gunwale of the boat was above the water. I tell you that in my opinion, if he told me, if he answered it, it would produce no effect upon my mind.

Mr. Lewis: I am satisfied with the answer, my Lord.

The Commissioner: I do not believe he was measuring such things or thinking about such things.

2291. (*Mr. Lewis - To the Witness.*) Do you know the number of the boat? - I inquired on board the "Carpathia"; I believe it was No. 1.

2292. Now, with regard to the bunker, you have said this bunker referred to just now was empty - the coal bunker? - Yes.

2293. Were there any other coal bunkers empty forward? - No.

2294. Was this the only one empty? - Yes.

2295. Had it been emptied in the usual way? - No.

2296. Why was it emptied? - My orders were to get it out as soon as possible.

2297. When did you receive those orders? - Not very long after the ship left Southampton.

2298. Was there anything wrong? - Yes.

2299. What was wrong? - The bunker was a-fire.

2300. Shortly after you left Southampton -

The Commissioner: Now how is this relevant to this Inquiry.

2301. Shortly after you left Southampton - I'll put another question or two, and you will see why I think it is relevant. (*To the Witness.*) How long did it take them to work the coal out? - Saturday.

2302. The whole Saturday. What condition was the watertight bulkhead in? - It was the idea to get the bunker out. The chief engineer, Mr. Bell, gave me orders: "Builder's men wanted to inspect that bulkhead."

2303. The bulkhead forms the side of the bunker.

2304. What was the condition of the bulkhead running through the bunker? - It was damaged from the bottom.

2305. Badly damaged? - The bottom of the watertight compartment was dinged aft and the

other part was dinged forward.

2306. (*The Commissioner.*) What do you attribute that to? - The fire.

2307. Do you mean to say the firing of the coal would dinge the bulkhead? - Yes.

2308. (*Mr. Lewis.*) This is the bulkhead between sections 5 and 6? - Yes.

Examined by MR. COTTER.

2309. You said that when she struck the water was two feet above the plate coming in? - Yes. Would not it be better for you to ask a steward? I am a stoker.

The Commissioner: You must answer the questions.

2310. (*Mr. Cotter - To the Witness.*) You rushed through the emergency door into the next compartment, No. 5? - Yes.

2311. Now what I want to know is the dimensions of the bunker, how far it extended to amidships - fore and aft 9 feet. Now what was the extension the other way? - I cannot exactly tell you.

The Attorney-General: I will give you the exact dimensions later.

2312. (*Mr. Cotter.*) When you looked into the bunker you saw holes through the ship's side? - Yes.

2313. Now seeing that hole was also in No. 6, naturally you would expect it would rip the bulkhead. As a rule when you go from one compartment to another and that door closes automatically, you could open it again? - Yes.

2314. By turning a handle? - Yes.

2315. When you went back again the height of the water was how much? - We never held any door up.

2316. You went up a ladder? - No. About 8 feet of water. As soon as the order was given for men to their stations me and Mr. Shepherd went up the emergency ladder of No. 5 and down No. 6.

2317. There was 8 feet of water there? - Yes.

2318. You had been away how long? - I could not exactly say the time.

2319. Can you give us any idea? - Well, 10 minutes.

2320. So that in 20 minutes it would be 16 feet? - That I cannot say. The upper 8 feet of the ship is bigger than the bottom 8 feet of the ship.

The Commissioner: I do not think you ought to ask a question of that kind.

Mr. Cotter: I want to know how long it took for the water to get higher than the top of the escape ladder.

The Commissioner: That sounds to me like a riddle. It is no use asking him questions of that sort.

2321. (*Mr. Cotter - To the Witness.*) You say there was a rush of water when you were in No. 5? - Yes.

2322. Have you any idea where the water came from? - No.

2323. No idea at all. Now I am going to ask you a question about the boats. When you were on the promenade deck, the deck under the boat deck, how far from the ship's side was No.13 boat? - I could not say; I could not tell you that.

2324. You say the ship had a list to starboard. I wanted to know how far the boat would be away from the ship's side? - I cannot say.

2325. You say you put some passengers into her. Had you any difficulty in getting the women in? - I never put passengers into her.

2326. Can you tell me who put them in? - I do not know.

Mr. Pringle: There are two questions which I would like to put to the Witness. First of all, if he saw anything done to stop the hole in No. 5 bunker, and secondly, whether he saw if it was the watertight door or part of the bulkhead which gave way when the water rushed in to No. 5 section.

The Commissioner: Put them yourself.

2327. (*Mr. Pringle - To the Witness.*) Did you see anything done to stop the hole which you saw in No. 5 bunker? - I did not.

2328. Did you see whether it was the watertight door or part of the bulkhead which had given way? - No.

2329. You did not see? - No.

2330. (*The Commissioner.*) You told us there was some fire in that bunker? - Yes.

2331. Soon after you left port? - Yes.

2332. Is it a very uncommon thing for fire to get into a coal bunker in that way? - It is not an uncommon thing.

2333. It happens sometimes? - Yes.

2334. I suppose the proper order is to have that actual bunker emptied as soon as possible? - Yes.

2335. And, therefore, that was all right? - Yes.

2336. Did the fact that there was fire in that bunker in any way conduce to the collision as far as you know? Had it anything to do with it? - I could not say that.

2337. Do you think it had? Do you think that the fire had anything to do with this disaster? - That would be hard to say, my Lord.

The Commissioner: Very well; perhaps I am asking you a riddle.

Examined by MR. LAING.

2338. Did you work out that bunker yourself? - I was in charge. There were between 8 and 10 men doing it.

2339. Was it fire or only heat? - It was fire.

2340. Did you play upon it? - The hose was going all the time.

2341. And did they get it out by the Saturday? - Yes.

2342. Cleared all out? - Yes.

2343. I want to ask you about this bunker, just a question or two. When you saw the water coming into the bunker in No. 5 section, did you shut the bunker door? - Yes.

2344. The bunker door is not a watertight door? - No.

2345. And did you tell the engineer that you had seen water coming in? - I reported to Mr. Shepherd and he reported to Mr. Hesketh.

2346. And as far as you know you are not able to say whether they were pumping it or not? - No.

2347. All you know is you shut the door and left it? - Yes.

2348. When this rush of water came from the pass, you went up and got in the alleyway? - Yes.

2349. You have told us that was about ten minutes past one, I think? - That is as near as I can recollect.

2350. Was there water on the alleyway? - Just a little.

2351. I do not know whether you know - do you know where that must have come from? - No. In my idea, the cause of that water being in the alleyway was some of the lower deck ports being open, and the water reached them and came through the ports.

2352. But to be on the alleyway the water must have been above the level of the watertight

bulkhead? - The water was coming down the alleyway from forward.

2353. If there was water on the alleyway it must have been above the watertight bulkhead? - I cannot say; I do not know how high the watertight bulkhead is.

The Commissioner: Is that so?

2354. (*Mr. Laing.*) I think so, my Lord; I think that must be so. (*To the Witness.*) This rush of water which you have described coming from the pass; was it like a fire hose? - No, it was a greater rush than a fire hose.

2355. Can you give us any idea of the volume of water that came in when you were in No. 6? - The pass was filled up.

2356. When you were in No. 6? - No, No. 5.

2357. No, when you were in No. 6; the first rush of water - was that heavy? - Pretty heavy.

2358. With regard to the revolutions, did you keep the same revolutions all Sunday, so far as you know? - Yes.

2359. Up to the time of this disaster? - Yes.

Re-examined by the ATTORNEY-GENERAL.

2360. There is only one matter I want to ask you about. You saw the ship go down - the "Titanic"? - Yes.

2361. Had you heard the band playing? - I had not heard the band; my friends told me they heard it; some of my mates said they heard it. I did not hear it.

(The Witness withdrew.)

REGINALD ROBINSON LEE, Sworn.

Examined by the ATTORNEY-GENERAL.

The Attorney-General: This is the Witness about whom you asked when my friend the Solicitor-General was examining the look-out man who had been relieved at 10 o'clock. Your Lordship asked whether he was alive.

The Commissioner: I do not know whether there is any significance at all in this evidence of explosions before the sinking of the ship. I do not know what it points to, and I do not know whether it is important or relevant, but you did not ask the last Witness about it.

2362. (*The Attorney-General.*) I did not think he could tell us anything about it; that is why we did not ask. Your Lordship will appreciate that in regard to a number of the questions we are putting, when all the facts are ascertained they may or may not be relevant, but we thought it right that all the facts should be ascertained, so that then your Lordship can select such as you think relevant and material after hearing it all. (*To the Witness.*) Are you an able seaman? - Yes.

2363. And were you on the "Titanic" when she sailed in April on her first voyage? - Yes.

2364. You were the look-out man? - Yes.

2365. You have had about 15 or 16 years at sea altogether? - Yes.

2366. Just tell us, in your experience, speaking generally, have you had experience in mail steamers? - Yes.

2367. Are glasses usually supplied to the lookout man in mail steamers? - Not that I know.

2368. Have you acted as look-out man in other ships before the "Titanic"? - Yes.

2369. On mail steamers? - Yes.

2370. Have you ever had glasses for use as look-out man? - Yes, but I do not know whether

they were private or supplied by the company.

2371. You have had them, but you do not know whether they were private or not? - No.

2372. Have you found them of use? - They are better than the ordinary eye-sight.

2373. Are they of use at night at all? - Certainly, night glasses.

2374. I think I caught what you said just now, "night glasses"? - Yes.

2375. There are different glasses used at night from those used in the day; is that right? - Well, they are called that by the trade, I believe.

2376. Glasses to be used at night? - Yes.

2377. Do you know whether they are supplied in any other vessels of the White Star Line? - I cannot say they are for certainty, but my mate in the crow's-nest, who was for four years in the "Oceanic" as look-out man, told me they had them there.

2378. Who is your mate in the crow's-nest? - Fleet.

2379. (*The Commissioner.*) Fleet told you they were in the "Oceanic"? - They used them there.

2380. (*The Attorney-General.*) Were there any on the "Titanic"? - No, not for our use anyway.

2381. Was there any place in the crow's-nest for glasses? - Yes.

2382. On the "Titanic"? - Yes, there was - a small box.

2383. There was a box in the crow's-nest? - Yes.

2384. If I understand you aright, there was a box there for glasses, but no glasses in the box? - I could not tell you if they were for glasses, but there was a box there that would hold glasses.

2385. Did you look for glasses at all in the crow's-nest? - We asked for them.

2386. On the "Titanic"? - Yes. I did not personally ask for them, but one of the other fellows did, and they said there were none for us.

2387. Who was the one of the other fellows who asked for them, do you know? - Simmons [Symons] or Jewell; I cannot be sure which one it was.

2388. I think we know Simmons [Symons] was Jewell's mate on the look-out? - Yes.

2389. Fleet was yours? - Yes.

2390. And I think Hogg and Evans were the other two? - Yes.

2391. Did you come on the look-out at 10 o'clock? - Yes.

2392. On Sunday night the 14th April? - Yes.

2393. How long did you remain on the look-out? - What was your duty? - 4 to 6 and 10 to 12.

2394. I suppose that would mean that you and Fleet came on at 10 o'clock? - Yes.

2395. And relieved Simmons [Symons] and Jewell? - Yes.

2396. Did one of you take the starboard side and one the port side of the crow's-nest on the look-out? - I generally took the starboard side and Fleet took the port side.

2397. You were on the starboard side. Do you know whether there was any other look-out than you two? - I could not say. We do not know what orders are given from the bridge.

2398. Then when you relieved Jewell and Simmons [Symons] did they pass any word to you? - Yes, they told us to keep a careful look-out for ice and growlers in particular.

2399. They told you to keep a careful look out for ice and growlers? - Yes; by the officer of the watch before 10 o'clock, Mr. Lightoller.

2400. I think I heard you say you remember that very well? - Yes, I think I do.

2401. What sort of a night was it? - A clear, starry night overhead, but at the time of the accident there was a haze right ahead.

2402. At the time of the accident a haze right ahead? - A haze right ahead - in fact it was extending more or less round the horizon. There was no moon.

2403. And no wind? - And no wind whatever, barring what the ship made herself.

2404. Quite a calm sea? - Quite a calm sea.

2405. Was it cold? - Very, freezing.

2406. Colder than you had had it yet on the voyage? - I would not say that - but it was the coldest we had had that voyage, yes.

2407. It was colder that night than ever you had had it that voyage in the "Titanic"? - Yes, on that trip.

2408. Did you notice this haze which you said extended on the horizon when you first came on the look-out, or did it come later? - It was not so distinct then - not to be noticed. You did not really notice it then - not on going on watch, but we had all our work cut out to pierce through it just after we started. My mate happened to pass the remark to me. He said, "Well; if we can see through that we will be lucky." That was when we began to notice there was a haze on the water. There was nothing in sight.

2409. You had been told, of course, to keep a careful look-out for ice, and you were trying to pierce the haze as much as you could? - Yes, to see as much as we could.

2410. At the time you came on watch, up to the moment just before the collision, can you tell us whether there was any difference in the speed at which the vessel was travelling compared with the rest of the voyage. What I mean is, was she going the same speed? - She seemed to be going at the same rate all the way.

2411. Do you know who was in charge on the bridge? - Yes; Mr. Murdoch.

2412. The first officer? - Yes, that was his watch.

2413. There would be other officers on the bridge with him? - Yes.

2414. Do you know who they were? - I think Mr. Moody was there, but I could not say for certain, because when you are up in the nest you do not know.

2415. You would not be able to tell who the officers were? - No, unless you happened to see them.

2416. Did you receive any orders from the bridge at all during this watch? - No. The orders were turned over by the people we relieved.

2417. Those are the orders that you told us of, that you got from Simmons [Symons] and Jewell? - Yes.

2418. May I take it those were the only orders you received during the time you were on watch? - Yes.

2419. Before half-past eleven on that watch - that is, seven bells - had you reported anything at all, do you remember? - There was nothing to be reported.

2420. Then what was the first thing you did report? - The first thing that was reported was after seven bells struck; it was some minutes, it might have been nine or ten minutes afterwards. Three bells were struck by Fleet, warning "Right ahead," and immediately he rung the telephone up to the bridge, "Iceberg right ahead." The reply came back from the bridge, "Thank you."

The Commissioner: This would be about 11.40.

The Attorney-General: That is right, my Lord; ten minutes after seven bells.

2421. (*The Commissioner.*) Seven bells struck, and ten minutes after, about 10 minutes, Fleet struck three bells? - Yes.

2422. And telephoned? - And telephoned to the bridge, "Iceberg right ahead."

2423. And you got an answer, "Thank you"? - "Thank you" was the answer from the bridge.

2424. (*The Attorney-General.*) I want you to tell the story from this point. You were watching the iceberg? - Yes.

2425. Did you notice what the ship did? - As soon as the reply came back "Thank you," the helm must have been put either hard-a-starboard or very close to it, because she veered to port, and it seemed almost as if she might clear it, but I suppose there was ice under water.

2426. (*The Commissioner.*) She veered to port. Her helm must have been put hard-a-starboard? - Yes.

2427. (*The Attorney-General.*) He then said it looked as if she was going to clear it. (*To the Witness.*) It looked as if she was going to clear it, and then did you feel a blow? - As she struck on the starboard bow there was a certain amount of ice that came on board the ship. That was the forewell deck. It seemed as if she struck just before the foremast.

2428. (*The Commissioner.*) Did you say anything about the ship striking part of the iceberg under the water? - The formation of the berg is, there is more under water than there is above.

2429. I daresay. What I want to know is, did you say anything just now about the ship striking the iceberg under the water? - I did not hear it.

2430. (*The Attorney-General.*) He did, my Lord; he said it "Felt as if," and I was trying to get to it. He said it just after he said "I thought she was going to clear it." I think we will get it from him in this way. (*To the Witness.*) You saw the iceberg as the vessel veered to port, did you? - I saw it before that.

2431. Yes, you had seen it before, but that had been reported? - Yes.

2432. Then you said you saw her head veer to port? - Yes.

2433. Where did you get the iceberg - on what side of you? - On the starboard hand as she was veering to port.

2434. You had the iceberg on your starboard side? - Yes.

2435. You were on the starboard side of the crow's-nest, you told us? - Just at that time I happened to be right in front of the nest, because as the nest is semi-circular the telephone is in the corner of the nest on the starboard side. My mate was telephoning from there, and I was standing in the front of the nest watching the boat.

2436. Do you mean you were standing just about amidships? - Just about amidships in front of the nest.

2437. You were watching the berg. You had got the berg on the starboard side as the vessel's head veered to port? - Yes.

2438. And you watched it? - I watched it.

2439. Now could you give us any idea of what height there was of ice out of the water? I only want to have some idea of it? - It was higher than the forecandle; but I could not say what height was clear of the water.

2440. (*The Commissioner.*) How high does the forecandle stand out of the water?

The Attorney-General: I think it is about 60 feet.

The Commissioner: I do not think it is as much as 60 feet.

The Attorney-General: I think she drew about 34 feet.

The Commissioner: I was not thinking about her draught, but how high the forecandle would stand from the water.

2441. (*The Attorney-General.*) I said 60 ft.; I am told it is about 55 feet. (*To the Witness.*) Can you give us any idea of the breadth? What did it look like? It was something which was above the forecandle? - It was a dark mass that came through that haze and there was no white appearing until it was just close alongside the ship, and that was just a fringe at the top.

2442. It was a dark mass that appeared, you say? - Through this haze, and as she moved away from it, there was just a white fringe along the top. That was the only white about it, until she passed by, and then you could see she was white; one side of it seemed to be black, and the other side seemed to be white. When I had a look at it going astern it appeared to be white.

2443. At that time the ship would be throwing some light upon it; there were lights on your own ship? - It might have been that.

2444. Can you give us an idea to the best of your ability how far off she was when you passed her to starboard? - She hit us.

2445. How far was the vessel from the iceberg? - What did you say?

2446. You have told us your vessel veered to port and then you got the iceberg on your starboard side? - Yes, that is where she hit.

2447. Quite right; that is where she hit, but can you tell us how far the iceberg was from you, this mass that you saw? - It might have been half a mile or more; it might have been less; I could not give you the distance in that peculiar light.

2448. You are speaking of when it was you first saw it? - Yes.

2449. I understand that; you think it might have been half a mile or rather less, and of course you cannot give any better indication than that. I am much obliged to you for that, but it is not quite what I wanted you to tell us. You have told us that she veered to port and then she struck on the starboard side. But when you were looking at her, could you see whether this darkness which you have told us of was any distance from the ship or was it quite close up against the side of the ship? - Close up against the side of the ship on the starboard bow.

2450. Did you see at all how much ice there was that fell on the forewell deck? - I knew there was some there, because I saw it when I went on to the boat deck.

2451. You did not pay particular attention? - No, I had something else to think about.

2452. Give us, to the best of your ability, where it was according to you the vessel struck. I want to get some idea from you? - Just before the foremast. It must have been there because when I went down from the crow's-nest the water was coming into - I do not know whether you call it No. 1 or No. 2 - it was level with here (*pointing on the model.*) that is about where it was.

2453. That would be just before the foremast. I am going to ask a little more precisely about that? - The water was coming in down below - I do not know whether it is No. 1 or No. 2.

2454. No. 1 or No. 2 what? - Hold - water coming in there down in the firemen's quarters. I was not relieved till 12 o'clock.

The Commissioner: I am not following this.

2455. (*The Attorney-General.*) Neither am I, my Lord; I did not even hear it. Do you mind telling us again what you said then? I could not hear you. Try to speak up? - I did not leave there until 12 o'clock. When I went down at 12 o'clock water was coming into that compartment. That was just outside the seamen's quarters, down below.

2456. I think that does help us. Did you know the seamen's mess? - Yes, that is what I am talking about.

2457. That is what I want. Then I know where it is. It was just about there that the water was coming in? - Just outside there. The door is on a level, and the water was coming in down below. The ship was making water down there. You could see it from underneath the tarpaulin; you could look down below and watch the water coming in.

2458. Is No. 1 hatch just opposite the seamen's mess amidships? - Yes.

The Attorney-General: Your Lordship has that plan, and you will see at once where it is.

The Witness: This was at 12 o'clock though.

2459. That is what you saw at 12 o'clock? - When I came down from aloft, yes.

2460. Did you see the water coming in? - Yes, I could hear it, and then I looked down to see what it was, and it was water pouring in from the ship's side or the bottom, anyway.

2461. Which side? - The starboard side apparently.

2462. Where did you see the water coming in? - It was coming on the deck down there.

2463. What do you mean by that? - Down in the firemen's quarters.

2464. On the starboard side of the firemen's quarters; is that right? - Well, it is amidships there; their quarters are down below there. Perhaps it is the deck below that.

2465. I do not know whether you understand it. You know where the seamen's mess is? - Yes.

2466. That is on the port side is it not? - That is on the port side.

2467. Is the firemen's mess on the starboard side? - Oh, I mean down below, on the deck

below there. If you look you will see; there are firemen's quarters down there.

2468. The quarters are below that? - Yes.

2469. That gives us the side, at any rate? - I think it is about two decks below that where those other quarters are.

2470. Yes, you are quite right. I think we can follow it from the plan: First of all, there is a deck where there are the seamen's messes and the firemen's messes? - That is under the forecastle.

2471. Then below, and again below that, that is in the next deck and the deck under that, there are quarters for the firemen? - Yes.

2472. For the firemen and the greasers and some of the other men. Is that what you mean? - That is where water was coming in then, because the men brought their bags up from there who were going on the 12 to 4 watch, because the watch was coming in there.

2473. Wait a minute. You say the men were bringing up their bags from the one deck? - They could not stay down there with the water coming in.

2474. We understand that, but from what deck was it that they were bringing their bags up? Perhaps we can get at it if you will tell us where they brought the bags to? - I cannot tell you the name of the deck, but from their quarters.

2475. Where did they bring their bags to? - They put them on the forecastle on top of the hatch there, and then they were no good to them; they had to leave them behind.

2476. That was because of the water coming into their quarters where they slept? - That is so.

2477. And is that where you saw the water? - I saw the water coming through - well, I saw water down there.

2478. In their quarters? - I saw it down there as I looked through the top of the hatch. I saw water coming in.

The Attorney-General: I think it must be No. 1 hatch, my Lord; it might be No. 2.

Sir Robert Finlay: I think it must be No. 1.

2479. (*The Attorney-General - To the Witness.*) Was that the most forward hatch? - Yes, I think it was No. 1; it is just outside the seamen's mess.

2480. Yes, that is No. 1. You were looking down that, and looking down there you saw the water? - Yes, the water coming in. That was at 12 o'clock when I went down below.

2481. Could you hear it? - Yes; hear it plainly.

2482. Was it rushing in or simply pouring in? - It was not coming in so fast, but you did not know where it was coming from. It was coming from somewhere else further over to the starboard side; it must have been, but I did not know where it was coming from.

2483. All you could see was that water was coming in from somewhere on the starboard side? - Yes.

2484. And it was getting into the firemen's quarters. That is right, is it not? - Yes.

2485. And getting into their quarters so much that the firemen were driven up, and were carrying up their baggage on to the forecastle deck? - They came up on deck there, and some of them were standing by; they did not know whether they would have to go below or not.

2486. (*The Commissioner.*) Do you know anything about the lettering of these decks? - Well, there is a boat deck.

2487. Do you know anything about the lettering of them? They are lettered C, D, E, F, and G. Do you know anything about that? - Those are different compartments, I think. There is the boat deck, A deck, B deck, C deck, but I think the other letterings come in for different quarters for the passengers' benefit.

2488. (*The Attorney-General.*) After you saw that at 12 o'clock what did you do? - I went on the boat deck.

2488a. Did you get any orders to go on the boat deck? - No, but I heard the boatswain call the other watch.

2489. Did you hear what orders he gave? - Yes, he told everybody to get the boats ready for turning out.

2490. He told everybody? - That was the watch below; they were turned out, and we all went on deck.

2491. That really meant all hands on deck to help uncover the boats? - To get the boats ready for lowering.

2492. Not only those that were on deck and on duty, but those below off duty? - Yes, the watch that had just gone below.

2493. That would be at 12 o'clock; they had just gone below? - Yes.

2494. Did you notice any list of the vessel at all by the time you came down at 12 o'clock from the crow's-nest? - Not enough to take notice of; I did not notice any.

2495. Did you go to work to help prepare the boats for lowering? - Yes.

2496. To which side did you go, to starboard or port? - The starboard side.

2497. Had you a station? - No. 11 boat.

2498. That would be the third from the last, would it not? - Yes, that is right.

2499. Did you know that that was your boat? - Yes, it was put up on the printed order on the ship, outside our quarters.

2500. That is a list? - Yes.

2501. As I understand from that there was a printed list outside your quarters? - Yes.

2502. Then your names would be filled in? - Our names would be filled in.

2503. To what boats you were to go? - Yes.

2504. You had looked at yours? - Yes.

2505. Was that list up when you first left? - It was up the day after we left Southampton.

2506. So that it would be up the day you left Queenstown, at any rate? - Yes, certainly.

The Commissioner: How long does it take from Southampton to Queenstown, 20 hours?

The Attorney-General: Something like that, because she left, I think, on the 10th from Southampton, and she left Queenstown on the 11th. That is as far as I understand the dates.

2507. (*The Commissioner.*) I was told she went to Cherbourg first. (*To the Witness.*) Did you go to Cherbourg first? - Yes.

2508. (*The Attorney-General.*) She went to Cherbourg, and, as I understand, it is about 13 or 14 hours from there to Queenstown, is that right? - Yes.

2509. And we know she left Queenstown on the 11th. When you went to your boat were there people waiting to be passed into the boat? - The first thing that I did, and that most of us did that were there, was that we cleared the falls away from the boats on the starboard side, and then we lowered the boats from forward to aft; and when I came to No. 11 I was told that the boat was full, and that I was to get on with the next boat. So I went into No. 13, and left in No. 13 after we had got a full load.

2510. So that you were in the same boat eventually when the boat left as Barrett? - Yes.

2511. And Beauchamp - do you know Beauchamp? - No, I cannot say that I do.

2512. He was a fireman. If you do not know him, never mind. We have seen him, and we know him. But you know Barrett? - Yes.

2513. And you were with him? - Yes, I saw him just now.

2514. I think I understand what you have said about what happened before you left, but just let us get it quite clearly. Were your orders to uncover all the boats along that side? - I had no orders whatever.

2515. Why did you go then to help uncover all the boats on the starboard side? - I went there

because it was my duty.

2516. You knew that you had to do it? - I knew it was my duty, and that is why I went there. I did not have any orders myself.

2517. But why did you go to uncover the boats on that side? - Because I knew what had happened.

2518. You knew there had been serious damage done to the vessel? - Certainly.

2519. I suppose you knew the order that had been given by the bos'un, or somebody, that all hands were to go on deck? - I heard the bos'un say that as he went on deck, and I went up then just after the other fellows.

2520. You did not wait for anything more; you knew what your duty was - to go and help uncover the boats. That is right, is it not? - Certainly.

2521. And then you helped uncover all the boats? - I helped to uncover all the boats on the starboard side.

2522. Uncover them and get the falls ready? - Yes.

2523. Get them ready for lowering? - Yes. They were lowered on to A deck; that is where the passengers were put in, and from there they were lowered into the water.

2524. Your Lordship, we need not go in detail through this story again; we have had it already. Then you got to No. 13 boat. No. 11 boat ought to have been your boat; that was your station? - Yes.

2525. Why did not you get into that? - Because she was full up, and I went on to the next one.

2526. Did you get any order about that? - No, but I did not want to make a jump for it, and I went on to the next boat because there was scarcely anybody in that boat.

2527. You mean there was scarcely anybody in No. 13 boat? - Yes. Mr. ----, I cannot tell you what his name is - a tall officer, about 6 feet in height, fresh complexion - I forget his name; I could not remember his name - he was there attending to passing the passengers into the boats.

2528. Was it Mr. Wilde, the chief officer? - No, He is about the sixth officer, or the fifth officer.

2529. At any rate, he was a very tall man, according to you? - Yes, tall and spare. I think he was drowned.

2530. Then what did you do? - We put some women and children into the boat, and then there were some passengers got in, and I was ordered by him to get in the boat and we lowered away; and then No. 15 very nearly came on top of us.

2531. That is No. 13 you are speaking of? - Yes.

2532. And No. 15 very nearly came on top of you? - Yes.

2533. I do not think it will be useful to go all through that again; we have heard what happened from Barrett, and I shall leave that. Then what did you do when you got into the boat? Were there any seamen on board? - Three of us; three able seamen.

2534. Besides yourself? - There were three able seamen in the boat.

2535. In No. 13? - Yes, three able seamen.

2536. Who were they? Do you know who the other two were? - Hopkins was the name of one, but I do not know the name of the other fellow.

2537. But you knew he was an able seaman? - Yes.

2538. That is the important point; it made three? - Yes.

2539. Do you know how many men there were in the boat altogether? - Hopkins told me when I asked him the next day if he happened to know how many people there were in the boat that there were 64.

2540. Hopkins told you there were 64? - Yes. He said, "I counted them as nearly as possible 64."

2541. When you got into the boat and your boat got away from the side, did you see the vessel settling down? - She was going down; she was settling down by the bows, but the bows was not underneath the water when we left. What I mean to say when I say the bows - the deck was not underneath the water; the foc'sle deck was not under the water.

2542. (*The Commissioner.*) You mean the foc'sle deck? - Yes, the foc'sle deck was not under the water when we left the ship.

2543. (*The Attorney-General.*) Was it pretty low down? - About half way down I should say.

2544. What do you mean when you say "about half way down"? - I do not know; it is rather hard to say what the number of feet is. I do not know how many feet there are from the waterline up.

2545. I want to understand what you mean. Do you mean she had got a good deal down? - Yes; she was a good deal down.

2546. But not up to her foc'sle deck? - Not up to her foc'sle deck.

2547. I want to know what you mean by saying she was about half-way down. Do you mean about half-way down from the height of the decks to the water? - From the waterline to the foc'sle deck.

2548. Was she settling down quickly; could you see? - Not so very quickly.

2549. Can you give us any idea of the time? I want you to help us as far as you can, although I know it is very difficult for you. Had you any idea of what time it was when you left in the boat - how long it was after you had come down from the crow's-nest? - I could not say how long it was after. There were no clocks to look at, and I did not ask anybody the time until we got away in the boat. There was a lady there had a watch, and after the ship went down she told me that her watch said half-past two. That is all I know about the time. That was after the ship went down. But as regards other time, I am afraid I could not tell you.

2550. We will get the best help we can from you as to what was done. You pulled away from the "Titanic." Did you keep near to the other boats? - Yes.

2551. A number of other boats? - Yes; we kept in touch with each other.

2552. And did you keep in touch with the other boats until you were picked up by the "Carpathia"? - Yes, in the morning.

2553. Did you lay off for some time in the boats. I mean, lay off the "Titanic"? - We were about a quarter to half a mile away from the ship, laying off until she disappeared.

2554. So that you could see what was happening? - Yes.

2555. Then did you see her settling by the head? - She went down by the head.

2556. Did you see the lights on the ship? - You mean the electric lights?

2557. Yes? - Oh, yes.

2558. Were the lights burning on the ship until - ? - They burnt practically until she disappeared.

2559. That is what I wanted to know? - I suppose until the dynamos were put out of order.

2560. Did you see her stern? - No. I cannot say that I did from where I was in the boat. I was standing in the bottom of the boat, and I did not actually see the last part of her go. I saw her just before that, but when people said, "She's gone; that's the last of her," I did not actually see it. I cannot say.

2561. Did you see her stern in the air at all during any of the time? - Well, I did not see her just before her final disappearance. I did not see that, I cannot say that I did.

2562. Did you hear any explosions? - After she had gone down, yes.

2563. After she had gone down? - As she went down, you might say, you heard under-water explosions, like a gun-cotton explosion under water at a distance off. I suppose it was the boilers.

2564. When the steamer struck, was there any light of any other vessel to be seen? - No.

2565. And after leaving the steamer, did you see the lights of any other steamer before the "Carpathia"? - There was a ship apparently ahead of the "Titanic," as she was then, but, that ship was supposed to have disappeared. Anyway, we did not see her in the morning.

2566. But did you see her lights after you left the steamer? - We saw a light, yes, but we did not know what it was. It might have been one of our own boats that was showing a light. I could not say that it was a steamer.

2567. You saw a light? - I saw a light, apparently it was on the port bow of the "Titanic" as she was, it seemed to me. That was the one that we were going to pull for, but she disappeared.

2568. The light disappeared? - The light disappeared. Whether it was a fishing vessel or a steamer, or what she was, I do not know.

2569. (*The Commissioner.*) Or one of your own boats, I thought you said? - It might have been one of our own boats at a shorter distance. You could not tell; it was a dark night.

2570. (*The Attorney-General.*) I gather from what you said that it would only be a white light that you would see? - A white light was all that I saw.

2571. It might have been a masthead light? - It might have been a masthead light in the distance. I could not say for certain.

2572. And I understand you to say it might even have been the light of one of your own boats? - It might have been the light of one of our own boats.

2573. Did you see that light before the "Titanic" sank? - No.

2574. Does that mean that you only saw that light after the "Titanic" sank? - After I was in the boat, after leaving the ship.

2575. Those are two different things, you see. You got into the boat, and left the "Titanic" some time before she sank? - Yes.

2576. Before she sank had you seen that light? - No. It was only after being in the boat and away from the ship that we saw that light.

2577. (*The Commissioner.*) Yes, but did you see that light before the "Titanic" went down? - Yes, Sir, certainly.

2578. Then I have got it down wrong; you saw it. How long after you had got into No. 13 boat was it that you saw the light. Do not guess? If you do not remember tell me you do not remember. - I could not say how long it was.

2579. That is quite a proper answer. But are you sure that you saw this light, whatever it was, before the "Titanic" plunged to the bottom? - Yes, Sir.

2580. You did? - Yes, from the boat. I cannot say how long it was.

2581. You cannot say how long; all you can say is that you saw it before the "Titanic" went down? - Yes, before the ship disappeared.

2582. (*The Attorney-General.*) Did you see any rockets sent up from the "Titanic"? - Yes, Sir.

2583. Before you left the vessel? - Before and after.

2584. Were they coloured rockets, or only white ones? - No, coloured rockets.

2585. Did you see any reply? - No, none whatever.

2586. Now, will you tell us, so far as you can, about the passengers in your boat. Had you third-class passengers in your boat? - Second and third. A few second, principally third.

2587. Did they behave well? - Very well indeed.

2588. They were mostly women? - They were most women.

2589. Some children? - Four children.

2590. Was it very cold? - Very cold indeed.

2591. But you had no difficulty on board? - None whatever.

2592. Everybody bore it without complaint? - Yes, Sir.

2593. Before you left with your boat, did you see any other third-class passengers, women or

children, waiting to go into the boats? - There were no women left there when our boat was lowered into the water, not as far as I could see.

2594. You can only tell us what you remember. You saw the other boat lowered, that is, the boat astern of you, No. 15? - I did not notice what they had there. We had our work cut out to get away with the crowd that we had in our own boat.

2595. You were carrying a very large number, you mean, for the boat? - Yes, and we were right under that exhaust there (*pointing*), and if the boiling water had got on to the people in the boat they would have made a start on the starboard side and capsized.

Examined by MR. SCANLAN.

2596. When you are at sea in a fog is it a usual practice to station a watchman at the bows in addition to the lookout in the crow's-nest? - The captain of the ship has to be responsible for that kind of thing.

2597. Just tell me whether in your experience it is usual to do that? - If the captain of the ship thinks it is necessary.

2598. Have you seen it done? - I have.

2599. Have you seen it done frequently? - Frequently.

2600. Is not a haze a kind of a fog? - It is a kind of a fog, but you could not describe it as a fog.

2601. How long were you on your last watch before you observed the haze? - I think I answered that question before. Didn't you hear me answer that question before?

Mr. Scanlan: I did not.

The Commissioner: You must not whisper your answers. Speak up so that we can hear you.

2602. (*Mr. Scanlan.*) How long had you been in the crow's-nest on your last watch? - It was not so hazy to begin with as it was when the accident occurred.

Mr. Scanlan: When you found the haze thickening -

The Commissioner: Did he ever find it thick?

Mr. Scanlan: I said "thickening," my Lord.

2603. (*The Commissioner.*) I thought you said "thick." (*To the Witness.*) Were you in a fog when this accident happened? - No.

2604. (*Mr. Scanlan.*) Did you communicate with the bridge, that you found it hazy? - No.

Mr. Scanlan: I think you mentioned that you said to your mate, or your mate said to you, that you would be very lucky if you could see through the haze.

The Commissioner: "If we can get through this."

2605. (*Mr. Scanlan.*) Were you not then of opinion that the pressure of that haze made the passage dangerous? - I am not the officer of the watch.

Mr. Scanlan: I am not accusing you of that.

The Commissioner: These questions are proceeding upon the assumption that that observation was made.

Mr. Scanlan: That this observation was made to him, my Lord.

The Commissioner: Yes.

Mr. Scanlan: Was that observation made to you?

The Commissioner: He says it was.

2606. (*Mr. Scanlan.*) When this observation was made to you did you not think it a proper thing to communicate with the officer on the bridge? - Certainly not. The officer of the watch would ask you what you meant by it. He would ask you whether you were interfering with his duty or not.

2607. When you are going through a haze at night, is it usual to slow up - slacken speed? -

That has nothing to do with me. I am not on the bridge. I am a look-out man, as I said before.

2608. You have often been in a fog, I daresay, in Atlantic passages? - I am in a fog now.

2609. You have been at sea for a number of years. Have you been sailing through an ice-field? - Yes.

2610. When your ship is sailing through an ice-field, is it usual to go slow - to slacken speed? - Certainly.

2611. Is it not also usual when you are in a fog or in a haze to slacken speed? - Certainly.

2612. And speed on this occasion was not slackened? - I could not tell you.

2613. You could not tell? - No.

2614. What is the height of the crow's-nest above the foc'sle deck? - I do not know. I suppose it is a matter of between 40 and 50 feet above the foc'sle deck.

2615. (*The Commissioner.*) It is a little higher than the bridge, is it not? - Some distance higher, my Lord.

Mr. Scanlan: About 40 feet.

The Commissioner: He said that the crow's-nest is about 40 feet higher than the bridge.

The Attorney-General: I do not think he meant that, my Lord; I think he meant the foc'sle deck.

The Witness: Yes, I meant the foc'sle deck

The Attorney-General: Forty feet higher than the foc'sle deck.

2616. (*The Commissioner.*) That is a very different thing. How much higher than the bridge is it? - I suppose 20 feet something.

The Attorney-General: Your Lordship can see it there on the model.

The Commissioner: Yes, and I have seen the thing itself on the "Olympic."

2617. (*Mr. Scanlan.*) Would it have been easier to have observed the iceberg from the bow than from the crow's-nest? - I cannot answer you that.

2618. When you have been on other ships have you ever been at watch on the bows? - Yes.

2619. (*The Commissioner.*) Was there a crow's-nest on that ship? - Yes.

2620. And was there somebody in the crow's-nest as well? - Yes.

2621. And somebody on the bridge as well? - That was off the banks of Newfoundland.

2622. Was there somebody on the bridge as well? - Two quartermasters were there, and the officer of the watch.

2623. What ship was this? - The "Minnehaha."

2624. What line does she belong to? - The Atlantic Transport.

2625. Is she a mail boat? - No, Sir.

2626. (*Mr. Scanlan.*) As you have been stationed both in the crow's-nest and in other ships on the bows, I want you to give us your opinion as to whether it would be easier to see the iceberg if you were stationed at the bows than in the crow's-nest?

The Commissioner: He has given you an answer to that which I believe to be quite true, that he does not know.

2627. (*Mr. Scanlan.*) You were assisting in the launching of all the boats from the starboard side? - I did not say all the boats.

2628. A number of them? - Some of them.

2629. How many of them? - I do not know how many - about three or four.

2630. Were any of these three or four boats that you assisted in launching provided with lights, lamps? - I did not look for them.

Examined by MR. HARBINSON.

2631. I believe you went from Southampton to Cherbourg? - Yes.
2632. Did you take many passengers on at Cherbourg? - That I could not say.
2633. You do not know? - No.
2634. Then you went from Cherbourg to Queenstown? - Yes.
2635. Did you ship many passengers at Queenstown? - A good number, but I cannot say how many.
2636. But a good number? - Yes.
2637. Mainly, I suppose, third-class passengers? - Yes, third-class passengers.
2638. (*Mr. Harbinson.*) Do I rightly understand that third-class passengers were carried both fore and aft in the "Titanic"?
- The Commissioner:* You do; you need not wait for an answer to that.
- Mr. Harbinson:* Thank your Lordship.
- The Witness:* Yes, fore and aft.
2639. You say you asked for glasses. Who did you ask? - I did not ask.
2640. Did you know that anybody asked for glasses? - Yes, I think Simmons [Symons] asked.
2641. Who did he ask? - He was supposed to ask one of the officers on the bridge, but I do not know whether he asked. I am only just saying what I was told.
2642. (*The Commissioner.*) Simmons [Symons] told you that he asked, did he? - So I understand, that he asked the question on the bridge.
2643. Did Simmons [Symons] tell you that he asked the question on the bridge? - I think I am right in saying that he did.
2644. Are you sure about it? - I will not swear that he did. I know that we all spoke about it, my Lord, and when they asked.
2645. When who asked? - When one of them asked about the glasses they were told there were none for us.
2646. Who was the one that asked? - I think it was Simmons [Symons].
2647. What makes you think so? - Because I can remember the conversation about it. We all spoke about it together.
2648. Who was there at this conversation? - Fleet, Hogg, Evans, Simmons [Symons], and myself were all there.
2649. And were you all talking about binoculars? - They were asking why they could not have them, because they had been in use from Belfast to Southampton, and they wanted to know what had become of the glasses that we had used in that time.
2650. Then the binoculars, according to this conversation, had been in the crow's-nest coming from Belfast to Southampton? - Yes.
2651. And therefore when she left Harland and Wolff's, if this conversation ever took place and it was accurate, the binoculars were there, and they had vanished at Southampton? - I was not there at the time, my Lord.
2652. But, as I understand, the conversation was to the effect that they had been in the ship when she left Belfast? - Yes.
2653. And the matter being discussed at this conversation was where they had gone? - Yes.
2654. And where had they gone? - I do not know.
2655. Did the conversation lead to any conclusion on that point? - We did not have any to use.
2656. I know that, so you say; but did you in your conversation arrive at any conclusion as to what had become of them? - We simply went without them, my Lord, that is all.
2657. (*Mr. Harbinson.*) You considered it was a serious matter not to have them? - If you have

got good eyesight it is not necessary to have them perhaps.

The Commissioner: That is your statement, you know.

2658. (*Mr. Harbinson.*) You were told to look out for ice and "growlers"? - Quite so.

2659. Had you been told there was ice about? - Yes.

2660. Did you know, as a matter of fact - had it been communicated to you - that a warning had been given from the "Baltic" as to ice being about? - No. The orders were passed over from the man that we relieved.

2661. Jewell and the others? - Jewell and Simmons [Symons].

2662. You knew that ice was about? - You could smell it.

The Commissioner: "Smell it"?

Mr. Harbinson: That is his reply.

2663. (*The Commissioner.*) This is the first time I have heard that. Does he mean that he felt the cold? (*To the Witness.*) Is that what you mean by "smell"? - There was a sudden change in the temperature, my Lord.

The Commissioner: Then I understand.

2664. (*Mr. Harbinson.*) But so far as you knew the boat was going at the same speed? - Yes.

2665. Was the haze visible from the bridge, this haze that you saw? - It should have been.

2666. Despite the fact that this haze was about, you saw no slackening of speed? - No.

2667. And no alteration of the course? - No.

2668. I think you said that off the banks of Newfoundland on previous occasions there has been an additional man in the bows - an additional look-out? - Yes.

2669. How many times in your experience? - In the Navy they have extra look-outs on each side of the foc'sle, and may be aloft as well.

2670. But you yourself have seen it on boats you have been previously employed on? - Yes.

2671. Immediately after the collision, did you come down from the crow's-nest? - No, I waited till our relief's came up at 12 o'clock.

The Commissioner: You are taking him all over the same story again. He told you that he came down from the crow's-nest at 12 o'clock, the end of his watch.

2672. (*Mr. Harbinson.*) Immediately you came down from the crow's-nest, did you see any of the passengers come from the forepart of the boat? - No, because underneath the foc'sle you would not see anybody there, only the sailor folk or some of the firemen.

2673. Were there many passengers about the front of the boat when you came down? - No.

2674. Did you see any stewards about? - Yes, there may have been one or two, but I did not see many.

2675. Did you see anybody giving any instructions or warnings to the passengers in that part of the boat? - I saw the bos'un and he sent the watch up on deck to clear the boats.

2676. But you did not hear any instructions given as to warnings to be given to the passengers? - No, I could not hear them there.

2677. You made your way immediately down to boat No. 13? - No, up from the foc'sle to the boat deck here (*showing.*) right along the starboard side.

2678. To boat No. 13? - No. 11, down the side to No. 11 and No. 13 (*showing.*)

2679. Were there any passengers about the place about the position of boat No. 13? - We had no women or children there, but there were a few men that went over to the other side, or got into the next boat.

2680. Was it before or after the lowering of your boat that you saw the rockets first go up? - They were sending them up before the boat was lowered into the water.

The Commissioner: You have told us that already, you know.

Examined by MR. LEWIS.

2681. How long have you been an A. B.? - [No Answer.]

2682. (*The Commissioner.*) How long have you been a sailor? How old are you now? - Forty-one.

2683. When did you first go to sea? - In 1887.

2684. That is twenty-five years ago, so that you went to sea when you were about 16? - Yes, 16.

2685. When did you become an A. B.? - Last year.

The Commissioner: It is a long time you know. He says he became an A. B. last year.

2686. (*Mr. Lewis.*) I do not press that point, Sir. How many times have you acted as look-out man? - [No Answer.]

2687. (*The Commissioner.*) Have you counted the number of times that you have acted as a look-out man? - I could not swear I have. I was a look-out man on the way to China in the "Cordelia," but I was not paid for it. I was 14 years in the Naval Service. I was in the "Minnehaha," and I was in the "Olympic," and I was in the "Titanic."

2688. (*Mr. Lewis.*) Is your sight good? - I hope so.

2689. Never anything the matter with your sight at all? - No.

2690. Is there an examination of the eyes before you are appointed look-out man at Southampton, or elsewhere? - Yes.

2691. Who by? - You go through the Board of Trade office.

2692. At Southampton? - Yes.

2693. What doctor examined you? - I do not know his name.

2694. A doctor did examine you at Southampton; did he particularly examine your eyes; did he test your sight? - Yes.

2695. Do you swear that he tested your sight at Southampton at the Board of Trade Dock there; do you swear that? - No.

2696. Let us be quite clear. You were examined by the Board of Trade doctor at the Southampton - is that so? - I am not going to answer that.

2697. (*The Commissioner.*) What did you say? Were you examined at Southampton by a doctor? - Yes, Sir, but not for eyesight though. He only just asked me - not a test to get a certificate for so that I can prove it. There is a doctor's examination when you fall in.

2698. Were you asked about your eyesight? - Not specially.

2699. Were you asked in any way about it? - I cannot say that I was.

2700. (*Mr. Lewis.*) Can you tell us what form the examination took then. Were you examined separately; were all the men examined separately? What sort of examination did the doctor make? - I suppose he pleased himself. A medical man generally does, does not he?

2701. What sort of examination did he make of you? What did he say to you? - You might ask me something easier because I cannot remember what the man said.

2702. You say you were examined by the doctor - this is very important. I want you to answer the question. What form did the examination take; how long did it take? - We were falling in on the lounge deck and the doctor came and examined us all. I do not know that he particularly asked me anything.

2703. Just a casual examination? - It was a casual kind of examination.

2704. He did not ask you anything at all about your eyes? - No.

2705. No special examination. Has there been any examination by anyone since, by a ship's doctor or anyone else, with respect to your eyes? - No.

2706. (*The Commissioner.*) Is your eyesight good? - I think so, my Lord.

2707. Do you believe that it is good? - I do.

Examined by MR. COTTER.

2708. You said that the berg, when you first saw it, was half a mile away? - I did not. I said I could not say whether it was half a mile or a little more or a little less. It was impossible to say.

2709. (*The Commissioner.*) I thought you said it was about half a mile away? - About half a mile.

The Attorney-General: He did say that he really could not say, but that that was it as it appeared to him.

2710. (*Mr. Cotter.*) If you had had a pair of night binoculars that night, and you were using them, I suggest to you that you would have seen that berg earlier? - Quite feasible.

2711. And then there would have been a chance of telling the officer on the bridge that it was ahead before you did.

2712. (*The Commissioner.*) Can you tell me the difference between day binoculars and night binoculars? - No, my Lord, except that they are made in the trade for night use and day use.

Examined by SIR ROBERT FINLAY.

2713. Just a few questions. The practice varies a good deal, does not it, about supplying binoculars to the look-out men? - Well, Sir, I do not know. They are supposed to be. It may be that some companies would supply them and some companies would not supply them.

2714. You know, I daresay, there is some difference of opinion as to whether it is desirable that the men who have to look out all round should have glasses? - Yes.

2715. That is, I believe, because it leads them to fix their attention on the spot to which they are directing the glasses? - Yes.

2716. There is a difference of opinion about that. Now about this light that you saw after you were in the boat. You saw it before the "Titanic" went down, as I understand you? - Yes.

2717. Were there more lights than one? - It seemed like a masthead light, or, as I said, it might be one of our own boats with a small light.

2718. How far off did you think it was? - It might have been a matter of six miles; it might have been five miles.

2719. Five or six miles? - It might have been that, five or six miles.

2720. How long did you see it? - I could not say. I never know that I noticed it, because it was pointed out to me, and all the passengers were saying that they thought there would be a ship coming along. But really I could not tell whether it was a ship or whether it might have been one of our own boats that had gone away from the other side of the ship and pulled ahead.

2721. You thought it might be a masthead light of a ship five or six miles away? - Yes, five or six miles away, of another ship; but as for being certain about it - I could not be certain.

2722. The haze could not have been very bad if you thought it was a masthead light, five or six miles off? - This is afterwards, Sir. This is in the morning - when I say in the morning, it is about what time?

2723. The "Titanic" sank about 2 o'clock? - Two something.

The Commissioner: Half-past two.

2724. (*Sir Robert Finlay.*) Before the "Titanic" sank? - This is after she had passed the berg, Sir. As she got clear of the berg the weather was clearer.

2725. Had the whole haze gone by that time? Had the whole of the haze disappeared by that time? - It seemed to be clearer about that time.

2726. (*The Commissioner.*) About what time? - I suppose about 2.30, my Lord.

2727. Then did this haze come on some time before 12 o'clock, and then lift just about the time the "Titanic" was sinking. Are you sure this haze existed at all? - Yes, Sir, quite positive.

2728. (*Sir Robert Finlay.*) Was it ever very bad? - It was so bad that you could not see the iceberg, Sir.

The Commissioner: It was so bad that you could not see it.

2729. (*Sir Robert Finlay.*) It had lifted. When did it lift? - It cleared.

2730. When? - It was towards daylight. That is the only thing I can say.

2731. (*The Commissioner.*) But it was not daylight till about five o'clock? - No.

2732. I understand that when you saw this light the rockets were going up from the "Titanic"? - So they were.

2733. You saw the light before the "Titanic" went down, and when the "Titanic" was sending up rockets, and there was no answer from the light? - Not as far as we could see.

2734. (*Sir Robert Finlay.*) There is just one other matter that perhaps you can tell me about. When you saw the water coming in you looked down No. 1 hatch? - Yes.

2735. Could you see down to where on a lower deck the hatch was battened over and tarpaunlined - battened down? - Yes.

2736. You saw down to that? - Yes.

2737. Below that would be the cargo? - Yes.

2738. You know that, do not you? - Yes.

2739. The various decks down to that would be decks with quarters for the firemen and so on? - Yes.

2740. You saw this hatchway? - I am not sure about this deck business. You could hear the water rushing in, but where it was coming from I could not tell you.

2741. What I want to know is did you see the water rising on the deck where the hatch was? - Yes.

2742. That is what you mean? - Yes, but I cannot tell you whether it was two decks or even below that.

2743. I will not trouble you about the number? - The water was making its way into the ship.

2744. I quite follow. All I wanted to get clear was that you saw down to this hatchway? - You could hear the water running in there.

2745. You saw the hatchway where it was tarpaunlined over and battened down? - Yes.

2746. The water was rising there? - The water was washing round it as it came on to the deck.

2747. Did you see where the water was coming from - did you see any hole or anything like that? - No, I could not see that from up top; you could not see that.

2748. From all you saw, the water may have been rising from below? - Rising from below for all I know.

Further examined by the ATTORNEY-GENERAL.

2749. If I understand you aright, I suppose you were examined by the doctor when everybody else was examined - when you were all told to fall in? - Yes.

2750. And not specially because you were the look-out man, or anything of that kind? - No.

2751. That is in accordance with the regulations. There is one question I would like to put to you, because I am not sure that we have got your answer clearly upon it. When you were in the crow's-nest did you first of all feel the impact, the blow of the vessel on the iceberg? Did you feel it? - The ship seemed to heel slightly over to port as she struck the berg.

2752. You felt her strike, did you? - Oh, indeed, Sir.

2753. Then she heeled a little over to port? - Very slightly over to port, as she struck along the starboard side.

2754. Could you tell at all whether she had struck above or below the waterline? Can you say that? - It was hard to say that - we would not know.

The Commissioner: What is supposed to have caused the ice to fall on the deck? Was it some part of the ship, the "Titanic," striking the berg above the waterline, or was it something that fell from the iceberg without the iceberg being struck.

The Attorney-General: I should have thought myself that it followed that the vessel must have struck the iceberg, and brought the ice on to the deck.

The Commissioner: So I should have thought, but I was wondering what part of the "Titanic" would strike the iceberg.

2755. (*The Attorney-General.*) I do not think there is any such suggestion. (*To the Witness.*) You have told us that you saw some ice fall on to the fore-well deck? - It must have been overhanging from the berg as she struck, otherwise it could not have come there, because there were no yards on the mast or anything of that sort. It must have been.

2756. It must have been either the head or the side? - It caused it to fall inboard. This is where it landed, just on that fore-well deck. (*Showing on the model.*)

2757. You did not notice that, did you. Did you notice whether there was any overhanging part? - No, I cannot say what was overhanging; I cannot say the size.

2758. Did you notice where it fell on the fore-well deck. Was it amidships or on the starboard side or port side? - It was on this side here, the starboard side. (*showing.*)

2759. I think there is one other thing you may still be able to tell us. When she struck, did the blow continue? Did she seem to be ripping along? - There was a rending of metal.

2760. Did you notice that? - Yes. You could hear that from where we were.

2761. You could hear a rending of metal? - Yes, you could hear a rending of metal right away. It seemed to be running right along the starboard side.

The Attorney-General: That is what I wanted to understand from you.

(The Witness withdrew.)

(After a short adjournment.)

JOHN POINGDESTRE, Sworn.

Examined by MR. ASPINALL.

2762. Were you serving as an A. B. on the "Titanic," at the time of this accident? - Yes.

2763. When did you join her; what day? - At seven o'clock on the Wednesday morning.

2764. Have you been on other liners? - Yes.

2765. What? - Some other White Star liners.

2766. Give me their names. - The "Oceanic" and the "Teutonic."

2767. Have you been in any other liners? - Yes.

2768. Give me their names. - Nearly all the Royal Mail liners leaving Southampton.

2769. Any other liners? - No, Sir.

2770. How many years' experience have you had on liners? - I have had three years' experience on liners.

2771. You joined on the Wednesday, I think you said? - Yes.

2772. And then the ship proceeded to sea? - Yes.

2773. Did you know what your boat was? - Yes.

2774. Which was your boat? - No. 12.

2775. How did you know No. 12 was your boat? - Because I made it my acquaintance to find out which boat I was in.

2776. How did you make it your acquaintance to know which boat you were in? - On the top of the foc'sle ladder leading down to our mess-room the list was put up acquainting each man of which boat he was in.

2777. You looked at it, and there you saw No. 12 boat for you? - Yes.

2778. Now I want to take you to the night of the accident. Was it your watch from eight to twelve? - Yes.

2779. What were your duties that night? - Standing by.

2780. What sort of weather was it? - Grand weather.

2781. What do you say? - Fine weather.

2782. Was it cold? - Rather cold.

2783. You call it "rather cold"? - Yes, rather cold.

2784. You had come on duty at eight? - Yes.

2785. Did the coldness continue, or did it get worse? - It got worse.

2786. And at the time of the accident how would you describe the weather, was it cold or very cold? - Terribly cold.

2787. And did you appreciate that it was getting colder and colder as you got along? - Yes, Sir.

2788. That is with regard to the temperature. With regard to the clearness of the atmosphere, how would you describe it? - Well, on the evening that the accident occurred it seemed to be fine weather.

2789. By "fine weather" - do you mean a good clear night for seeing lights? - Yes.

2790. At the time of the accident was it fine weather then? - Yes, Sir.

2791. Weather in which, according to you, you could see ships' lights at full range, do you mean? - Yes.

2792. Did you feel the shock from the ship striking the iceberg? - Yes.

2793. Where were you? - Underneath the fore-castle, outside the mess room, on the port side.

2794. On the port side, do you say? - Yes.

2795. Can you tell me this; at the time you felt the shock do you think your engines were working astern or working ahead? - I felt the vibration, but I could not say whether the engine was going ahead or astern.

2796. But it was a big vibration, was it? - Yes.

2797. A sort of vibration that would tell a sailor that probably the engines were going astern? - Yes.

Mr. Aspinall: During this watch of yours from eight to 12, did you notice at what sort of speed your ship was travelling? Would you say she was travelling at her full speed?

The Commissioner: I do not understand you. You say the vibration was such as to indicate that the engines were going astern. The engines were stopped, were they not?

The Attorney-General: According to our view.

Mr. Aspinall: "Stopped." I think the order came, "Full speed astern," according to the earlier evidence.

The Commissioner: Were the engines ever reversed? They were stopped, I know.

Mr. Aspinall: I think, my Lord, there has been evidence that they were reversed.

The Commissioner: Very well.

2798. (*Mr. Butler Aspinall.*) Or we have it coming. (*To the Witness.*) At any rate, your view is that there was that vibration going on in the ship which one feels when the engines are put

astern? - That is quite so, Sir.

2799. Having felt the shock, what did you do? - Came out on the fore-well deck.

2800. When you got out on the fore-well deck, did you see anything? - Yes.

2801. What did you see? - I knew we had struck an iceberg.

2802. Why did you know you had struck an iceberg? - I saw the ice on the deck.

2803. Did you see the iceberg itself? - No, Sir.

2804. Did you remain there, or go elsewhere? - I picked a piece of ice up and went underneath the foc'sle with it outside the mess room.

2805. You went back to your mess room? - Yes.

2806. Were you alarmed then, or not? - No.

2807. You thought nothing of it? - No.

2808. Having gone back to your mess room, did you remain there, or did you leave the mess-room? - I remained outside the mess-room for a few minutes.

2809. And then? - I saw the carpenter.

2810. Before you saw the carpenter, while you were remaining outside the mess-room, what was your ship doing? Did you notice? - I think the ship was stopped, Sir.

2811. Now I will just go back for one minute. With regard to the coldness of the night. Did you hear any orders which came from the Officer of the Watch to anybody? - Yes.

2812. What orders were those? - I saw Quartermaster Hichens about half-past nine, and he had orders to go and tell the carpenter to look after the fresh water as it might freeze.

2813. This was something that was told you, was it? - Yes, by the man himself that went and put the question to the carpenter.

2814. Hichens had orders. Did Hichens tell you who gave those orders? - Yes.

2815. Who? - Mr. Lightoller.

2816. And who is he? - The Officer of the Watch from 8 to 10.

The Commissioner: I have got that evidence somewhere already.

The Attorney-General: Hichens himself said it.

2817. (*Mr. Butler Aspinall.*) Now, to go back to where we were before; you were just telling me that you saw the carpenter? - Yes.

2818. Did anything pass between you and the carpenter? - Yes.

2819. Will you tell me what was said by the carpenter to you? - The carpenter told me, and said the ship was making water; "Get up to your boats."

2820. Did he give you any more definite information than that? - No.

2821. He did not tell you how much? - He said about 7 feet, Sir.

2822. Did he tell you whether he had been sounding himself? - He had been sounding the wells down in the firemen's compartment.

2823. He had done that? - Yes.

2824. He told you 7 feet of water was the result? - Yes.

2825. Now when the carpenter gave you that information how long do you think that was after the ship had struck the iceberg? - I think about 10 minutes.

2826. What did you do after the carpenter had told you that? - Stayed where I was.

2827. For about how long? - A matter of a couple of minutes.

2828. And at the end of a couple of minutes what did you do? - The boatswain piped.

2829. What did the boatswain pipe? - "All hands up and get the lifeboats ready."

2830. Now after the first pipe what did you do? - Went up on to the boat deck.

2831. Now having got on to the boat deck what did you do? - I went to the first boat I came to and cleared her away.

2832. On which side of the boat deck were you? - On the port side.

2833. And which boat did you go to? - I went to no particular boat; I cleared all away.
2834. How many boats did you help to clear away? - About 10.
2835. All on the port side? - No; I went from the port side over to the starboard side.
2836. Was there good order whilst those boats were being cleared away? - Yes, because there were only the sailors up there to do it.
2837. You were up the whole time on the boat deck? - Yes.
2838. Then the boats would be lowered down to the deck below for the passengers to get in? - No, not necessarily.
2839. Where were the boats lowered to? - Some boats were lowered to the promenade deck and some were lowered in line with the fish plate that is on the boat deck.
2840. Now, having assisted in getting these boats lowered away, what did you next do? - I went down the forecastle.
2841. Back again to the forecastle? - Yes.
2842. Now, why did you go back to the forecastle? - To put my boots on.
2843. When you got back to the forecastle did you find any water coming in? - Yes.
2844. How long do you think it was after the ship had struck that you went back to the forecastle to put your boots on? - About three-quarters of an hour.
2845. Now I want you to tell me about the water. Where was the water that you saw when you went back to the forecastle? - Coming in through a bulkhead that had broken outside our forecastle, a wooden bulkhead from the third-class.
2846. Was it coming from abaft this bulkhead, or forward of it? - It was coming in from the starboard side.
2847. On the starboard side? - Yes, in line with our forecastle, where we slept.
2848. Was it coming from a place abaft where you slept? - No, forward of where we slept.
2849. From a place which was forward of where you slept? - Yes.
2850. About how far aft of the stem of the vessel did you sleep? Perhaps you do not know? - Well, I reckon 50 to 60 feet.
2851. Were you sleeping in a place which was forward of No. 1 hatch or aft of No. 1 hatch? - Aft of No. 1 hatch.
2852. Was this water coming in fast? - Yes, it was pouring in.
2853. Could you hear it as well as see it? - I was in it; I had to come through it up to my waist in water to get out.
2854. And it was pouring in? - Yes.
2855. (*The Commissioner.*) How did you get your boots? - While I was in the forecastle, getting my boots, this bulkhead broke as I was coming out - the wooden compartment leading from the third-class.
2856. (*Mr. Butler Aspinall.*) Was this a watertight bulkhead which broke? - No, a wooden one.
2857. The ordinary wooden bulkhead? - Yes, separating our forecastle from the third-class cabins.
2858. On which deck were you at the time you saw this bulkhead go? - I was in our forecastle.
2859. On which deck would that be? - I could not say; we call it the lower deck.
2860. One of the lower decks? - Yes.
2861. Do you know where the seamen's wash place is? - It is right opposite.
2862. Is it the same deck? - Yes, right opposite the washroom door.
2863. (*Mr. Butler Aspinall.*) That is deck E, my Lord. (*To the Witness.*) Is your place aft of the seamen's wash place? - Yes.
2864. I see there is a space on the place for "seamen"? - Yes, just abaft the bath room.
2865. On the port side? - Yes.

2866. Now the bulkhead that carried away, is that a bulkhead which is aft of that? - No.

2867. Forward? - Directly opposite our bathroom door.

The Commissioner: Is this wooden bulkhead worked on any plan?

The Attorney-General: That is what we are trying to find, my Lord.

Mr. Butler Aspinall: Has your Lordship got deck E? Deck E, 44 seamen on the port side?

2868. (*The Commissioner.*) Was it a fore and aft bulkhead that gave way? - Yes, a fore and aft bulkhead.

2869. (*Mr. Butler Aspinall.*) Did the water come from the starboard side? - Yes.

2870. Now, did you remain below? - No, a matter of half a minute.

2871. You cleared out? - Yes, as fast as I could.

The Attorney-General: Has your Lordship got it now where it is on the plan?

(*The Attorney-General pointed out the position on the plan to his Lordship.*)

2872. (*Mr. Butler Aspinall.*) It is difficult to measure time on these occasions, but how long do you think it was after the ship struck the iceberg that this fore and aft bulkhead carried away? - About half an hour.

The Commissioner: He first said he went to this place to get his boots three-quarters of an hour after the collision, and that when he got his boots and was coming out then the wooden bulkhead gave way. That must have been, if anything, longer than three-quarters of an hour.

Mr. Butler Aspinall: It is very difficult, my Lord.

The Witness: Well, about three-quarters of an hour, my Lord.

The Commissioner: It is near enough.

2873. (*Mr. Butler Aspinall.*) You cleared out, you say? - Yes.

2874. Where did you go to then? - I was going up on to the boat deck to go towards my own boat, and I heard the Captain pass the remark, "Start putting the women and children in the boats," and then I went to my boat, No. 12.

2875. Now, on your way from your quarters up to the boat deck would you go near where the third-class passengers could get out from their quarters up to the deck? - Yes, they were already out.

2876. How do you know that? - I passed them on the fore-well deck on the port side.

The Commissioner: Which were those?

2877. (*Mr. Butler Aspinall.*) Those were third-class passengers, my Lord; he says he knows the third-class passengers were out because he passed them on his way. (*To the Witness.*) I want you to explain that.

2878. (*The Commissioner.*) Now you are talking about the third-class passengers in the fore part of the vessel? - Yes.

2879. By the fore-castle? - Yes.

2880. (*Mr. Butler Aspinall.*) How do you know they were out? - You say you passed them; what do you mean by that? - Well, I saw them with my own eyes, with their own baggage on the deck.

2881. Did you see them coming up? - They were already there.

2882. Was there a large number of them there? - Yes.

2883. And when you say "there" what do you mean precisely by that? - On the port side of the well deck, outside, from under the fore-castle.

2884. As you passed, I suppose it was a short time? - Well, it was directly I came out of the fore-castle.

2885. You saw them gathered there? - Yes.

The Commissioner: I want to know where they were gathered?

Mr. Butler Aspinall: I think he could point out to your Lordship.

2886. (*The Commissioner.*) Were they gathered on the well deck or did he see them on the boat deck? - Gathered on the well deck, my Lord, port side.

2887. (*Mr. Butler Aspinall.*) It is difficult to tell numbers on a dark night? - There may have been 50 or there may have been 100, I could not say.

2888. Were they not only gathered, but were they remaining there? - Yes.

2889. Stopping there? - Yes.

2890. Were there men, women, and children? - No.

2891. What were they? - They were men, foreigners.

2892. You saw no women? - None whatever.

2893. It may be the women are berthed aft of the ship? - Yes, aft, away from the men altogether.

2894. Now, was there anybody connected with the ship, stewards or sailors, or anybody else, giving any information to these people? - Yes.

2895. Who was giving information? - The third-class stewards were with them, some of them.

2896. They were with them? - With the passengers.

2897. Were they telling them anything? - They were conversing with them.

2898. What do you mean by that? - Why, speaking to them.

2899. Did you hear anything they said to them? - No.

2900. Were there any orders being given - you know what I mean - orders in a loud voice? - I never heard any.

2901. They were gathered together? - Yes, in a bunch.

2902. And talking? - Yes.

2903. Then you passed along? - I went up the ladder then to go to the boat deck.

2904. And when you had gone up to the boat deck did you leave behind you these people on the well deck? - Yes.

2905. Now having got up what did you do? - I went along to No. 12 boat.

2906. That's your station boat? - Yes.

2907. When you got to your station boat in what condition was it? Where was it? - Hung to the davits.

2908. Was it swung out? - Yes.

2909. (*The Commissioner.*) What number was your boat? - No. 12.

2910. (*Mr. Butler Aspinall.*) That is on the port side? - Yes.

2911. The last boat but two? - Yes.

2912. Now having got to your boat, was it in a line with the boat deck or had it been lowered? - It was lowered, but in line with the boat deck.

2913. In a line with the boat deck? - Yes.

2914. Was there anybody there looking after it? - Yes.

2915. Who? - Mr. Lightoller.

2916. Is he an officer? - Second Officer.

2917. Was there anybody else with him? - No, only myself.

2918. Only you two? - Yes.

2919. Were there any passengers up there? - Yes.

2920. Were they males or females, or both? - Both.

2921. Children? - Yes.

2922. Many of them at that boat? - There were hundreds gathered round waiting to get into the three boats.

2923. When you speak of three boats, which boats do you mean? - Nos. 12, 14, and 16.

2924. Were you able to distinguish between these people whether they were first, second, or

third-class passengers? - No.

2925. Now what happened with regard to your boat, No. 12? - We filled her up with women and children - me and Mr. Lightoller, the Second Officer.

2926. How many women and children? - About 40.

2927. This was a lifeboat, was it not? - Yes.

2928. How many would it hold? - The full carrying capacity of the big lifeboats is 65.

2929. Now having, to use your own phrase, filled it up with about 40, what was done with that boat? - It was left there.

2930. Left on a level with the boat deck? - Yes, with the boat deck.

2931. How long was it left there? - I went away, and helped fill another boat after that

2932. Which boat did you go to help with? - No. 14.

2933. That is a boat immediately abaft No. 12? - Yes.

2934. How long were you away with No. 14? - A matter of about ten minutes.

2935. Was there any officer looking after No. 14? - Yes.

2936. Who? - Mr. Wilde, the Chief Officer.

2937. Anybody besides him? - No.

2938. So you helped the First Officer? - Yes, the Chief Officer.

2939. Were people put into that boat? - The boat was filled with women and children also.

2940. About how many? - About 40.

2941. And was that boat left, as you call it? - No, the boat was lowered.

2942. That boat was lowered into the water, and who went away in that boat? - I could not say.

2943. Did the officer go away? - No.

2944. What did you do next? - I went to my own boat.

2945. No. 12? - Yes.

2946. When you got back to No. 12, was there any officer there? - Yes.

2947. Who? - Mr. Lightoller.

2948. Any seamen, firemen, or anybody else? - Yes, there were some sailors there.

2949. Do you know their names? - Yes.

2950. What were their names? - There was Lucas, who lowered the boat, and another man who lowered the other end I did not know, but another man I asked to come in the boat by the name of Clinch.

2951. Did he come in the boat? - He came in the boat at my own request.

2952. That is an officer and three seamen? - No, they were gone.

2953. Two of them helped to lower? - And two of us were in the boat.

2954. You and the third one were in the boat? - Yes.

2955. So that the boat, when it was lowered to the water, contained two sailors, you and Clinch? - Yes.

2956. When the boat was lowered to the water how many people were in her when you last left her? - About 42.

2957. You are precise; did you count the number? - No. I never had any time to do that.

2958. Do you know how it comes that there were not more than 42 put into this boat? - Yes.

2959. Why? - Well the reason is that the falls would not carry any more.

2960. You mean somebody was frightened of the falls? - Yes, the second officer, Mr. Lightoller.

2961. Now having lowered her down to the water did Mr. Lightoller give you any orders as to what to do with the boat? - He gave me orders before the boat was lowered what to do.

2962. What orders did he give you? - To lay off and stand by close to the ship.

2963. Were there any left on the boat deck as the boat was being lowered? - No women.

2964. Men? - Yes.
2965. How did the passengers behave - well? - Well, they did not where I was.
2966. (*The Commissioner.*) What were they doing? - They were trying to rush No. 12 and No. 14 boats.
2967. Men, you mean? - Yes.
2968. (*Mr. Butler Aspinall.*) Did you have to keep them back? - Yes, to the best of my ability.
2969. Who did that? - Myself and Mr. Lightoller and the other two sailors who were standing by to lower. They could not lower the boat as it should have been lowered because of the passengers. Men were on the boat falls; they could not get them clear.
2970. Could you tell the Court who those were who were trying to rush the boat? - Passengers.
2971. What sort of passengers? - Second and third.
2972. (*The Commissioner.*) Men passengers? - Yes, my Lord.
2973. (*Mr. Butler Aspinall.*) No. 12, I see according to the plan, is somewhere in the neighbourhood of the second-class promenade, is it not? - Yes.
2974. At any rate, the boat only contained women and children? - Yes, and two hands.
2975. Now having got her down to the water, did you obey Mr. Lightoller's orders? - Yes.
2976. Did you go and stand off? - Yes.
2977. After you had got her into the water, did you speak any other boat? - Yes.
2978. What were they? - Three lifeboats and a collapsible boat.
2979. And did you get any men to help you in looking after your boat from any of those other boats? - Yes, from the collapsible boat.
2980. What did you get from the collapsible boat? - A sailor and two firemen.
2981. How came it that the collapsible boat could spare a sailor? - I could not say.
2982. Was the collapsible boat full? - The collapsible boat was full, but it had more men than what I had.
2983. You only had how many? - Two.
2984. So they lent you these hands? - Three.
2985. We have heard this before. Did you make your boat fast to some three other lifeboats? - No.
2986. What did you do? - Had the boats made fast to me.
2987. Do you know if there was a man called Lucas in the collapsible boat? - Yes, Lucas was the sailor I took from the collapsible boat.
- The Attorney-General:* That would show, my Lord, that when Lucas said No. 8, he really must have meant No. 12.
2988. (*Mr. Butler Aspinall.*) Whilst your boat was in the water did you see the "Titanic" sink? - Yes.
2989. How long do you think it was after she struck the iceberg that she sank? - About two and a half hours when she was last seen.
2990. After she sank did you see any people struggling in the water? - No.
2991. How far away from the "Titanic" were you? - About 150 yards.
2992. After she sank did your boat pull in towards the place where she sank? - Yes.
2993. For what purpose? - To pick up anybody who was there.
2994. Was there anybody there? - I never saw anybody.
2995. Did you see any corpses? - No.
2996. You saw nothing? - I saw some by daylight.
2997. Did you hear any cries? - Yes.
2998. Did not the cries guide you so as to enable you to go to them? - Certainly.
2999. Did you go in that direction? - I pulled in the direction the cries came from.

3000. Did not you find anybody there? - No.
3001. Did you see nobody? - Nobody whatever.
3002. Are you sure? - Yes.
3003. When you pulled in that direction, did the passengers on board your boat approve of your doing so? - Yes.
3004. And you went and searched and found nobody? - Yes.
3005. You are sure of that? - Yes.
3006. Because you had a good deal of room in your boat? - Well, it did not look much room to my idea.
3007. According to your numbers your boat had 42? - Yes.
3008. And you and Clinch? - Yes, 40; and Clinch and me is 42.
- The Commissioner:* And it is constructed to carry 65.
3009. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) You say you did go and look and found nobody? - Yes.
3010. I am directing your attention to the point of time after the "Titanic" went down and you pulled in the direction of the cries; was that before you had got them in from the collapsible boat? - Yes.
3011. It was? - Yes.
3012. So that at that time there was a great deal of spare room in your boat. You think not you say? - No.
3013. We know what the capacity of the boat is. How long did you remain looking, do you suggest, for the people? - About a quarter of an hour.
3014. And you saw nothing? - Nothing at all.
3015. Did you see wreckage? - Only about a couple of hundred deck chairs.
3016. But you saw no bodies? - No bodies whatever.
3017. During that quarter of an hour, while you were looking, how long did the cries continue? - All the time that we were looking we heard the cries.
3018. And yet you found nothing? - We found nothing at all.
3019. These cries were going on for the whole of the time you were searching? - Yes.
3020. What was the nearest do you think that you got to any of these cries? - I reckoned about 100 yards.
3021. And then did they cease? - Yes.
3022. Can you account for that? - I can account for not going to the position where I ought to have been.
3023. Well, will you tell us? - There were not enough sailors in my boat, only me and my mate, and we could not get there.
3024. (*The Commissioner.*) Get where? - To where the halloes were coming from - the cries.
3025. I thought you could not find that?
3026. (*Mr. Butler Aspinall.*) What is the name of the other man who was in the boat with you? - Clinch.
3027. Do you know whether he is in this country? - He is not; he is coming home.
3028. He is coming home? - Yes.
3029. At the end of this quarter of an hour what did you do then? - I hailed for other boats.
3030. Hailed for them? - Yes.
3031. What do you mean by that? - Called to see if there were any in the vicinity of where I was.
3032. Had you a light in your boat? - No.
3033. Did you look for one? - Yes.

3034. Is there a place for a light? - Well, there is not a place made in the boats for a light, but it is a case of having a lamp tied up in the after-thwarts.
3035. Did you look there? - Yes. I knew where to go and find it.
3036. Were there sufficient oars in the boat? - Yes.
3037. Was there any water in the boat? - Yes.
3038. Were there any provisions? - Yes.
3039. At the end of this quarter of an hour you hailed the other boats; did you get any answer to your hail? - Yes.
3040. What answer did you get? - I heard somebody call out, and they came up to us - another lifeboat.
3041. Were they showing you a light from that other boat? - No.
3042. Do you know the number of that lifeboat? - No.
3043. Do you know who was in charge of it? - No.
3044. Was it an officer or a seaman? - A seaman.
3045. Do you know the name of the man in charge? - I think it was Foley, a storekeeper.
3046. Did anything pass between you and that boat with regard to changing passengers? - No.
3047. (*The Commissioner.*) What did you hail it for? - To tie up, to keep together.
3048. (*Mr. Butler Aspinall.*) Did you tie up and keep together? - Yes.
3049. What happened next? - We saw another boat in charge of Officer Lowe.
3050. Did that boat come to you, or did you go to it? - He came to me.
3051. When he came to you, what happened? - He discharged some of his passengers into my boat and some into the other boat that was tied up astern of me.
3052. How many passengers did he put into your boat? - About a dozen.
3053. Did he remain with you then, or go away? - A few minutes.
3054. And at the end of the few minutes what did he do? - He took the men crew, what he had already had, and went and searched.
3055. He went off to search. Now were the cries still going on? - No.
3056. Did you tell him anything which led him to go and search? - No.
3057. Did he tell you anything? - He told me he was going to search and to stop where I was.
3058. What were the people that were put into your boat? Were they women, or men and women? - Women; I would not take any men.
3059. You would not take the men? - No.
3060. Now, Mr. Lowe went away? - Mr. Lowe went away.
3061. What happened next? - We met another lifeboat.
3062. (*The Commissioner.*) This is a third, is it? - Yes.
3063. (*Mr. Butler Aspinall.*) Do you know the number? - I believe it was 14.
3064. When you say you believe it was 14, what is your reason for believing it? - Well, I am not certain.
3065. It is a guess? - Well, I do not know.
3066. Do you know who was in charge of that boat? - No.
3067. Do you know the name of anybody who was in that boat? - No.
3068. Was an officer in the boat? - No.
3069. Do you know a man named Scarrott? - Yes.
3070. Was he in that boat? - I could not say; I do not know.
3071. Did you have any conversation with them? - No.
3072. Did they make fast? - To the boat behind me.
3073. Was that boat full, as far as you could see? - As far as I could see it was full.
3074. Did you take anybody from that boat? - No.

3075. What happened next? - We were all together.

3076-7. You three? - We saw the lights of the "Carpathia" coming up. We had never seen the light before; I never. I saw an imaginary light which kept showing for about ten minutes.

3078. (*The Commissioner.*) How do you see an imaginary light? - Well, what we thought was a light. There is such a thing at sea as seeing imaginary lights.

3079. Oh, is there? - Yes.

3080. (*Mr. Butler Aspinall.*) When did you see this imaginary light? I do not mean was it twelve or half-past, but was it while you were on the "Titanic" or after you had left the "Titanic"? - When I had left the "Titanic."

3081. (*The Commissioner.*) I do not understand it. Did you imagine that you saw a light? - Yes.

3082. Or did you see a light that you imagined, which? - Well, one way or the other.

3083. (*Mr. Butler Aspinall.*) Where was it that you saw what you call this imaginary light? - Off my port bow.

3084. Is that the port bow of your lifeboat? - Yes.

3085. (*The Commissioner.*) Have you ever seen imaginary lights at sea before? - Yes.

3086. Are they frequent things? - Yes, I have been on the look-out on ships on the fore-castle-head, and reported a light, and it has been an imaginary light; as soon as you see it it has gone again.

3087. (*Mr. Butler Aspinall.*) How high above the horizon or above the sea do you think this imaginary light was? Was it low down, or rather high up? - It seemed low.

3088. Low down, near the horizon? - Yes.

3089. What distance did you judge it to be? - A matter of four or five miles.

3090. (*The Commissioner.*) And what do you think it was? - I could not say.

3091. (*Mr. Butler Aspinall.*) What colour was it? - White.

3092. Might it have been a star, do you think? - Well, it might have been.

3093. You saw no sidelight, did you? - No.

3094. No red or green light? - None whatever.

3095. Was there any general talk in your boat about this imaginary light? - Well, I spoke to the women about this light and said, "We are all right, we shall be picked up in a minute; there is a ship coming."

3096. Did you hear any explosions? - A slight one.

3097. From the "Titanic" when she sank? - A slight one.

3098. One? - One.

3099. Did you see any rockets sent up from the "Titanic"? - Yes; there were rockets sent up before I left the ship.

3100. And after? - Yes.

3101. I have asked you about any general talk on your boat about the light. Was there any conversation between you and the other boats about this light? - No.

3102. There were three of you all tied together? - Yes.

3103. Nothing was said about this light? - Nothing.

3104. (*The Commissioner.*) I thought you said to the women in your boat that you could see the light? - Yes, so I did, my Lord.

3105. And told them they would be picked up in a few minutes? - Yes, my Lord.

The Commissioner: What is it you are asking him about Mr. Aspinall?

3106. (*Mr. Butler Aspinall.*) I was asking him when the three boats were tied together whether there was any talk between boat and boat about the light, and he says no. (*To the Witness.*) You said you saw the "Titanic" sink? - Yes.

3107. How far away were you when she sank? - About 150 yards.

3108. Now will you describe to us what you saw happen when she sank? - Well, I thought when I looked that the ship broke at the foremost funnel.

3109. What led you to that conclusion? - Because I had seen that part disappear.

3110. If she sank by the head you would see that part disappear, would you not? - Yes.

3111. What was there about the disappearance that led you to think she broke? - Because she was short; the afterpart righted itself after the foremost part had disappeared.

3112. (*The Commissioner.*) Do you mean to say that the fore part of the vessel went down to the bottom, and that then the remainder came on an even keel? - Yes.

3113. (*Mr. Butler Aspinall.*) Before the ship sank just tell me this, what was the position of the vessel? I have a pen in my hand? - Well, the water was up to the officers' house.

3114. Assume, for a moment, that is the officers' house. Now could you see under the keel of the ship abaft the officers' house? - Yes, the propeller and everything was quite clear.

3115. Underneath? - Yes.

3116. Then the water comes up to the officers' house. Was it then that the forward part disappeared? - Yes.

3117. And then what happened to the afterpart? - It uprighted itself, as if nothing had happened.

3118. You mean it came back like that, so to speak? - Yes, straight on the water again.

3119. Did it float on the water for any appreciable time? - Not above a couple of minutes.

The Commissioner: Has there been evidence of breaking before?

The Attorney-General: Not of righting itself and again floating - not that part.

The Commissioner: She was already down by the head a great deal, and then at the last she took a sudden plunge, her afterpart went up, so to speak, in the air, and then she went down.

The Attorney-General: There is evidence of her breaking.

The Commissioner: There is evidence of noise. Will you tell me what is the evidence of breaking? You mean to say evidence that we have not had yet?

The Attorney-General: No; evidence I think that your Lordship has had.

The Commissioner: Well, will you tell me who it is that speaks to it?

The Attorney-General: I think Jewell did.

The Commissioner: Do you know which Witness it was?

The Attorney-General: That is what we are trying to find, my Lord.

Mr. Butler Aspinall: It is not in my recollection that it has been proved.

The Attorney-General: Well, we will see.

The Commissioner: Nor is it in the recollection of any of my colleagues. It may be that you have read it.

3120. (*Mr. Butler Aspinall.*) I think so, my Lord. In some of these documents there is a statement about it. (*To the Witness.*) With regard to the number of people that you took from the other boat into yours, did you count them, or is it a guess about the number? - I counted them.

3121. And you counted them as being twelve? - Yes.

3122. I tell you why I am asking you these questions, because another Witness, by the name of Lucas, has been called, and he told us of this transfer of passengers, and he spoke of 36 being put into your boat? - I can explain that to you.

3123. Will you explain it? - Because the 36 men, that Lucas said he had transferred from one boat to another, he is meaning the boat picked up by Mr. Lightoller, the upturned boat, the collapsible boat. That was at dawn on the Monday morning. That is where Lucas made the mistake - from one boat to another.

3124. You think that is how the confusion may have arisen. You say you counted 12 into your boat? - 12 women from Mr. Lowe's boat. This was about three o'clock in the morning.

Examined by MR. SCANLAN.

3125. How many men do you think would be required to man one of these lifeboats? - Five.
3126. Five sailors? - Five sailors, four and a coxswain.
3127. Would that number be sufficient to enable you to row even in stormy weather? - Yes.
- The Commissioner:* Another man said 12, did he not?
- Mr. Scanlan:* He said 12, my Lord.
- The Witness:* 12 is a full boat's crew, my Lord.
3128. If you had every oar in use you would require 12? - You would require 13.
3129. When you speak of a crew of 13 do you mean a number of stokers and stewards as well as seamen? - As well as seamen.
3130. How came it that your boat, No. 12, left the "Titanic" with only two seamen? Were there any others on the deck at the time? - No, only the two men that were lowering the boat.
3131. Now you stated that Mr. Lightoller warned you that the falls might give way? - Yes.
3132. If you took on any more passengers? - Yes.
3133. Were not the falls for this boat No. 12 similar in every way to the falls of the other boats? - Quite so, bar No. 1 and No. 2.
3134. What was the difference between the falls of No. 12 and the falls of Nos. 1 and 2? - No. 1 and No. 2 are small boats; No. 12 is a large lifeboat.
3135. On all the large lifeboats like No. 12 were the falls similar? - Exactly the same.
3136. Do not you know that a number of the other boats were lowered with a full complement of passengers, 65? - That I could not say.
3137. You do not know that. Where did you expect to find a lantern? - Tied up in the after thwarts.
3138. Is that the place where in ordinary practice the lantern is kept? - Yes.
3139. At what stage of the voyage is it put there? - Before the commencement of the voyage.
3140. Did you make a careful search for the lantern? - Yes.
3141. Did you search for it before lowering the boat? - No.
3142. Did you find in this boat, No. 12, a compass? - No.
3143. Can you tell my Lord if there was a compass in the boat? - There was not a compass in the boat.
3144. Had the boat a sea anchor? - Yes.
3145. I understand your previous experience extends to Royal Mail liners, and that you have been sailing on them for about three years? - Yes.
3146. Was it usual on all those to have a muster of the crew for boat drill? - Yes.
3147. Does that take place every week? - Every Saturday afternoon.
3148. Had there been such a muster on the "Titanic"? - There had not been a muster, but there had been boat drill.
3149. Is that the boat drill which took place at Southampton? - Yes.
3150. Which consisted merely of lowering two boats? - And going away and coming back; a Board of Trade muster.
3151. It did not provide for bringing the stokers on deck and showing them their stations? - No.
3152. I understand that you have been a look-out man at times? - No.
3153. Well, you have done look-out duty, I think you said? - I have.
3154. On the fore-castle-head? - Yes.
3155. On what kind of ships? - On the Royal Mail boats, and also on the "Oceanic" and the "Teutonic."

3156. And those are ships which have crow's-nests as well? - Yes.

3157. On those boats has it been the practice to have as well as the look-out man in the crow's-nest, a look-out man at the forecastle-head? - Yes, and the White Star Liners always do have one.

3158. From your experience is the forecastle-head a good place from which to keep a look-out? - Well, it is.

3159. (*The Commissioner.*) Is it better than the crow's-nest? - No, my Lord.

3160. (*Mr. Scanlan.*) Would it be better for icebergs than the crow's-nest? - No.

3161. Were you provided with binocular glasses on those other liners? - Well, you are.

3162. (*The Commissioner.*) Do you use them? - Yes, my Lord.

3163. Is your sight bad? - No.

3164. (*Mr. Scanlan.*) Are binocular glasses given to the look-out men in the crow's-nest, and also to the look-out man at the forecastle-head? - Yes.

3165. You have had them yourself? - Yes, and used them.

3166. Did you find it of advantage to have them? - It is in the day, but I cannot say anything about at night.

3167. Did you see collapsible boats being got off? - No.

3168. In the lowering of the other boats when you were assisting on deck, were you in a position to see whether they had lanterns? - Not in the boats.

3169. When you were clearing them? - No, we only cut the covers off and threw them on one side.

3170. When you hailed the other boats in the course of the night before being rescued by the "Carpathia," did you observe whether or not they had lanterns? - Nobody had a light; only Mr. Lowe had a flash electric light belonging to himself, I believe.

3171. Is it your evidence that all the boats you came across from leaving the "Titanic" until you were rescued were unprovided with lanterns? - Yes, quite right.

3172. Did this make it specially dangerous for you in navigating your boats at night? - Not necessarily.

3173. (*The Commissioner.*) No harm occurred as far I know from there being no lanterns on board? - No, my Lord, none whatever.

Examined by MR. HARBINSON.

3174. Do you know how many third-class passengers were in the fore part of this "Titanic"? - No.

3175. You say you saw a great number about when you were going down on the well deck? - When I was coming up from the well deck.

3176. That would be about three quarters of an hour after the collision? - Yes.

3177. With regard to this bulkhead that you have spoken of, which broke, it separated your compartment from the third-class compartment; it ran between them? - Yes.

3178. Did the breaking of that bulkhead involve the flooding of the third-class compartment? - The third-class compartment was flooded.

3179. Before the bulkhead broke at all? - Yes.

3180. Did you see people come up? - Yes.

3181. Were they up at the time? - They were up when I came up from the forecastle.

3182. Had you heard previous to that any instructions given by the officers to the passengers in the third-class compartment? - No.

3183. You heard none given? - No, none whatever.

3184. (*The Commissioner.*) Were you anywhere where you could hear any orders? - No. I was

up clearing away the boats; if an order was given that is where I was.

The Commissioner: It is no use asking that because he was not in a place where he could hear.

Mr. Harbinson: He did not hear.

The Commissioner: Of course, he did not if he was not in a place where he could.

3185. (*Mr. Harbinson.*) About how many men were left on the well deck when you put off in the boat? - I could not exactly say.

3186. Was there a big crowd? - There was a crowd.

3187. Mainly third-class passengers? - All third-class passengers.

3188. And in this boat that was lowered there were only two seamen? - In my boat.

3189. You pulled away, I understand, about 150 yards from the "Titanic"? - Yes.

3190. I gather you to say that if there had been more seamen in your boat you could have gone to the assistance of the cries? - I could.

3191. It was because of insufficient manning that you were unable to rescue? - Quite so.

Examined by MR. HOLMES.

3192. The number of 40 that you have given us of passengers that got into your boat was only a rough estimate on your part. You did not count them? - That is correct.

3193. Do you know whether Mr. Lowe counted them? - No.

3194. Did the boat appear to you to be sufficiently full when it was lowered? - Yes, because people with lifebelts on take up room for two.

3195. You told us that the boat was being rushed by some of the third-class passengers? - Yes.

3196. Had that anything to do with the anxiety to get the boat lowered and out of the way? - Yes, it was a great inconvenience.

3197. It was advisable to get it away at once? - Yes.

Examined by MR. LEWIS.

3198. I understand you assisted in lowering a number of boats before you went to your own? - Yes.

3199. How long did it take you before you reached your own boat? - About 45 or 50 minutes.

3200. When you came to your own boat were there any other sailors there? - Yes, three.

3201. They assisted to lower the boat? - Yes, and went in the boat.

3202. Were you ordered out of your boat? - Yes, I was ordered out of it.

3203. You subsequently returned? - I was ordered out of the boat by Mr. Lightoller.

3204. Did you go? - Yes.

3205. Did you subsequently return? - I said to Mr. Lightoller, "There is no seaman in that boat." He said "all right, go back again."

3206. Because there was no seamen in the boat you were allowed to go back? - Yes.

3207. With regard to third-class passengers, from your general knowledge, would they be allowed under ordinary circumstances upon the boat deck? - No.

3208. They would be kept back if they made any attempt? - No doubt they would.

3209. Who would they be kept by - the Master-at-arms? - The Master-at-arms and the stewards.

3210. I suppose the Master-at-arms was on duty upon this evening? - Yes.

3211. And as far as you know the rules would be in operation then as on ordinary occasions? - Yes.

3212. (*The Commissioner.*) Do not you know that all barriers were down? - All barriers were

not down.

3213. We have been told all barriers were down. Were any barriers down? - I never saw any.

3214. If they were not how did the third-class passengers get to the boat deck? - Up the ladder leading from the after-well deck.

3215. And how then? - Up through the second-class companion way.

3216. Would there be no barriers there, keeping them from getting through the second-class? - The doors were locked at the time; the second cabin doors, where they had entrance to go on to the boat deck, were locked.

3217. Those had been unlocked, had they? - I could not say.

3218. How do you account for the third-class passengers being there? - That is the only way up, my Lord, from the afterpart of the ship.

3219. They had been able to find their way there somehow? [No Answer.]

3220. (*Mr. Lewis.*) How many third-class passengers did you observe, grouped together? I think you said you saw passengers grouped? - On the fore-well deck - about a hundred.

3221. Under ordinary circumstances would it be difficult for third-class passengers to get from one portion of the vessel to the other? - Yes.

3222. I suppose more difficult when there is a crowd? - Sure.

3223. When you took the men off the up-turned boat. I think you took a number of men into your lifeboat? - Quite right.

3224. About how many had you in the boat then? - About 90.

3225. Was it dangerous? - The starboard gunwale was getting under water every time anybody moved.

3226. If there had been a slight breeze it would have been dangerous? - There would have been no chance whatever.

3227. I understand you have served in other companies besides the White Star? - Yes.

3228. The Union Castle? - No.

3229. The Royal Mail? - Yes.

3230. Do I understand that in that company they have a larger number of hands in proportion to their tonnage than the White Star? - Yes.

3231. (*The Commissioner.*) Have you studied the subject? - Yes.

3232. Then you can tell me the tonnage of one of the Royal Mail boats and the number of lifeboats on her? - There is one Royal Mail boat that I was in about 3,000 odd tons.

3233. Can you tell me the tonnage of a Royal Mail boat and the number of boats on board that vessel, and the name of the vessel? - I can tell the name of the vessel but I could not tell you the tonnage.

3234. Then how do you know that the proportion is greater? - Because the "Titanic" was four times her size.

3235. I want you to answer not too readily but after thinking. I want to have accurate evidence if I can get it. You told me there is a larger proportion of lifeboats according to the tonnage, on the Royal Mail boats than there was upon the "Titanic"? - Yes.

3236. Now can you give me the tonnage of a Royal Mail boat and the number of boats upon that Royal Mail boat, and her name? - I do not know exactly the tonnage, but it is 3,000 odd.

3237. What is the name of the boat? - The "Arragon."

3238. Over 3,000 tons? - I have the tonnage in my pocket.

3239. The "Arragon" over 3,000 tons?

The Attorney-General: He says he has it in his pocket.

3240. (*The Commissioner.*) Very well, let me see it. (*To the Witness.*) What is the proportion of lifeboat accommodation? - Sixteen.

3241. And how many is each boat intended to carry? - Fifty to sixty.

3242. Now let me see it. (*The document was handed to the Commissioner.*) The tonnage on this paper is 5,397? - Yes, my Lord, it would be. That is from the Board of Trade.

3243. You said "over 3,000."

Sir Robert Finlay: "Three thousand odd" was his expression.

3244. (*The Commissioner.*) On this paper it is 5,000 odd - 5397. Where does the lifeboat accommodation appear on this paper? - The lifeboats do not appear upon that, but I know from experience.

The Attorney-General: I think he was on her. I do not know whether he served on her; I think he did.

3245. (*The Commissioner - To the Witness.*) Did you serve on her? - Yes, my Lord.

3246. (*Mr. Lewis.*) The tonnage is something over 5,000 tons I understand? - Yes.

3247. What is roughly the tonnage of the "Titanic"? - Forty-six thousand odd, I believe.

3248. How many boats were on the "Titanic"? - Sixteen, and four rafts.

3249. And how many on the boat you speak about? - Sixteen.

3250. Would they be the same size, or smaller? - Near about the same size.

The Commissioner: It is really no use whatever. If this evidence is to be of value it must be accurate. "Near about" conveys nothing to my mind.

Mr. Lewis: You have the evidence that this boat was over 5,000 tons.

The Commissioner: Yes, he began by saying 3,000.

Mr. Lewis: Yes, but he had the figures in his pocket, my Lord.

The Commissioner: It makes a good deal of difference if he was thinking of 3,000 tons, when he said the proportion of lifeboats was in excess. He may have been right, but it makes a great deal of difference if the 3,000 is altered to 5,000.

Mr. Lewis: And also if the lifeboats are smaller. It is common knowledge that the accommodation provided by that particular company is much better than that provided by the White Star Company.

The Commissioner: That may be important, but if it is to be important to me it must be accurate.

Mr. Lewis: Well, as near as possible, my Lord, but sailors as a rule are not particularly accurate.

Sir Robert Finlay: There cannot be the slightest difficulty in getting authentic information.

The Commissioner: The Royal Mail office will give you the information.

The Attorney-General: We will take care that that evidence shall be brought before your Lordship. I quite appreciate it must be accurate.

The Commissioner: He does not remember whether it was 3,000 or 5,000. It is no good.

3251. (*Mr. Lewis - To the Witness.*) If you will tell us the number of boats carried on the Royal Mail boat I am content. Can you tell us? - 16.

3252. Can you tell us the number of men carried by the Royal Mail Company on the boat I referred to? - 50.

3253. How many A. B.'s? - Two to a boat.

Examined by MR. COTTER.

3254. How long have you been in the employ of the White Star Line? - About six months.

3255. When did you join the "Titanic"? - When she left Southampton. I joined the "Titanic" in Southampton.

3256. What do you mean by when she left Southampton? - I joined the "Titanic" in

Southampton.

3257. How many days before she sailed? - On Good Friday.
3258. That is about five days before she sailed? - Yes.
3259. (*The Commissioner.*) She sailed on the Wednesday, did she not?
3260. (*Mr. Cotter.*) Yes, my Lord. (*To the Witness.*) You understood your way about? - Yes, slightly.
3261. When did you first go upon the boat deck? - Upon the Friday.
3262. Were you one of the men who took part in the boat drill? - Yes.
3263. Have you ever taken part in first-class ships in boat drill? - Yes.
3264. Will you tell the Court what really constitutes a boat's crew at boat drill? - Firemen, trimmers, stewards, and sailors.
3265. Can you tell us the numbers and the places in the boats? - On an average ten to a boat, two sailors, four firemen and perhaps four stewards.
3266. I put it to you that the boats' seats are all numbered No. 1, No. 2, No. 3 and No. 4? - That is quite right - to No. 6.
3267. Had you got any seat on any boat on the "Titanic"? - No.
3268. You simply got the number of a boat. Did you muster? - Yes.
3269. Who gave you the number of the boat? - I was told to get into the boat by Mr. Lightoller.
3270. Who gave you the number of the boat the day your name was called out at Southampton? - We never had a boat muster at Southampton - only the Board of Trade muster.
3271. When you answered your name, the day you joined the ship - ? - Who mustered us?
3272. Yes? - The chief officer.
3273. Did he give you the number of a boat when he called your name out? - No.
3274. How did you get the boat? - By looking at the boats' crew list which was posted up in the forecabin.
3275. Now, you said that the boats on board the "Titanic" numbered 16 and four rafts? - Yes.
3276. Did you mean rafts or Englehardt boats? - I term the collapsible boats rafts.
3277. But there is a collapsible boat and there is an Englehardt boat and there are rafts? - These boats the "Titanic" had had a wooden bottom with a canvas top.
3278. They are Englehardt's. Was there any collapsible boat there? - No.
3279. Were there any rafts? - No.
3280. Simply sixteen boats and four Englehardt's? - Yes.
3281. When you saw those third-class passengers and the stewards amongst them, were they making any effort at all to get to the boat deck? - None.
3282. Is there any way to the boat deck forward? - Yes.
3283. How? - From the forecabin, up two ladders.
3284. Where are they situated? - On the foremost port side of the ship.
3285. Where are the ladders? Will you show them to us? - There is one on the port side coming here along the well deck and going up on the promenade deck here - (*pointing on the model.*) On the starboard side there is no ladder, but on the next deck, on the lower promenade, as we call it, there is a ladder here, and also another one going on this deck.
3286. There is only one ladder going to the next deck? - Yes, on the port side.
3287. That is for the third-class passengers who want to get up, or the crew? - Yes.
3288. Are there any indication marks for finding the way up to the boat deck? - No.
3289. When you got to the boat deck you said you assisted to put out the boats. Were the boats in the chocks or were they slung? - They were already on the falls, but they were resting on half a chock - on the inboard chock.
3290. Had you any difficulty in getting the chocks from under the boats when you wanted to

string them up? - No.

3291. How were the falls fastened to the davits holding the boats? - On to a clutch in the deck, a staghorn in the deck.

3292. Whereabouts were the ends of the falls? Were they situated near the boat or near the house? - The coils? Do you mean when the falls are in the boat?

3293. When you put them out where did you sling them? - On the deck - coiled them down on the amidship part of the deck.

3294. When the people came up they were standing on the falls? - They were.

3295. The result was they interfered with the falls in the middle of the deck and you had a difficulty in getting the people out of the way? - Yes.

3296. You stated somebody attempted to rush the boats? - Yes.

3297. Were they English people? - Foreigners.

3298. Were they members of the crew? - No, I never saw any members of the crew.

3299. She had no foreigners in the crew? - No, not that I know of.

3300. You do not know? - No.

3301. When the boats were hung out you were on the starboard side? - I was on the port side.

3302. The ship had a list? - Yes.

3303. Had you any difficulty in getting the women into the boat? - No.

3304. Did any women refuse to go in? - Yes.

3305. Why? - Because they would not leave their husbands.

3306. Did any refuse to go into the boat because they were afraid to step over the gap to the boat-side? - No.

Examined by MR. LAING.

3307. When Mr. Lightoller told you about the falls not being strong enough was that when the boat was being rushed? - Yes; the boat was already full.

3308. (*The Commissioner.*) No. How many were in the boat? - There were 40 in the boat, but the falls would not take any more.

The Commissioner: Well, that is what Mr. Lightoller said. Apparently the falls had taken more in the other boats.

3309. (*Mr. Laing.*) When Mr. Lightoller said that was the boat being rushed or were they trying to rush the boat? - They were trying to rush the boat.

3310. Afterwards he told you to lower away? - Well, he did not tell me, he told the other two men.

3311. (*The Commissioner.*) They were men passengers to rush the boat? - Yes.

3312. Not the crew? - No.

3313. Not women? - No, my Lord.

3314. But men? - Yes.

3315. Trying to rush into the boat? - Yes.

3316. And was it then and in order to prevent them rushing into the boat that Mr. Lightoller said that the falls would not stand it? - No.

3317. What was it then? - When the boat had sufficient in he said that.

3318. There were not sufficient? - That is nothing to do with me, my Lord. I do not know if there is sufficient or not. I have to obey orders.

3319. Yes, but I thought you told me the capacity of these boats was 65? - So it is, my Lord.

3320. Then did not you know that the boat was not full? - No, my Lord.

3321. You knew the capacity was 60 to 65. Did you know there were only 40 in it? - No, not at

the time, my Lord.

3322. (*Mr. Laing.*) Mr. Lightoller was there, at all events? - Yes.

3323. And he was the officer who said this about the falls, you say? - Yes.

3324. The boat looked full to you as far as you could see? - Yes, it did.

3325. Did you mean to say that the Master-at-arms was keeping the passengers back? - I did not see him, I said it was his duty to do so - to keep people off the next deck.

3326. Do you mean under ordinary circumstances? - Yes.

3327. During the voyage? - Yes.

3328. But you did not mean to say - at least, I hope not - that the Master-at-arms was keeping these passengers back at this critical time? - I never saw him. If he was, no doubt he was the same as myself and he did not think any harm was coming.

3329. Now, with regard to the lights on the boats you saw none at all after the boats were all in the water? - No.

3330. Do not you think you may be mistaken? - I saw a light, I saw another accident boat burning a blue or a green light.

3331. I mean ordinary boat lights? - No, I did not.

3332. (*The Commissioner.*) The ordinary boats' light is white? - Yes.

3333. (*Mr. Laing.*) Did you see the lamp trimmer carrying about a lot of lighted lamps on the boat deck? - No.

3334. And serving them out to the boats? - I never saw the lamp trimmer whatever.

3335. Now, when you say that in the White Star Line they have a man forward in the fore-castle-head as a look-out as well as in the crow's-nest, do you mean in dense fogs? - No, in any hazy weather whatever.

3336. In foggy weather? - Yes.

3337. Then they have a man forward on the lookout? - Yes, they generally put two extra men on the look-out.

3338. That is when they are blowing the whistle for a fog, is it? - Yes.

3339. (*The Commissioner.*) There was no fog on this night, was there? - No, my Lord.

(The Witness withdrew.)

JAMES JOHNSON, Sworn.

Examined by MR. ROWLATT.

3340. James Johnson, is that your name? - Yes.

3341. You live, I think, in Liverpool? - Yes.

3342. Were you on the "Titanic" as saloon steward? - In the saloon, not the saloon steward.

3343. Which saloon was it? - The first saloon. I was night watchman; I had charge of the night watch. There were five of us went on every night.

3344. I want to get the part of the ship first - which was it? - The first saloon.

3345. Where is that situated in the ship? - By the exit doors from A, B, and C down to E deck to the engine room; the saloon is in front of that, through the pantry.

3346. Do you understand that plan; can you see it? - Yes, I have an idea.

3347. Can you see where the engine room is? - Yes, it was in front of that. It ran through that blue mark, I should think. The first big blue one.

3348. Can you see the funnels? - Yes.

3349. Do you know where your saloon was with reference to the funnels? Do you know where the engineers' room was? - Yes.

3350. There it is? - I say the first large blue mark would be the entrance door.

3351. "Third-class galley and stewards," I see there? - Yes, the working stairs.

3352. Were you further along here (pointing)? - Yes.

3353. The first-class dining saloon? - Yes.

3354. Was it your job to go on every night? - Yes.

3355. Did you go on the night of the accident? - I went on at 11 o'clock.

3356. You simply had to go into the saloon and wait? - Well, no. Everyone gets a watch and at 12 o'clock when the bedroom stewards turn over we take their watch. There is a bedroom steward and a night watchman on each deck, and all the third-class and all the second-class reported to me each night when they came on watch.

3357. Now what you had to do was simply to stay in that saloon as I understand? - No, I took E - what they call the saloon - the reception room and the pantry, on.

3358. Where were you when the accident happened? - About the amidships saloon, I should think. We were all talking a few chairs up. It would be about the third or fourth table up.

3359. In that big saloon? - Yes.

3360. Did you feel the shock? - I did not feel much because we thought she had lost her wheel or something, and somebody passed the remark, "Another Belfast trip."

3361. Another what? - To go back to Belfast it meant.

3362. Do you belong to Belfast? - I belong to Scotland.

3363. Did you do anything in consequence of feeling a shock? - I had a look round first and then I asked a man when he came up for some hot water, "Do you mind going down to the engine room and have a look." He went down and came back and said, "I think it is a bit hot" - that is a racing phrase. He meant it was a bit serious.

3364. Do you know who that was? - I have found out afterwards, but I did not know then. I only knew our own division. I never knew anyone but those in our own stewards' department.

3365. He was a greaser, was he not? - I think he was.

3366. You do not know his name? - I think he might have been a man they called White. I have found out, but I do not know whether it is right or not.

3367. Did you do anything after that? - Yes; I went down and walked along the saloon and saw Mr. Andrews come down and go down to the engine room, and then I saw the Captain directly following him, and then I followed Mr. Andrews after he came up from the engine room.

3368. Now tell me who is Mr. Andrews? - Well, one of the best known among our division, because he did anything for us we asked him.

3369. But who is he? - He is one of the builders.

3370. He is the representative of the builders? - Yes.

3371. And he and the Captain came through? - No, he came three or four minutes before the Captain.

3372. Through the saloon you were in? - He had to come down through the stairs to get down to the engine room to get on to E deck; he had to go down through those stairs.

3373. And then he gets into the alleyway and got to the engine room? - Just turn to the left and he is in it.

3374. Did he go in that direction? - I do not know. I know he went down.

3375. Did the Captain go down after him? - Directly after.

3376. Did you stay where you were? - No; I put four oranges into my pocket. I might have done it after, but I think I did it then.

3377. Did you follow the captain or stay where you were? - No; I waited a minute and

followed Mr. Andrews.

3378. What happened next? - Mr. Andrews went through the saloon after this man came and told me it was a bit thick. I followed Mr. Andrews and went down to E deck to see if Duscheck was there. He was down there on watch in that deck. I went down to E deck and saw Mr. Andrews go down by the baggage room or mail room. One door goes down and the other does not.

3379. It is lower down still? - Yes.

3380. Is that the same part of the ship? Are you still speaking of the same part of the ship? - It is a little bit farther forward, past the reception room.

3381. Is that it? (pointing on the plan) - Give it another 50 yards.

3382. Was it as far as the squash racket? - Opposite the squash racket.

3383. That is a good way forward, is it not? - Yes.

3384. The baggage room is there, is it? - Well, they were handling mails or something; when I looked there was water there then.

3385. In the baggage room? - Yes, it is on F deck, underneath E.

3386. The squash racket is on two decks, is it not? - I do not think so.

3387. Does not that go up through two decks? - No.

3388. Surely it is higher? - You are asking me a question and I am answering you. I say it is on F deck. You have to go down from E to it.

3389. It is on F deck, and is it not on G deck too? - No.

3390. Now where is the first-class baggage? It is on G deck - the baggage room? - No, I do not think so. I never went further than that, and I think it was in that.

3391. Will you understand this if I show you the plan.

3392. (*Sir Robert Finlay.*) It is on G deck.

The Witness: Well, it is a little bit further down. The baggage room was not on G deck.

3393. (*Mr. Rowlatt.*) Is it not? - The mail room is on E, F.

3394. The baggage room and mail room are on this deck. Come and look at the plan and then we shall not quarrel. We had better understand it once for all.

(*The Witness examined the plan with the learned Counsel.*)

The Commissioner: Which deck is it?

Mr. Rowlatt: G.

The Commissioner: Very well.

3395. (*Mr. Rowlatt.*) You looked into the baggage room? - No, I looked down the stairs.

3396. You saw into it, and saw there was water there? - Yes.

3397. How long should you say after the shock was it that you saw water in the baggage room? - I went down to call the second steward, Mr. Dodd. I took plenty of time and it must have been a good twenty-five minutes after I met Mr. Wheat coming up, and he said "What is it?" I said "I think it is a bit serious."

3398. Who said that? - I said I thought it was a bit serious.

3399. Whom to? - To Mr. Wheat, the assistant second steward. He is living now, I think he was the only one I met there at the time.

3400. Had you seen Mr. Andrews in the reception room? - I saw him speaking to some ladies, and they were all in a bunch and he said he thought it would be all right. He said, "Be easy, it will be all right." I asked him, and he said; "All right."

3401. Were those first-class passengers? - Yes, all first-class passengers just at the corner of the reception room, down the companion stairs.

3402. After you found there was water in the baggage room, what did you do next? - After I had called Mr. Wheat I went away down and changed my clothes in the glory hole, and put this

suit of clothes on.

3403. Which is the glory hole? - No. 3 glory hole on E deck.

3404. Where is that? - It is situated half between the two exit doors. There is one from the first-class companion on to the working alleyway, and then there is one for the boys to go down to the engine room.

3405. On E deck? - On to E deck. There is an exit right from the saloon companion to the working deck.

3406. You went down there? - Yes.

3407. And whom did you find there? - All the boys were in bed when I went down there.

3408. Who are the "boys"? - All the stewards. They are called "boys."

3409. After you had gone there, did you go up again? - I went up again, and I walked up through the companion, and I saw Mr. Latimer, the Chief Steward. You could not make any mistake about him, he was too big. There was Mr. McElroy and the purser standing by the officers, and two or three officers on C deck.

3410. Had you a lifebelt then? - I had no lifebelt then. I went down for it after.

3411. You had gone down and fetched your clothes, but you did not bring your lifebelt? - I went down for that after, again.

3412. You had a lifebelt? - Yes.

3413. In your bunk - in your quarters? - Yes, everybody had a lifebelt.

3414. You saw all these people you have mentioned? - Yes.

3415. What happened next? - I went out on the top. I thought I might have made a mistake in the boat station list, and I went to look at it again. I said "I will have a sky again."

3416. You went to look at the list? - Yes.

3417. Had you seen it before? - Yes, I had seen it on Thursday afternoon.

3418. Where was your list? - In the pantry on the port side, right opposite the chief steward's office.

3419. Had that been there from the beginning? - It was there from Thursday afternoon.

3420. Do you mean you saw it put up? - I did see it because I went and looked for my name, and I knew where my boat was.

3421. You went and looked at it again? - Yes, I went to make sure I had not made a mistake.

3422. Had you heard any order to go to the boats? - Nothing at all then. I did it on a principle of my own, being Scotch, I suppose.

3423. Then did you see what your boat was? - I went and had a look at it.

3424. What was it? - One of the small boats - the emergency boat No. 2.

3425. That is on the port side? - Yes, abaft the bridge.

3426. Was it slung? - It was slung out outside the rails. It was all right when I saw it.

3427. Do I understand you went up there then? - Yes, I had a look round, and I spoke to one man. I should know him if I saw him again. I looked in the boat to see if the plug and everything was right. I came out again and stood by for a bit, and the second steward said to me, "Hold this." It was his lifebelt and his dustcoat. I never saw him after that. I suppose he went West.

3428. When you got up to the boat this first time were there many people up there? - There were not many people wanted to go in at all, because they all wanted to travel. They seemed to travel in heaps.

3429. Were there plenty of people on the boat deck? - Yes, plenty, but they would not go into our boat.

3430. Were the crew mustering there at the boats? - I think Mr. Wilde asked, "What boat do you belong to" I said, "No. 2." I am sure he had the list because he said, "That is right." He said, "Can you pull" I said, "Certainly." He said, "Stand by the falls."

3431. Did you stand there by the falls? - I stood a little bit longer.

3432. You said you went to get your lifebelt. When did you do that? - I went for my overcoat down below again. The Chief Steward told me to get upon deck, and go to my boat again. By that time the water was coming to the foot of the companion -

3433. One moment; was it after that that Mr. Wilde spoke to you? - Yes, after that I went down for my coat.

3434. And you came up again? - Yes.

3435. Did you go to your boat again? - Certainly.

3436. Was there anybody in it? - No, there was nobody in it - not a soul.

3437. What was happening at your boat? - There were about eight or ten firemen, and I asked if they belonged to it, and some of them seemed to hesitate - they did not know.

3438. Were there women there? - There might have been about four or five.

3439. Did they go in? - No. We did not lower for a good ten minutes after that.

3440. Was any officer there? - An officer got into the boat afterwards. This man handed me a lamp out of the boat. I saw a lamp standing on the deck. It was ready-lit. I said, "It will be all right for us," so I stowed it in there.

3441. Had you seen whether the plug was in the boat? - Yes.

3442. And had it oars? - Yes, four oars.

3443. Had it any provisions? - I saw a loaf lying on the deck and a box of biscuits lying on the deck, but nobody seemed to care whether he put it in or not.

3444. When you came up again I think you said nobody was in the boat? - No.

3445. Could you explain how the boat came to be filled with people? - I got to the forward fall. I had asked one of the firemen (I do not know whether fireman or trimmer) "Have you a knife? There is no knife in the boat." I had looked at the fall because anybody lowering the fall with a jerk might shove it off the blocks. I thought I must have a knife if nobody else had one. I asked the man and he handed me a razor. He told me his name was McCuliffe. He said "Remember me at Southampton and give it me back."

3446. You took it? - Yes.

3447. And you stood by the fall? - Yes.

3448. Was anybody else in the boat then? - There was no one else then. Then the women and children got into it.

3449. Who put them in? - The chief officer.

3450. Were they women and children? - Yes; they could walk right into it because there were either gratings or something, you had only to step half-a-foot on to the ledge and into the boat.

3451. That was on the boat deck? - Yes.

3452. How long did that boat stay in that position on the boat deck? - She must have stayed a good quarter of an hour.

3453. Were there any other people standing by waiting to go in? - No, I saw 30 or 40 ladies going down the deck again. - No 2 boat is *here*, *here* is the companion right down *there* - right down to A deck.

3454. (*The Commissioner.*) Going back to their berths do you mean? - No, I do not think they were; they did not seem to realise that there was anything wrong.

3455. (*Mr. Rowlatt.*) So far as you saw they were going off the boat deck? - Yes.

3456. Down to the deck below? - Yes.

3457. And how much further you could not, of course, tell? - No.

3458. Was there any call for women and children at that boat? - All the women and children that were there could have got in. We could have put more in; in fact, we had not a full complement.

3459. Can you tell us at all what classes were represented? - I could not.

3460. When all the women that wanted to go in were in was the boat lowered? - No, it was put down perhaps 3 or 4 feet. They were told to go down to A deck to see if anybody else wanted to come in. There was nobody came down to A deck. It stopped opposite A deck.

3461. It looks from here as if there was a window there? - There is A deck (*pointing on the model.*)

3462. If it is lowered to A deck it looks as if it is outside a window? - There was no window, it was a free passage.

3463. Did anybody get in at A deck? - No, there was nobody to get in.

3464. Then what happened? - We got lowered, and then we cut her adrift. The razor came in handy.

3465. You did use it? - Yes, we had to because nobody else had a knife. The ropes were a little bit jerky, but they came down properly.

3466. When you got to the bottom you cut adrift with the razor? - They slipped all right enough. It was in other boats the same. All companies have been the same I have been in. They would fall off with a little bit of a jerk.

3467. You got free? - Yes.

3468. How many people were there in your boat? - I think 23 to 25.

3469. Is she as big a boat as the others? - Certainly not.

3470. Was she full, in your judgment? - She would not be full, but she would have been full in a heavy sea. She was not full according to how we were.

3471. Was anybody that wanted to get on that boat kept back? - Not at all, certainly not.

3472. Were there any seamen in that boat? - There was one. He said he was a seaman. We saw a light and we pulled for that light. I do not know whether he was a seaman or not.

3473. Was there an officer in the boat? - Yes.

3474. Who was he? - I do not know his name; I should know him if I saw him.

3475. The fourth officer, was it not? - I think it would be him.

3476. And somebody who said he was a seaman? - Yes.

3477. Was there any other man beside yourself? - There was a foreigner, and I think the other one was a cook or something. He told me afterwards he was a cook.

3478. And any passenger men? - No, that was all the men.

3479. All the rest were women and children? - Yes.

The Attorney-General: The cubic capacity of an emergency boat is 40 persons, my Lord.

3480. (*Mr. Rowlatt.*) Mr. Boxhall is the 4th Officer, is he not? - I did not know them by their names.

3481. You said something about seeing a light? - Yes.

3482. Did you see that light from the deck of the "Titanic"? - I should think we saw it for about twenty minutes on the port bow.

3483. How broad from the port bow? - I should think from where I was standing we pulled a mile and a half or two miles after it.

3484. Was it nearly right ahead? - No, something like an angle.

3485. A right angle? - A left angle from the port bow rather.

3486. Now face the same way as the ship in that model? - Yes, it was there about and the boat was there, and it was lying like *that*. (*demonstrating.*) I should consider it would be about eight or ten miles off.

3487. But that is not the angle you know. A little clear of the bow on the left hand side as you looked towards the bow? - A little more aft.

3488. One of the Witnesses said two points? - I do not know a point unless it is in billiards.

3489. Did you row for that light? - Certainly.

3490. How many oars did the boat row? - We had four? - I think there were two rowing and the other two dipping. I think two could row and the other two were dipping.

3491. They were simply dipping their oars? - Well, they were doing their best.

3492. Which were you doing, rowing or dipping? - I think I was rowing.

3493. Was somebody steering? - Sometimes there was a girl steering and sometimes an officer steering. He was telling her what to do and he was helping the foreigner at the other oar to pull. He was pulling a stroke oar.

3494. Did the officer direct you to steer to the light? - We took a star and got this star underneath us and kept it in front of us, and tried not to get away from it.

3495. Did you see the light all the time? - No, we lost it, it disappeared.

3496. How long do you think you were rowing towards the light? - By the time we came back again and pulled round the stern of the "Titanic" we must have pulled a mile and a half, I should think a good half-hour.

3497. You came back to the "Titanic"? - Yes, round the stern of the "Titanic."

3498. How far off from the stern did you come round? - I should think about 800 yards.

3499. How long was that before she sank? Did you see her sink? - Yes.

3500. How long before you saw her sink did you get back to her? - We went back and rowed round, and the officer said to the ladies, "Do you think we should go back or not?"

3501. How long before she sank did you get back to the region of the "Titanic" after you had been looking for the light? - I suppose a good half-hour before she sank.

3502. Then you had not gone very far towards the light? - A mile and a half. I am certain we pulled that.

3503. Did this light seem to get fainter or did it disappear suddenly? - When we got away it disappeared altogether.

3504. What coloured light was it? - I think it was red. I think there were two lights, in fact, a red and a white light.

3505. (*The Commissioner.*) Are you sure? - I can discern any sort of colour, racing, a mile and a quarter off, and I think I could see a red light.

3506. Are you sure? - I am certain.

3507. What are you certain about? - I am certain there was a light. The Captain told the officer to pull for that light.

3508. Are you sure there were two lights? - I am certain there were two lights. The Captain told the officer to pull for that light and come back again.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,
Thursday, 9th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

FIFTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the

Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the

White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on

application.)

The Attorney-General: With reference to the Witnesses who have been called, I do not propose to keep them unless your Lordship thinks it desirable. If there is any special Witness whom my friend wishes kept, of course we shall have to make arrangements to keep him, but it is very inconvenient and expensive to keep a lot of Witnesses who have already given their testimony, and I should have thought it was very much better to let them go.

Sir Robert Finlay: So far as I am concerned there are no Witnesses that have yet been called that I should desire to be kept.

The Commissioner: Then I think the better plan will be to assume that no one desires a Witness to be kept unless he asks for it.

Sir Robert Finlay: Yes, my Lord. If any occasion arises in the future, I will notify the Attorney-General.

JAMES JOHNSON, Recalled.

Further examined by Mr. ROWLATT.

3509. Now, Mr. Johnson, you told us you rowed away and came back again. Did you see the "Titanic" sink? - I saw her go down.

3510. How far off were you from her then in your boat? - It might have been three-quarters of a mile, or it might have been a little bit less.

3511. Did you row back at all towards the wreck? - Well, the boatswain told us to keep a star and keep looking at this star and not to lose it, and keep within the vicinity of it.

3512. Keep within the vicinity of what? - Of the star, underneath it rather.

3513. Did you go back towards the wreck at all? - Well, we might have pulled a little bit back. When we were all quiet he said, "Listen," and what we heard was the swish of the water against another iceberg.

3514. What I want to get at is this. You saw the ship go down? - Certainly.

3515. You knew in what direction that was? - Yes.

3516. Now did you try to row back in that direction with your boat? - No; we stood off.

3517. Three-quarters of a mile away? - Very near it, I think.

3518. At that time was your boat full? - No; I told you yesterday it was not full.

3519. Was there any suggestion by anybody that you should go back in the boat? - Yes; the officer asked a question as to going back, but at that time we were just close to an iceberg, and the ladies said, "No," I think; they thought it was dangerous.

3520. Did anything more pass in the boat - a conversation about going back, that you heard? - I was not listening. I was told by the officer to listen, and I heard the swish of the water, and when we looked there was an iceberg right in front of us.

3521. You saw it? - Certainly; we were close to it.

3522. Did you hear any cries of people in distress? - Oh, yes, too many.

3523. You did? - Certainly.

3524. Did you recognise from your boat in which direction those cries came? - From the left-hand side where we were; we had pulled round astern and were on the left-hand side.

3525. Was anything said in the boat about the cries? - Certainly, there were lots of remarks by the ladies. They said they were sorry and everything.

3526. But with reference to going back? - The only thing I heard was he asked them; should

we go back, and I heard the ladies distinctly say no.

3527. (*The Commissioner.*) I do not understand what you mean by your left-hand side? - The "Titanic" - after we pulled round astern, we had left the port side and we came to the starboard side of her. After we went after the light we came right round astern to the left-hand side. You might say we were still on the port - my left hand was still on the port side of our boat. I mean the "Titanic," you know.

3528. Then the cries that you heard? - You heard them every now and again.

3529. They came from the direction - ? - Of the left hand.

3530. Of the "Titanic"? - Yes.

3531. (*Mr. Rowlatt.*) At this time how many oars were being used on your boat? - Well, I know two were pulling strong - two of us.

3532. And two, you told us yesterday, were pulling easy? - Yes.

3532a. There were two good oars on your boat? - Yes.

3533. How did your boat travel through the water? - Easy, Sir.

3534. I think you said yesterday that you think you had rowed a mile and a half away and back again? - Certainly.

3535. I may take it the boat could have gone back towards the wreck, if it had been decided to do so? - Yes, we had the only lights.

3536. What did you say? - We had a light in the boat; all the rest of the boats followed us; we had flashlights in our boat.

3537. You had flashlights? - Yes, Roman candles.

3538. What did you do then, did you lie on your oars or row, or do what after it was all over, you know? - We did not row, we kept round the vicinity of the boat; we never rowed after we came round astern; we lay still and the officer told us to keep our eye on this star.

3539. (*The Commissioner.*) I have taken that down - "We tried to keep stationary"? - That is right, Sir.

3540. (*Mr. Rowlatt.*) Were there other boats near you? - We did not see one; we heard a whistle, but I do not know where the boat was.

3541. In time I suppose it got light, did it? - No. I think we were the first boat in the "Carpathia."

3542. Were you picked up before it was light? - No, it was just dawn. We thought we saw an illumination of a boat coming; it was the Northern Lights.

3543. You did see the "Carpathia" ultimately? - Yes.

3544. It was still dark then, was it? - When we saw it, it was a little bit dark.

3545. (*The Commissioner.*) It was at dawn that the "Carpathia" picked you up? - At dawn, yes.

3546. (*Mr. Rowlatt.*) Did you signal to her with your candles, or was it too light? - I think all the boats followed us, because the officer must have burned about eight or nine.

3547. Did you signal to the "Carpathia" with your candles, or how did you attract attention? - With a lamp. The officer put his hat in front of the lamp, and held it up (*demonstrating*).

3548. The next morning did you see any icebergs or ice? - Yes, there were fields of it.

3549. (*The Commissioner.*) Was the "Carpathia" in the ice-field? - It could not have been 200 yards off some of the ice.

3550. Then they were off the edge of the ice? - Yes.

Examined by Mr. SCANLAN.

3551. When you sighted the "Carpathia" was she going slow? - I could not tell you that.

3552. Do you know if there was a compass on this lifeboat you were on? - I know there was a

lamp, and we had roman candles.

3553. But you do not know whether there was a compass? - I never looked.

3554. Were the lady passengers frightened? - They were quite satisfied, and they lay still.

3555. At the time your boat was lowered, had the "Titanic" begun to sink? - Yes.

3556. Had she sunk much? - Yes, she was right down by the bridge when we lowered our boat.

3557. Did you realise when you got into the boat that the condition of the "Titanic" was very dangerous? - No, I do not think we thought about that.

3558. You yourself, I mean? - I did not; I did not think so, in my own private opinion. I do not think any of us thought that.

3559. You had had an interview with Mr. Andrews? - I had no interview; I only saw him.

3560. Did he not tell you, as the result of his inspection? - No, Mr. Andrews did not speak to me. I said I sent a man down that was getting hot water, not Mr. Andrews. I followed Mr. Andrews, he never spoke to me.

3561. I think you said you were present when he said something re-assuring to a few ladies? - Well, I thought so at the time too.

3562. And you then had a word with him? - He told me to see that the ladies were quiet, or something to that effect, at the foot of the companion.

3563. But he did not tell you anything? - He did not.

3564. Is it your evidence that instead of the fourth officer, who was in charge of your boat, deciding for himself as to whether it was possible for him to go and rescue the people from whom he heard shrieks, he consulted the lady passengers on the boat? - He asked the lady passengers.

3565. There would have been no difficulty at that time in your rowing round to the place from which you heard the shrieks? - Question?

3566. What was the difficulty, if there was any? - She is not a big one, she is a dinghy.

3567. You had only 23 people, and you have told my Lord that the boat's capacity was 40 people? - I did not say so; I did not know the capacity.

The Commissioner: I took it down. I may have been wrong, or possibly someone else told me. "The boat is constructed for 40." I may have taken it from the Attorney-General.

Mr. Scanlan: Yes, the cubic capacity is 40 persons.

The Attorney-General: What did your Lordship say you took from me?

The Commissioner: I have down in my note in this Witness' evidence that the boat was constructed to carry 40.

The Attorney-General: That is right.

The Commissioner: He says he did not say so.

The Attorney-General: That is quite right; I said so.

The Commissioner: And he did not know it, and I was saying I possibly took the information from you.

The Attorney-General: Your Lordship did.

3568. (*Mr. Scanlan.*) It is so down in the official note. (*To the Witness.*) Do you know yourself how many additional people you could have accommodated in your boat? - I have no idea - they might have crammed in.

3569. For the benefit of the Court, give us the best of your belief? - I think if they had got five or six more in it would have been quite enough to pull, and if it had been heavy weather I do not suppose there would be anybody here to tell the tale.

3570. In the weather conditions which you had, I take it to be your view that you could at all events have accommodated five or six more? - Certainly.

3571. In that calm sea, when you heard the shrieks of people struggling in the water, how far

were you from them? - Half a mile to three quarters, I should think.

3572. I thought when you rowed back, after rowing for a mile and a half, you came quite close to the "Titanic"? - We came round astern.

3573. Was it not just in the immediate vicinity of the "Titanic" that people were struggling in the water? - We did not see anybody struggling where we were.

3574. Were the crew of your boat rowing quite easily? - Two of us were rowing very easy.

3575. I noted you said when you rowed this mile and a half each way you did it remarkably quickly? - Well, I think we could do it again.

3576. Is it fair to assume that if the officer had given instructions on his own account, on his own responsibility, instead of consulting frightened passengers? - They were not frightened.

3577. You might have got back in a short time to the people struggling in the water? - I do not think they were frightened.

3578. But they advised him not to go to the rescue of those people? - I think that was their answer. And he acted on their advice, instead of on his own responsibility.

The Commissioner: I understand, Mr. Scanlan, that they were in fear of some iceberg.

3579. (*Mr. Scanlan.*) What distance from you was the iceberg that you were in fear of? - I think as to the one we saw we could hear the water swish up against it. We could not have been very far from it. We could not have been far because everyone distinctly heard it.

The Commissioner: I wish you would put your questions to him quite plainly and distinctly, if you will. Was he of opinion that there was any cowardice on the part of the man who accepted the suggestion of the ladies, because that is, as I understand, what you are suggesting.

3580. (*Mr. Scanlan.*) If I may say so with deference, my Lord, do not wish to suggest cowardice. What I do feel inclined to suggest is that there was a great lack of discretion on the part of the officer in charge of a boat which could be rowed easily, in not rowing to the rescue of those people. I would not like to say it was cowardice, my Lord. (*To the Witness.*) Can you explain why it was, with an unfilled boat, the fourth officer failed to go to the rescue of the drowning people? - I have answered the question.

3581. It was because the ladies protested? - Yes. I have answered that question.

3582. If you had had charge of the boat, would you have gone back? - I do not suppose I would have done any more than he did. He acted as an Englishman.

Examined by Mr. HARBINSON.

3583. Just one question. Have you any notion as to which class the majority of passengers in your boat belonged? - I think they belonged mostly to the third or second. I could not recognise them when I saw them in the first-class, and I should have known them if there were any prominent people.

3584. Most of them were in the boat when you came along? - No.

3585. You put them in? - No. Mr. Ismay tried to walk round and get a lot of women to come to our boat. He took them across to the starboard side then - our boat was standing - I stood by my boat a good ten minutes or a quarter of an hour.

3586. At that time did the women display a disinclination to enter the boat? - Yes.

3587. Do you know as a matter of fact if reassuring statements had been made to them that everything was all right? - I could not tell you. I could not tell you all those people.

3588. Did you say as a matter of fact yesterday that you heard Mr. Andrews say to some ladies he thought it would be all right? - I think he did not know the full strength of it.

3589. You mean he did not know how dangerous it was? - Certainly not; he could not have known.

3590. (*The Commissioner.*) I understand you to say that when you got into the boat you did not think the condition of the "Titanic" was dangerous? - Oh, yes, I did; I thought so then, when I got into the boat.

3591. Then I have not got it down right? - I thought so then.

3592. Is this right: "When we lowered our boat I did not think the condition of the 'Titanic' dangerous"? - I thought it was sure to stand up, but my opinion was very little.

3593. Is that right - is that what you said? - Yes, very likely.

3594. (*Mr. Harbinson.*) At the time you lowered your boat the water had risen almost to the wheel, had it? - I do not know where the wheel was; I was not looking at it; I was not near the bridge.

3595. You did hear Mr. Andrews make these reassuring comments to the ladies? - When I heard him it was just a quarter of an hour after she struck, not much more.

3596. What I want to ask you is this: Would the disinclination on the part of the ladies to get into the boats as a matter of fact be traceable to those reassuring statements which had been made to them by members of the crew? - No, I do not think so.

Examined by Mr. COTTER.

3597. How long have you been going to sea? - A few years, 25 to 30 very near.

3598. How long have you been in the employ of the White Star Line? - Over 18 years.

3599. Have you ever taken part in a boat drill? - Everybody in the White Star knows their boats. Every Sunday you have to have a boat drill, but I have never taken a boat drill for lowering a boat.

3600. Never in your life? - I have not done it in one company; I have not done it in any. They generally ask for sailors to do that and to try the boats.

3601. Have you been in any other company where there has been boat drill? - The Pacific Company.

3602. There you took part in lowering the boats? - Yes.

3603. Did you learn how to handle a boat through that? - Yes.

3604. Have you ever taken part in bulkhead door drill? - Yes.

3605. Were there any hand-closing bulkhead doors? - No; they were all bridge-closed.

3606. Were there any hand-closing bulkhead doors? - No.

3607. Are you sure? - Certainly. I can only tell you the working deck and the position I was working in.

3608. Was there any bulkhead door drill? - I could not tell you. The ship had only sailed for the one week, and on Saturday they close all the doors. They try them at 12 o'clock; they are closed and opened again.

3609. Did not you take part in that bulkhead door drill? - No.

3610. When the boat struck you said you were on night watch? - Yes.

3611. Your duty would be round the first-class saloon to receive the reports from the bedroom stewards and the stewards of the second and third-class? - That is right.

3612. Where did you go when you found there was water going into the baggage-room? - As I told you, I went down and changed my clothes.

3613. You did not go to the second steward or the chief steward? - I went down. I met Mr. Wheat, the assistant second steward, and I told him I thought it was serious, and I was going away into the glory hole. I called all our boys.

3614. What did you say to them? - I told them I thought it was a bit serious.

3615. Did they come up? - Some of them did and some did not till Mr. Dodd came, and he

chased everyone out of every glory hole.

3616. Were you there when he came? - Yes. I had changed and had everything ready.

3617. What order did he give the men? - Everyone to get their life preservers and go to their boats.

3618. Did he give instructions to get the women out of the third and second-class and the first? - The bedroom stewards were all told to go to every room and put life preservers on the passengers and get them out of their cabins.

3619. Did the men carry out those orders as far as you could see? - As far as I could see.

3620. Now I want to ask you a very vital question. How many men were in the steward department of the "Titanic"? - I think something like 470 altogether - there must have been.

3621. Were they all Englishmen? - I do not know whether the restaurant were included in it or not.

3622. There is a restaurant there? - Yes.

3623. What is that staff constituted of? - Mostly Italians and French. I do not know. I never mix with them, so I cannot tell you; but there were none of them Englishmen as a rule.

3624. How many Italians and Frenchmen would there be in the crew? - Do you mean my average?

3625. Yes? - Well, I should say 50 to 60.

3626. Can you tell us whose jurisdiction they were under outside the captain - the chief steward or somebody else? - Mr. Gatti.

3627. Who was Mr. Gatti? - A nice little man.

3628. What was Mr. Gatti's position on board the "Titanic"? - He was like chief steward in his own department.

3629. Do you know if any of Mr. Gatti's men took part in any drill at all; had they a boat station? - I do not know.

3630. Did you see any of those men after, shall I say, the alarm had been given? - Well, I saw them all bunched together, but everyone was bunched together at first; but after that I only saw one, and he saved himself.

3631. I want to ask you your opinion - supposing there had been what we will call a proper boat muster of all hands on the "Titanic" to the boat stations when that collision took place, do you think, if that had taken place, and they had mustered on the boat deck it would have been possible from the time the ship struck, before the boats were lowered, to have got every woman and child out of the third, second and first-class? - Well, my opinion is, suppose everyone went to their boat stations - you had all your boat stations, and perhaps eight or ten stewards, five or six firemen, two or three sailors - I do not think there would have been more ladies in the boats.

3632. You missed my point. When you go to a boat station to muster, you go there to receive orders? - Yes.

3633. A bugle goes - is that so? - Yes.

3634. Did any bugle go that night? - No.

3635. If a bugle had gone, the men would have gone to their boat stations, I take it? - Some of them would have gone, and some would not, because they never thought about looking to their boat stations.

3636. Not the stewards department? - Some of them did not.

3637. I am asking for your opinion. Supposing they had done so, was not there time then to turn the spare men out of the boat, and say, "Go down and show the women, second and third-class, and also the first-class, up here"? - If you had got them up - but you could not drive the women.

3638. How do you know that? - Because I tried it.

3639. Where did you try? - For our boat.

3640. I mean down in the third-class, in the rooms; that is what we want to get at - if the stewards had been told to go down and bring them up? - They were told, but they did not think she would go down, and they were laughing when the passengers were carrying their baggage about.

3641. Your contention is that they were told, and that the women would not come up on deck? - I am certain of it.

3642. How are you certain of it. It is a very serious answer you are giving now? - Well, I am certain by our boys, because some of our boys would have been saved if they had come to the boat stations.

3643. You have had conversations since? - I have never spoken to the boys.

3644. How do you know? - Because I know all the old ones were lost.

3645. That is not the point. You make a statement that a man was there and that the women would not come up, and then you said, "Some of our boys have been saved"? - I did not say they were saved; I said all the best of the boys went down.

3646. How do you know the women and children would not come up? - Well, I could tell by the bedroom stewards. I saw them driving, and I saw Mr. Ismay try to drive a few, and he had a pair of slippers on and his dust coat, and he was trying to get the women, and they would not go in for him into our boat.

3647. That was on the boat deck. I am talking about down below - the third-class quarters? - I was not down there, and I could not tell you.

The Commissioner: This Witness was not down below in the third-class quarters.

Mr. Cotter: He states there was a steward sent down there, and he also states that the women would not come up.

The Commissioner: I suppose he only says that because he only saw some women come up. Some certainly did come up and got into his boat.

3648. (*Mr. Cotter.*) You are not sure what was going on down below? - No.

3649. You say the second steward, Mr. Dodd, came back with a dust coat over his head? - Yes, he had his dust coat in his hand and gave me his lifebelt, and did not come back for it.

3650. Did he give any orders? - No, he gave orders in the glory hole; he had no business to give orders on the deck.

3651. Are you sure he had no right to give orders to the steward department on deck? - Certainly not; it is under the officers, that.

3652. Now when you got into the boat did you find any biscuits and water there? - No. I trampled over a loaf of bread, a big pan loaf; there were biscuits carried up, but nobody seemed to care to put them in.

3653. Who carried the biscuits up? - Williams had one box - Billy Williams - and there might have been four or five boxes carried up through the companion way. They were shoving each other on.

3654. There were some stewards bringing the stores up? - Yes, they were bringing the stores up.

3655. Had you any difficulty in launching your boat? - Nothing at all earthly - easy.

3656. There was no attempt to rush the boat by the men? - No; it would have been rushed at first; but when they saw it was not going down, they went away from our boat.

3657. Did you see any stewards putting lifebelts on the passengers? - I did not, because I was not amongst them.

3658. How many women do you think were on deck just as your boat was lowered? - When it was lowered there was not a woman near our boat, because we could not get any more to go in.

3659. Were there any there? - They were walking up and down. As I told you I saw Mr. Ismay trying to get them into our boat, and he took them to the starboard side; he went to the starboard side with them.

3660. Was your boat the first away? - No, I should think it would be about fifth on the port side - fourth or fifth on the port side when it went away.

3661. Yours was one of the emergency boats? - Yes.

3662. It would be the first boat on the other side? - Yes.

3663. Number 2? - Yes.

3664. Did you see any of the foreign waiters on the deck? - I saw them in a bunch before I went to my boat.

3665. You did not see any on the deck? - No.

3666. You never saw them after you saw them in that bunch? - No.

3667. You do not know whether they assisted with the passengers in any way? - I do not know.

3668. Did you go to Belfast on the "Titanic"? - Yes.

3669. So you would have a thorough knowledge of the way round her? - Well, I was every night round her and every day. I went round every part of her, or I think I did - but you could not go round her.

3670. Can you tell us where the glory holes are situated in the "Titanic"? - All amidships.

3671. On which side, port or starboard? - Port side.

3672. On the port side? - Yes.

3673. Can you show on that chart? - Underneath the saloon as near as possible. They would hold about 28. Some of them hold about 28, some 40, and some 60 or 70.

3674. Would they have any difficulty at all in getting up the companions, and round the ship? - Certainly not.

3675. No difficulty at all? - Certainly not.

3676. Was there a lifebelt for every steward in the glory hole? - Yes.

Examined by Mr. HOLMES.

3677. Did you hear any order given by the captain as to the sending away of your boat? - I think it was the captain told us to make for that light and come back again.

3678. Did you hear him tell the fourth officer to go away? - Yes, and come back.

3679. Is it not the fact that you did in fact try to pick up some passengers who were in the water? After you had left the "Titanic" did not you make any attempt? - I did not see any people in the water; we heard them, but did not see them.

The Commissioner: I understand he heard cries, but saw no one.

Mr. Holmes: I am basing my question on the report of the evidence given by the fourth officer in America.

The Commissioner: I do not know what that is.

Examined by Mr. EDWARDS.

3680. Do you remember the names of the members of the crew who were in your boat? - I do not know any of them.

The Commissioner: Whom do you represent?

Mr. Edwards: The Dockers' Union.

The Commissioner: How is the Dockers' Union interested in the matter? Were any of your members on board?

Mr. Edwards: Yes, my Lord. I am sorry this should be raised again. I made an application. You told me to put the thing in writing.

The Commissioner: I know that, but I want you to tell me exactly how they are interested?

Mr. Edwards: Quite a large number of the deckhands on board the "Titanic" were members of the Dockers' Union.

The Commissioner: I see; I understand. Are they members of any other Union?

Mr. Edwards: No, my Lord.

The Commissioner: Very well, that is quite enough.

3681. (*Mr. Edwards - To the Witness.*) You said that you saw a list of men allotted to each boat? - Certainly.

3682. Was that a printed list? - Written out. It is a printed bill, but your name is put for each boat.

3683. Are the names written in? - Yes.

3684. Would those names be written before you left Southampton? - I saw my name on the Thursday night.

3685. That I understand, but would they in fact be written out before you left Southampton or not? - No, they would be written out after we got away, I should think. They have always been in every ship I have been in.

3686. So that there would be no copy on shore of this list? - I do not think so.

Examined by Mr. LAING.

3687. Did you hear the fourth officer give his evidence in America? - No.

3688. Is it true, so far as you know, after you were in the water you attempted to rescue three more persons for whom there was room, but without success? - I did not see them.

3689. Do you remember anything of that sort? - No.

Re-examined by the ATTORNEY-GENERAL.

3690. Now just explain to us a little more. What do you mean by the glory hole? - It is where we all live.

3691. The stewards? - Yes; it is called "glory hole" in all ships.

3692. Is it next to the galley? - No, it is on E deck, the working alleyway. There are two exits, one from the saloon companion and the other up through the pantry.

3693. It is on the port side, I understand? - Yes.

3694. The glory holes are on the port side of the alleyway? - Yes, the outside.

3695. The alleyway goes up - that is, the port alleyway? - The port alleyway is the working alleyway.

3696. And you are on the port side of that? - Yes, on the off side.

3697. Against the side of the ship? - Yes.

3698. Against the port side? - Yes.

3699. I think I see where it is; it is on "E," if I understand? - Yes.

3700. (*The Attorney-General.*) Your Lordship sees no doubt where it is. (*To the Witness.*) You told us about Mr. Ismay in answer to one of my learned friends? Was Mr. Ismay still on the "Titanic" when your boat left? - Yes, he was doing as much as any other Englishman could do.

3701. Standing on the deck? - He was not; he was trying to entice women to go to the boats.

3702. As I understand he had tried that on the port side where you were? - He took them across. There is about that height where my boat was, and he took them round there to the other

side abaft the second funnel, I think.

3703. Why did he take them the other side? - Because they would not come into ours, and he tried to get them to the other side to go into another boat.

3704. You told us something about a bulkhead drill? - I did not tell you that.

3705. I thought you answered a question? - I answered a question. I know nothing about bulkhead drill.

3706. Did you see a bulkhead drill? - In our position we would not know anything at all; it might happen dozens of times and we would not see it.

3707. So far as you are concerned you know nothing about that? - I know nothing at all about it.

(The Witness withdrew.)

THOMAS PATRICK DILLON, Sworn.

Examined by Mr. RAYMOND ASQUITH.

3708. You were a trimmer on the "Titanic," were you not? - Yes.

3709. I suppose your duties as a trimmer would be in the engine room? - Yes.

3710. Were you on duty in the engine room on the night of the accident? - Yes.

3711. Is there more than one engine room? - I do not know.

3712. I see on the plan immediately after the last boiler there is a compartment marked "Reciprocating engine." Is that where you were? - That is where I understand I was - in the engine room. I have never been down below before; it was my first trip down below.

3713. Would you be in a coal bunker, or where? - In the engine room where the main engines are.

3714. What were you doing there? What were your duties there? - I belonged to the upper section, but the upper section of boilers was not lit up, and they sent us to the engine room to assist in cleaning the gear.

3715. Did you feel the shock when the ship struck? - Slightly.

3716. And shortly before that had the telegraph rung? - Yes.

3717. Can you say at all how long before she struck that was? - Two seconds.

3718. What was the order given by the telegraph? - I could not tell you.

3719. You just heard it ring. Then a few seconds after that you felt a slight shock? - Yes.

3720. Was anything done to the engines? Did they stop or did they go on? - They stopped.

3721. Was that immediately after you felt the shock or some little time after? - About a minute and a half.

3722. Did they continue stopped or did they go on again after that? - They went slow astern.

3723. How long were they stopped for before they began to go slow astern? - About half a minute.

3724. For how long did they go slow astern? - About two minutes.

3725. Two or three did you say? - Two minutes.

3726. And then did they stop again? - Yes.

3727. And did they go on again after that? - They went ahead again.

3728. For how long? - For about two minutes.

3729. Then did they stop the boat after that? - Yes.

3730. Who else was in the engine room? Were there a number of engineers there? - Yes.

3731. Can you remember who they were? - I did not know their names.

3732. What did they do when the ship struck? - They rushed to their stations, the pumps and valves, I understand.

3733. They set the pumps in motion? - I could not tell you.

3734. Was anything done about the watertight compartments? - Yes.

3735. Were they closed? - In the meantime.

3736. How soon after the ship struck was that done? - Three minutes.

3737. Did you receive any orders from the engineer? - Yes.

3738. What order? - The next order we got was to get out of the engine room and into the stokehold and open the doors.

3739. Open what doors? - The watertight doors or watertight compartments.

3740. Was that possible; could you do it? - We assisted to do it.

3741. As I understand it the watertight doors had been closed from the bridge? - Yes.

3742. Could you open them from below? - One leading from the engine room to the stokehold was lifted up high enough by hand to let us get underneath.

3743. You could open them by hand? - Yes, by a pump.

3744. (The Commissioner.) By a pump; what is the meaning of that? - The pump wheel.

3745. (*Mr. Raymond Asquith.*) Did you open the watertight doors? - Yes, I assisted to open them as far as we could forward.

3746. And did you go into the stokehold? - Yes.

3747. Do you know which stokehold that would be? - The after-stokehold.

3748. The one immediately forward of the engine room? - Yes.

3749. Were the boilers lit in the stokehold? - No.

3750. None of them? - No.

3751. Did you go on to the next stokehold? - Yes.

3752. Where the boilers were lit? - Yes.

3753. What did you do there? - Opened the doors - assisted to open the other doors.

3754. Did you do anything to the fires? - No.

3755. Was an order given you with regard to the fires shortly after that? - Yes.

3756. What order? - "Keep steam up."

3757. How long was steam kept up? Can you say? - I could not tell you how long it was kept up, but that was the order - "Keep steam up."

3758. Subsequently to that was an order given to draw the fires? - Yes.

3759. Did you assist in carrying out that order? - No.

3760. Drawing the fires? - No.

3761. Do you know what fires it had reference to? What fires were to be drawn? - No.

3762. You do not know in which stokehold the fires were to be drawn? - I know the order was passed along to the stokehold to draw fires as much as possible.

3763. You were at this time in No. 2 stokehold, were not you? - Yes.

3764. Were the fires drawn in that? - I do not know.

3765. Was that the only stokehold you were in? - No.

3766. What other stokehold were you in? - As far as No. 6.

3767. That is in all of them. In which ones did you see the fires drawn? - I did not take notice.

3768. You have told us that you, first of all, went into No. 1 stokehold, where the fires were not lit? - Yes.

3769. And you then went on into No. 2, where they were lit? - Yes.

3770. I suppose you lifted up the watertight doors? - We lifted up the watertight doors and opened them again.

3771. Did you go on from No. 2 to No. 3? - Yes.

The Commissioner: Mr. Asquith, it is not clear whether you are talking of stokeholds or boiler rooms.

Mr. Raymond Asquith: I ought to have spoken of boiler sections, I think. I understand there are several stokeholds in each boiler section. What I meant was from one boiler section to another.

The Commissioner: Will you put your question quite plainly to the Witness, because I am told he may misunderstand.

3772. (*Mr. Raymond Asquith.*) Yes, my Lord. (*To the Witness.*) You told us you first went from the engine room into another compartment, into one of the boiler sections. Is that right? - Yes.

3773. No. 1 boiler section? - Yes.

The Commissioner: Now, in order that I may understand, will you take the long pointer, and point out to me and to the Witness where it is.

3774. (*Mr. Raymond Asquith.*) Yes, my Lord. (*To the Witness.*) Can you see this plan?

3775. (*The Commissioner.*) You can see the plan, cannot you? - Yes, my Lord.

3776. (*Mr. Raymond Asquith.*) That is the engine room? - Yes.

3777. You went through a watertight compartment there into that place which is called boiler room No. 1 - is that right? - Yes.

3778. And there were no fires lit there? - No.

3779. Then you went through another watertight door into another boiler room? - Yes.

3780. Were the fires lit there? - Yes.

3781. Did you go on from that into the third boiler room? - Yes.

3782. Were fires lit there? - Yes.

3783. Through another watertight door? - Yes.

3784. Did you go on from that to the fourth boiler room? - Yes.

3785. Through another watertight door? - Yes.

3786. And then through another watertight door into boiler room No. 5? - No.

3787. You did not? - No.

3788. You stopped short at that point? - Yes.

3789. (*The Commissioner.*) Then you opened three watertight doors in the watertight bulkheads.

The Attorney-General: Four, that is the evidence; from the engine room first.

3790. (*The Commissioner.*) Oh, from the engine room first. Then you opened four, did you? - Yes, my Lord.

3791. And when you came to the afterside of the fifth section, you stopped? - Yes, my Lord.

3792. (*Mr. Raymond Asquith.*) Did you leave the doors open or not as you went through? - Left them open.

3793. (*The Commissioner.*) They were not closed again? - No, my Lord.

3794. (*Mr. Raymond Asquith.*) Having gone into No. 4 boiler room, did you go back through the open watertight doors, or what did you do then? - I did nothing then; I just knocked about.

3795. You afterwards went on deck? - Yes.

3796. How did you go up? Did you go back through the way you had come? - Yes, through the engine room.

3797. And when you went back those watertight doors were still open, were they? - Yes.

3798. (*The Commissioner.*) Were you ordered to open those doors? - Yes.

3799. By whom? - By the chief engineer.

3800. And what did you open them for? - To allow the engineers to get forward to their duties, the valves and the pumps.

3801. Then am I to understand that the order had come from the bridge to close all the watertight doors, and that they were closed, and that afterwards the chief engineer ordered you to

open the doors? - Yes, my Lord.

The Attorney-General: What he said was that they were closed automatically from the bridge.

The Commissioner: Yes, he said they were ordered to be closed from the bridge; they were in fact closed from the bridge.

The Attorney-General: Yes, my Lord.

The Commissioner: And although they were closed from the bridge you, under the orders of the chief engineer, opened them? - Yes, my Lord.

3803. Sufficiently to allow you to get under the door? - Yes, my Lord.

Mr. Laing: They have to be released from the bridge; they have to telephone to the bridge and get the catch or clutch on the bridge released so as to allow them to be opened.

3804. (*The Commissioner.*) That is so, is it? You could only open them with the concurrence of the people on the bridge? - We opened them by hand.

3805. It is suggested to me - I do not know how it is - that you cannot open them by hand unless some catch or something of the kind is operated on the bridge to allow you to do so.

The Attorney-General: That would be done by the chief engineer; he would telephone up, I expect.

The Commissioner: The chief engineer would probably telephone up and get the man on the bridge to work the apparatus so that these doors could be opened.

3806. (*Mr. Raymond Asquith.*) You have told us that you came back through those watertight compartments again to the engine room. Did you remain in the engine room some little time? - No.

3807. What did you do then? - We got the order, "All hands on deck; put your life-preservers on."

3808. Was there a clock in the engine room? - Yes.

3809. Did you notice what time it was you got that order? - I noticed the clock, but I did not take any particular notice what time it was. The clock was put back about 20 minutes, I think.

3810. Can you give us any idea of how long it was after the ship had struck that you got the order to go on deck? - Yes.

3811. About how long was it? - An hour and 40 minutes.

3812. That would make it about 1 o'clock? - No.

3813. After that - a quarter-past one? - Yes.

3814. Did you go up on to the boat deck? - No.

3815. Where did you go? - I kept on the well deck.

3816. Did you see any water before you went up in any of the boiler rooms or the engine room? - Yes, there was water coming in forward.

3817. The furthest point forward you reached was No. 4 boiler section? - Yes.

3818. Was it coming in there? - Yes.

3819. Where was it coming in? - Coming from underneath.

3820. From underneath the floor? - Yes.

3821. And from what part of the floor, the forward part or the afterpart? - The forward part.

3822. Did it come in large quantities or only in small quantities? - Small quantities.

3823. Was there any depth of water standing on the floor? - No.

3824. Do you mean the floor was just damp? - That is all.

3825. And it seemed to be coming through the floor? - Yes.

3826. Did you see any coming through the side of the ship at all? - I never noticed.

3827. Was there any water anywhere else in any of the other sections? - No.

3828. Then you got this order about a quarter-past one and you went up on deck; you say the well deck. Did you see any passengers on the well deck? - Yes.

3829. Men or women, or both? - Men and about two women; they just put them into the last boat; the last boat was getting lowered.

3830. You actually saw the last boat go off? - No.

3831. What do you mean when you say you saw the women put into the last boat that was lowered? - I did not lower it. I was on the starboard side of the well deck when I came up, and I saw two women there. They were singing out, "Any more women?" and there were two more, and we chased them up on to the boat deck. The last boat to leave was on the port side.

3832. (*The Commissioner.*) Are you talking of the aft well deck? - Yes, my Lord.

3833. (*Mr. Raymond Asquith.*) When you say the last boat, do you mean the aftermost boat or the last boat to leave from the ship? - The last boat to leave from the ship.

3834. Do you know the number of that boat? - No.

3835. Can you point it out on the model there? - No.

3836. It was a boat on the port side? - Yes, because I could see they were chasing the women on to the port side. We stopped where we were. It was no use us going there.

3837. You could see after that boat left there were no other boats left on the ship? - Yes.

3838. Can you point out what was the situation on the ship of the boat that you saw leave, the last boat? - No.

3839. (*The Commissioner.*) It was on the port side, I understand. The boat that you saw leave, the last boat, was on the port side? - They sung out it was the last boat.

3840. Whichever it was, was it on the port side of the "Titanic"? - Yes, my Lord.

3841. And was it in the forward part or aft? - I do not know, my Lord.

3842. Were you on the after-well deck when you saw it? - Yes, my Lord. I heard an order - the last boat was leaving the ship. "Any more women there?" and we chased them up the ladder.

3843. After that boat left did you see a number of passengers standing about still? - Yes.

3844. Any women? - No.

3845. I did not quite hear the answer you gave just now. You said something about chasing women up the ladder? - There were two women on the well deck when we got up from below, and we heard the order - the last boat was leaving the ship. "Are there any more women there?" and we chased them up the ladder.

3846. Up to the boat deck? - Yes, I suppose they went up there.

3847. And those were the women you saw there on the well deck? - Two women.

3848. Did you afterwards go up yourself on to the boat deck? - No.

3849. You remained where you were until the ship sank? - No.

3850. Well, what did you do? - I went on to the poop.

3851. Was she getting low in the water then? - Yes.

3852. Were there many others on the poop besides yourself? - Yes.

3853. Any passengers? - Yes.

3854. Any women? - No.

3855. How long did you wait on the poop? Until the ship actually sank? - Yes.

3856. How did you get off the ship? - I left her in the water.

3857. (*The Commissioner.*) Am I to understand that you were actually on board the "Titanic" when she went down? - Yes, my Lord.

3858. (*Mr. Raymond Asquith.*) Before the ship actually went down did you see her make any movements? - Yes, she took one final plunge and righted herself again.

3859. She gave a plunge and righted herself again? - Yes.

3860. Did you notice anything about the funnel? - Not then.

3861. Did you afterwards notice something about the funnel? - Yes.

3862. What? - When she went down.

3863. Was that after you had left the ship? - Before I left the ship.
3864. What did you notice? - Well, the funnel seemed to cant up towards me.
3865. It seemed to fall aft? - Yes; it seemed to fall up this way.
3866. Was that the aftermost funnel? - Yes.
3867. Did you get the idea that the ship was breaking in two? - No.
3868. Did the funnel seem to fall towards you? - Yes.
3869. (*The Commissioner.*) That is the after funnel? - Yes, my Lord.
3870. (*Mr. Raymond Asquith.*) Then you say the ship plunged and righted herself again; and was it then that you dived into the water? - I did not dive into the water.
3871. How did you get off the ship into the water? - I went down with the ship, and shoved myself away from her into the water.
3872. Were you sucked down at all? - About two fathoms.
3873. And did you then come up again to the surface? - I seemed to get lifted up to the surface.
3874. You got lifted up to the surface? - Yes.
3875. Were you picked up by one of the boats? - Yes.
3876. Do you know which one? - Afterwards I found out; it was No. 4 boat.
3877. Did you have to swim far? Were you swimming long in the water before you were picked up? - I suppose about twenty minutes.
3878. Did you see any of the other passengers in the water - any other people in the water of any sort? - Yes.
3879. Many? - About a thousand.
3880. Were there any others near the boat when you were picked up? - I do not know.
3881. (*The Commissioner.*) Did you say "I saw about one thousand people in the water"? - From my estimation, my Lord.
3882. (*Mr. Raymond Asquith.*) When you came up again, after you were sucked down - you told us you were sucked down and came up again - was the ship still floating then? - No.
3883. She had sunk when you came up again? - Well, I saw what I thought would be the afterpart of her coming up and going down again, final.
3884. Then she had not sunk? - She came up and went down again.
3885. You saw what you thought was the afterpart coming up again? - I thought it was the ship coming up again. She came up and went down again - finish.
3886. You were picked up by boat No. 4? - I found out it was No. 4 afterwards.
3887. Did you see any women in the water? - No.
3888. Was there anyone round about boat No. 4 in the water when you were picked up? - I do not know.
3889. I suppose you were probably very exhausted by that time? - Yes.
3890. When you got into the boat, I think you became unconscious? - Yes.

Examined by Mr. SCANLAN.

3891. Did you ascertain how many people were in No. 4 boat? - No.
3892. At any time before you were rescued by the "Carpathia"? - No.
3893. Did you know before you left the ship - before she sank - whether all of what you call the life-rafts, the Englehardt collapsible boats had been used? - I do not know.
3894. With regard to those watertight doors, is it the case that when you pass, say, from the engine room into No. 1 boiler room, you can open the door from the engine room, but you cannot shut it from the boiler room? - I do not know.
- Mr. Scanlan:* You do not understand me.

Examined by Mr. HARBINSON.

3895. I think this was your first trip on this boat? - Yes.
3896. So you did not know very much about it? - No.
3897. When you came aft, after going through boiler rooms 2, 3 and 4, you stopped at 4? - Yes, I stopped at 4; I think it was No. 4.
3898. That was to allow all the others to go through - the other engineers to come back? - All the engineers were working in the stokehold.
3899. That is why you opened the doors? - Yes.
3900. Were they all through when you came back; had they come aft? - In my estimation I suppose they did.
3901. But were you the last to come aft? - No.
3902. There were others behind you? - They came in a bunch.
3903. Do you know why the doors were left open; why no attempt was made to close them? - No.
3904. You do not know? - No.
3905. Had you a lifebelt? - Yes.
3906. Had you it on? - Not then I did not.
3907. You say when you came up to the well deck there were a great number of people there, men? - Yes.
3908. Had they all lifebelts? - In my estimation they had.
3909. Most of them? - Yes.
3910. What class of passengers did these seem to be? - Steerage passengers.
3911. All steerage passengers? - Yes.
3912. But there were no boats for them? - No; the last one was being lowered.

Examined by Mr. EDWARDS.

3913. From the time that the ship struck until you came back from No. 4 boiler section, what time elapsed? - About an hour and forty minutes.
3914. At that time some water was coming through in No. 4 boiler section? - Yes.
3915. As you came back was there any water at all coming in at No. 3, or No. 2, or No. 1? - No.
3916. From the time that you left the engine room until you started back from No. 4 boiler section what time elapsed? - From the time I left the engine room till the time I came back from No. 4 section what time elapsed.
3917. Yes? - An hour and ten minutes.
3918. Did you report to anybody in the engine room that you had seen water coming through in No. 4 boiler section? - No.
3919. Did anyone report, to your knowledge? - No, all the engineers were working there.
3920. (*The Commissioner.*) Do you mean by that that they all knew it? - Yes.
3921. (*Mr. Clement Edwards.*) Did you hear any orders given, before you left, to reclose the watertight doors? - No.

Examined by Mr. LEWIS.

3922. I believe you have had experience as a sailor as well as a trimmer? - Yes.

3923. Did you have a boat number given to you or a boat place in precisely the same way as you would as a sailor? - No.

3924. How long were you waiting on the poop, waiting for the boat to go down? - About 50 minutes.

3925. From your position could you see the passengers? - Yes.

3926. You could see the passengers? - Yes.

3927. Was there any commotion all this time on the part of the passengers? - No.

3928. They were simply waiting? - Yes.

3929. Expecting the boat to go down? - Yes.

3930. No disorder whatever? - No.

3931. When you were taken into the boat what condition were you in? Were you picked up unconscious? - Unconscious.

3932. When you came to what did you find? - I was not properly right when I came to.

3933. Whom did you find with you in the boat? - Lyons lying on top of me, a seaman, and a passenger lying on top of me dead.

3934. Do you know the seaman? - One was Lyons.

3935. Were you in the hospital some time after you were taken on board the "Carpathia"? - Yes.

3936. Do you remember the fire in the bunker? - I remember working in a bunker.

3937. Do you remember the fire in a bunker? - Yes.

3938. Did you help to clear out the coal? - Yes.

3939. You were ordered to do so, I presume? - Yes.

3940. Would you call it a serious fire? - I do not know.

3941. Did it take some time to put out? - Yes.

3942. Did you see the sides of the bunker after the coal was taken out? - No.

3943. You did not see whether it was painted afterwards? - No.

Examined by Mr. LAING.

3944. How many boilers are there in No. 1 section? - Five.

3945. And none of the boilers in No. 1 section was alight at all? - No.

3946. Did you see the engine room telegraph? - No.

3947. How are you able to tell us what orders came down? - By the telegraph ringing.

3948. But the ring would not tell you, would it? - It would tell me that the telegraph rang.

3949. Yes it would, but it would not tell you what order came down at all? - No.

Re-examined by the ATTORNEY-GENERAL.

3950. In No. 1 boiler room are the five boilers single ended boilers? - Yes.

3951. In No. 2 they are double ended? - I do not know.

The Attorney-General: If your Lordship will look at the plan, your Lordship will see it quite clearly and what he did. You will see the watertight doors marked which he went through. Plan No. 3 is the one that contains the decks from the saloon deck, through the various decks E., F., G., down to the tank top. If you look at the lowest of them "Tank top" you see there "Reciprocating Engine," then you see five engine boilers in No. 1 boiler room; and then if you notice there you will see a watertight door, very small, between the two coal sections. Then you pass through that into No. 2 boiler room. There you have the five double-ended boilers, and then again through that through a watertight door into No. 3 boiler room, where there are again five

double-ended boilers; again through a watertight door into No. 4 boiler room for the five double-ended boilers, and that is where he stops.

The Commissioner: He saw water coming up through the floor plates of that No. 4.

3952. (*The Attorney-General.*) Yes. Your Lordship will remember it is in the next compartment No. 5 that Barrett and this man were. (*To the Witness.*) You went through Nos. 2, 3 and 4 boiler rooms? - Yes.

3953. You have told us, I think, in No. 1 boiler room - that is with the single-ended boilers - the fires were not alight? - Yes.

3954. Were they alight in the others, Nos. 2, 3 and 4? - Yes.

3955. So far as you know all the fires were alight except the five single-ended boilers in No. 1 boiler room? - Yes.

3956. Could you alone raise one of these watertight doors? - No.

3957. Could you do it by yourself? - I do not know.

3958. How many of you went through the watertight doors from boiler room to boiler room? - There were seven of us working in the engine room.

3959. But how many of you went? First of all you went from the engine room to No. 1 boiler room? - Yes.

3960. You went through a watertight door for that purpose? - Yes.

3961. How many of you went through that watertight door when you did? - About six or seven - seven.

3962. How many of you helped to open the watertight door? - As we got into each section the men were in it, in their own boiler rooms. At No. 1 boiler room we had to lift the door up, and when we got to the next section there were men belonging to that section in it.

3963. You lifted No.1; how many of you did it? - Three - three on the pump.

3964. What did you do it with? How did you do it? - With a pump handle.

3965. You turned that? - Yes.

3966. Was it two or three turned that handle? - Two or three.

3967. When you had got into No. 1 boiler room, who told you to go into No. 2? - We had to open the doors and we had to work through.

3968. And you continued through to No. 4? - Yes.

3969. Were you told to stop then? - Yes.

3970. Who told you to stop? - One of the engineers.

3971. What did you understand this was being done for? Why were you opening these watertight doors and going through these boiler rooms? What was the object of it? - To allow the engineers to get at the pumps and valves, I think.

3972. Did you know at all why you did not go into No. 5 boiler room? - Yes, I had an idea.

3973. Why? - On account of the water - too much water.

3974. You think that was why? - Yes.

3975. Did you hear anything about that at the time you were in No. 4 boiler room? I mean, did you hear that you were not to go into No. 5 because there was too much water, when you were in No. 4 boiler room? - No.

3976. Then how do you know? - Well, I judged that. In my own estimation I thought that was the reason we did not open the door, because there was too much water in No. 5.

The Attorney-General: I have a notice which I will read, so as to get it on the note, which my friend has handed me. It is a notice which is pasted on the bridge on the watertight door apparatus.

The Commissioner: Where the button is?

The Attorney-General: Yes. "In case of emergency, to close watertight doors on tank top, press

bell; push for 10 seconds to give alarm; then move switch to 'on' position and keep it there. Note: Doors cannot, however, be operated mechanically whilst switch is on."

The Commissioner: That means that the switch must have been taken off?

The Attorney-General: Yes.

The Commissioner: Before these doors could be opened by the handle in the way described by the Witness?

The Attorney-General: Yes; that is as I understand it.

The Commissioner: My recollection is that there is the same notice on the "Olympic."

The Attorney-General: That may be.

The Commissioner: I think I remember reading it.

The Attorney-General: My friend will correct me if it is wrong, or Mr. Wilding, but as I understand the effect will be that when the bell is pressed and the switch is on, then the watertight doors to the tank top come down. They cannot be raised again from there. They must be raised, I suppose, down below. That is right?

Mr. Laing: Yes.

The Attorney-General: They would have to be raised down below one at a time. When you have released the clutch at the top they drop by gravity.

The Commissioner: I do not know that there is any significance in it at all, but those doors which he opened were never closed again.

The Attorney-General: I understand not from what he says. Those are the 12 doors which are operated from the bridge, which communicate in that way, closing the tank top. Your Lordship will remember the question was asked - I am only saying it so that we can have it clear - at one stage you did ask the question about the closing of the watertight doors from the bridge.

The Commissioner: I did.

The Attorney-General: Since then you have seen the "Olympic." The effect would be that these watertight doors could only be closed with this pressure on the button from the bridge - that is, the 12 to which we are now referring. There are 12 on the tank top.

The Commissioner: There are 12 doors that are closed automatically.

The Attorney-General: That is right, from the switch.

3977. (*The Commissioner.*) There is a question that one of my colleagues wants cleared up. (*To the Witness.*) You said that you supposed you did not go from No. 4 into No. 5 because there was a large quantity of water in No. 5? - Yes, my Lord.

3978. You remember saying that just now? - Yes.

3979. Is that a conclusion that you have arrived at, that there was a large quantity of water in No. 5, since the accident, or did you think it was the fact when you were in No. 4, and that was the reason? Did you then think that that was the reason for not going into No. 5? - Yes, my Lord.

3980. You thought then when you were in No. 4 that the reason you were not ordered to go into No. 5 was that there was a great deal of water there? - Yes.

The Attorney-General: I understood him to mean that, my Lord.

(The Witness withdrew.)

THOMAS RANGER, Sworn.

Examined by the ATTORNEY-GENERAL.

3981. Are you a greaser? - Yes.

3982. Were you employed as greaser on the "Titanic"? - Yes.

3983. And do you remember on Sunday, the 14th of April, going on watch in the evening at 6 o'clock? - Yes.

3984. Was it your duty as greaser to oil the electric fans of the vessel? - Yes.

3985. That was one of your jobs? - Yes.

3986. Do you remember, just about 20 minutes to 12 that night, being in the electric workshop? - Yes.

3987. Where is that? Do you know what deck that is on? - On C deck, I think.

3988. Do you know what deck that is that you call C deck? - I do not think it is the letter "C"? - It is the top of the turbine engine room.

3989. It is E deck, my Lord. If you look at the E deck you will see it just abaft of the "engine casing" there.

The Commissioner: Aft?

3990. (*The Attorney-General.*) Yes, aft of the "engine casing" on E deck. (*To the Witness.*) Is it close to the fan store? - It is underneath the emergency dynamo.

3991. I think it is marked "Electric Store." If you look just aft of the "engine casing" you will find "turbine engine casing"; the next aft is the "Electric Store."

The Commissioner: Yes, I see that.

3992. (*The Attorney-General - To the Witness.*) What were you doing there? - Repairing the electric fans.

3993. You were at work there with the chief electrician, were you not? - Yes.

3994. Do you remember feeling something happen? - Yes.

3995. Just describe it to us? - There was just a slight jar - just lifted us off our feet.

3996. Just a slight jar - just lifted you off your feet? - Yes, it just moved us like that (*demonstrating*).

3997. Did you take any notice of it as regards your work, or did you go on with your work? - No, we turned round and saw the turbine engine was stopped. We turned round and looked into the engine room and saw the turbine engine was stopped.

3998. (*The Commissioner.*) Was it stopped? - Yes.

3999. (*The Attorney-General.*) Do you mean at the time you felt the bump? - About two minutes afterwards.

4000. First of all you felt the bump? - Yes.

4001. Then did you go on with your work? - Yes.

4002. Then, if I understand you, about two minutes afterwards you looked around and saw the turbine engine had stopped? - Yes.

4003. Is that right? - Yes.

4004. Then what did your chief electrician do? - He went down below and stood by the main lighting engines.

4005. That would be down on the tank top? - Down on the bottom platform.

4006. It is the same one we were looking at just now, 3; I pointed out to you, first of all, there was a reciprocating engine room, and then we went along the boiler rooms. Now, if you go aft, the next to the reciprocating engine is the turbine-engine room, and just aft of that you will find an electric engine. That is what you mean, is it not? - Yes.

Your Lordship will see on the big plan it is very well marked. There is the turbine engine which my friend, Mr. Rowlatt, is pointing out. Just aft of that you see "electric machinery" in the centre. That you see from the tank top plan here and fresh water tanks at the sides. That is really only giving you there what you have on the tank top plan.

The Commissioner: The chief engineer went below and stood by the electric engines?

4007. (*The Attorney-General.*) Yes. (*To the Witness.*) You stopped in the workshop, did you? - Yes.

4008. (*The Attorney-General.*) The chief electrician, not the chief engineer, my Lord. (*To the Witness.*) When did you get the order from your chief electrician? - About a quarter of an hour afterwards.

4009. Then you remained there in the workshop for a quarter of an hour? - Yes.

4010. Were you doing your work? - Yes.

4011. Mending an electric fan? - Yes.

4012. And during the time you were there, did you know that anything had happened? - I knew the ship had struck something.

4013. You knew that? - Yes.

4014. (*The Commissioner.*) By this time the ship had stopped, I suppose? - Yes.

4015. (*The Attorney-General.*) You got an order from your chief, did you? - Yes, to go and stop all the electric fans, the stokehold fans first.

4016. Do you know what that was for. So that the steam would not rise in the boilers, I think.

The Commissioner: I do not understand that.

4017. (*The Attorney-General.*) To keep the draught down, I suppose - to reduce the draught. I suppose that is the object of it. (*To the Witness.*) How many fans were there to close down? - There were 45 working.

4018. Did you then go to stop all those fans? - Yes.

4019. The 45? - Yes.

4020. Beginning at the stokeholds? - Yes.

4021. How long did that take you? - About three quarters of an hour.

4022. When you want to stop a fan in the stokehold, do you have to go into the stokehold itself to do it? - No, in the fan rooms.

4023. Where are they?

Mr. Laing: F Deck.

4024. (*The Attorney-General.*) I think your Lordship will find them all on F deck, four decks up. If you look at F deck you will see a number of fans marked. It is the same one which we were dealing with just now which had the tank top. If your Lordship will look at F deck you will remember the squash racquet court which we were dealing with there. Then passing along aft you came to the first one - "fans." Then there is a "boiler casing," and then you go along again, "boiler casing," "fans," then "fans" again, and so on. So that really what you had to do was to go from the E deck to F deck; is that right? - Yes.

4025. By the time you had stopped the 45 fans, did you see members of the crew going on deck? - No.

4026. When you had finished after the three quarters of an hour what did you do next? - I went back to the electric storeroom.

4026. Back again to E deck? - Yes.

4027. When you got to E deck did you go to the electric store room which you had been in before? - No, I went up the dummy funnel. There are four fans situated up the dummy funnel.

4028. Where is that? You have told us where the electric store room was. Now where is that? Is it forward or aft? - Aft.

4029. Is it immediately aft, or some way aft? - The after funnel of the ship leads down to it.

The Commissioner: The after funnel is a dummy funnel?

The Attorney-General: Yes; it does not serve fire at all.

The Commissioner: It is that funnel that is the dummy?

The Attorney-General: Yes, it is plain if you look at that.

The Commissioner: It is used for ventilation?

The Attorney-General: Yes.

The Solicitor-General: The six boiler rooms are grouped in pairs of two.

4030. (*The Attorney-General.*) The three forward funnels work the six boiler rooms; each one works two; and the third one works the one lot of double-ended boilers and the one lot of single; that is how it stands. (*To the Witness.*) Then you went up the dummy funnel to the boat deck? - Yes.

4031. Then when you got to the boat deck what did you see? - I went from there to the second-cabin deck, aft, the starboard side.

4032. What were you doing that for? - I had stopped all the fans, and I went on deck to see what was being done.

4033. You got to the boat deck. You have told us you went up the dummy funnel to the boat deck? - Yes.

4034. You had no order to do that, but you had done your work? - Yes.

4035. Then when you got on to the boat deck, what did you see then? - Nothing.

4036. Before you go on from there, tell us this: Up to this time had you seen any water in the ship? - No.

4037. You had not seen any at all? - No.

4038. From the boat deck where did you go? - To the second-cabin deck.

4039. The second-cabin deck on the starboard side? - Aft - starboard side aft.

4040. I am not quite sure that I know which you mean by the second-cabin deck. Do you mean the deck where the second cabins are? - The second deck down from the boat deck.

4041. That is bridge deck B, according to the plan.

4042. (*The Solicitor-General.*) Is it where the second-class smoke-room is? - Yes.

4043. (*The Attorney-General.*) You will see the second-class, if your Lordship has a painted plan, is painted green. You will see it marked in the centre there, "Second-class smoke-room." (*To the Witness.*) What did you do when you got there? - There were about 20 more men there; 20 men stood there.

4044. Members of the crew? - Yes.

4045. Did you know what they were? - Firemen mostly.

4046. Were there any women there? - No.

4047. Were there any children? - No.

4048. Did you have any talk with the firemen and trimmers? - Yes.

4049. Well, just tell us, did you find out from them what was happening? - No, we heard that all the boats had left the ship then.

4050. That is just what I wanted to get. Let us get this quite clearly. You heard by that time all the boats had gone? - Yes.

4051. You were down in the second-class cabin and you saw no women and children - that is right, is it? - Yes.

4052. Only these 20 men of the crew? - Yes.

4053. What did you do then? - I went to the port side of the boat deck aft.

4054. And then? - There was me and a greaser by the name of Scott. We climbed up the davit and down the boat falls, and I got into a boat, and Scott dropped into the water.

4055. You are speaking of the port side as I understand? - Yes, port side.

4056. Did you notice at all whether there was any list on the ship at this time? - There was a slight list to port, Sir.

4057. Did you notice whether she was down by the head? - Yes.

4058. Badly? - Yes.

4059. Did you see at all whether the water was over her foc'sle deck; could you see that? - No, you could not.

4060. You could not see that? - You could not see whether her foc'sle deck was under water at the afterend of the boat.

4061. You could not see so far from where you were? - No.

4062. But you noticed she was down by the head; you could feel that? - Yes.

4063. I thought you told us that all the boats had left the ship? - This boat came back to the ship as they only had two men in the boat.

4064. She came back to the ship with only two men in her; is that it? - She never had enough men in the boat to pull her away.

4065. Not enough men to man her? - Yes.

4066. Was she full? - Full of women and children.

4067. Do you know what number the boat was? - No. 4.

4068. Did you get any orders to go down into the boat? - No.

4069. Was there anybody there on the boat deck; was there any officer there? - No, Sir.

4070. Is this right, that you saw one of the lifeboats, No. 4, come back to the ship? - Yes.

4071. And you and another man called Scott started, and you climbed the davits? - Yes, and down the falls.

4072. And you dropped into the boat? - And the other man dropped into the water.

4073. How many people were there in the boat? - I should think about 40.

4074. And how many men were there in the boat? - Two.

4075. Do you know who they were? - Perkins, a quartermaster, and Foley, a sailor.

4076. Those were the only men in the boat? - Yes.

4077. You do not mean the only seamen, but the only men? - The only men.

4078. Were there any other men standing at the ship's side when this boat came alongside? - No.

4079. Did they call out at all; did anybody hail you? - We never heard no one.

4080. How did you know when she came back; you looked over the side and saw her, I suppose? - Yes.

4081. Did you know then what she had come back for? - No, not till we had got back into the boat.

4082. If I understand you aright, she came back with 40 people in her, all told? - Yes.

4083. No orders were given? - No.

4084. There was no officer standing where you were? - No.

4085. And you and the other man climbed the davits and dropped down into the boat? - Yes.

4086. Did the boat then push off? - We pulled away from the ship after we got the man in the boat by the name of Scott.

4087. You picked him up after he had dropped into the water? - Yes.

4088. Do you remember which davit it was that you climbed? - The after davit of all, the port side.

4089. That is the davit for lifeboat No. 16. It is the aftermost one on the port side. If I follow correctly what you said, there was nobody there except you two? - No one - only us two.

The Commissioner: This was on the boat deck?

The Attorney-General: Yes.

The Commissioner: And all the boats had gone away by this time?

The Attorney-General: Yes, by this time, and she came back.

The Commissioner: There were no boats for any one to get into unless they climbed down the

davits, or jumped into the sea.

4090. (*The Attorney-General.*) Quite. (*To the Witness.*) Did you see the vessel go down? - Yes.

4091. You got into the boat, and I suppose, pulled away from the side of the "Titanic"? - Yes.

4092. Did you help to pull the boat? - Yes.

4093. When you drew away from the "Titanic" did you lay-by, or, what did you do? - No, we only just got away in time before the ship went down.

4094. Just tell us what you saw of the ship going down; describe it to the Court? - The forward end of the ship went underneath and seemed to break off, and the afterpart came back on a level keel.

4095. Then, when she came back on a level keel, what happened to the afterpart of her, then? - It turned up and went down steadily.

4096. Turned up that way, stern up. (*Showing.*) - Yes.

4097. Did she remain like that at any time? - No.

4098. Will you just describe to us what you mean? - She just slowly turned up and went down. You could see the three propellers in the air.

4099. The foremost part of the afterpart of the vessel began to go down into the water? - Yes.

4100. And the stern went up? - Yes.

4101. And then you saw the propellers in the air? - Yes.

4102. And then that all disappeared? - Yes.

4103. Was there room in your boat for more people? - Yes.

4104. Did you go back? - We pulled back to the wreckage and picked up seven persons.

4105. Were they men? - Yes.

4106. Did you see the last Witness who was here just now? - Yes, that was one of the men.

4107. Dillon. Your Lordship will remember he said he was picked up by No. 4 boat. Now I will ask you just one question about the lights. When you went away in the boats, did you see any lights? - Yes, the lights were burning.

4108. The lights of the "Titanic"? - Yes.

4109. You would have a particular interest in the lights? - The emergency light engine was running as I passed it coming up the dummy funnel.

4110. Just above the electric store that was pointed out before. Now just tell us about the lights. You saw the lights of the "Titanic" as you moved away. Did you notice at all when the stern, the afterpart of the vessel, got on a level keel whether there were any lights then? - The lights seemed to be going out then.

4111. Did you hear any explosion? - No, Sir.

4112. When you say "The lights seemed to be going out," will you explain to us what you mean? You saw the vessel dive down? - Yes.

4113. The fore part of her? - Yes.

4114. When you say the forward end seemed to break off, and the afterpart came back on a level keel, and then you say the lights were going out. When she came back like that on a level keel were there any lights? - Right aft. The lights were right aft what were burning, on the afterend what was floating.

4115. You mean the afterpart of the aft end? - Yes.

4116. Where, the taffrail, or where? Did you notice? - Along here. (*Showing on model.*)

4117. Just about abeam of the dummy funnel, do you mean? - Yes.

4118. And did they continue burning then right away aft to the taffrail? - Yes, right aft.

The Commissioner: I do not understand this.

4119. (*The Attorney-General.*) How long did you see them burning? - The lights gradually went out as the aft end of the ship went under.

The Commissioner: That is what I do not understand. I should have thought that the lights would either remain all alight or all go out.

The Attorney-General: When the water gets over the dynamo it would stop them, would not it?

The Commissioner: They were being worked, as I understand, at this time by the emergency dynamo.

4120. (*The Attorney-General.*) Yes. That, if it were working, would be as he describes, just about abreast of the dummy funnel, directly underneath it. As I understand it, he says the lights were burning in the afterend. (*To the Witness.*) I suppose that when the emergency dynamo got into the water the lights would go out? - Yes, it stops the fuse.

The Commissioner: I understood him to say - I do not know whether I am wrong - that aft of the dummy funnel some of the lights were out and some of them were in.

The Attorney-General: I understood him to say so at first, but I understood him to alter that, and at last I think he was right in what he said. At first I took the same view as your Lordship. I understood him to say he was dealing then with the afterpart of the ship which had righted itself on to a level keel.

The Commissioner: She was only at the top of the water for a few minutes.

4121. (*The Attorney-General.*) Yes. And then he says from the point which he marked for us there, which was just about abreast of the dummy funnel right away aft to the taffrail the lights were burning. (*To the Witness.*) Is that right? - Yes.

4122. (*The Commissioner.*) All the lights were burning? - All the lights aft.

4123. (*The Attorney-General.*) At the afterend of the aft part of the ship they were all burning, but nothing forward, I understand. - No.

Examined by Mr. SCANLAN.

4124. Had you any light in this No. 4 lifeboat? - No.

4125. When you started to descend by the falls did you know there was a boat below? - We could see it coming back to the ship.

4126. Was that from the reflected light from the ship itself? - Yes.

4127. After you had picked up seven persons I take it that you still had less than 50 on board your lifeboat? - Yes.

4128. Had you then accommodation for still more people? - A few more, Sir, but it would not give you room to pull the oars in the boat.

4129. Had you sufficient seamen in that boat, when you got in and Scott, to properly man that boat? - No, Sir.

4130. How many men would be necessary to adequately man that lifeboat, and enable you to row? - 10 I should think.

4131. 10 men? - 10 men.

4132. What did you do; were you rowing? - Yes.

4133. Were those who were there unable to row the boat? - The men we got out of the water, Sir, were not fit to pull the oars. We had to rub them to fetch them round.

4134. Had you difficulty all the time in rowing this boat and navigating her? - Yes, there was not room.

4135. At the time you left by the falls, were there a number of deckhands near you? - No.

4136. They had remained down below at the time you came up to the upper deck? - Yes.

4137. Had you a boat station given to you? - Yes.

4138. What boat were you in? - No. 6 was my boat.
4139. Had you had any exercise, any practice, any boat drill? - No.
4140. Do you know something about the management of lifeboats, rowing boats? - Yes.
4141. Have you been at sea long? - About 16 years.
4142. Have you been on a number of liners? - Yes.
4143. Was it usual on the liners you have been sailing on to have regular boat drill and boat masters? - In the Royal Mail Company it is.
4144. Do you know if this No. 4 boat had a compass? - I could not say, Sir.
4145. Had she water - drinking water? - I do not know.

Examined by Mr. HARBINSON.

4146. When you came up the dummy funnel, how much of the "Titanic" continued to be lighted? - All the part that was out of the water.
4147. How much of it then was out of the water? - Three parts of the ship.
4148. How much of the ship was served by this dynamo that you have described; was it the upper portion? - All over the ship.
4149. It served the whole ship? - I believe so.
4150. The wires that carry the current are protected, I understand, by indiarubber, is not that so? - Yes.
4151. Am I right in suggesting that immediately water reaches the wires and finds an entrance between the indiarubber - pierces the indiarubber, or gets into the indiarubber, what is known as a short circuit of the line immediately occurs. Is that right? - Yes, they fuse.
4152. They fuse, and the lights go out? - Yes.
4153. So that as the "Titanic" gradually sank short circuits would be produced and there could only be light remaining in the portion above water? - That is so.
4154. At the time that you came up, the only portion lighted was the stern? - Yes.
4155. How many people did you see about there? - About 20 men.
4156. Only 20 men? - In the part of the ship I went to.
4157. You did not see any passengers? - No.
4158. There were none about? - I did not see any.
4159. No officers? - No.
4160. No one at all? - No.
4161. No confusion? - No.
4162. Did you hear any cries at the time? - No, not till the ship was going down.
4163. When you attempted to get into No. 4 boat did you see any people struggling in the water? - No.
4164. None at all? - No.

Examined by Mr. EDWARDS.

4165. Did you hear any order or any signal to get to your boat station? - No.
4166. Can you say in relation to the fore funnel at what point the ship broke off? - About the second funnel from forward - between the first and second funnel from forward.

Examined by Mr. LEWIS.

4167. Did you hear the band playing on the ship? - Yes.

Examined by Mr. COTTER.

4168. Will you tell us whether there were any fiddleys on board the "Titanic"? - I do not know.

4169. You do not know whether there were any fiddleys from the stoke-hold? - No.

4170. I suggest to you that the after funnel was simply used in place of fiddleys? - There was a ladder to go up the after funnel.

4171. It is a way for the sailors and firemen or anybody from the engine room or stoke-hold to get on deck? - Yes.

4172. Is there any place on the boat deck where the sailors can go and get fresh air, or where do they go to get it? - Sailors and firemen are not allowed on the boat deck, not unless their work lay there.

4173. You do not know that in some ships there is a place for them to go to on the boat deck to get fresh air, and even to smoke? - I could not say.

4174. When you saw the fore end of the boat break off, did the afterend come back suddenly or slowly on to a level keel? - She came back slowly.

4175. You heard the last Witness state that the patent bulk head doors in the stoke-holds had been opened after they had been closed automatically from the bridge? - Yes.

4176. Is it your opinion that, after the forward end had fallen off, the leaving open of these doors caused the afterend of her to sink? - That I could not say.

4177. (*Mr. Cotter.*) I am only asking for your opinion. These ships, I may state, are supposed to float if they break in two, if the bulk-head doors are all acting as they ought to act.

Examined by Mr. LAING.

4178. How can you tell from your electric shop how the turbine is working? - Because there are two arms come up as the turbine engine stops.

4179. You have to go and look to see? - No, you can turn round and look through the wires in front of you.

4180. When you looked did you find that the turbine had actually stopped? - Yes.

4181. And when you noticed that it was two minutes after the shock? - Yes.

(The Witness withdrew.)

GEORGE CAVELL, Sworn.

Examined by the SOLICITOR-GENERAL.

4182. Are you a trimmer? - Yes.

4183. And at the time of the accident on the 14th April were you at work? - Yes.

4184. Trimming coal? - Yes.

4185. Can you tell me which section you were in? - No. 4 section.

4186. Were you one of the regular trimmers for No. 4 right through the trip? - Yes.

4187. How many coal bunkers are there in No. 4 section? - There are six doors and four

bunkers.

4188. Two on the starboard side and two on the port side? - Yes.

4189. And six doors? - Yes.

4190. How many trimmers are there to a section? - Four trimmers to a section.

4191. So that you would have three mates with you? - Yes.

4192. Had the fires in No. 4 been lighted the first day when the ship started? - Yes.

4193. And had they been burning all the time? - Yes.

4194. At the time this accident happened, do you remember which bunker you were in, starboard side or port side? - Starboard side.

4195. Were you in the bunker at the time? - Yes.

4196. Is that bunker in No. 4 aft of the furnaces of the boilers? - Yes.

4197. The boilers are in front of it? - Yes.

The Solicitor-General: If your Lordship has the plan which we have referred to as No. 3, the one with the tank top, you will see which bunker it was. The bottom plan, which is the tank top plan, shows a thick black line marked "G," which is one of the watertight bulkheads. Does your Lordship see "G"?

The Commissioner: It is not marked "G" on my plan.

The Solicitor-General: It is between No. 4 and No. 3.

The Commissioner: Yes, I see.

The Solicitor-General: I think your Lordship in your plan will find that the word "coal" is written on the starboard side in the place where the bunker is.

The Commissioner: Yes, and on the port side too.

4198. (*The Solicitor-General.*) Yes. This man was on the starboard side. (*To the Witness.*) Were you actually in the bunker at the time, Cavell? - Yes.

The Solicitor-General: Your Lordship says there is no "G" on your plan. If your Lordship will look for a moment at the big plan I will have the spot pointed out for you.

The Commissioner: The fact of the matter is this: I have had a plan furnished to me of the "Olympic." They are practically the same - for all purposes they are the same, but I have not got the same letters.

The Solicitor-General: We will find it for you.

The Commissioner: It does not create any confusion.

4199. (*The Solicitor-General.*) Mr. Rowlatt is just putting the point of the pointer on the bunker. Your Lordship will see that the vertical line is marked "G" there at the bottom. (*pointing.*) (*To the Witness.*) That is where you were, Cavell? - Yes.

4200. Was there anybody else with you in the bunker at the time? - No.

4201. Tell us what happened? - I felt a shock, Sir, and with that all the coal round me fell around me. I had a job to get out myself.

4202. You felt a shock and the coal fell in the bunker. Did the shock knock you over? - It did not have time to knock me over. The coal surrounded me before I knew where I was.

4203. You were carried down with the coal? - Yes.

4204. And you got out? - Yes.

4205. You got out into the stokehold there, I suppose? - Yes. After that I came up right up to the bunker door, and then came into the stokehold.

4206. Is that higher up, at a higher level? - Yes.

4207. And you climbed out of that, did you? - Yes.

4208. And you got into the stokehold? - I came down the ladder and came into the stokehold.

4209. On to the plate? - Yes.

4210. When you got there did you find that the signal for "stop" had appeared on a red disc? -

Yes.

4211. Who was in charge - who would be the leading hand? - A leading fireman.

4212. In charge of No. 4? - Yes.

4213. Did you hear him give any orders, or had they been given already? - I never saw him, Sir.

4214. Did you notice - had the dampers been put in by the time you got down? - No.

4215. Now tell us what happened or what you did? - After I came into the stokehold the lights in the stokehold went out.

4216. In No. 4? - Yes.

4217. Did that happen at once or was there a little time before that happened? - It happened as soon as I got into the stokehold.

4218. Out went the lights? - Yes.

4219. Did you notice whether the watertight doors fore and aft of your stokehold had been closed? - I heard the bell go and I knew in a minute what it was for.

4220. You heard the warning bell? - Yes.

4221. And so you knew they had closed? - Yes.

4222. When the lights went out what happened? - I went on deck to see what it was, and I saw people running along wet through with lifebelts in their hands.

4223. Did you go up the alleyway? - My mate said we had struck an iceberg.

4224. How far up did you go; what deck did you go up to? - The alleyway.

4225. Was it along the alleyway that you saw the people going? - Yes.

4226. Were they passengers? - Yes.

4227. (*The Commissioner.*) And they had lifebelts on? - They had lifebelts in their hands.

4228. (*The Solicitor-General.*) This alleyway that you came up to, I think, is on E deck. Is it the working alleyway on the port side or is it the one on the starboard side? - On the port side.

4229. And to get up to it from No. 4 - I think we were told about No. 5, that there was a stairway that went over the boilers and came out in the alleyway? - You have to go across the boilers and up an escape ladder.

4230. Is there a different escape ladder from each section? - Yes.

4231. Did you get into the alleyway immediately above No. 4? - Yes.

4232. When you got up into the alleyway and you saw these passengers, was there any light in the alleyway? - Yes.

4233. So that the lights had not gone out there? - No.

4234. You said you saw people going along with lifebelts wet through? - Yes.

4235. And saying that she had struck an iceberg? - Yes.

4236. Can you remember which way they were going? - They were going towards after-way.

4237. Coming from the forward end? - Yes.

4238. Could you tell what class passengers they were? - I should think they were the third-class passengers.

4239. Your Lordship will see - perhaps it is possible for you to see it there on the plan - that the E deck on which the alleyway is, is the E deck, if you carry your eye forwards, which runs forward to the part marked "third-class and crew" (*pointing*). (*To the Witness.*) They were coming from there, were they? - Coming from forward to aft.

The Commissioner: The alleyway runs straight aft?

The Solicitor-General: Yes.

The Commissioner: The whole length of the ship?

4240. (*The Solicitor-General.*) Yes, practically. (*To the Witness.*) You went up, I understand, to get some lamps. Did you get them? - Yes.

4241. Did you go back to your stokehold? - Yes.
4242. With the lamps? - Yes.
4243. What about the lights in the stokehold? - They were on by the time I got back.
4244. (*The Commissioner.*) The lights only went out for a few minutes? - Yes.
4245. (*The Solicitor-General.*) It is the same story as No. 5, your Lordship sees. (*To the Witness.*) There is a thing I have not asked you that I ought to have asked you before. Up to the time that you left No. 4 and went up to the alleyway, had you seen water in No. 4? - No.
4246. Not coming through the floor, or the sides, or anywhere? - No.
4247. When you came back to No. 4, and you found the lights were on again, did you see any water in No. 4? - No.
4248. When you got back to No. 4, do you remember hearing an order being given? - Yes.
4249. What was it? - Draw fires.
4250. Is that any part of a trimmer's work as a rule? - In an emergency.
4251. In an emergency you would do it, of course? - Yes.
4252. And did you lend a hand to draw the fires in No. 4? - Yes.
4253. And were they drawn? - Partly drawn.
4254. What would there be - 30 furnaces? - Yes.
4255. Were the firemen there helping to draw, too? - Yes.
4256. You say they were only partly drawn? - Yes.
4257. What happened then? - The water started coming up over her stokehold plates.
4258. In No. 4? - Yes.
4259. Did that happen gradually or did it happen suddenly? - It came gradually.
4260. The water - you moved your hand, you raised it; did it seem to come up from below? - Yes.
4261. As far as you saw in No. 4, did any water come in from the side of the ship? - Not so far as I saw.
4262. When the water came up through the plates what was done then? - We stopped as long as we could.
4263. That is right? - And then I thought to myself it was time I went for the escape ladder.
4264. They were still drawing the fires, these men, were they? - Yes.
4265. How high did the water get above the plates they were standing on? How much water were they standing in before they left? - About a foot.
4266. Working up to their knees? - Yes.
4267. Scraping the cinders out? - Yes.
4268. Just one other thing. When you were in No. 4, as you have described, did you see anything of the engineers coming in through the emergency door behind? - No.
4269. You did not notice that? - No.
4270. Through the watertight door? - No.
4271. You know what I am referring to, Cavell, do not you? - Yes.
4272. There was a watertight door behind and a watertight door before you? - Yes.
4273. As far as you knew, and as far as you observed, was the watertight door which was abaft of you raised at all? - No, Sir.
4274. Not as far as you know? - No, Sir.
4275. Of course, there would be a lot of steam in No. 4, would not there? - Yes.
- The Commissioner:* Are you suggesting that that door was open?
- The Solicitor-General:* My Lord, we have had evidence that it was. The last Witness said he opened it.
- The Commissioner:* Which door are you talking about? You are talking about the door between

4 and 5.

The Solicitor-General: I was not, my Lord, with great respect. If I said No. 5 I made a mistake. I said there were two doors, one in front of him, and one behind him.

The Commissioner: The one in front of him was not open.

4276. (*The Solicitor-General.*) I know, my Lord. I wanted to draw his attention to the difference. (*To the Witness.*) Just to be quite clear, I am talking, you know, about the one? - Through the passage between the bars.

4277. As far as you know that was not opened when you were there? - I cannot say that.

4278. (*The Commissioner.*) You mean to say that you do not know? - I do not know.

The Commissioner: That is all it comes to.

4279. (*The Solicitor-General.*) Yes, my Lord. (*To the Witness.*) There would be a lot of steam, would not there? - There would.

4280. And were all the men there working as fast as they could? - Yes.

4281. This watertight door is in a sort of tunnel, is it not? - Yes.

4282. You say you worked as long as you could, and then you came up the emergency ladder? - Yes.

4283. Where did you go? - I came down again.

4284. What, down into No. 4 again? - Yes.

4285. Why did you do that? - Because I could see nobody about in the alleyway.

4286. (*The Commissioner.*) Why did you go back? - I thought it was all right, my Lord.

4287. (*The Solicitor-General.*) You got up again as far as the alleyway; you found nobody in the alleyway; you thought it was all right and went down again? - Yes.

4288. Did anybody else do that with you? - No.

4289. When you came down again from the alleyway to No. 4, were there any other men in No. 4, or had they all gone? - I could not see any.

4290. Was the water the same height, or was it still rising? - I could not say. I never went right to the bottom.

4291. Then you came down, and I suppose you went up again? - Yes.

4292. When you got into the alleyway where did you go? - I went along on to the boat deck.

4293. The top deck? - Yes.

4294. Whereabouts on the boat deck did you go? - Right aft.

4295. Did you see whether the boats had been lowered, or whether they were still there on the boat deck? - There was only two boats left, and one they were lowering.

4296. Two boats left, and one they were lowering? - Yes.

The Commissioner: That is three he means.

4297. (*The Solicitor-General.*) No, my Lord, I think he means two? - Yes, two.

4298. Two boats left; one had not yet been lowered, and one was being lowered? - Yes.

4299. Did you look at both sides, the port side and the starboard side? - No.

4300. Which side did you look at? - The starboard side.

4301. When you say there were only two boats left you mean there were two boats left on the starboard side? - Yes.

4302. Do you know one way or the other whether there were any left on the port side? - I could not say.

4303. The two boats you refer to were the two right aft? - Right aft.

4304. Which was the one which was being lowered? - The second one from the end.

4305. The last but one? - Yes.

4306. Were there people on the deck? - They were all in the boat, barring five firemen.

4307. Was not there anybody left on the boat deck? - Only the men that lowered the boat.

4308. No women left? - I never saw any.

4309. And the men who were lowering the boats, were they members of the crew? - Yes.

4310. Did you see any officer? - Yes.

4311. Who was he? - I do not know his name.

4312. You do not know which officer it was? - No.

4313. What did you do? - I be alongside the other boat.

4314. I did not quite hear what you said? - I stopped alongside No. 15 boat.

4315. What happened to you after that? - The officer ordered five of us into it.

4316. And you were one of the five? - Yes.

4317. And the boat was lowered? - Yes.

4318. No. 15? - Yes.

4319. No. 15 was the last one; we have not had any evidence about that. It was No. 13 we have had evidence about. Did it get down to the water safely? - We lowered it just aft the boat deck to the first-class. We called out there for women. We got a few there till we got no more, and then we lowered down to the third-class, and we took more till we could get no more.

4320. First of all, you lowered from the boat deck to what you call the first-class? - Yes.

4321. Is that what one sees there, the open deck just below the boat deck (pointing)? - Yes.

4322. When you got there, you say you called out for more women? - Women and children.

4323. You mean called out from the boat? - Yes.

4324. And were there people there? - Only a very few came, Sir.

4325. And when they did come, was there room for them in the boat? - Plenty.

4326. Plenty of room? - Yes.

4327. And they got in? - Yes.

4328. About how many? - About five we got off the first-class.

4329. That is from the first-class deck - A deck? - Yes.

4330. Were there any men on that deck? - I never see any, Sir.

4331. You mean that you took into your boat everybody who came on deck A? - Barring what the officer may have stopped alongside the davits.

4332. The davits would be on the boat deck? - Yes.

4333. Then you were lowered a bit further, were you? - Yes.

4334. What do you mean by saying you were lowered to the third-class? - To the lower deck - here (*pointing on the model*).

4335. My Lord, may I just ask him to point out the place, because I think it is a little important to know. Will you show me where your boat got to? You mean here (*pointing on the model*)? - There (*showing*).

4336. (*The Commissioner*.) Just show me again, please. Go back to the model? - Here (*pointing*).

4337. (*The Solicitor-General*.) As it is in this model here it looks as though those decks were shut in with windows and casing. Was that so? - No.

The Commissioner: Well, Sir John, they were perhaps shut in for a certain length with windows, but perhaps the windows stopped at a point. It occurs to me that possibly there were no windows there, though there may have been windows towards the middle of the ship.

The Solicitor-General: Yes, my Lord. There is a boat at any rate which comes down here (*showing*).

The Commissioner: But I thought you were suggesting, you know, that the passengers on this deck that he is now talking about could not get on to the boat because of the glass in the windows.

The Solicitor-General: I was not quite clear which deck he meant, my Lord.

The Attorney-General: I understand that these windows are windows that you can open and pull up just like you do in a railway carriage, only that they are bigger. They are to protect the passengers from wind and rain - for shelter purposes.

The Commissioner: I think those windows do not extend the whole length of the ship?

The Solicitor-General: No, they do not.

The Commissioner: And therefore it may be at the place where he was pointing there were no such windows?

4338. (*The Solicitor-General.*) Probably he can tell us. (*To the Witness.*) Do you remember whether when you got to this lower deck there were windows that had to be opened, or whether it was clear? - No.

4339. Which was it? - All clear.

4340. Then you called for more people there, did you? - Yes.

4341. And how many people came there? - Crowds of them.

4342. Did more come than you could take in? - No.

4343. For more than you could take in? - No.

4344. How many do you think you took in from the lower deck? - We took in about sixty, Sir.

4345. (*The Commissioner.*) That is in addition to the five that you had taken from the boat deck, from the upper deck? - Yes.

4346. (*The Solicitor-General.*) From deck A? - Yes.

4347. Perhaps you can tell us this - when you were ordered in at the boat deck you and five others, was there nobody in the boat already? - No.

4348. It was empty? - Yes.

4349. Then you made the first five to get into it? - Yes.

4350. Then it was lowered to the A deck and you took in about how many? - Five.

4351. About five more? - Yes.

4352. That would make ten? - Yes.

4353. And then you are lowered to the lower deck, and you take in you think about 60? - Yes.

4354. That would make about 70? - Yes.

4355. Do you say that you took in everybody who came at that time at the lower deck? - Yes.

4356. You left nobody behind? - No, Sir.

4357. Can you tell me about these 60 - first of all were they men or women? - All women and children.

4358. Were there no men about? - Yes, Sir.

4359. You did not take them in? - No, Sir.

4360. Were they on this same lower deck? - Yes.

4361. How was that, were they standing back? - Yes.

4362. Did you see anybody there keeping order? - No.

4363. Were the men passengers, or stewards, or crew, or what? - They seemed to be third-class passengers.

4364. That is what you thought they were? - Yes.

4365. And they were standing back, were they? - Yes.

4366. And as far as you could see were all the women and children from there taken on board? - Yes.

4367. When you say they were third-class passengers what makes you think so? - I generally know the difference between a third-class passenger and a second.

4368. At this rate, you did not take any second-class passengers into your boat? - Not to my knowledge, Sir.

4369. (*The Commissioner.*) You think that the 60 women you took were all third-class

passengers? - Yes, my Lord.

The Solicitor-General: Of course, the deck he is speaking of is, undoubtedly, a second-class deck.

The Commissioner: Yes.

4370. (*The Solicitor-General.*) That was your impression, was it? - Yes.

4371. These women that you think came from the third-class, were some of them foreigners? - They were Irish girls.

4372. It is a nice question whether they are foreigners or not? Then, your boat, I suppose, was as full as it would hold, was it? - Yes.

4373. Who took charge of it? - One of the firemen.

4374. What is his name? - Diamond [Dymond].

4375. Then there was you, and were there only three others of the crew? - Four.

4376. Four others? - Yes.

4377. Diamond [Dymond] and yourself, and four others? - Three more.

4378. I thought so - Diamond [Dymond], yourself and three others? - Yes.

4379. Were the other three firemen too? - Yes.

4380. You pulled away from the ship a bit? - Yes.

4381. I do not propose to go into the details of this, my Lord, because it is simply duplicating previous evidence, and you were picked up by the "Carpathia"? - Yes.

4382. Had you got any room on your boat to take on board anybody more? - No.

4383. Perhaps I might just ask you this as there is a statement about it. Did you hear, or do you know at all from your No. 4 section what was the pressure of steam you were to get to? - 225 lbs. steam.

4384. Was that the order? - That was not the order. That is what steam there was.

4385. 225 lbs.? - Yes.

4386. You must explain it to me; how do you know that? - By the gauge.

4387. Do you mean you read the gauge yourself? - Yes.

4388. The gauge would be near the boiler? - Alongside the boiler.

4389. And when was it do you think that you read that gauge? - Just before I went into the bunker.

4390. You did? - Yes.

4391. Is that your regular course to look at the gauge before you go into the bunker? - No.

4392. But you think you remember that? - Yes.

4393. When was it that you went into the bunker; what was your watch? - 8 to 12 watch.

4394. You started work at 8, did you? - Yes.

4395. Do you remember about the gauge at any other time during this trip? - We had orders to keep 200 lbs. steam.

4396. You heard that those were the orders, to keep 200 lbs.? - Yes.

The Commissioner: Have you no better evidence on this point than this?

The Solicitor-General: I put the question because I saw there was a reference to it in the statement he had made, but I quite recognise it is not the best evidence.

The Attorney-General: All the engineers are drowned. We are getting the best evidence we can.

The Commissioner: Were there any engineers saved?

The Attorney-General: No, all the engineers were drowned. They all remained at the bottom of the vessel.

Examined by Mr. SCANLAN.

4397. Are you quite sure that you noticed on the gauge an indication of 225 lbs. steam? - Yes.
4398. Do you know that those engines are only designed for a working pressure of 215 lbs.? - No.
4399. The boilers, of course, you are referring to? - Yes.
4400. Can you say what length of time elapsed from the collision until you first went into the alleyway when you saw the third-class passengers? - About an hour and a half.
4401. And do you say they seemed to be wet through then? - Oh, no. It was just on two hours by the time I saw them wet through.
4402. How long was it when you went up to the alleyway and saw those third-class passengers and they seemed to be wet through? - I give about two hours for that time.
4403. Two hours had elapsed then? - Yes.
4404. In what direction were those passengers going? - Right aft.
4405. When you found water in this compartment, No. 4, in which you were working were the pumps being used? - I do not know about the pumps.
4406. Could you see when you were leaving compartment No. 4 whether the watertight door had been shut or not? - The door was shut.
4407. You are quite sure it was shut? - Yes.
4408. (*The Commissioner.*) Which door is this?
4409. (*Mr. Scanlan.*) Are you referring to the watertight door between compartment 3 and compartment 4? - Between 4 and 5.
- The Commissioner:* There is no suggestion that that was open.
4410. (*Mr. Scanlan.*) No, my Lord. (*To the Witness.*) You know the corresponding watertight door between 3 and 4. Had you sufficient light at the time you were leaving No. 4 by the escape ladder to see whether or not that door was closed? - You cannot see that door from that stokehold.
4411. You could not see it from the stokehold? - No.
4412. (*The Commissioner.*) It is down a little tunnel? - Yes.
4413. (*Mr. Scanlan.*) You would not be in a position at any time to see whether it had been opened or not? - No.
4414. Do I gather from what you have told us that the crew in this lifeboat, No. 15, was yourself, Diamond [Dymond] and three firemen? - Yes.
4415. Any sailormen at all? - No sailormen.
4416. Was there anyone in that boat, No. 15, who knew about managing a boat? - Five of we crew did.
4417. Who took charge of her? - Diamond [Dymond].
4418. And is Diamond [Dymond] a trimmer? - A fireman.
4419. Had you sufficient of a crew to row safely? - We done our best, which we did; we managed her.
4420. Had you difficulty? - No, not to say difficulty.
4421. Had you ever been called to a boat station - I take it you had not - on the "Titanic"? - No. The only boat drill as I ever had was when we went to New York, on Sunday morning.
4422. But none on the "Titanic"? - No.
4423. Did you usually have boat drill on the other boats you have been on? - No.
4424. On any boat? - No.
4425. What other boats have you been on? - The "Adriatic," the "Oceanic" and the "Olympic."
4426. All White Star boats? - Yes.

4427. Do you mean to tell us that on none of those boats at any time have you had boat drill? - Only when we have been at New York for the week.

4428. For the week-end? - When we have stopped there a week we go up there on a Sunday.

4429. Has it not been a practice on the White Star ships to muster the men to their stations? - I never had one yet.

4430. You have never been to a station? - No.

4431. How long have you been on the White Star? - Eighteen months.

4432. Prior to that had you been on any other lines? - No.

4433. That is your whole experience of the sea? - Yes.

Examined by Mr. ROCHE.

4434. What engineer was in charge of your section? - The engineer I think on our watch was Mr. Harrison.

4435. Did you see him when you came out of the bunker and went up the escape ladder? - No.

4436. The fires were still going when you left? - Not going, we drew what we could.

4437. You drew them? - Yes.

4438. Before you went up? - After I came down again - not the first time.

4439. Was Mr. Harrison still there then? - No, Mr. Farquharson was the only engineer I saw.

4440. Mr. Harrison was not there and Mr. Farquharson was then in the engine room? - Yes.

Examined by Mr. HARBINSON.

4441. There were a great number of third-class passengers on the liner? - Yes.

4442. Did you hear or see anybody giving them instructions where to go to? - The stewards I did.

4443. Did you see stewards? - Yes.

4444. What did you hear them say? - They were telling them to keep calm.

4445. Did they seem to be excited? - The passengers did.

4446. They were proceeding aft? - Yes.

4447. How long was it from the time you saw these passengers in the alleyway until you got into the boat on the boat deck? - About two hours.

4448. Two hours afterwards? - Yes.

4449. During the intervening time you had been down below? - Yes.

4450. You do not know what took place in the interval? - No.

4451. When you came on to the boat deck you saw no one there? - No.

4452. On the first-class deck you took all the women and children? - Yes.

4453. Were there many men left on the third-class deck? - No, very few.

4454. How do you know? - From what we saw there.

4455. You were in the boat? - Yes.

4456. You did not go on to the deck? - No.

4457. So that all your knowledge is confined to what you saw from the boat? - Yes.

4458. You say the men were standing back? - Yes.

4459. Was any one keeping them back? - Not to my knowledge.

4460. Could any one have been keeping them back without you knowing? - No.

4461. You say so. A number of them were Irish? - Yes.

4462. Were not there windows between the third-class deck and where you were in the boat? - No.

4463. No windows; space clear? - Yes.
4464. You could see all who were on the third-class deck? - Yes.
4465. Did you see any people further aft than the position you were in the boat? - No.
4466. Did you look? - No.
4467. Have you any idea as to how many of these passengers were Irish? - Most of them.
4468. Most of the people who were left behind? - I could not say what was left behind.
4469. On the deck? - I cannot say.
4470. But a number of Irish were with you in the boat? - Yes.

Examined by Mr. LEWIS.

4471. With regard to the inspection at Southampton, do the trimmers take part in that at all? - Which?
4472. The ordinary Board of Trade inspection? - No.
4473. They take no part whatever in it? - No.
4474. There is a boat list placed on board? - I never saw it.
4475. Did you look for it? - Yes.
4476. You looked for it and could not see it? - Yes.
4477. Did you have any difficulty in lowering your boat - boat 15? - No.
4478. Was there a plug in your boat? - We tried to find a plug.
4479. Could you find it? - I do not know whether they did or not. I know they asked for matches to find it. Whether they found it or not I could not say.
4480. They must have found something, I suppose. It evidently had a plug in or else you would have gone down? - You could put your hand over it.
4481. Was that done, do you know? - I cannot say.
The Commissioner: The boat did not go to the bottom?
4482. (*Mr. Lewis.*) No; so I understand, my Lord. (*To the Witness.*) You do not know whether a cork was thrown into the boat? - No.
4483. Anyway, there was a difficulty in finding the plug. With regard to these third-class passengers, you said when you came from your bunker that there were a large number hurrying on deck? - Yes.
4484. And then when you went to this boat deck there were very few of them? - Yes.
4485. Where do you imagine they went? - I should think they was in the boats. I never see them any more.
4486. If they were not in the boats, where do you think they went. Where were they going? - They were going right aft to the boat deck, the best way.
4487. How many were on watch at the time in your division? - There were ten firemen.
4488. What is a complete watch - 70 or 80, is not it? - Over that.
4489. 83? - About that.
4490. How many were saved? - Seven.
Mr. Lewis: 7 out of 83.

Examined by Mr. LAING.

4491. When you left your section No. 4 to go to the boat deck, did you pass along the alleyway? - Yes.
4492. Was there water in it? - No.
4493. None at all? - No.

4494. I mean the last time you went up? - I never saw any.
4495. There were five men in this boat. What did you do - lay to your oars? - Yes.
4496. Was that all you did? - Yes.
4497. That was all you wanted to do, was not it? - Yes.

Further examined by the ATTORNEY-GENERAL.

4498. Did you see any lists like these up on the boat (*showing lists.*)? - No.
4499. You did not see any? - No.
4500. Do you know whether any of the others had their boat stations? - I cannot say.
4501. Did you never hear anything about boat stations the whole time you were abroad? - No.

(The Witness withdrew.)

(After a short adjournment.)

ALFRED SHIERS, Sworn.

Examined by Mr. BUTLER ASPINALL.

4502. Were you a fireman on the "Titanic" at the time of this casualty? - Yes.
4503. Did you join the ship on the day she left Southampton? - Yes.
4504. Did you see any boat's list? - Not at Southampton.
4505. After you left Southampton did you see any boat's crew list? - Yes, the Sunday afternoon.
4506. On the Sunday? - Yes, after we left Southampton.
4507. Not till Sunday, the day of the accident? - No.
4508. Where did you see it? - Posted outside the fore-castle door.
4509. I suppose if you had looked there before you might have seen it before? - No, I saw them put it up.
4510. You saw it being put up on the Sunday? - Yes.
4511. What time on Sunday did you see it being put up? - It was after dinner, but I could not say what time.
4512. At what time do you dine? - At 12 o'clock, as a rule.
4513. Who was putting it up? - One of the engineers.
4514. After it was put up did you look at it and see what your boat was? - Yes.
4515. What was the number of your boat? - No. 3.
4516. At the time of the striking of the iceberg were you off watch? - Yes.
4517. It was the 8 to 12 watch, was it not? You were off watch? - Yes.
4518. Where were you? - In my bunk.
4519. Did you feel the shock? - Yes.
4520. On which side are your quarters, on the port side or the starboard side? - On the starboard side.
4521. What did you hear or feel? Did you hear anything? - The rumble - the shock. It was not much.
4522. What did you do? - I got out of my bunk and went up on the deck.
4523. When you got on deck, did you see anything? - I went on to the fore-castle-head first, and underneath.

4524. On the fore-castle-head did you see anything? - No.
4525. Did you see any ice? - I did on the deck - when I got out on the deck.
4526. Did you leave the fore-castle? - Yes.
4527. And go where? - I left the fore-castle and went underneath the fore-castle-head.
4528. Did you see ice? - Not there.
4529. Where did you see ice? - On the forewell deck.
4530. Did you have a look round? - Yes.
4531. Did you see anything? - I saw the berg that was going away.
4532. Where was the berg away from you - on the port side or the starboard side, or ahead, or where? - On the starboard quarter, off the stern.
4533. It was off your quarter, was it? - Yes.
4534. How soon after you felt the striking of the iceberg did you see it away on your quarter? - About four or five minutes.
4535. Tell me what you did - that will give me an idea - did you get up at once? - Yes, I was reading in my bunk at the time.
4536. You got up at once? - I went up on the fore-castle.
4537. Did you run up? - I walked up; our fore-castle is only outside the companion ladder.
4538. Did you see the berg then? - No, not then.
4539. What did you do before you saw it? - Looked towards the window underneath the fore-castle-head to see if there was anything there.
4540. That took a short time, I suppose? - It is only just a walk round from our room.
4541. What did you do next? - Came out on the deck; on the starboard side of the deck.
4542. Was it then you saw the berg? - I saw the ice then, and then the berg when I looked over the side.
4543. And then the berg was away on the starboard quarter? - Yes.
4544. About how far off? - I could not say; it was very dim then; I could just see it.
4545. It was a dark night? - Yes, a starry night.
4546. Starry, but dark. When you saw the berg could you judge whether your ship was stopped or going ahead? - When I looked over the side there was a slight way on her; she was moving, but not much.
4547. You were moving through the water? - Yes, but not much.
4548. What did you do after you saw the berg? - I went down to the fore-castle again.
4549. Why did you go back to the fore-castle? - It was no good stopping on deck. There was nothing there only to see it going away.
4550. You thought there was nothing the matter, is that so? - Yes.
4551. When you got back to the fore-castle did you see anything which told you there was something the matter? - Not then.
4552. Did you go down into the fore-castle? - Yes.
4553. Did you see anything or hear anything there? - No.
4554. Did you see any water? - Not then.
4555. Did you remain in the fore-castle? - Yes.
4556. Did you go back to bed? - No. I sat on my bunk.
4557. How long did you sit on your bunk before you noticed or heard or saw anything? - Not long. There was a fireman there with his toe cut.
4558. Did you do anything with this fireman? - Yes.
4559. Did you take him somewhere? - Yes.
4560. Where did you take him? - To the doctor.
4561. Did that take just a short time? - Yes.

4562. After that what did you do? - There was no doctor there then.
4563. After you had taken him to the doctor's shop, where did you go to? - I came back again to the forecastle.
4564. On this occasion when you got back again to the forecastle, did you see anything? - Yes, the wind coming up through No. 1 hatch; air was forcing the hatch.
4565. You could see that, could you? - Well, you could hear it there.
4566. Did you see anything? - No, not then.
4567. Did you remain there? - No, I took this man down to the other part of the ship. There was no doctor there at our place, and I took him under the alleyway towards the ship aft.
4568. After that did you go back again to the forecastle? - Yes.
4569. Now on this return to the forecastle, did you see anything? - Yes.
4570. What did you see? - Water coming up through the hatch.
4571. There are two hatchways, I see on the plan. Would it be No. 1 you are speaking of? - Yes.
4572. Where was the water? On what floor or deck was it when you saw it? - I do not know the No. of the deck.
4573. Where your quarters are? Was it on that deck? - No.
4574. Below that? - Below that.
4575. Was it coming up slowly or fast? - Slowly.
4576. Now, seeing that water, did you do anything? - No, we stood about watching it.
4577. How long did you stand about looking at it? - I could not tell you.
4578. Was it a short time? - That I do not know.
4579. What did you do? You stood about, you say? - Yes.
4580. What did you do next? - Went up on the deck again, the forewell deck.
4581. When you got there, did you see any passengers there? - Not on our deck; not on the well deck; only the crew.
4582. What did you do when you got on the forewell deck? - I stood about talking with the crew.
4583. And what happened next? - I went down to the forecastle again.
4584. You returned to the forecastle? - Yes.
4585. When you got back to the forecastle on this occasion, did you again see the water? - No. I went down to put my coat on then, when I went down the next time.
4586. Was there water to be seen when you looked? - Yes.
4587. Had it got higher? - Yes.
4588. A good deal higher? - Yes.
4589. Did you clear out or remain there? - I remained there, and went up on deck again after that.
4590. When you got to the deck on this occasion did you see any people there - any passengers? - No, only the crew, with their lifebelts.
4591. They had their lifebelts on? - Yes, they had had orders to get them then.
4592. Did you remain there? - I went down to the forecastle-head to get my lifebelt.
4593. Did you get it? - No.
4594. Why was that? - There was none there for me.
4595. Where did you go to look for a lifebelt? - On the rack.
4596. They had all gone? - Yes.
4597. Had there been lifebelts there before? - Yes.
4598. You had seen them? - Yes.
4599. The other members of the crew had taken those that were there? - Yes.

4600. Then did you come up again? - I came up on the deck.
4601. Where did you go to then? - I stood round.
4602. Did you hear any orders being given? - Yes, one order came down to go up to the boats.
4603. Did you go up to the boats? - Yes.
4604. Which boat was yours? - No. 3.
4605. Did you go to No. 3? - Yes.
4606. When you got to No. 3 was there anything being done with No. 3? - No.
4607. Was there anybody at No. 3? - No.
4608. Any of the crew? - No, there was only me there.
4609. Were there any passengers there? - Passengers were getting into No. 7 boat.
4610. Was No. 7 boat being looked to? - Yes.
4611. You had got to No. 3. Did you remain at No. 3? - No, I walked down the deck just to look at this boat.
4612. No. 7? - No. 7.
4613. Did you help to get No. 7 away? - I helped to clear the falls.
4614. Were the falls in good working order? - They were new.
4615. Did they work properly? - Yes.
4616. Did you see that boat lowered down? - Yes.
4617. Where did you go to after that? - I came along the deck towards my own boat.
4618. No. 3? - Yes.
4619. When you got to No. 3 boat, your own boat, was there any officer at it? - No.
4620. Any other members of the crew? - Three or four firemen about.
4621. Where was No. 3? Was it in the chocks then, or was it outboard? - Outboard.
4622. Somebody had put it outboard? - Yes.
4623. You got back to it. What happened about it, did you remain at it? - Yes.
4624. What was done with regard to that boat? - Nothing then.
4625. Did you remain there till something was done? - Yes, I was in between the chocks of the two boats.
4626. What was done? - Nothing to that boat.
4627. Yes, I know, but later something was done? - No. 5 boat was filled up.
4628. After No. 5 was filled, did an officer come to No. 3? - No.
4629. Did somebody come to No. 3? - He sung round for any of the crew.
4630. Who sung round for any of the crew? - An officer.
4631. Did some of the crew come and attend to No. 3? - There were only two firemen.
4632. Was No. 3 attended to? - Not then.
- The Commissioner:* When will you get this man to say something which is material?
- Mr. Butler Aspinall:* It is very difficult, my Lord.
- The Commissioner:* He seems to have spent his time running about from one place to another.
4633. (*Mr. Butler Aspinall - To the Witness.*) Very shortly afterwards did somebody come and attend to No. 3? - I could not say.
4634. Was No. 3 swung out? - It was swung out off the chocks.
4635. It was? - Yes.
4636. Did you see it swung out? - Yes.
4637. Who swung it out? - I could not tell you.
4638. Some of the crew? - I do not know. I was not there then. I was not there when it was swung out.
4639. (*The Commissioner.*) Did you ever get to No. 3? - Did I get to No. 3? No. 5, Sir.
4640. (*Mr. Butler Aspinall.*) No. 3 was your boat? - No. 3 was my boat.

4641. (*The Commissioner.*) Did you ever get to it? - Yes.
4642. (*Mr. Butler Aspinall.*) Did you see it swung out, or was it swung out when you got there?
- It was swung out. All the boats were swung out when we got up there.
4643. Were women and children put into No. 3? - No.
4644. (*The Commissioner.*) Was anybody put into No. 3? - No.
4645. Did it remain empty from the beginning to the end? - No, it came away after. He asked for any of the crew; he turned and asked me what I was. I said, "A fireman," and he said, "Get into the boat."
4646. (*Mr. Butler Aspinall.*) Did you get into it? - I got into No. 5 boat.
4647. You did? - Yes, the boat he ordered me to.
4648. You left No. 3 and got into No. 5? - No, I was in between the chocks between No. 3 and No. 5.
4649. (*The Commissioner.*) Did you ever get into No. 3 at all? - No, there was nobody in that boat then.
4650. You never got into No. 3? - No. We had to stand by the boats.
4651. (*Mr. Butler Aspinall.*) Were there any passengers about No. 3 boat? - No, only where they were filling the other boats.
4652. No passengers about No. 3, and no officer or seaman about No. 3? - There might have been seamen; I did not see them there though.
4653. Then you got into No. 5? Was No. 5 lowered? - Yes.
4654. Who were in No. 5? You were, who else? - One other fireman, a steward, and a quartermaster.
4655. And were there some women and children in No. 5? - Women, no children.
4656. Do you know how many women? - No.
4657. Was the boat full or not? - It was not full - as many as it would take off the davits was what the officer said - as many as he thought the boat would take off the davits.
4658. As many as the davits would support, I suppose he means, my Lord - as many as they would safely carry. (*To the Witness.*) When the boats were lowered were there other women left on the ship? - I never noticed any.
4659. When the boat was lowered what became of the boat? Did it remain close alongside the ship or row off a bit? - We had orders to row off a bit from one of the officers on top.
4660. And were the orders obeyed? - Yes.
4661. Did you see the vessel sink? - Yes.
4662. Did you look to see if there was any light in the boat? - No, there was no light.
4663. Did you look? - No, I did not; it was not my place.
4664. As far as you know, did anybody look for a light? - I could not say who looked before we got up there.
4665. Were there oars in the boat? - Yes.
4666. How many oars were being pulled? - Four.
4667. You did not count the number of the people in the boat? - No.
4668. You do not know? - No.
- Then you were picked up by the "Carpathia."
4669. (*The Commissioner.*) Can you give us any idea of the number of the people in the boat? - I could not.
4670. Were there 100 people in it? - No, my Lord.
4671. Then, you see, you can tell us something. Were there 60? - About 40.
4672. You see you can tell us if you try. Were they women or mixed? - Women.

Examined by Mr. SCANLAN.

4673. You have told the Court that an officer was giving orders on the boat deck shortly before you got into No. 5. Is that so? - Yes.

4674. Do you know who that officer was? - The officer who got into our boat mentioned his name when he gave him orders.

4675. Is this what you are trying to convey, that the officer who sang out for a crew for No. 3 was the quartermaster who got into your boat, No. 5? - No.

4676. Try and recollect. You have spoken of an officer on the boat deck singing out for a crew? - Yes.

4677. What officer was that? - I do not know.

4678. Was it because no crew came for lifeboat No. 3 that you were sent to the lifeboat No. 5? - No, the crew were there.

4679. Was there a crew for No. 3? - No, there was only me there for that boat, and I went for this other boat.

4680. Did the officer sing out for a crew? - He said, "Are there any of the crew here?"

4681. And was there any of the crew there except you? - Me and another fireman and a quartermaster.

4682. How long was it from the collision until that order was given by the officer? - I could not say.

4683. You have no idea at all? - No.

4684. An hour? - It may have been.

4685. Was there confusion amongst the officers and amongst the crew? - No.

4686. If there was no confusion amongst the officers and amongst the crew, how can you account for this, that so long after the collision as the time you speak of when the officers gave the order the crew had not come to their boats? - They were all standing about; they did not think it was serious. So many had come up, those who heard the order.

4687. You spoke of an order having been given down in your quarters to go up to the boat deck? - Not in my quarters - off this deck. It came from the top deck; I do not know who gave the order.

4688. I suppose there must have been confusion among the officers and the men if they could not get proper crews for the boats? - No; there was one boat filled with women when I got up there.

4689. You found on the rack where your lifebelt should have been that there was no lifebelt? - Yes.

4690. Are we to understand from you that there were not provided in your quarters sufficient lifebelts for all the men there? - There was none there for me when I got there.

4691. And you did not see any of your fellow members of the crew having more than one lifebelt? - Yes.

4692. What? - Yes.

4693. Had some of them more than one? - Only the one lifebelt on them and holding one for another man to put on. That is all I saw.

The Attorney-General: We do not want unnecessarily to go into evidence about that, and we have not asked; but is it suggested that there were not enough lifebelts on the boat?

Mr. Scanlan: I only make the suggestion because this Witness in his evidence in chief said that there was no lifebelt for him when he came down to find it.

The Commissioner: What he said, Mr. Scanlan, was, as I understand, that there was a lifebelt for him in his bunk, but when he came, after he had been wandering about over the ship for some

time (what he was doing I do not quite know), he found his belt had gone.

The Attorney-General: I only asked my friend because we do not want to go into this evidence with all the Witnesses. I do not think there is any question of there not being sufficient lifebelts on board.

Mr. Scanlan: There has not been any question. The only thing that suggested it was the evidence of this man himself.

The Commissioner: When he went back, after he had been wandering about, he found his belt had gone.

4694. (*Mr. Scanlan - To the Witness.*) What distance from the ship was the iceberg when you saw it? - I could not say.

4695. After you got on to the fore-castle deck? - I could not say; I do not know the distance.

4696. Can you give some idea as to this? What height was the iceberg standing above the water? - I could not say that.

4697. Was it higher than the fore-castle? - About that - higher than the fore-castle; it looked higher anyway.

4698. I suppose it must have been higher, as some of the ice from it fell on to the fore-well deck? - Yes.

4699. Could you get a good view of it from where you were standing? - No, only dim.

4700. Was there a haze at the time; was the air clear, or was there a haze? - It was hazy.

When I saw that berg it was hazy. The berg was in a haze.

4701. Had you a sufficient crew in No. 5 to man that lifeboat? - No.

4702. There was no light in the boat? - No.

4703. I suppose you know that if there had been a light provided it would have been found in the usual place? - Yes.

4704. Where is the usual place in a lifeboat? - Underneath one of the thwarts of the boat.

4705. Was it looked for there? - Yes.

4706. By whom? - I do not know. When we got down into the water it was looked for.

4707. Do you know whether this boat had a compass? - No, I never saw one.

4708. Had it a sea anchor? - I do not know that.

Examined by MR. HARBINSON.

4709. Can you tell me how long elapsed from the time of the collision until you got to your boat No. 5? - Over half an hour.

4710. You got into the boat half an hour from the time of the collision? - I should say about three quarters of an hour.

4711. That is to say you got into the boat three quarters of an hour after the collision? - Yes.

4712. And the intervening time you spent going up and down? - Yes, it was after the fireman had cut his foot; I went for the doctor.

4713. After your passages up and down you saw what was going on; during this time that you were going to the fore-castle backwards and forwards, you could see what was going on? - I saw men standing about.

4714. Your quarters, I understand, were very near the third-class - near the steerage quarters, in the front of the boat? - On the top part, the first door when you get down in our quarters.

4715. So that the steerage was quite close to you? - Yes.

4716. Did you hear any of the stewards or other officials of the White Star Line giving any instructions to the steerage passengers? - No.

4717. Could such instructions have been given without your hearing them? - Yes.

4718. Did you see any of the stewards or other officials going about while you were going up and down? - On the other deck - when I was going aft, I saw them then.

4719. In the front? - No.

4720. About the forecandle? - No.

4721. And so far as you know, none were given? - No.

4722. Now you say you saw a number of people standing about; who were they? - The crew.

4723. Did you see any of the third-class passengers coming out of their bunks? - No.

4724. None? - No.

4725. During none of the times when you were going up and down? - They were nowhere near the third-class bunks.

4726. Are not they at the front? - No, not that I know of.

4727. Do you know whether or not the male portion of the steerage passengers was in front of the boat, in the forecandle? - No, I do not know.

4728. You do not know? - No.

4729. You never saw any of them? - No.

4730. And you heard no instructions given? - No.

4731. Now who was supposed to give you orders in case of emergency? Under whose control were you supposed to be? - The engineer's.

4732. Were there any engineers about to give you any orders? - No.

4733. How did you come to go to the boat deck? - I was sung off the boat deck.

4734. And it was in answer to this order that you went to the boats? - Yes.

4735. How many officers were up there at the time? - I could not say.

4736. Did you see any? - No.

4737. You do not know who was the officer who told you to get into boat No. 5? - No; he was an officer.

4738. Did you see any officer or anyone giving instructions as to the manning of boat No. 3? - No.

4739. Were there many people on the boat deck at the time - many passengers? - No.

4740. When you went up there? - No.

4741. Were there many about boat No. 5? - That boat was filled.

4742. Boat No. 5 was filled? - Yes.

4743. Do you suggest that all the passengers practically on the boat were being taken away by boat No. 5? - All the women.

4744. Were there men left behind? - Yes.

4745. Many? - I could not say how many.

4746. Did you see men standing about? - Yes.

4747. Were they members of the crew or passengers? - I do not know.

4748. Do you know who manned boat No. 3? - No.

4749. Did you see it lowered? - I saw it come down after us into the water.

4750. How many people were in it? - I could not say.

4751. While your boat was being lowered did it stop at the third-class deck? - No.

4752. It went straight down? - It went straight down.

4753. Was your boat full? - What it would hold off the davits; they would not have any more in the boat.

4754. You do not know whether or not there were any women left behind on any of the decks? - No; it was the second boat lowered.

4755. After you came down you rowed some distance away? - Yes.

4756. Did you see the "Titanic" sink? - Yes.

4757. What did you do when you saw the "Titanic" sink? - I had orders to pull round the front of the boat.

4758. Did you do so? - Yes.

4759. Did you pick up any passengers? - No, we never got so far as that.

4760. Did you hear cries? - The women in the boat stopped that, and the officer who was in charge of the boat -

4761. Stopped them going round? - Officer Pitman told us to pull to the boat.

4762. Was he the officer in charge? - Yes.

4763. Where was he? Was he at an oar? - No, in the stern.

4764. And the women said, "Do not go back"? - "Do not go back."

4765. And what did he say? - We were pulling away and he told us to lay on our oars.

4766. And he did not go back? - We pulled again afterwards.

4767. Did the boat go back? - I do not know where it was; I was not steering the boat.

4768. You were at the oar? - Yes.

4769. As a matter of fact, did you hear cries at this time - Yes.

4770. Many cries? - Wailing noises.

4771. Were they far from you? - I could not tell you the distance.

4772. Could you see any passengers in the water? - No.

4773. You had not a light in the boat? - No.

4774. You did not pick up any passengers out of the water? - No.

4775. Had you room for more passengers? - There was room for more.

4776. There was room in the boat and the officer acting under the instructions of these female passengers refused to allow the boat to go back? - They said if they went back the boat would be swamped.

4777. Who said that? - The passengers - the females in the boat.

4778. What did he do? - He gave orders to lay on our oars.

Examined by Mr. LEWIS.

4779. Have you ever received instructions as to what to do in the event of a collision or accident? - No.

4780. None whatever? - No.

4781. As a matter of fact I suppose you would have obeyed only orders given to you by the engineers or any other officer? - Yes.

4782. You were off duty at the time? - Yes.

4783. You sort of went about on a roving commission? - Yes.

4784. All parts of the deck? - I went to the well deck and to the forecastle.

4785. You did not see any disorder at all? - No.

4786. Did you see any of the passengers being left on the decks? - No.

4787. Is it customary to have any officer tell you in any way at all how you are to muster in the event of an accident? - No.

4788. So that as far as you were aware all you had to do was to wander about and await instructions? - We had no instructions. We had no lifeboat drill or anything of that kind.

4789. How long have you been in the employ of the White Star Company? - This is my first voyage with that Company.

4790. So far as the "Titanic" was concerned it had no drill whatever? - No.

4791. But you knew your boat? - Yes, that afternoon.

4792. Where did you get that information from? - The list.

4793. You saw a list? - Yes.

4794. Can you tell me why it was that so few men reported themselves to their boats. Have you any idea at all? You knew your boat number? - Yes.

4795. Can you explain why so few went? - No, I cannot.

4796. Did you leave many in your quarters? Were there many firemen left there when you went up? - There was none in my quarters when I went down for my belt; when I came up again they were on the deck.

4797. When you were in the boat, do I understand you heard the cries and you did not return because the officer was impressed by what the women had said that it was dangerous to go back? - Yes.

4798. I suppose if they had gone back, and there had been a matter of 100 people in the water, it would have been dangerous? - Yes.

4799. Very dangerous? - Yes.

4800. And you think that if the women did impress the officer, Pitman, not to go back, they were using common sense? Would you yourself, if you had been in charge, have gone back had you believed there to be a large number in the water? - I do not know.

You think it would have been very dangerous indeed?

Examined by Mr. COTTER.

4801. How long have you been going to sea? - Eleven years.

4802. What companies have you been in of first-class liners? - The Union Castle Company and the Royal Mail Company.

4803. Do those companies have general boat drill? I mean for all the crew? - Yes.

4804. Have you taken part in general drill? - Yes.

4805. Bulkhead drills as well as boat drills? - Yes.

4806. You knew exactly your station in those companies? - Yes.

4807. You did not have any drill in the White Star Line? - No.

4808. Now how did you know where your boat was? Had you ever been on the boat deck before? - No.

4809. So you simply had to roam round and find where your boat was? - No, I asked.

4810. Whom did you ask? - The quartermaster, when I got up on the deck. I asked him which was the starboard side.

4811. When you got to No. 5 what officer gave the order for you to go into No. 5 boat? - I do not know his name.

The Commissioner: He told us that three or four times.

4812. (*Mr. Cotter.*) You said that Officer Pitman was in No. 5 boat? - Yes.

4813. Was it Officer Pitman who gave the order? - No; there was another officer there.

4814. Who gave the order to lower the boat? - I do not know who that was.

4815. You do not know? - No.

4816. Did you assist to get the women and children into that boat? - Yes.

4817. Had you any difficulty? - No, I never had a difficulty.

4818. Was the boat far from the ship's side when she was slung out? - About a foot.

Examined by Mr. LAING.

4819. Did the officer who told you to lower away No. 5 tell you what to do when you got to the water? - He did not tell me; he told the other officer.

4820. What did he tell him? - When he got down into the water to take charge of that line of boats as they came down, and stand off at 200 yards.

4821. Stand off the ship 200 yards? - Yes.

4822. And Pitman, I think, was your officer that went in the boat? - Yes.

4823. Was there water in your boat? - No.

4824. Did you look? - Yes.

4825. Were there biscuits? - Yes.

4826. Was the officer on the deck who ordered your No. 5 boat to be lowered picking the crews for the boats? - He turned round and asked you what you were.

4827. And then told you to go into the boat if he selected you? - Yes.

Re-examined by the ATTORNEY-GENERAL.

4828. I think I understood you to say that on the Union Castle Line you had had bulkhead drills? - Yes.

4829. How often did you have them? - Every Saturday.

4830. What did you do? - Close the watertight doors, go to the boats, swing them out, and fetch them back inboard again.

(The Witness withdrew.)

CHARLES HENDRICKSON, Sworn.

Examined by Mr. ROWLATT.

The Attorney-General: We have a considerable number of these Witnesses, and what we propose to do is to take those who can throw any further light on the matter, but not necessarily through the whole story. We can take them more shortly now to the particular incidents which are of importance in the Inquiry, without going through the whole narrative. Also, my Lord, what we propose to do, as far as we can, is to call at least one Witness from every boat, so that your Lordship will be able to exhaust the story with regard to the boats.

4831. *(Mr. Rowlatt.)* This man happens to have been in No. 1 boat. *(To the Witness.)* Were you a leading fireman on the "Titanic"? - Yes.

4832. You joined at Southampton? - Yes.

4833. You do not know anything about the voyage till the accident happened, I suppose? - No.

4834. Do you know how fast the ship was travelling? - 21 knots.

4835. How do you know that? - The revolutions she was turning.

4836. You know what the revolutions were? - Yes.

4837. How do you know that? - The second engineer told me. I made it my business to find out, in the watch previous.

4838. 76 revolutions? - Yes.

4839. You say that is 21 knots. If it is not so, we shall hear. You were off watch from 8 to 12 on this Sunday night? - My watch was the 4 to 8 watch.

4840. Was it then you heard about the revolutions? - That watch.

4841. You were in your bunk? - I was asleep when it occurred, and got pulled out.

4842. Were you awakened by the shock? - No.

4843. Who woke you? - One of my mates in the room pulled me out. I was dead to the wide - dead asleep.

4844. Which side of the ship was your bunk on? - The port side.

4845. When your mate woke you up - who was it woke you up? - T. Ford.

4846. He was drowned, was he not? - Yes.

4847. When he woke you up, did you go on deck? - Yes.

4848. Did you see the iceberg? - Yes.

4849. Where was it? - Just abaft the engine room when I got on deck. When I got on deck first I saw a lot of ice on the deck, and I looked out and saw an iceberg astern just abaft the engine room.

4850. You came up very quick? - No, I walked up behind the others who were walking up.

4851. Had the ship nearly stopped then? - She was stopped.

4852. At that time I think you did not think it was very serious? - No.

4853. And you returned below? - Yes.

4854. You were going to turn in? - I was going to turn in and the same man, Ford, came back and said there was water coming in down below, that is down the spiral staircase.

4855. Did you look down the staircase? - Yes.

4856. Did you see the water? - I saw the water rushing in.

4857. Just let us have it clear where that is. Do you see this plan? - Yes.

4858. Is that it (*pointing on the plan*)? - The lowest of all.

4859. You looked down here and saw it? - Yes, I saw the water rushing in here (*pointing on the plan*). I saw it running out of the fore part of the pipe tunnel right down at the bottom of the stairs.

Mr. Rowlatt: That is what it is marked upon the map, my Lord - "pipe tunnel."

The Witness: That is the tunnel we go through from our quarters to go into the stokehold.

The Attorney-General: "Fireman's passage and pipe tunnel." You will find it on the same plan as the tank top we were looking at before.

The Commissioner: He got into the firemen's passage I understand?

Mr. Rowlatt: No, he did not, my Lord.

4860. (*To the Witness.*) You looked down the staircase? - Yes, the staircase leading to the stokehold.

Mr. Rowlatt: Your Lordship sees the spiral there.

4861. (*The Commissioner.*) Where were you looking? - Down the spiral stairway.

4862. And where did it lead from and to? - From our quarter to the stokehold, No. 11 stokehold, No. 6 section.

4863. (*Mr. Rowlatt.*) The spiral staircase led down to the bottom of the ship, and from there the fireman's passage and pipe tunnel led along to No. 6 section? - No. 6 section, No. 11 stokehold.

4864. Now where you saw the water coming - you saw it coming from aft, forward into the bottom of the spiral staircase? - From the starboard side.

4865. Are there two staircases? - Only one. There are two staircases, one up and one down, but there is only one our side. I was looking down the one on the port side - not down the staircase, but at the side of the staircase.

4866. You were looking down on the port side of the staircase? - Yes, and saw the water rushing in from the starboard side at the bottom.

4867. Are there two spiral staircases in that part of the ship or one? - Two. They are marked distinctly, one for going down and one for coming up.

4868. Which of the two were you looking down? - I was looking down the port one.

4869. Now is there a communication between the bottom of that spiral staircase and the bottom of the other one? - It is all open, just a handrail to go along.

4870. The water which you saw rushing down there could not have come from forward, could

it, because there is a bulkhead across? - It came from the ship's side I am telling you, the starboard side.

4871. You could not see where it was coming in, but you saw it coming from the starboard side? - I saw it coming from the ship's side.

4872. When you want to go aft along the passage, how long is it before you come to a watertight door? - At the bottom of the tunnel.

4873. How far on - how far had you to go before you got to the first stokehold that you come to? - I could not give you the distance. There are two watertight doors there, I know.

4874. There are two bulkheads? - Yes, about 6 feet apart. There is one here, and the other is about 6 feet away from it.

4875. It is marked there "coffer-dam watertight" - do you know what that means? - No.

4876. When you get down to the bottom of this staircase this tunnel runs amidships straight aft? - Yes, straight aft.

4877. Amidships? - Yes.

4878. Then do you go some little way before you come to the first watertight door? - Yes.

4879. Then you go through that and you go about the same distance before you come to the next one? - No, they are about 6 feet apart, those two watertight doors.

4880. Are those two watertight doors both close up against the stokehold? - Yes.

4881. Till you get there you do not have a watertight door before? - No, we get down through the tunnel leading to the stokehold.

Mr. Rowlatt: It is very obscure upon the plan, my Lord.

(The Solicitor-General explains the plan to the Commissioner.)

4882. *(The Commissioner.)* Now, Mr. Rowlatt, in order that we may have it on the Note, I want you to state the effect of this Witness's evidence; let him listen to you and say whether it is right. *(To the Witness.)* Have you heard what I said? - Yes, Sir.

The Commissioner: Now, listen to this gentleman and see whether he tells us what you have been saying, and tells it properly.

4883. *(Mr. Rowlatt.)* There are two spiral staircases which go down to the bottom of the ship, one for going down and the other for coming up? - Yes.

4884. And they go down in the same space? - Yes.

4885. And when they get to the bottom they both reach a fireman's passage, which is like a tunnel running amidships fore and aft? - Yes.

4886. And you go along that from the bottom of the spiral staircase aft until you come just before where you get into the foremost stokehold, No. 6 boiler section, and at that point you go through two watertight doors in a space of about 6 feet. Is that right? - Yes, before you reach the stokehold.

4887. And as you are going down that tunnel on your right hand and on your left there will be iron bulkheads? - Yes.

4888. Whether those are watertight or not, I suppose you do not know? - They are iron bulkheads, one on each side.

4889. *(The Commissioner.)* Are they watertight or not? - I could not tell you that; I do not know.

Mr. Laing: Yes, they are.

The Commissioner: But this Witness does not know it.

4890. *(Mr. Rowlatt.)* No, my Lord. *(To the Witness.)* But what I want to get from you is this. You said you saw the water coming from the ship's side; do you mean that. You saw it coming through the ship's side? - No, coming from the ship's side.

4891. That was merely the direction from which you saw it travelling? - Yes.

4892. That is, into the space into which the spiral staircase is descending? - Yes.

4893. You could not tell whether the water was coming through the fore and aft bulkhead at the bottom of the staircase, could you? - No, I could only see the direction it came from.

4894. Was it coming hard? - Yes, it was more than rushing in; it was falling in.

4895. Did it strike you it was coming in at a point which was not at the bottom of the bulkhead? - Well, you could not exactly tell that. There was a lot of water there and from the way it was rushing in you could not exactly tell how it was coming.

4896. Did you go and report that? - Yes.

4897. To whom? - The second engineer.

4898. Do you know what his name was? - I met Mr. Hesketh first, the second engineer, and reported to him.

4899. Did he give you any instructions? - He told me to get some lamps after that and get some men with me, and get some lamps as we come along and take them down below.

4900. Where did you find Mr. Hesketh? - In the working alleyway on the port side of the ship.

4901. And where did you go and get the lamps? - In the engine room.

4902. You went right along the alleyway to the engine room? - I went right through.

4903. When you got the lamps did you go back with them? - I got all the lamps I could get that were ready. I got five, and left four or five men there to get more if they could. Then I came back by the engine room, went along and down the escape to go to No. 6 section. When I got down there I found I could not get any further, the water was up too high; so I came back by the escape again and went to No. 5 section.

4904. Did you go down No. 5? - Yes.

4905. Did you find Mr. Hesketh there? - No. When I got down there I met Mr. Shepherd; he said to me, "You have got the lamps, have not you?" and I said, "Yes, Sir." He said, "That is right, light them, and put them up by the water-gauges of the boilers." So I lit them up and took them up and came down below again, and Mr. Shepherd said to me, "Start drawing fires," and I said, "Yes." I went to pull the fires out when Mr. Harvey came and asked me if I would get some men down.

4906. Mr. Shepherd was an engineer? - Yes.

4907. He told you to draw the fires, and you went to get somebody to help you? - I was going to get the rake to start pulling some of the fires out when Mr. Harvey came to me.

4908. He is an engineer? - He is another Second Assistant; they were both Second Assistants. He asked me to get some men down to get the fires out. I went up top and saw a few and asked them if they would come down, and some went down.

4909. Did you get some more men? - Yes.

4910. You went forward to your quarters again? - Yes, they were the men belonging to the watch, the 8 to 12 watch.

4911. The men whose watch it was below? - Yes.

4912. When you got forward into the firemen's quarters, did you see any more water? - I saw the tarpaulin on No. 2 hatch like a big dome. I could not understand it at the time. I thought there must have been a hole or something in her.

4913. Blown up by the air from below? - Yes.

4914. That was No. 2 hatch? - Yes, I think it is No. 2 hatch - they say it is outside our quarters.

4915. We have heard this about No. 1, but I do not think we have heard it about No. 2. No. 1 hatch is the hatch which is in the open space, I think, outside the forecandle deck, in the well, is it not? - No, not on the well deck; I do not think so.

4916. No. 1 hatch is the one which is right up against the firemen's quarters? - That would be the only hatch. I was given to understand there was one forward of that.

4917. I see you are speaking of No. 1. You are speaking of the one which is up against the firemen's quarters on one deck and up against the trimmers' quarters on another? - Yes.

The Commissioner: Will you point it out on the map?

Mr. Rowlatt: I do not think you will see it from there, my Lord. I think it is this one (*pointing*).

The Commissioner: Well, that is the hatch.

The Witness: That is the one I mean, the one there.

4918. The one where the learned counsel is pointing now? - Yes. I thought there was one forward of that.

4919. (*Mr. Rowlatt.*) You say the tarpaulin was blowing up? - Yes, it was like a big dome.

4920. On which deck were you then? - On the same deck where I was looking down the staircase. Our quarters are on the bottom deck of the lot.

The Commissioner: What is the explanation of the tarpaulin being blown up in this way?

4921. (*Mr. Rowlatt.*) Can you tell us how it happened? - I should say it was water and wind blowing in the hole.

4922. The water pressing the air up? - Yes.

4923. Is that on deck E? Do you know which deck E is? Do you know which deck you were on? - The same deck.

4924. The same as where the alleyway was? - Yes, this hatch is alongside our quarters.

4925. Do you know the trimmers' quarters? - Yes.

4926. Were they on the deck below you? - No, they are above us; everybody is above us. There are only the leading hands and greasers on that one deck.

4927. You are a leading fireman? - Yes.

4928. And you have quarters of your own, the leading fireman? - Yes, and the greasers are on the other side of the ship, the starboard side.

4929. (*Mr. Rowlatt.*) That is deck G, my Lord; it is the deck just below the waterline. (*To the Witness.*) Did you see water then or only air? - No water that time.

4930. Did you report that? - I went down to the engine room to report that.

4931. You reported to Mr. Hesketh? - No, Mr. Farquharson.

4932. (*The Commissioner.*) All these gentlemen are dead, are not they? - Yes.

4933. (*Mr. Rowlatt.*) He was an engineer, too? - He was the senior Second Engineer.

4934. Did you see any other engineers there? - Yes.

4935. Who were there? - I saw the Chief Engineer and I saw Mr. Harrison, another Second Engineer, and some juniors; I do not know their names.

4936. Where were they going? - They were all just standing around in an ordinary way, standing by their stations.

4937. Can you give us an idea how long this was after the first striking of the berg? - It must have been something like three-quarters of an hour.

4938. Did you go into the engine room? - Yes, to the bottom platform.

4939. Did you notice the watertight doors? - Yes.

4940. Were they shut or open? - They were both closed; the one leading to the stokehold and the other to the turbine room - they were both closed.

4941. You do not know whether they had been opened or not? - I could see they were shut. That is all I know.

4942. What happened after that? - As soon as I told Mr. Farquharson what had happened he spoke to those engineers, and three of them went one side of the engine room and three the other side. Where they went to I do not know.

4943. You do not know what that was for? - No.

4944. What next? - I came up after that and went on the middle and stood outside the store

talking to the storekeeper.

4945. At that time did you think it a serious matter? - No, I did not think it was so serious as it was. It was going down a little by the head then.

4946. You heard an order to go to the boats, did you not, ultimately? - Yes.

4947. Did anything happen before that to speak of? - No; I think I had a bit of trouble to get through the steerage passengers with those lamps. They were in the working alleyway, going along with trunks and bags and portmanteaux.

4948. That is when you went with the lamps? - Yes.

4949. There was a crowd of them? - Yes, a big bunch of them.

4950. When you came aft again were they still there? - Yes, they were working their way aft; they were going towards aft.

4951. They were going aft with their luggage? - Yes.

4952. Did you see where they went to? - No, I did not trouble much about looking. I was on my own duty at the time.

4953. Did you ultimately come up from the engine room? - Yes.

4954. Were the steerage passengers still in the alleyway then? - Yes, they were walking about to and fro; some sitting on their luggage.

4955. There was no panic among them? - No, they were just walking about in an ordinary way.

4956. Did you hear any order to go on deck? - The only order I heard was when I went forward again, and the word came along, "We want a leading hand; all hands get lifebelts and get up on deck.

4957. Did you get your lifebelts? - Yes, we got our lifebelts, and we made our way up.

4958. Did you know what your boat was? - Yes.

4959. How did you find that out? - I saw it printed the same day; I saw the printed list up on the bulkhead.

4960. Was it a long list like this? (*Exhibiting a list.*) - Yes, just the same.

4961. Where did you see this? - I saw that on the top staircase outside the firemen's quarters.

4962. Do you know when it was put there? - No.

4963. When did you see it first? - I saw it on Sunday morning first.

4964. Do you think you would have seen it if it had been there before? - I could not say that.

4965. (*The Commissioner.*) What was the number of your boat? - No. 12.

4966. (*Mr. Rowlatt.*) Did you look for the list? - No, I never looked for it.

4967. You just noticed it? - Yes, I just noticed it and saw my name and saw my boat, and did not trouble any more about it.

4968. Did you go to your boat, No. 12? - Yes.

4969. That was on the port side of the ship, was it not? - Yes.

4970. Pretty well aft? - Yes.

4971. When you got there was it swung out or was it on the chocks? - It was swung out a little, but not out ready for lowering. It was inclined inwards on the ship's side so that anyone could step into it.

4972. Was any officer there? - Yes, when I walked along there I met an officer, who asked me who I was. I said, "A fireman." "All right, my lad," he said, "get along there," and sent me along. I went along aft.

4973. And you went to your own boat? - Yes, and there was not anyone there; there were some people along further, getting other boats away and getting into the boats.

4974. What did you do? - I got hold of a rope with a sailor.

4975. At which boat? - I could not tell you the number.

4976. Did you do that under anybody's orders particularly? - No, on my own.

4977. Did you help to lower away? - Yes, with a sailor.
4978. Was the boat filled? - No, they were getting filled at the time.
4979. Was it filled before you lowered it away? - As far as I could see it was.
4980. Filled from the top deck? - The boat deck.
4981. Did you assist in lowering other boats? - Yes, about five; I assisted in five boats, getting people into them and lowering them.
4982. All the time you were on the boat deck? - Yes.
4983. Were there women and children? - Yes, they were all pretty well mixed up. The women were nearer the ship's side than anyone else, all going along slowly into the boats.
4984. Was there order? - Oh, everything was very quiet, as if nothing had happened.
4985. Were all the women on that deck put into the boats? - All they could get hold of were put into the boats; all the women that could be found that were about there in the vicinity.
4986. Could you see any women that were not put into the boats? - No.
4987. How long were you up on the boat decks lowering boats in this way? - I could not say; somewhere about three-quarters of an hour or an hour, I should think. I was not taking particular notice.
4988. Had the people lifebelts? - As far as I could see, yes.
4989. After you had done all this, what happened then? - As far as I know I saw all those boats away on the port side.
4990. After that what happened next? - I came and could not see anyone round that I knew, so I took a walk round the other side of the deck, and walked up and down there, and heard the captain say they were to get all the women and children into the boats first. Someone came up and said, "Get the boats away as quickly as possible." Whoever the gentleman was I do not know. Then the captain walked along and gave his orders to the officers, whoever were there; they were walking up and down to see if they were being carried out.
4991. This was while the boats were being lowered? - The boats were being lowered at the same time.
4992. Then after the boats were lowered that you had been assisting in, where did you go? - To the starboard side of the deck.
4993. Did you see any people there? - Yes, there were not so many there as there were on the other side in the first place. There were a good many there.
4994. Did you do anything on the starboard side? - The boatswain called me and asked me to lend him a hand with the boat on the after side of the bridge.
4995. That is this little bridge which is *there*, No. 1 boat, was it not? - Yes.
4996. Did you assist to lower that? - To clear it - to clear the rope away and everything.
4997. Who were there at that boat? - I could not say; I knew the boatswain was there and an officer, and at the time the officer started firing rockets.
4998. Were there some other firemen there? - I found out afterwards there were.
4999. Did you start to get the boat ready? - Yes.
5000. How many of you were there at that time? - I suppose there would be about 20 of us; that would be passengers and crew mixed.
5001. Were there any women? - I think there were two women there.
5002. Could you tell whether the passengers were first, second or third-class, or anything of that sort? - I could not say.
5003. Were the women put into the boat? - Yes.
5004. Who also was put in the boat? - I think it was three gentlemen and two sailors; and this officer - I do not know who the officer was - called out, "Are there any more women here?" and there was no answer. He said, "How many seamen are there in the boat?" They said, "Two." He

said "Six firemen jump in." I do not suppose there were six firemen there. He said to me, "Jump in," and four got in beside myself.

5005. That was all on the boat deck? - On the boat deck.

5006. Was the boat then lowered? - No, it was on the davits; it was swung out ready for lowering. Soon after we got into it the officer sung out, "Are there any more passengers here?" There was no answer, and he started lowering away. That was after the rockets had been fired.

5007. How far did you lower her? - Right the way down.

5008. How many people were in her? - About 12 or 13, I think.

5009. Who was in charge? - One of the seamen as far as I know.

5010. Do you know his name? - Symons, or Simmons.

The Commissioner: Was this No. 12 boat?

5011. (*Mr. Rowlatt.*) No. 1 boat, the one you see hung out there, the emergency boat. (*To the Witness.*) Was there any order given to the seaman in charge as to what he was to do with the boat? - Yes; he was told to stand off a little way and come back when called.

5012. Did you stand off? - Yes, we stood off a little way pulling around.

5013. How far? - 150 or 200 yards.

5014. Were you called back? - No.

5015. You simply lay there? - Yes, we lay about there, and pulled about.

5016. Did you see the ship sink? - Yes.

5017. When the ship sank, did you take up anybody else? - No.

5018. Did not you pick up anybody at all? - Nobody at all.

5019. After you left the ship's side? - No. None of them would not go back. I proposed in the boat we should go back, and they would not listen to me.

5020. (*The Commissioner.*) Who would not? - None of the passengers or anybody else. It was after the ship had gone then.

5021. Am I to understand, then, when you were picked up by the "Carpathia" there were only 12 people on board? - Yes.

5022. (*Mr. Rowlatt.*) How far off were you when the ship went down? - About 200 yards, as near about as I can make of it.

5023. How many oars had you? - Four.

5024. (*The Commissioner.*) And of these twelve how many belonged to the crew? - Seven.

5025. Then there were only five passengers? - Five passengers, two seamen I think, and five of us, firemen and trimmers.

5026. Five passengers; what were they, women? - Two women and three men.

5027. And there were only two women in this boat which held 12? - Yes.

5028. (*Mr. Rowlatt.*) Could you make good way through the water - I suppose you could? - Yes, pretty good.

5029. I must ask you to be a little more clear about it. You understand it is important, so be careful. Who was it objected to pulling back? - Well, the passengers.

5030. (*The Commissioner.*) There were only five passengers, as I understand, three were men and two were women and then there were seven of the crew? - Yes.

5031. Now did any of the crew object? - No, they never said anything.

5032. Then which of the five passengers objected the women or the three men, or all of them? - I think it was the women objected.

5033. The two women objected? - Yes.

5034. You had plenty of room in the boat? - There was plenty of room for another dozen.

5035. You had plenty of room? - Yes.

5036. Who was in charge of the boat? - A seaman.

5037. What was his name? - Symons or Simmons.

Examined by Mr. SCANLAN.

5038. Can you recollect whether any of the male passengers objected to go back? - No, I cannot remember that.

5039. Did you ascertain in the course of the night who those male passengers were? - I knew afterwards one of their names.

5040. What was the name? - Duff-Gordon.

5041. He was a first-class passenger? - As far as I know.

5042. Did you learn the names of the others? - No, I did not. I think his wife was there - Lady Duff-Gordon.

5043. Those are two. Now who are the others? - I do not know the others.

5044. Was there a servant of Sir Duff-Gordon there? - I do not know.

5045. A valet? - I do not know.

5046. How long before the sinking of the ship was it that No.1 boat was lowered? - About three-quarters of an hour.

5047. I want to put this to you specially: Can you recollect whether this passenger whose name you found out, or any other passenger, objected specially to your going to the assistance of the drowning people? - Only those I have mentioned; no one else; only Sir Duff-Gordon and his wife and this other lady passenger, whoever she was.

5048. Did his wife object? - Yes, they were scared to go back for fear of being swamped.

5049. (*The Commissioner.*) Will you tell me this: Was there, as far as you know, any danger of No. 1 boat being swamped if you did go back? - It would certainly be dangerous.

Mr. Scanlan: Now tell me this: How would it be dangerous, considering that you had a crew of seven in the boat, to go amongst the people who were screaming for help in the sea?

The Commissioner: Will you ask him if he heard anybody scream? I have not caught that he has said so yet.

5050. (*Mr. Scanlan.*) Did you hear people screaming for help? - Yes.

5051. Of course I take it that you obeyed the orders you got from the officer and rowed to a distance of 200 yards? - Yes.

5052. Is it not therefore clear that when the "Titanic" sank a number of people who had been left behind were in the water? - Yes.

5053. Just beside you? - Well, they were some distance off; they were not beside us.

5054. Will you tell my Lord what distance they were off? - About 200 yards.

5055. Then the cries of those unfortunate people would be heard by you and everyone in your boat? - Yes, certainly, we all heard them.

5056. You said, and it is to your credit, that you suggested that you should go back to the help of those people? - Yes; I proposed going back and they would not hear of it.

5057. In the presence of those cries for help from the drowning, were you the only one in the boat to propose to go back to the rescue? - I never heard anyone else.

5058. (*The Commissioner.*) Do you know the names of the other members of the crew who were on board this boat of yours? - I know the names of three or four.

5059. Give me their names? - There were Simmons [Symons], the Coxswain, myself, and Collins.

5060. What was he? - A fireman - Sheath.

5061. What was he? - A trimmer - Taylor.

5062. What was he? - A fireman.

5063. Who else? - That is all I know the names of.

5064. That is 4, and then yourself? - Yes.

5065. (*Mr. Scanlan.*) When Lady Duff-Gordon objected did her husband reprove her? - Yes.

5066. What? - Well, he upheld her in what she said.

5067. He did not try to instill courage into her and get you back? - No.

5068. With your knowledge of seamanship you were anxious to go back? - Yes.

5069. And you believed, I presume, that you could quite safely have gone back? - Yes, we could.

5069a. (*The Commissioner.*) He has just told me in his opinion it would have been dangerous. It would have been dangerous, but we certainly could have gone back.

5070. (*Mr. Scanlan.*) If you had taken precautions, there being seven of you there could not you have restricted the number of people you would give shelter and accommodation to so as not to swamp your boat? - That all depends on the way you go in amongst them. We have no lights to see clear to go ahead.

5071. You had no lights? - No.

5072. Do you mean there was no lamp or lantern in the boat? - Not a lamp or lantern.

5073. Not a compass? - No.

5074. Nor biscuits? - Nor biscuits.

5075. Not a sea anchor? - No, there was no sea anchor.

5076. Nor water? - There was a breaker there; whether there was water in it or not I do not know.

5077. (*The Commissioner.*) Did you look for all those things? - We looked for a light.

5078. Did you look for a compass? - We looked for a compass.

5079. What do you want the compass for? - I do not know; I do not understand them.

5080. Was there anyone there who did understand them? - I suppose so; there were two seamen there.

5081. What did they want the compass for? - To know what latitude and longitude they were in. What does a ship want a compass for?

5082. A ship wants it to navigate? - And it is the same with a boat. A boat would want it to navigate.

5082a. (*Mr. Scanlan.*) What time was it when you were taken on board the "Carpathia"?

5083. (*The Commissioner.*) Wait a minute. Did you look for biscuits? - Yes, they looked for biscuits, I believe. I heard them say there was none there.

5084. Did you look for biscuits? - No.

5085. Did you see anybody look for biscuits? - No, I heard them saying there was none there.

5086. Did anyone want any water? - Not that I know of.

5087. Then you had no occasion to look into the breaker to see if there was water? - No.

5088. Did you look for a sea anchor? - No.

5089. Did anyone look for it? - No.

5090. (*Mr. Scanlan.*) In the morning, when you were being taken on board the "Carpathia," it was broad daylight, was it not? - Yes.

5091. I suppose then you and everybody else could see whether those things were on board or not? - We never troubled about looking for them then.

5092. Could you tell my Lord the name of the officer on the "Titanic" who ordered the No. 1 lifeboat to be lowered with only five passengers in it? - No, I could not tell you who he was; I did not know him.

5093. Did any officer order you to lower? - The people on the deck were lowering the boat.

5094. (*The Commissioner.*) You did not lower it, of course? - No.

5095. (*Mr. Scanlan.*) Did anyone tell you to lower it? - That is a ridiculous question to ask, because we did not lower the boat.

The Commissioner: He would not lower it.

5096. (*Mr. Scanlan.*) At the time of starting to lower you would be on a level with the boat deck? - Certainly.

5097. Therefore you were in a position to hear whatever order was given for lowering, if any order was given? - I heard the order, as I told you, "Lower away," but we did not lower the boat away.

5098. I recognise that, of course. What I ask you is who gave the order? - An officer.

5099. Can you tell me what officer he was? - No, I cannot; I do not know.

5100. Was he one of the Principal Officers of the ship? - I do not know.

The Commissioner: Now, I want to know - you may ask it, Mr. Scanlan - about the people, if any, who were standing about on the boat deck at the time the order to lower was given.

5101. (*Mr. Scanlan - To the Witness.*) At the time the order was given to lower No. 1, how many people were on the boat deck? - I did not see any at all there, about us; there were some further along aft.

5102. There were some further along aft? - Yes; other boats went out at the same time.

5103. Were there many people further along aft? - No, there were not a great lot.

5104. I mean on the starboard side? - Yes.

5105. There were people there? - There were people there, yes. They were getting the other boats out.

5106. Were they passengers? - I do not know; I could not see.

5107. Who were they? - I do not know.

5108. (*The Commissioner.*) Can you tell us this; were they men or women, or mixed? - I think it was all men, I did not see any women.

5109. (*Mr. Scanlan.*) Did you see any women there? - None at all.

5110. You had just immediately come from the port side to the starboard side, I think? - Before I came to the starboard side, yes.

5111. While you were over on the port side, just immediately before coming to this No. 1 boat, were there a number of people on the port side? - No, there was no one there.

5112. (*The Commissioner.*) I want to have it quite clear. When you got into No. 1 boat and when the order was given to lower it, were there other people standing about on the deck who could have got into that boat? - No; not where we came away from; there was not any.

5113. Did you call for any? - No.

5114. Did no one call for any to go? - Someone in the boat called out and I believe the officer called out.

5115. What? - "Are there any more women or children about here?" No answer came.

5116. (*Mr. Scanlan.*) Of course, it was the common knowledge of all of you that there was a great number of people left behind in the boat? - Oh, yes; of course.

5117. And the officer who gave you the order to lower would know that, of course? - I could not say what he knew about it.

5118. You all knew it you say? - We knew it, yes.

5119. Do not you think if the working of the lifeboats had been at all properly organised you could have got a complement of passengers to comfortably fill your boat? - Certainly, yes.

The Commissioner: Now, what do you mean by that? Expand it.

5120. (*Mr. Scanlan.*) Were those passengers down below in the boat? - What do you mean "down below in the boat"?

5121. Well, a deck lower or two decks lower? - I never noticed any along those decks.

5122. You have said just now that you all knew that at that time when you were going away with five people in your boat, there were a number of passengers left behind? - On the boat deck, I told you.

5123. Where were the passengers that were left behind? - They were about where we were, all along the deck, scattered here and there, and some going in other boats which they were getting away.

5124. Aft of where you were? - Yes.

5125. Did no one ask those people to come? - No; they sang out if there were any more women or children there, and there was no answer.

5126. So far as you know, there may have been even women and children amongst the crowd aft of you? - There may have been, I never saw any. If there had been any I might have jumped out myself and helped some of them along. I never saw any.

5127. How many would No. 1 boat have carried? - I should say about 25.

The Commissioner: Is No. 1 one of the emergency boats?

Mr. Scanlan: Yes, my Lord.

The Witness: It is this one here (*pointing on the model.*).

5128. (*Mr. Scanlan.*) It is the forward boat. We were told earlier today that one of those boats could accommodate 40 people; do you agree with that? - No, I do not.

5129. Had you a sufficient crew to row your boat? - Yes.

Examined by Mr. HARBINSON.

5130. That is to say there were 7 of you of the crew to row 5? - Yes, 5 passengers.

5131. It is the duty of the crew to exhaust every resource in order to rescue passengers, is it not? - Yes.

5132. What I do not quite understand is, that there being 7 of the crew, why you did not, despite the protests of these first-class passengers, go back to some of the drowning people? - Well, that is right enough, but the coxswain was in charge of the boat.

The Commissioner: Speak a little louder so that I can hear? - There was a man in charge of the boat; he should know what to do best. It would not do for everybody to be in charge of a boat that is in her. When a man gets in a boat the coxswain takes charge and does everything.

5133. And the coxswain of your boat showed no inclination to pull back? - No, none whatever.

5134. You say that that attitude of his was due to the protests of the Duff-Gordon's? - Yes.

5135. You say you heard cries? - Yes.

5136. Agonising cries? - Yes, terrible cries.

5137. At what distance? - About 200 yards away.

5138. And yet, despite that fact, no effort was made to go in the direction whence those cries proceeded? - No, none at all.

5139. I think you said you saw a number of people on the boat deck at some distance from you? - Yes.

5140. Who was the officer in charge who ordered the seven members of the crew to get into this boat No. 1? - I do not know him.

5141. (*The Commissioner.*) I cannot understand this. Was there any discussion on board this boat as to whether you should go to these drowning people - any talk? - No, only when I proposed going back, that is all.

5142. Do you mean to tell me that you were the only person that proposed to go back? - I never heard any others.

5143. And to whom did you speak? - Anyone who was there who was listening.

5144. Did you speak to everybody? - I spoke to everyone there; I shouted out in the boat.

5145. Now tell me what each person said. - Those people I have mentioned before, I have told you what they said.

5146. Well, tell me again? - They said it would be too dangerous to go back, we might get swamped.

5147. Who said that? - Sir Duff-Gordon.

5148. Did anyone else say it? - No; his wife as well, that was all.

5149. Those two - two of the five passengers. Did anyone else say it? - I never heard anyone else.

5150. Was it Simmons [Symons] who was in charge of this boat? - Yes.

5151. What did Simmons [Symons] say? - He never said anything.

5152. And after these two people said it would be dangerous what did you say? - I never said any more.

5153. Then am I to understand that because two of the passengers said it would be dangerous you all kept your mouths shut and made no attempt to rescue anybody? - That is right, Sir.

5154. (*Mr. Harbinson.*) Now, before this boat was launched you say there was a number of people on the boat deck some distance from you? - Yes.

5155. Did you hear of anyone going down to those people, telling them there was room in this boat? - I did not.

5156. You did not suggest to anybody before the boat was launched that its full complement should be taken? - No.

5157. Was the boat lowered straight down? - Yes, to the water.

5158. It did not stop at the third-class deck? - No, it came straight down.

5159. Did you see people on other decks as it was lowered? - I did not notice any.

5160. You knew there must have been hundreds of people on the ship? - There must have been, I know.

5161. Yet this boat was put off under those conditions? - Yes.

5162. And no effort was made when it reached the water to get it filled with passengers? - No, we were told to stand off, that was all.

5163. You told us you saw, some time after the collision, after the impact - a number of third-class passengers as you went down. I think you said you had some trouble with the steerage passengers in the alleyway? - I had no trouble; I had to go through them with those lamps.

5164. You saw them there with their luggage? - Yes.

5165. How long would this have been after the collision? - About three-quarters of an hour.

5166. Which way were they going? - They were going along aft.

5167. Was anybody giving them instructions where to go? - No one at all.

5168. No one at all? - I never saw anyone there, and heard no one.

5169. And you heard no one tell them where to go? - No.

5170. Those people were left to their own resources? - They were going along on their own.

5171. Did the passages seem to be choked? - They were pretty thick; they were not choked.

5172. You did not see anything of these people? - No, nothing at all.

5173. You did not hear any of the stewards reassure them in any way? - I did not see any stewards.

5174. And so far as you could see there was no organisation amongst the members of the crew? - No.

5175. And no directions given to the passengers as to what to do? - No.

The Commissioner: A question of that kind conveys nothing to my mind. What do you mean by saying there was no organisation. How many of the crew did he see?

Mr. Harbinson: He says he saw none.

The Commissioner: Then he could not tell whether there was any organisation. A general question of that kind is of no use.

Mr. Harbinson: With great respect, my Lord, I put it to him as far as he knows.

The Commissioner: He may know nothing, you know. He does not appear to know much.

5176. (*Mr. Harbinson - To the Witness.*) You did not hear? - No.

5177. Have you heard that over 60 percent of these third-class passengers were drowned? - I do not understand this percentage.

Examined by Mr. EDWARDS.

5178. Did you see the second lady get into the boat? - No, I did not.

5179. What age lady was she? - I could not tell you.

5180. Was it in fact Mrs. Astor? - I could not tell you.

5181. Have you heard that it was Mrs. Astor? - No, I do not know her.

5182. Have you seen what purports to be an article by Lady Duff-Gordon making accusations against the crew of this particular boat? - Say that again, will you?

5183. When you were in New York, did you see an article written by Lady Duff-Gordon concerning this boat? - What do you mean, an article?

5184. Well, some writing in a newspaper? - No.

5185. Have you heard that there was such an article? - I heard there was something printed about Lady Duff-Gordon calling everyone down, or something of that.

5186. And calling down the members of your particular crew? - No, I do not think so; I never heard anything about that.

5187. Was any money given to you by any passengers when you got on the "Carpathia"? - Yes.

5188. What did you receive? - An order for £5.

5189. Who was that from? - Duff-Gordon.

5190. What did the other members of the crew get? - The same.

Examined by Mr. LEWIS.

5191. I take it as far as you are concerned you were prepared to go back? - Yes.

5192. The fact that you afterwards received £5 did not weigh with you. You did not know at the time you were to receive £5, I take it? - No.

5193. (*The Commissioner.*) Are you sure? - Yes.

5194. (*Mr. Lewis.*) You swear that no offer was made at the time? - No.

5195. (*The Commissioner.*) Then the present of the £5 came as an agreeable surprise when you got on board the "Carpathia"? - Oh yes, of course. I think it was the day before we docked in New York we got that.

5196. It was on board the "Carpathia"? - Yes.

5197. (*Mr. Lewis.*) I take it that if there was an arrangement with any of the other members of the crew to do a certain thing for a certain price, they would of necessity give the same sum all round? - Yes.

The Commissioner: You seem to understand all about it. I do not know why they should.

Mr. Lewis: I am putting the question, my Lord.

5198. (*The Commissioner.*) You do not put a question; you make a statement. If you would put questions it would be far better. (*To the Witness.*) Did you see this money given to the others? - Yes.

5199. Were you all together when the money was given? - Yes.

5200. Where were you? - On the promenade deck of the "Carpathia."

5201. And who gave it to you? - Duff-Gordon.

5202. Mr. Duff-Gordon? - Yes.

5203. Did he call you all together? - Yes, we all went up together.

5204. Did he call you up? - He sent for us, I believe.

5205. And you all went up? - We all went up.

5206. Did you know what you were going for? - No.

5207. What did you suppose you were going for? - He promised us this present previous to this.

5208. Then when did he promise the present? - After we got on board the "Carpathia," but we did not know what it was.

5209. What did he say when he promised the present? - He said "See me later on, I am too busy now."

5210. No; what did he say when he promised the present? - He said; "I am going to make a little present to the members of the boat's crew."

5211. You are quite sure there was no hint of any present before you got on board the "Carpathia"? - In the early hours of the morning before we were picked up he said he would do something for us.

5212. When was this? - Just before we were picked up, after we sighted the "Carpathia."

5213. Had nothing been said before that? - Not to my knowledge.

5214. (*Mr. Lewis.*) Was not there any discussion at all regarding the advisability of turning back? - No.

5215. Nothing whatever? - Nothing at all.

5216. You merely said you thought you ought to go back, and there it stopped? - Yes.

5217. I take it you are used as a seaman to obeying orders? - Yes.

5218. You got into the boat with no idea of going off yourself in place of someone else, but you obeyed instructions? - Yes.

5219. You considered that, having made this suggestion to the person in charge, and being used to discipline and orders, so far as you were concerned, the matter was ended? - Yes.

5220. You are used to obeying instructions? - Yes, I have always done.

5221. Does this boat list contain the names of all the members of the crew. I understand you saw a list of your stations? - No, the list we had up was only our own men, our own quarters, firemen and trimmers and greasers.

5222. Just your section? - Yes.

5223. I take it similar lists were placed in other departments, so far as you are aware? - Yes.

5224. They practically embrace the whole of the members of the crew? - Yes.

5225. The crew amounts to something like 900 approximately? - Somewhere about that.

5226. And if it were in the nighttime there would be a large number off duty? - Yes, there would be more off duty at nighttime.

5227. Most of these men would be expected to go to their boat stations if they saw the list and knew their number? - Yes.

5228. Do you know whether the boat accommodation is for just over 1,000? - No.

5229. At any rate you know there is not sufficient boat accommodation to take the whole of the

1000 and the crew? - Yes.

5230. Would you be surprised to know that there is not much more accommodation than sufficient to take the crew if they are all mustered together? - I do not suppose there would be enough to take the crew.

5231. As a matter of fact there was a little more. You do not know who it was gave the order for six firemen to go into this boat? - No, it was an officer. Who he was I do not know.

5232. Do you remember a fire in a coal bunker on board this boat? - Yes.

5233. Is it a common occurrence for fires to take place on boats? - No.

5234. It is not common? - No.

5235. How long have you been on a White Star boat? - About five years.

5236. When did you last see a fire in a coal bunker? - I never saw one before.

5237. It has been suggested that fires in coal bunkers are quite a common occurrence, but you have been five years in the White Star line and have not seen a fire in a coal bunker? - No.

5238. Did you help to get the coal out? - Yes.

5239. Did you hear when the fire commenced? - Yes, I heard it commenced at Belfast.

5240. When did you start getting the coal out? - The first watch we did from Southampton we started to get it out.

5241. How many days would that be after you left Belfast? - I do not know when she left Belfast to the day.

5242. It would be two or three days, I suppose? - I should say so.

5243. Did it take much time to get the fire down? - It took us right up to the Saturday to get it out.

5244. How long did it take to put the fire itself out? - The fire was not out much before all the coal was out.

5245. The fire was not extinguished until you got the whole of the coal out? - No. I finished the bunker out myself, me and three or four men that were there. We worked everything out.

5246. The bulkhead forms part of the bunker - the side? - Yes, you could see where the bulkhead had been red hot.

5247. You looked at the side after the coal had been taken out? - Yes.

5248. What condition was it in? - You could see where it had been red hot; all the paint and everything was off. It was dented a bit.

5249. It was damaged, at any rate? - Yes, warped.

5250. Was much notice taken of it. Was any attempt made to do anything with it? - I just brushed it off and got some black oil and rubbed over it.

5251. To give it its ordinary appearance? - Yes.

5252. You are not a professional expert and would not be able to express an opinion as to whether that had any effect on the collision? - I could not say that.

Examined by Mr. COTTER.

5253. Can you tell us what are the dimensions of that bunker? - I could not tell you.

5254. Was there any scene at the boat before you got into it or after you had got into it, affecting scenes, I mean, between husbands and wives? - I saw some on the port side.

5255. I mean in your boat? - No.

5256. Did any gentleman come to the side of the boat before you lowered away? - I never noticed anyone. As soon as I got in the boat they started lowering.

5257. Who gave the order to lower? Do you know? - The officer.

5258. You do not know the officer? - No.

5259. Who lowered the boat? - I do not know.

5260. You did not see anybody at the falls? - No; the only man I saw was the boatswain. He said, "Jump into the boat."

5261. Was he standing by? - He was standing by the fall.

5262. Being a petty officer, he has the right to give an order? - Yes, but whether the order came from him or not I do not know; but I do not think it was from him.

5263. You did not know any of these passengers? - No.

5264. Have you seen the papers in New York where it states Mrs. Astor was in that boat, calling it the captain's boat? - No, I never saw that.

5265. When you got on the "Carpathia" did anybody besides Duff-Gordon speak to you out of that list of passengers that were on your boat? - There was one fellow, an American, was talking to us, but nothing in particular, not with regard to the wreck.

5266. No one suggested about giving any money, or anything like that? - No.

5267. As a matter of fact, while you were rowing about during the night there was no suggestion made? You heard none? - No, not then, not till just before we were picked up - after we sighted the "Carpathia."

5268. After you sighted her there was a suggestion? - Yes.

5269. Who made the suggestion? - This Duff-Gordon.

5270. What did he say? - He said he would make us a little present for this and send a wire privately to our homes to let them know we were all right.

5271. And also himself I suppose? - I suppose so.

5272. Did the other lady that was in the boat give you any promise? - No.

5273. She said nothing at all? - No.

5274. Did the American give you any promise? - No.

Sir Robert Finlay: I have communicated with my friend Mr. Aspinall that we desire that this Witness should be detained.

The Commissioner: Yes.

Sir Robert Finlay: Perhaps your Lordship will allow my friend Mr. Laing to examine tomorrow morning.

The Commissioner: Yes.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Friday 10th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

SIXTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

Sir Robert Finlay: With regard to the witness in the box, Hendrickson, I am informed that the surviving officers will arrive at Queenstown this morning and Liverpool tomorrow morning. Under those circumstances I should ask your Lordship's permission to adjourn the cross-examination of this witness until Tuesday, when there will be an opportunity of getting any information which any of them may be able to give with regard to his evidence.

The Commissioner: I think that is reasonable. Will you, Mr. Attorney-General, let your junior prepare for me a list of boats with the crews they had on them and the number of passengers, and, if he can give it to me, the proportion of men to women.

The Attorney-General: Yes.

The Commissioner: I do not think, so far, the evidence has attempted to distinguish between classes - I do not quite see how it could.

The Attorney-General: No. We are attempting to do that, we are doing it ourselves as we proceed. Of course, it is not possible to do it properly until we have called a few more witnesses.

The Commissioner: No, it is not.

The Attorney-General: Then your Lordship shall have it. I quite appreciate that you want it; you want the boats.

The Commissioner: Yes, the numbers of the boats and giving me the effect of the evidence as to how each boat was manned, and what number it carried, and what the proportion of men to women was.

The Attorney-General: Yes, we can give the reference also to the evidence. I do not know whether your Lordship sees this piece of white paper; I understand Mr. Wilding has put it here. (*Pointing on the model.*) Your Lordship will remember these pieces.

The Commissioner: I have not seen that piece.

The Attorney-General: This is a new piece. This is a piece carrying out what was said by Hendrickson yesterday so as to show the spot at which the water was coming in.

The Commissioner: When he was looking down the spiral staircase?

The Attorney-General: Yes, Mr. Wilding has placed that there, I understand.

Sir Robert Finlay: Yes.

The Attorney-General: It is so much easier to fix it in one's mind.

FRANK HERBERT MORRIS, Sworn.

Examined by Mr. RAYMOND ASQUITH.

5275. Is your name Frank Herbert Morris? - Yes.

5276. And were you first-class bath-room steward on the "Titanic"? - Yes.

5277. At the time of the collision I think you were asleep? - Correct.

5278. Were you wakened by the shock? - No. Were you called by someone? - Yes.

5279. By another steward? - By the saloon steward.

5280. Were you told to get up and dress and go on deck? - Yes.

5281. Did you dress and take your lifebelt? - No, I did not dress right away; I sat on my bunk for a while; then the second steward came in and told us to go on deck.

5282. How long was that after the collision, do you know? - I could not swear to the time.

5283. About how long? - About ten minutes or a quarter of an hour.

5284. Did you go up to the boat deck? - Yes.

5285. Did you meet anyone on the way? - I met the second steward.
5286. Did he give you any orders? - He told us to go below and get bread from the baker's shop.
5287. And did you do that? - I did.
5288. Did you find any bread? - No.
5289. Did you then go up to the boat deck? - Yes.
5290. Did you know your boat station? - I did.
5291. Had you seen a boat list? - I had.
5292. When had you seen the boat list first? - In the first-class pantry.
5293. But when? - On Thursday.
5294. Which was your boat? - Port 16.
5295. That was the aftermost boat on the port side? - Yes.
5296. Did you go to that boat? - I did.
5297. Was there an officer directing operations there? - Well, I could not tell you that.
5298. Was there some one who seemed to be in charge? - Well, I believe there was a sailor or quartermaster; I could not swear who it was.
5299. And were the passengers being put into that boat? - Yes.
5300. Were they put in on the boat deck or was the boat lowered to another deck? - No, put in on the boat deck.
5301. Were any orders given about who was to be put in? - Women and children first.
5302. Did you help to put them in? - I did.
5303. Was the boat lowered then? - I did not stand by 16 all the time.
5304. Did you see No. 16 lowered? - No, it was being lowered away while I was standing by No. 14.
5305. Could you say how full 16 was when you saw it? - It looked pretty full to me, but I could not swear to the number.
5306. Did you see anyone refused who wished to get into boat 16? - The women and children were crying and we had great trouble to get the women into the boats.
5307. You had great trouble in putting them in? - Yes, we had to push them in.
5308. Did any men try to get in? - Not in 16; they did in 14.
5309. Fourteen was the next boat you went to? - Yes.
5310. And in that boat some men tried to get? - Yes, some third-class passengers who were foreigners.
5311. Did they succeed in getting in? - No.
5312. Was there an officer in charge of No. 14? - Well, there was in the last part, when the boat was pretty well full, Officer Lowe came along.
5313. Did you get into boat No. 14? - After I was called.
5314. You were told to do so? - Yes.
5315. Was that by the Fifth Officer, Mr. Lowe? - Yes.
5316. Were any other members of the crew in that boat? - I think there were two firemen, two sailors, and I think there were two more stewards besides myself.
5317. That would make seven members of the crew altogether? - Yes.
5318. (*The Commissioner.*) Three stewards; did you say, two firemen? - I believe there were two firemen, but I could not swear.
5319. And two sailors? - Yes.
5320. (*Mr. Raymond Asquith.*) Do you know the names of any of them? - No.
5321. How many women and children had you. Can you say at all? - Well, I counted 53 when we pulled away from the "Titanic."

5322. You counted 53? - Yes.
5323. Fifty-three women and children apart from the men? - Yes.
5324. Apart from the crew? - Yes.
5325. Were there any men passengers? - Yes.
5326. How many? - I think I counted two, but I could not swear, not to be correct.
5327. Do you know whether they were first, second, or third-class? - One was a second-class passenger.
5328. (*The Commissioner.*) One of the men? - Yes.
5329. (*Mr. Raymond Asquith.*) You cannot say about the other? - No.
5330. Can you say to what class the women belonged? - I think some were third-class passengers, the ladies, Irish women.
5331. You think some of them were Irish women? - Yes, by the way they spoke.
5332. I do not know whether you can say at all, how many you thought were Irish women? - No.
5333. Was the Fifth Officer in the boat himself? - Yes.
5334. What orders did he give you after you were lowered? - He told us to pull away from there, and not to pull too far.
5335. How far away did you pull? - About a quarter of a mile on a rough estimation.
5336. And did you wait there till the "Titanic" sank? - No, when we pulled away from her, Mr. Lowe asked how many were in the boat, and he said we had not enough, and he said we would have to pull back and see who we could pick up.
5337. You are now speaking of the time before the "Titanic" sank, are you? - Yes. As we were rowing round in the vicinity of the "Titanic" we came upon four lifeboats, and Officer Lowe asked who was in charge, if they had an officer, and they said "No"; and he said, "Consider yourself under my charge." Then we put our women and children into their boats, and then he asked if our sail was all right, and we put up the mast of the sail because he said it might be useful in the night. After the boat was down he said we would have to do our best to try and pick up as many as we could.
5338. (*The Commissioner.*) Did you pick up any passengers from any other lifeboat? - No.
5339. Did you put any of your passengers into any other lifeboat? - We put all our passengers in.
5340. Then did it leave your boat empty? - Yes.
5341. And what did you do then? - We pulled towards the wreckage to see who we could pick up.
5342. That is to say, after the "Titanic" had gone down? - Yes.
5343. And how many did you pick up? - Three.
5344. Did you pick up no more? - No; we only heard those three crying for help.
5345. And when you were picked up by the "Carpathia" were there on your boat only the seven men of the crew and these three persons whom you had picked up? - No, because we had picked up another collapsible boat that was making towards the "Carpathia."
5346. What happened with that boat? - The gunwales had not been properly fixed of this collapsible boat.
5347. Did you take the passengers on the collapsible boat into your boat? - Yes.
5348. How many were there? - I think there were about eighteen; I could not swear to the number at the time.
5349. Now, did you take any more people on board your boat before your boat was picked up by the "Carpathia"? - No, only the three we picked up out of the water.
5350. Did you take any more? - No.

5351. Then you had eighteen that you took from the collapsible boat? - Yes.

5352. And three you had taken out of the water? - Yes.

5353. That was 21? - Yes.

5354. And you had the seven men of the crew? - Yes.

5355. That is 28? - Yes.

5356. When you were picked up by the "Carpathia" that was the number you had on board? - Yes.

5357. How many was your boat constructed to carry? - I suppose the lifeboat is constructed to carry about 60 or 70.

5358. (*Mr. Raymond Asquith.*) Apart from these three whom you picked up out of the water, did you see anyone else alive in the water? - No.

5359. Did you row about and look for people? - We were rowing all night.

5360. On the scene of the wreck? - Yes.

5361. With regard to the people whom you took off the collapsible boat, were they women or men, or both? - I think there were some men; we were a little excited to try and save them because they were on the point of sinking, and I never took that much notice who they were, but I think there were women amongst them, but they were nearly all men - three stewards were amongst them.

5362. Were they the only members of the crew in the collapsible boat? - That is all I could recognise at the time.

5363. You think there were some women, but they were mostly men? - Yes.

5364. (*The Commissioner.*) Now, can you tell me when you arrived on the "Carpathia" how many men and how many women were there in your boat? - I could not tell you; I think there were about six or seven, but I could not swear to it.

5365. Six or seven what? - Women.

5366. Out of the 28? - Yes, I think there were that number, but I could not swear. Out of the 28, as I understand, there were 10 of the crew, perhaps I was wrong.

Mr. Raymond Asquith: I think there would be 11, counting the Fifth Officer.

5367. *The Commissioner:* Of the 18 that you took from the other boat, I understand that three were members of the crew? - Yes.

5368. And you already had seven? - Yes.

5369. That was 10? - Yes.

5370. You picked three people from the water? - Yes.

5371. Were they men or women? - Men.

5372. Was any one of those three a member of the crew? - Yes, one.

The Commissioner: Then you are right, Mr. Asquith, there were eleven.

5373. (*Mr. Raymond Asquith - To the Witness.*) Are you quite sure that you are right in saying this boat was No. 14? - Yes.

Mr. Raymond Asquith: I ask that question, my Lord, because another witness named Scarrott, has given evidence who says he was in boat 14, and he describes the boat as having about sixty-four.

The Solicitor-General: It is the second witness that was called, my Lord.

Mr. Raymond Asquith: One of them must have made a mistake about the number.

The Commissioner: It is not so far wrong, Mr. Attorney.

The Attorney-General: No.

5374. (*The Commissioner.*) This man says there were fifty-three passengers in his boat, No. 14, and seven that would make sixty; and then for some reason or another they were transferred to another boat. There would be about sixty in this boat No. 14 according to this man. (*To the*

Witness.) I want to know this: Can you tell me what boat it was you transferred your passengers to? - I could not tell you.

5375. Did you transfer them all? - Yes.

5376. They were nearly all women? - We transferred all the women and children.

5377. Why did you do it? - Well, I suppose this was Officer Lowe's idea: if we rowed back to the wreckage and picked up a lot, our boat would not hold them all. That was his idea, to save as many as possible.

5378. (*Mr. Raymond Asquith.*) Did you know a man named Scarrott, a seaman? - No.

5379. You cannot say whether he was in your boat or not? - No.

5380. Was there fresh water in your boat? - Yes.

5381. Do you know whether there were any compasses or provisions? - We never attempted to look.

5382. (*Mr. Scanlan.*) Had your boat a light? - Well, they looked for a lamp, but did not find it; the boat was full at the time when we were looking for it.

5383. (*Mr. Raymond Asquith.*) Did you pick up another collapsible boat after? - Yes, full up.

5384. (*The Commissioner.*) You came up to another collapsible boat full? - Yes.

5385. (*Mr. Raymond Asquith.*) You mean you transferred the people from the second collapsible boat to your boat? - No, we picked up two boats altogether.

5386. (*The Commissioner.*) By picking them up you mean you came up to them? - Yes, we took one collapsible boat in tow.

Examined by Mr. SCANLAN.

5387. I think the idea of transferring your passengers into the other boat was to give you a free boat to go to the rescue of people who were drowning? - I expect that was Mr. Lowe's idea; I was not in charge.

5388. Is it the case that you could only see three people in the water? - Oh, we saw hundreds in the water, but they were not crying for help; they might have been unconscious, they might have been dead, we could not say to that.

5389. In getting your boat station for No. 16 that meant the arrangements were that in emergency you would go to 16? - Yes.

5390. But you were sent to 14? - No, I was not sent to 14.

5391. *The Commissioner:* He went to 16.

5391a. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) But the boat you went with was 14? - Yes.

5392. The purpose of giving you this station was that you would be one of the crew of No. 16? - Yes.

5393. Can you tell me whether, of the seven who were in No. 14, who rowed away in No. 14 when it was lowered, any single one of them was given as his station this No. 14? - I could not tell you that.

5394. Do not you think, if there had been a muster, that the men would better have been able to go at once to their own stations? - They might have done so; they might have been called upon for other orders.

Examined by Mr. HARBINSON.

5395. Coming up from the saloon that night was there any evidence of confusion on the boat deck? - None at all.

5396. Or in any part of the ship? - There was a little confusion round boat 14 with those foreigners, the men. That is all the confusion I saw.

5397. Were there many women there at the time? - There did not look to be many.

5398. Had many other boats been launched at this time on that side? - I helped to lower 12 away.

5399. You say that a number of your crew, you believe, were Irish? - Not the crew.

5400. I mean your passengers? - Yes.

5401. Those who were in your boat? - Yes.

5402. When did you discover that; was it on the boat deck or afterwards, during the night? - On the boat deck.

5403. Were all the women who were standing round taken into the boat. Did you leave any behind? - Some women got into the other boats, I believe; but I could not say.

5404. But your boat was not full at that time? - I did not count; I do not know what the carrying capacity of the boats is.

5405. Who gave you the order to lower? - Officer Lowe.

5406. How long was it after your boat was lowered until you transferred the women and children to the other boat you have mentioned? - I could not tell you the time.

5407. Was it before the sinking of the "Titanic"? - I believe it was.

5408. You believe it was? - I believe so; I am not going to swear to it though.

5409. You said you pulled about a quarter of a mile away? - Yes.

5410. Were you that distance from the "Titanic" when she sank? - No, we were making towards her when she sank.

5411. Do you suggest that having at this time transferred the women and children from your boat to another boat, it was only possible to pick up three passengers? - Yes.

5412. Did you hear many cries? - No, I did not.

5413. You knew, of course, that there must have been a great number of people left behind on the "Titanic"? - I expect so.

5414. Was it very dark at the time? - Yes.

5415. Did you pull about and look for other passengers? - Yes, I did - we all did.

5416. Did you shout or in any way try to attract the attention of passengers who might be in the water? - No.

5417. You did nothing? - All was silent.

5418. All was silent? - Yes, we just heard a cry here and there for help.

5419. Have you been in this hall while other witnesses have been giving evidence? - I have one or two days, but I have not stopped here.

5420. Did you hear one of the witnesses say yesterday that the cries were agonising? - No.

5421. You did not hear that? - No.

5422. Would that statement, if it were made, have been true? - The cries when she went down were awful.

5423. After the "Titanic" sank, were you not in a position to go close to where she had gone down? - No, we never knew whether there would be any suction or not.

5424. From where you were lying by you could see the position of the "Titanic" and see lights on the "Titanic"? - Yes.

5425. Was it not your duty immediately the "Titanic" sunk to pull to the place where she had been, to try to rescue any passengers that might be in the water? - We did so.

5426. And you say it was only possible under all the circumstances to rescue three? - Yes.

Examined by Mr. COTTER.

5427. How long have you been in the employ of the White Star Line? - I believe about five years.

5428. Were you in any other company before that? - No.

5429. Have you ever taken part in boat drill? - I have.

5430. Or bulkhead drill or fire drill? - Yes.

5431. Can you tell us whether there were any hand bulkhead doors on board the "Titanic," and where were they situated, to your knowledge? - There were some in the working alleyway.

5432. You know where the third-class dining-rooms are? - Yes.

5433. Were there any bulkhead doors, separating those dining-rooms, in the alleyways leading from one section to another? - Yes.

5434. What deck are those bulkhead doors on? - Some on E deck in the working alleyway on the port side, and the starboard side I believe, where the first-class passengers were, and some on F deck.

5435. You know where they are? - Yes.

5436. Where were you when the ship struck? - We were asleep.

5437. In the glory hole? - Yes.

5438. Were you in your bunk? - I was; I was asleep.

5439. Did anybody come and tell you there had been an accident? - The saloon steward came and woke us and said, "She has hit something."

5440. Were there any orders from the Second Steward or the Chief Steward? - From the Second Steward. He came in about 10 minutes after.

5441. That is Mr. Dodd? - Yes.

5442. What did he say? - "All go up on deck and take a lifebelt with you."

5443. Did he suggest you should stand by your boats? - I never heard him give that order. He gave us orders: "All up on the boat deck."

5444. The "Titanic" carries a bugler, I suppose? - Yes.

5445. Did you hear the bugle going at all, giving the call, "all hands to the boats"? - No.

5446. You would understand it if you had heard it? - We would have understood it all right.

5447. There was no call given? - No.

5448. Did you see the Chief Steward? - No.

5449. You did not see the Chief Steward? - No.

5450. Did you see the storekeeper? - Thompson? I saw one storekeeper.

5451. Did he say anything about coming down to the storeroom, as something had happened? - I heard him tell some of the fellows to come to the storeroom and get biscuits.

5452. That is the duty of several stewards, providing they know their duties, and have had them told them, to go down to the storeroom to get biscuits to store the boats? - That is on the lifeboat list, I believe.

5453. Did any of them go down there to your knowledge? - Well, I believe there were a lot down there; I could not swear. I met some going down on the way.

5454. When you got on deck what did you see with regard to women and children? - I saw them all standing round the lifeboats.

5455. Many? - I could not swear to the number.

5456. Who was in charge; who did you see in charge, an officer or who? - I never saw any officer; I was not taking as much notice as that.

5457. Was there nobody giving orders at all on the boat deck? - I heard an officer shouting.

5458. What did he shout? - "Get the boats clear."

5459. Who told you to go down to the baker's shop for bread? - The Second Steward.

5460. Where was he when he told you that? - In the companion that leads from the deck up to the top deck.

5461. The man's companion? - Oh, no.

5462. The second cabin companion? - No, a working companion leading from E deck right through the pantries.

5463. It is a kind of crew's companion. When you got to the baker's shop was there anyone there? - When I was getting to the baker's shop I asked a fellow if there was no more bread left, and he said "No," that it had all gone up.

5464. Who was there? - Some stewards; I do not know their names.

5465. Was the chief baker there? - I did not see him.

5466. They had already sent the bread up. Did you join the ship in Belfast? - Yes.

5467. You went over to Belfast for her, so that you would have a thorough knowledge of the ship by the time you got to Southampton. Did you hear any orders given, if orders were given - for the stewards to know exactly how to get up to the boat deck? - Yes.

5468. Did you hear any orders for them to go and get the third-class women out? - No.

5469. Or the second cabin? - No.

5470. You heard no orders at all? - No. Orders might have been given, but I was not there when they were given.

5471. Had you any difficulty in lowering boat 14? - Not at first. When it was half way down the ship's side the tackle got hitched up.

5472. Could you account for that at all? - I think the tackle got twisted.

5473. Through its being new? - That might have been so.

5474. Had you much trouble in getting it into its ordinary shape to get down? - No.

5475. Was the ship listing to starboard when you were lowering that boat? - I think there was a list to port.

5476. A list to port? - I think so.

The Commissioner: That is the first we have heard of that, I think. Is there evidence that she had a list to port.

The Attorney-General: Oh, certainly, my Lord. I will call your Lordship's attention to it.

Mr. Cotter: Before she sank, my Lord; we have evidence that there was a list to port.

The Attorney-General: There is no doubt there is some already, and there is a good deal more to come.

The Commissioner: He is talking about the time when he was lowering his boat.

The Attorney-General: Yes. I am sure there is evidence.

5477. (*Mr. Cotter - To the Witness.*) How long was it from when she struck till you lowered boat 14. Can you give us some idea? - Well, in my own estimation I should say it was about 1 or a quarter past 1.

5478. That would be thirty-five minutes after she struck? - Yes.

5479. And she had a list to port then. Did your boat catch the ship's side at all going down? - No.

5480. She was clear all the way. Are there any foreigners in the stewards' department of the "Titanic"? - Yes.

5481. Many? - No, one or two, not many.

The Commissioner: I do not know what the point is; what you asked the question for. What is the point of it?

Mr. Cotter: I want to point out, my Lord, that there were Italians and Germans in this crew.

The Commissioner: But what is the point, supposing there were?

Mr. Cotter: The point is they would not understand orders if they got them.

5482. (*The Attorney-General.*) If your Lordship will look at page 104, question 4054, you will find one question yesterday put to the Electrician. I will read it: "We climbed up the davit and down the boat falls, and I got into a boat, and Scott dropped into the water." Your Lordship remembers that: "(2) You are speaking of the port side, as I understand? - (A.) Yes, port side. (2) Did you notice at all whether there was any list on the ship at this time? - (A.) There was a slight list to port." There is a good deal of evidence which your Lordship will hear about it.

5483. (*Mr. Cotter - To the Witness.*) Did you see anything of these men - the restaurant people? - No.

5484. You did not see them? - No.

Examined by Mr. EDWARDS.

5485. You said you rescued certain people from a collapsible boat which was in a sinking condition. Do you know what was the matter with the collapsible boat? - I should think the sides had not been fixed properly.

5486. You do not know of your own knowledge? - No.

5487. Can you give the name of any single one of the persons who was transferred from that collapsible boat to your boat? - Yes.

5488. Will you give the names? - Brown.

5489. What is he? - First-class Steward.

5490. Can you give any other name? - Lucas, First-class Steward.

5491. Anybody else? - And the First-class Barber.

5492. Do you know his name? - Gus Whiteman. [August Weikman.]

5493. Anybody else? - No.

Examined by Mr. LEWIS.

5494. How close were you to the spot where the "Titanic" sank when you picked up the three men? - Well, I could not tell you the exact spot where she went down, but we were pretty well near her, because when we rowed to these three persons there was wreckage all round us.

5495. You could only find three to pick up? - Who were shouting.

5496. You made every possible effort, I take it? - Our officer did the finest action he could have done.

5497. If there had been more you would have picked them up.

Examined by Mr. LAING.

5498. You are a First-class Steward? - Yes.

5499. Would you be in a position to hear orders given to the Third-class Stewards? - No.

5500. With regard to the restaurant people, are they a separate gang altogether, a separate body? - Yes.

5501. Under some separate person? - Yes.

5502. Nothing to do with the stewards as stewards? - No.

5503. Were there any foreigners among the stewards - among the First or Second or Third-class Stewards, apart from the restaurant? - Yes, one or two.

5504. What were they? - Saloon Waiters.

5505. Could they talk English? - Oh, yes, very good.

The Attorney-General: I have no question.

(The Witness withdrew.)

FREDERICK SCOTT, Sworn.

Examined by the ATTORNEY-GENERAL.

5506. (*The Attorney-General.*) Scott is the one who climbed down the davits with Ranger, the Electrician who was called yesterday. (*To the Witness.*) Were you employed as a Greaser on the "Titanic"? - Yes.

5507. Do you remember the Sunday of the collision, the 14th April? - Yes.

5508. You were on watch, I think? - Yes.

5509. You went on watch at 8 o'clock, did you? - Yes.

5510. In the ordinary course would that be from 8 to 12? - 8 to 12.

5511. Was your duty in the turbine department? - Yes.

The Commissioner: I see that Ranger spoke to the list to port?

5512. (*The Attorney-General.*) Yes, that is the one I called your attention to just now. That is the reference I did give. (*To the Witness.*) That is where the turbine engine is? - Yes.

5513. You were employed in the turbine engine room, starboard side? - Starboard side.

5514-5. Is that where you were when the collision happened? - Yes, just against the engine room door which parts the turbine room from the engine room.

5516. Oh yes, into the reciprocating engine room? - Yes.

5517. That is forward? - No, the after side of the engine room door, the after side of the main engine room.

5518. (*The Commissioner.*) The engine room door is forward of the turbine? - Yes, the forward side of the turbine door.

5519. (*The Attorney-General.*) Yes, forward of the turbine-room is the reciprocating engine room, and aft are the electric engines? - Yes.

5520. We have that from the plan. You were standing by the door. Just tell us before you felt anything at all, did you see anything done? - No.

5521. You felt something; what was it? - I felt a shock and I thought it was something in the main engine room which had gone wrong.

5522. We know it was about 11.40? - Yes, about 20 minutes to 12.

5523. Did you notice the two telegraphs in the engine room? - Yes; four telegraphs rang.

5524. Were there four telegraphs? - She got four telegraphs, two emergency ones.

5525. Two emergency? - Yes, and two for the main engine.

5526. What did you notice? - I noticed "Stop" first.

5527. To which telegraph did that come? - On the main engines.

5528. Let us get this clearly. I understand you are speaking now of the turbine room? - No, there are two stand-bys; you can see just the same in the turbine room; if you are standing at the engine room door you can see the two just the same.

5529. Where did you see those? - In the main engine room.

5530. That is where the reciprocating engines are? - Yes.
5531. The water-tight door is open? - Yes.
5532. And you can see through? - Yes.
5533. Now I think we follow. When you speak of the four telegraphs, are they all there? - Yes.
5534. Or are there any in your room? - No, there are none in the turbine room at all, Sir, all in the main engine room.
5535. Was the telegraph signal that came the emergency or the ordinary telegraph? - That is to the main engine room. It is different. They ring the two on the main engine room, and then they ring two others just afterwards, the emergency ones.
5536. Did you hear the two? - All four went.
5537. Did you hear the two ordinary ones ring first? - No, they all four rang together.
5538. What did they ring? - "Stop."
5539. Was that before or after the shock? - After the shock.
5540. What was the next thing? - Then the watertight doors went.
5541. Was any reply given to the telegraph orders from the bridge? - Yes, they rang back from the engine room; the two greasers at the bottom rang back.
5542. It would be their duty, I suppose, to ring back? - Yes.
5543. Did you see them do that? - Yes.
5544. After they got the order to stop? - Yes, they were feeding the engines, and were close handy at the time.
5545. They happened to be there? - Yes.
5546. Then the next thing that happened was something with reference to the watertight doors? - Yes, the watertight doors all closed.
5547. Did you hear any bell ring first? - No, not for the watertight doors.
5548. Do you mean that without any signal they came down? - Yes.
5549. Which watertight doors are you speaking of? - All of them.
5550. When you say "all of them," how many do you mean? - I think it is about six, leading down to the afterend of the tunnel.
5551. Do you mean not only in your engine room, but you are speaking also of what you could see aft; the other watertight doors had been open? - We had to go and open them up afterwards.
5552. I understand now what you mean. You are standing in the turbine engine room and there you have got water-tight doors fore and aft which were open, and aft you could see the other watertight doors were open? - Yes.
5553. Then, if I follow you correctly, what happened was, all those doors closed down at the same time? - Yes.
5554. What did you do after that? - After that we went up to the turbine room and down one of the escapes to let one of the greasers out in the after tunnel.
5555. That is into the electric room? - No, there is another tunnel after that one.
5556. Do you mean the aftermost one? - Yes, the aftermost one of the lot.
5557. That is the very last on the tank top, your Lordship will see. (*To the Witness.*) You went there? - Yes, and heaved the door up about two feet to let the greaser out.
5558. Who was the greaser there? - He was tunnel greaser, the one who looks after the tunnel.
5559. You had to release him? - We had to go and heave the door up.
5560. How many did it take to heave the door up? - Two of us.
5561. That you did by winding it up, I suppose? - Yes.
5562. Did you have to give any signal before that? - No.
5563. Did you get any order? - No.
5564. Did you do it by yourselves? - Yes, me and my mate on the other side of the engine

room.

5565. Did you hear any signal given to the bridge? - From the engine room?

5566. Yes? - Yes.

5567. What? - When they rang the stand-by. Is that what you mean?

5568. Yes? - That is all I heard, and then they rang down, "Slow ahead!"

5569. Wait a bit. I will ask you about that in one second. Did you hear any message given by the Chief Engineer to release the watertight doors? - No.

5570. To release the clutch? - No. After we got the greaser out we came back to the turbine-room again, and the Engineer in the turbine-room told us to heave up all the watertight doors. That was after we came back from letting the greaser out of the tunnel.

5571. That would mean somebody must have telegraphed to the bridge? - Yes, somebody must have done.

5572. In order to release the clutches so that you could heave them up? - Yes.

5573. Then you had to go right to the afterpart of the ship there, had you, into the tunnel? - We went down the escape ladder.

5574. That was for the purpose of getting there in order to open up that watertight door which is the last, the aftermost watertight door? - Yes.

5575. That is the one which you did proceed then to heave up? - Yes.

5576. And then you released your mate who was there at work? - Yes.

5577. Then when you released him what did you do? - We had to go up the escape again, and we went down the turbine.

5578. You went up the escape then and got back again into the turbine engine room? - Yes.

5579. Did you leave the watertight door open? - Yes.

5580. And so far as you know, was it ever closed? - No, because they were all opened afterwards. We heaved them all up again. We went back and heaved up the one which we opened about two feet, we heaved it right up.

5581. Now let us follow it. The first time you go there to release your mate you heaved it up two feet? - Yes.

5582. That released him? - Yes.

5583. Then you went back to the turbine engine room? - Yes.

5584. Then when you got there did you get further orders about the watertight doors? - Yes, the engineer of the watch in the engine room.

5585. What did he tell you to do? - He told us to heave all the watertight doors up.

5586. Did you go right aft again to the aftermost tunnel? - Yes, we went right through. We opened one up in the afterside of the turbine room, and then went right through them till we got to the after one, which we had opened up about two feet.

5587. Now, let us see if I follow. In order to get to the aftermost tunnel you would again have to go up the escape? - If we had not opened the doors we would have to go up the escape; but as we went through we opened them up.

5588. I thought you went up the escape and then opened them coming forward? - No.

5589. Did you open them going aft? - You are bound to, because the handle is this side of the door.

5590. The handle is this side of the door? - Yes; and then we passed through and opened up another.

5591. You would pass first of all from the turbine engine room? - Into the electric engine room.

5592. And you go into the electric engine room. When you say you opened them, how much did you open them? - Right up.

5593. Can you give us an idea how much that is? - Just over 6 feet, I think. I could walk through them easy without bending down.

5594. Then from the electric engine room at the afterpart you again opened in the same way? - To get into the tunnel.

5595. Then from the tunnel you come to the last water-tight door? - Yes.

5596. That again, you have to open from the afterend? - Yes.

5597. You open them and then you come to the place where your mate had originally been? - Yes, that is the after one of the lot.

5598. After having done that, you walk through again? - Yes, we go back into the main engine room then.

5599. And you left all those doors open? - All those doors open.

The Commissioner: Then all the watertight doors aft of the main engine room were opened?

5600. (*The Attorney-General.*) Yes. (*To the Witness.*) And, so far as you know, as I understand it, they never were closed? - No. Why they opened them was they had to go down the last tunnel but one and get a big suction-pipe out, which they used for drawing the water up out of the bilges.

5601. That tunnel is the one before you get to the last water-tight door where they went to get a big suction pipe? - Yes, it takes four men to carry it. I think I saw four men coming through with it. They took it to the stokehold. What they did with it I do not know.

The Commissioner: Will you get what time this was?

5602. (*The Attorney-General - To the Witness.*) What time was it? - About a quarter to one.

5603. (*The Commissioner.*) That is about an hour after the collision? - Yes.

5604. (*The Attorney-General.*) When you came back to the main engine room did you see whether the water-tight doors forward of the main engine room were open? - They must have been, because they could not take a suction pipe out to the stokehold if they were not.

5605. So that the suction pipe which they wanted, was taken right forward? - Taken into the stokehold. What they did with it I do not know.

5606. I only want to know whether you can remember. You say they must have been. Did you notice any of the water-tight doors forward of the main engine room open? - No, I never noticed them because I could not see them open. The men in the main engine room had to open them.

The Attorney-General: We have evidence that some of them were up to No. 5.

The Commissioner: Up to the division between 4 and 5.

The Attorney-General: Yes, that is right.

The Commissioner: If this evidence is right, there were no watertight bulkheads at all serving after a quarter to one from the bulkhead between four and five right away aft.

The Attorney-General: That is right, my Lord; that is as I understand the evidence.

Mr. Laing: May I interpose here and say that these watertight doors are fitted with a float so that if any material quantity of water comes the float automatically releases the door and it comes down again by itself.

The Commissioner: That is something I do not at present quite understand. You mean to say that there is some provision by which these doors work again automatically?

Mr. Laing: Yes.

The Commissioner: If water comes in to any extent?

Mr. Laing: Yes.

The Commissioner: We have not heard of that.

Mr. Laing: I only thought it right to tell your Lordship, having regard to what has been said about it.

The Attorney-General: We shall go into that a little later, and see how it would work.

The Commissioner: I was only saying, as far as I could gather at present, there were no operative watertight bulkheads from the bulkhead between four and five, right away aft after a quarter to one.

The Attorney-General: I think that is right, my Lord. It is subject to this, that there was this automatic release which we shall have to hear something more about and discuss whether it was effective or not, and what happened when we get further evidence. But, so far as we know (and I rather gather it seems to agree with my friend Mr. Laing's evidence), there was no order. I am not asking for an admission which is to operate against my friend; I mean, so far as we know at present, there is no question after that of closing the watertight doors?

Mr. Laing: Nothing that I know of.

5607. (*The Attorney-General.*) We do not know anything either. It may be there may be some evidence later; we shall hear. (*To the Witness.*) Will you go back a little to something you just mentioned before, that I want you to tell the Court a little more about; that is, orders that you heard in the main engine room. Do you remember? You were standing in the turbine engine room close to the door? - Yes.

5608. And you told us you heard what was going on in the main engine room? - The telegraph?

5609. Yes, I want you to tell my Lord what it was? - They rang down "Stop," and two greasers on the bottom rang the telegraph back to answer it. Then they rang down "Slow ahead." For ten minutes she was going ahead. Then they rang down "Stop," and she went astern for five minutes.

5610. (*The Commissioner.*) The orders were "Stop," "Slow ahead," and then "Astern"? - No, it was "Stop," and then "Astern." She went astern for five minutes. Then they rang down "Stop."

5611. "Stop," "Slow ahead" - 10 minutes, you say? - Yes, about 10 minutes.

5612. Then "Stop" again? - Yes, "Stop"; then she went astern for about five minutes.

5613. (*The Attorney-General.*) Did you hear the order about "Astern"? - Well, it was on the telegraph.

5614. What was the order? - "Go astern" - "Slow astern." Then they rang down "Stop," and I do not think the telegraph went after that.

5615. A telegram came "Stop"? - Yes, and I do not think the telegraphs went after that.

5616. (*The Attorney-General.*) The first order you heard was "Stop"? - Yes.

5617. Did the engines stop before the order came "Slow ahead"? - Oh, yes.

5618. They did stop? - Yes.

5619. Then when the engines had stopped the order came "Slow ahead"? - Yes.

5620. Can you tell us at all what time passed between the order "Stop" and "Slow ahead"? - I should say about 10 minutes or a quarter of an hour.

5621. "Stop," of course, comes at once? - It comes at once. They cannot stop the engines at once.

5622. That is what I want. They cannot stop them at once? - No; they are bound to let the steam get out of the cylinder first, otherwise they would blow the cylinder covers off if they tried to stop them at once.

5623. You would not know how long it would take to stop the engines? - No, I do not.

5624. I think you said ten minutes to a quarter of an hour "stop," then ten minutes "slow ahead" and then again "stop"? - Yes.

5625. Then how long between "stop" and "slow astern"? - I suppose that was a matter of about four or five minutes.

5626. That is between "stop" and "slow astern." And how long between "slow astern" and "stop" for the last time? - Five minutes.

5627. Did you hear those orders given before you went to the aftermost tunnel? - Yes.

5628. So that all this which you have told us happens before you go to release your mate? -

Yes.

The Commissioner: I make out this would take about half an hour?

5629. (*The Attorney-General.*) Yes, that is what I make it. (*To the Witness.*) Was there a clock there? - Yes, the engineer had a clock. There is not one in the turbine-room; but he had one of his own for taking the count of the turbine engines, the revolutions that the engine is turning.

The Commissioner: Will you look at Dillon's evidence on this point at Question 3718?

The Attorney-General: Yes.

The Commissioner: And 3720?

The Attorney-General: I have it in mind, my Lord.

The Commissioner: I am told by one of my colleagues that it is directly in the teeth of this evidence.

The Attorney-General: I am afraid that is likely to happen more than once in the case.

The Commissioner: No doubt; we shall not get the same story from everyone.

The Attorney-General: Of course this man is down in the engine room and he is telling us. I am going to see further whether we can exhaust the time. He is telling us by the clock. Of course we shall have to contrast it. He is a trimmer who was on duty in the engine room, and this man's business, so far as I understand, was always in the turbine department.

The Witness: Yes.

5630. After you had heard all these orders can you tell me how long it was before you went aft to the aftermost tunnel to release your mate? - Well, I should say it was just over the half-hour I should think.

5631. You mean just over half an hour from when? - From the time the doors were lowered and we went and let him out.

5632. If that is right it would be very soon after you heard the last order given? - To stop?

5633. Yes. - No, it was about a quarter of an hour or twenty minutes after that.

5634. I want to see if we can exhaust the time. A quarter of an hour or twenty minutes after you heard the last order "Stop," you went to release your mate? - Yes.

5635. Then you came back at once? - Yes.

5636. How long do you think all that took, to release your mate and back again into the engine room? - About ten minutes.

5637. Then you got the order to open the watertight doors? - Yes.

5638. That, I think you said, was about a quarter to one? - Yes, about a quarter to one.

5639. (*The Attorney-General.*) That is right. I mean the time he gives at any rate tallies with that. It would then bring it up to about 12.40 or 12.45 and that is right. That is why I was trying to exhaust it to see what happened. (*To the Witness.*) When you came back into the engine room, did you wait for orders? - Yes, I went back into the main engine room then.

5640. And did you get an order to go up on deck? - Yes, the engineer came down and told everybody to go out of the engine room.

5641. Which one was it? - I could not say.

5642. But one of the officers? - Yes. I think it was one of the senior engineers.

5643. Was there any water to be seen? - No, it was as dry as we are here.

5644. That was so at all times; there was never any water there? - No water at all in either engine room.

5645. Then did you go on deck? - Yes, up the working alleyway.

5646. And then did you get orders? - Some of the firemen came down and told us we had to get some lifebelts.

5647. What did you do then? - We got them at the Third-class; from there we went up on the boat deck. There were two boats left then on the port side; lowered down to the ship's side they

were then.

5648. Were there any on the starboard side? - No.

5649. Let us see if we can get this quite clearly. Did you look over the starboard side? - Yes, we went to the starboard side first.

5650. And you looked over the side? - Yes, the highest side of her where she had a list.

5651. The highest side? - Yes, the port side was where she had listed over, and we went to the starboard side.

5652. It was the port side that had listed over? - Yes. We went up the starboard ladder and came *this* side of her. We looked, and there was no boat. We went to the port side, and there were no boats then lowered to the ship's side.

5653. Was it an appreciable list? Did you notice as you were walking? - I never took that much notice. I know she had a list that side.

5654. And you remember looking over the side? - Yes.

5655. Then you went back to the port side? - We went to the port side then.

5656. Then you looked over that? - Yes.

5657. Tell us what you saw? - I saw two boats then, and one of the boats was where the officer pulled a revolver out and shot it between the ship and the boat and said, "If any man jumps into the boat I will shoot him like a dog."

5658. That is Mr. Lowe, according to the evidence. Do you remember where these boats were? Were they forward or aft? - Aft.

5659. Aft on the port side? - Aft on the port side.

5660. There are four aft on the port side. Do you remember which of them you saw? - I know it was the two after-boats on the port side.

5661. That is 14 and 16 on the port side? - I do not know the number.

5662. That is right. They were the last. When you looked over the starboard side you were in the afterend? - In the afterend.

5663. Could you see at all whether there were any boats forward on the starboard side? - No. I saw a lot of lights a tidy distance away from the ship, and the chaps thought it was a ship overhauling us and somebody said they thought it was a lifeboat, and the others said they could not have got out so far; but we happened to find out it was a lifeboat.

5664. When you did look over the starboard side there were no boats either forward or aft? - No, not alongside the ship.

5665. So that all the boats either forward or aft had gone from the starboard side? - Yes. The only two left were on the port side, the afterend of the ship.

5666. (*The Commissioner.*) And they were the only two lifeboats left? - Round the ship, yes.

5667. (*The Attorney-General.*) Either lifeboats or emergency boats? - Yes.

The Commissioner: And they were 14 and 16.

5668. (*The Attorney-General.*) That is right? - They were full up with women. There were only two men in one boat and that was the one I got into. They pulled back for two more men, and we got in from the ship's side.

5669. (*The Attorney-General.*) He is right; that is boat 14; they took off two men? - Yes; we got up on the davits and went down the falls. I got halfway down and went into the water. Ranger happened to get into the boat without getting wet. I was in the water, I suppose, about four or five minutes and they pulled me in.

5670. You were pulled in and taken into the same boat that Ranger was in? - Yes.

5671. There were only two men? - Yes.

5672. All the rest were women? - Yes; it was filled up with women.

5673. Any children? - Yes, one or two, but I cannot say how many, and I cannot say how many

were in the boat, but I know she was full up. We pulled away from the ship's side and we had not been away long before the ship started breaking up, and her stern went up in the air, and you could see her three propellers nearly the same as you can see them on the model.

5674. You got away? - Yes; we had just got at the stern of her when she started breaking up.

5675. You say she started breaking up? - Yes; she broke off at the after-funnel, and when she broke off her stern end came up in the air and came down on a level keel and disappeared.

5676. It went up in the air and came back on a level keel? - Yes.

5677. Then did she go up again before she disappeared? - No.

5678. Simply sank? - She simply sank.

5679. (*The Commissioner.*) Where did she break? - The after-funnel.

5680. (*The Attorney-General.*) Do you mean between the third and fourth funnels? - No, the after-funnel. From the after-funnel to the stern of her.

5681. Do you mean the break was aft of her last funnel? - Yes, just aft of the last funnel.

5682. (*The Commissioner.*) Aft of the ventilating funnel? - Yes, that is right.

The Commissioner: Does this agree with the other evidence?

The Attorney-General: No.

The Commissioner: I thought the other witness made it more forward.

The Attorney-General: Yes, between the forward and the second funnels; and one of the witnesses said she came back and righted on her keel and then up-ended again, with her stern in the air, and then plunged into the water. There is, not unnaturally, some discrepancy about it. There is some evidence from one of the witnesses, who said the last funnel seemed to come towards him, then to go aft. Your Lordship will remember that.

The Commissioner: Yes.

5683. (*The Attorney-General.*) That will correspond, at any rate. It is the best description a man can give of what he saw on a dark night. (*To the Witness.*) You were behind her stern? - Yes.

5684. You could not see how far forward she parted? - No.

5685. When you were looking over the starboard side was there anybody near you? - Yes, all the engineers and firemen and all that.

5686. All the engineers? - Yes.

5687. Do you mean the officers? - Yes; the engineers that were on watch.

5688. Then, if I understand it aright, all the engineers had come up too? - They were all at the top.

5689. Did they come up when you came up? - Just afterwards, but some of them went up on the boat deck with me. They came up the ladder just behind me.

5690. When you say they were standing there, where were they standing? - Just against the electric crane aft.

5691. Will you indicate to us on the model where that is? - Yes, just about *here* (*pointing on the model.*)

5692. On the boat deck? - On the boat deck.

5693. That is the last you saw of them? - That is the last I saw of them.

5694. When the boat came to the port side we have heard either from you or from Ranger they shouted out from there they wanted two more men? - Yes.

5695. Were you and Ranger the only ones who ran to the port side? - Well, I do not know whether Ranger came over at the same time as me or not, but there were some stood on the port side then. There were a lot of firemen there, but they did not think about getting up on the davits to get out on to the falls.

5696. That had to be done? - Yes, we had difficulty to get out there with lifebelts on, because they are only about *that* wide (*demonstrating.*)

5697. You and he were the first to get out on to the davits and get down by the falls into the boat? - Yes.

5698. And so got away? - Yes.

The Attorney-General: I do not propose to go through the story again of the boat, because we have heard from two or three witnesses what happened in boat No. 14.

Examined by Mr. SCANLAN.

5699. At the time of your leaving, going down from the davits, were there any passengers on the deck? - I could not say.

5700. You said that when you went for the lifebelts, you went to the steerage quarters? - Yes, we were ordered to go there.

5701. I suppose at that time you could not get to your own quarters? - Certainly not, we could not go there to get our clothes, let alone the lifebelts.

5702. There were lifebelts in your own quarters, I take it? - Yes.

5703. You were one of the last of the crew to leave the ship. Do you know where the collapsible lifeboats were kept on the deck? - No, I was never on the boat deck before - not till I went up and got on the boat.

5704. We have heard of two collapsible lifeboats of the four that were on the deck being lowered? - I never saw them.

5705. You never heard anything of the other two? - No.

Examined by Mr. ROCHE.

5706. I want you to tell me with regard to the engineers you saw on the deck, when did they come up? - They came up just after I did.

5707. How long was that? - It was 20 minutes past 1 when I left the engine room.

5708. How long before you climbed down the falls to the boat? - I should say about half an hour.

5709. Were all the boats launched then? - No; all barring two.

5710. Which of the engineers did you see? Can you tell me their names? - Mr. Farquharson. I do not know the names of the others.

5711. How many of them did you see? - I should say there were about eight of them.

5712. There are 20 or more in the ship? - Yes.

5713. You think you saw eight, of whom you can remember the name of one? - Yes.

5714. Were the pumps running at this time still? - Certain pumps were.

5715. What do you mean by certain pumps, most of the pumps, of the ship? - Circulating pumps.

5716. Where did the circulating pumps get their steam from? - That I cannot tell you.

5717. You do not know whether they got it from the main boilers or not? - No.

5718. You went from the turbine room back into the aftermost compartment in the tunnel? - Yes.

5719. You had to get through two watertight doors to get there? - Yes.

5720. Were they both open when you went? - Not when we went first, not when we released the greaser in the after-tunnel; they were closed.

5721. How did he get out? - We went up the turbine-engine room way along the working alleyway and down an escape.

5722. I follow. Did anyone send you to fetch him? - No.

5723. Did you get before you went up to the deck any summons to go on deck, or did you go on your own account? - No, we were ordered up out of the engine room.

5724. Who by? - The Senior Engineer, I think it was.

5725. Who was in charge of your section, the turbine room? - One of the juniors I think it was, about the sixth.

5726. What is his name; do you know? - No.

5727. Do you know the name of the engineer who ordered you out? - I think it was Mr. Farquharson.

5728. The gentleman you did see on deck afterwards? - Yes.

5429. And were the other engineers you saw on deck those belonging to your section, the turbine room? - They were doing six-hour watches then; some had come on at 8 to 2.

5730. But were the gentlemen that you saw, the engineers whom you saw, the engineers you had been connected with in the turbine room? - Yes.

Examined by Mr. HARBINSON.

5731. You said you could not get to your quarters to get your lifebelts? - No.

5732. Who told you to go to the third-class quarters? - One of the firemen I think told us to go along and get our lifebelts that way.

5733. To go and get lifebelts in the third-class quarters? - Yes.

5734. Now this was, I understand, about an hour after the collision? - This was 20 minutes past 1.

5735. When you were going to the third-class quarters did you see many of the third-class passengers about? - No.

5736. What section of the third-class quarters did you find those lifebelts in? - I cannot exactly point it out to you, but it was where some of the third-class sleep.

5737. In the sleeping quarters of the third-class passengers? - Yes.

5738. Had you ever been there before? - No.

5739. Who told you to go there? - One of the firemen.

5740. But who told you to go to this particular place? - The Chief Steward of the third-class.

5741. What is his name? - I could not tell you.

5742. Did you ever see him before? - Yes.

5743. He told you where to find those lifebelts? - Yes.

5744. These lifebelts were, I suppose, intended for use by the third-class passengers? - I do not know. I do not know whether they were spare ones or what they were.

5745. You know nothing further than you went and got them? - No.

5746. Were there many there? - Yes.

5747. You say you did not see any of the third-class passengers about? - No.

5748. How many men went along with you? - I should say about 30 or 40.

5749. Thirty or 40 went and got those belts? - Yes.

5750. You saw no one at all? - No; no passengers.

5751. Did you look for any? - No.

5752. You did not look for any? - No.

5753. How did you get from the position you were into the third-class quarters? Was it through the tunnel or up the ladder or how? What means of access was there? - Our engine room door leads up into the alleyway where the third-class is.

5754. The alleyway leads direct to the third-class sleeping compartments? - Yes.

5755. Where were those lifebelts kept? - Aft.

5756. But in a compartment by themselves? - Yes, up a little alleyway. There are seven alleyways there; I could not point out to you which one it was.

5757. Did you look into any of the third-class compartments to see if there were any of the passengers there? - No.

5758. Did you see any stewards about? - Yes, some stewards were getting belts there.

5759. They were looking after themselves also? - Yes.

5760. And taking these third-class lifebelts? - Yes.

5761. Was not it rather curious that you saw no third-class passengers at all? - No, I never saw one. There might have been some there if I had looked round, but I was not looking.

5762. You were not looking for passengers? - No.

5763. Did you see any women about? - No.

5764. Or any children? - No.

5765. How did you get from the third-class sleeping apartments to the boat deck? - I went to the third-class compartments and up the staircase.

5766. Was that the most direct way? - Yes.

5767. Had you any difficulty in getting up? - No.

5768. None at all? - No.

5769. Did all the other members of the crew follow you? - Yes.

5770. The 40 firemen? - Yes.

5771. You all went in a bunch and got these lifebelts? - Yes.

5772. And you all went up in a bunch? - No, we had to get them one at a time.

5773. But you followed each other afterwards? - Yes.

5774. How long were you occupied in getting these lifebelts? - Not long.

5775. It is at any rate an appreciable distance from the sleeping apartments of the third-class passengers to the deck, is it not? - I should say we would get up in five minutes in a case like that.

5776. Did you see any third-class passengers on your way from the sleeping apartments up to the deck? - No.

5777. You saw none? - No, I never looked for any.

5778. Your evidence is that during the whole of this time you did not see from beginning to end a single third-class passenger? - There may have been some about there, but I never noticed them.

5779. You did not see them? - I never noticed any.

5780. Were many belts left in the compartments? - I cannot say.

5781. Were you one of the first or one of the last of the men? - I was about the fourth one to get a belt.

5782. At the time did you think whom these belts were intended for? - No.

5783. You made no inquiries? - No.

5784. All you did was to go and get them? - Yes, the Chief Steward of the third-class told us.

5785. Told you to do so? - Yes.

5786. And you cannot tell me his name? - No.

Examined by Mr. HOLMES.

5787. Were there any third-class passengers by the boats? - I could not tell you; there were only two boats left; those were the two on the port side.

5788. That is where you saw the shots fired? - I saw one shot fired, that was by the officer in one of the boats.

5789. Do you know which officer it was? - No.

5790. Do you know what it was that led to his firing the shot? - I could not tell you.

5791. You did not see any confusion on deck? - No, none at all.

5792. Did you see him fire any shots anywhere but into the water? - No, that is all I saw him fire - one shot between the ship's side and the boat.

5793. You did not see the circumstances that led up to that? - No.

Examined by Mr. EDWARDS.

5794. When you got the order, "All out of the engine room," did you see any of the engineers coming up? - No, not at the time.

5795. Between the time when you left the engine room and the time that you say that you saw certain engineers on the boat deck, how much time had elapsed? - I should say about half an hour.

5796. Did you at the time, or immediately after you heard the order, "All out of the engine room," hear any orders given to close the watertight doors? - No.

5797. It has been said that there is a float that automatically closes the doors? - It works by electricity.

5798. Is not that float below the level of the engine room? - I cannot say; I never saw one.

The Attorney-General: We will give some evidence of it later on - we know something about it - so that you may ascertain what it is.

Mr. Edwards: All the engineers are gone, and I wanted to get something more than mere theoretical evidence.

The Attorney-General: Such evidence as we can give, we will call about it.

5799. (*Mr. Clement Edwards.*) Do you know anything at all about the working of the float? - No. I never saw a float.

Examined by Mr. LAING.

5800. Do you know the "Titanic" was fitted for about 1000 third-class passengers? - No.

5801. Was there a large number of lifebelts in the third-class accommodation? - Yes, in this locker there were.

5802. You know she only carried about 700 third-class passengers? - I could not tell you.

5803. Do you know of the little disc we have been told about which shows what the engines are doing? - The revolutions?

5804. No, a little red-coloured glass which shows when the engines are stopped? - I hardly follow you.

5805. We were told that when the engines are stopped - Oh, that is in the stokehold. We know inside when the engines are stopped; that is in the stokehold; that is when they ring up separate from the telegraph. That is a little thing about *so* big to show when the engine is stopped. That is rung by one of the engineers in the engine room.

5806. Is it your view that the engines were not stopped until after the crash? - No. We did 75 revolutions at 11 o'clock.

Mr. Laing: Your Lordship remembers Barrett, whose evidence was that the little red disc came up and he got an order about the dampers, and then followed the crash.

The Attorney-General: Yes. Everything followed very quickly upon the other, but you are right in saying it was before.

The Commissioner: What is the reference?

Mr. Laing: Question 1855 down to 1862.

The Commissioner: Will you read it to me?

Mr. Laing: Yes. In Question 1856 he describes where he was, and at 1860 the question is: "Now just tell us what happened that you noticed? - (A.) There is like a clock rigged up in the stokehold and a red light goes up when the ship is supposed to stop; a white light for full speed, and I think it is a blue light for slow."

The Witness: I cannot say what light goes up in the stokehold.

Mr. Laing: "This red light came up. I am the man in charge of the watch, and I called out, 'Shut all dampers.' (Q.) You saw this red light? - (A.) Yes. (Q.) You knew that was an order to stop the engines? - (A.) It says 'Stop' - a red piece of glass and an electric light inside. (Q.) Shutting the dampers I suppose, would be? - (A.) To shut the wind off the fires. (Q.) To shut the draught off the fires. And you gave an order, 'Shut the dampers'? - (A.) Yes. (Q.) Was that order obeyed? - (A.) Yes. (Q.) What was the next thing that happened? - (A.) The crash came before we had them all shut. (Q.) They were shutting them when the crash came? - (A.) Yes." That is Barrett.

The Attorney-General: That is right.

The Commissioner: Can that be accurate, that the crash came after he saw the red light?

Mr. Laing: Yes.

The Commissioner: "This red light came up. I am the man in charge of the watch, and I called out, 'Shut all dampers.'" The red light means the engines are stopped.

The Attorney-General: No, the order to stop, I understand; it is the order to stop. It does not mean they are stopped.

The Commissioner: Until this morning I thought the order to stop and the stopping were fairly simultaneous.

Mr. Laing: So they are, my Lord.

The Commissioner: Apparently, according to the evidence we have heard this morning, it takes about ten minutes for the engines to stop.

The Attorney-General: I do not think he said that, oh no.

Mr. Laing: He said some substantial time, but as a matter of fact it only takes a few seconds.

The Commissioner: He gave the order "Stop" and it was obeyed. I took down that this took about ten minutes.

The Attorney-General: Ten minutes between that and the next order, which was "Slow ahead." (To the Witness.) Is that right?

The Commissioner: I wish you would get it quite clear.

The Attorney-General: I think it is right.

The Commissioner: Will you allow me to ask so that I understand it myself?

The Attorney-General: Certainly, my Lord.

The Commissioner: You remember the order to stop? - Yes.

5807. That, I suppose, was obeyed instantaneously by the men in the engine room? - Yes.

5808. The next order was "Slow ahead"? - Yes.

5809. Now, what time elapsed between the order to stop and the order to slow ahead? - About 10 minutes.

5810. And what was happening during that 10 minutes? Had the ship ceased to move and the engines ceased to move? - When they rang down "Stop" they shut the steam off, and then it is bound to go on until the steam is right out of her.

5811. How long does that take? - About 10 minutes.

The Commissioner: That is what I understood.

Mr. Laing: That is what he said.

The Commissioner: That is to say, that although the engineers do all they can to stop the engines they do not in fact stop for 10 minutes. One of my colleagues says that is absurd.

The Attorney-General: So I think it is, from our evidence.

The Witness: Do you mean from the time they stop till they go again?

5812. (*The Commissioner.*) Let us get it clear. There comes the order to stop? - Yes.

5813. And that is obeyed by the engineers instantly? - Yes.

5814. But you say there is some steam that has to be exhausted? - Yes.

5815. And while that steam is being exhausted, although the engineer has stopped his engines - that is, say, done what is necessary to stop them - the engines continue to revolve? - Yes.

5816. Now how long after the engineer has put on the stop do the engines revolve? - About five revolutions.

The Attorney-General: We must take the 10 minutes to be, what I understood him to say, and what I think is clear now, between the order to stop and the going slow ahead.

The Commissioner: That is a very different thing altogether.

The Witness: That is what I thought you meant.

The Commissioner: The five revolutions are of no account, and therefore my first impression that "Stop" meant what it says was right. The engines had stopped.

Mr. Laing: Yes.

The Witness: It just turned five times, that is all.

5817. (*The Commissioner.*) And then they remained in that stopped condition for 10 minutes? - Yes.

The Attorney-General: That is the point.

The Commissioner: And then came the order, "Slow ahead."

The Attorney-General: That is it.

5818. (*Mr. Laing.*) The point I am upon is whether you felt the shock before the stop came or after? - After - no, before. It was when the shock came that they rang down to stop the engines.

5819. Do you say the shock came first? - No, afterwards.

5820. After the order to stop came the shock? - No.

5821. Very well, then you put it the other way? - When the shock came they rang down, "Stop the engines."

5822. (*The Commissioner.*) The shock comes and then the order to stop? - Yes.

5823. That is what I understood? - We thought it was something in the engine room that had gone wrong.

Mr. Laing: That does not agree with Barrett and it does not agree with Dillon. Both of those witnesses put the stop order first and the shock very shortly afterwards.

The Attorney-General: I was going on to refer, your Lordship will remember, to the orders that came from the bridge; there is first the three bells and then the telephone.

The Commissioner: That comes from the crow's-nest.

The Attorney-General: From the crow's-nest to the bridge; then the telephone to the bridge, the response from the bridge; immediately then the order to the telegraph. The first order relates to the telegraph and gives the order which goes down to the engine room, "Hard a-starboard." That is what happened. We shall be able to fix it later when we come to examine all the evidence together.

The Commissioner: The question is in what order of events does the shock come.

The Attorney-General: I should say from the evidence it came after. I should think that the first thing that happened was the three bells, and the telephone, and then the order from the bridge, "Hard a-starboard," immediately after the order on the telephone. It is difficult to understand otherwise, because they did get the warning, although it is very shortly before, but immediately

the order is given, and then came the shock, so far as we have had evidence from the bridge.

Mr. Laing: I accept that; that seems to agree.

The Attorney-General: I am only dealing with the evidence, as far as it has gone.

Mr. Laing: So am I.

The Attorney-General: It is very difficult, I quite agree with my learned friend.

The Commissioner: I understand what you are saying, Mr. Laing.

5824. (*Mr. Laing - To the Witness.*) Did you ever see the dial of this telegraph at all, or are you only going by the rings? - No, I saw it.

5825. Up to the time when you left the engine room, had you seen any water below at all? - No.

5826. Neither in the engine room nor any of the compartments which you saw? - No.

5827. Did you meet any water in the alleyway as you went up? - No.

5828. None at all? - No.

5829. Up to the last? - No.

5830. Did I catch you to say that you saw the lights of a number of boats belonging to the "Titanic" when you were on board? - Yes, on the starboard side well away from the ship.

5831. How many engineers do you think there were? - Eight I saw.

5832. Officer engineers, I mean? - About eight I saw on deck.

5833. There are 36 I am told, all told? - I think so.

5834. So when you said you saw all the engineers you must have meant all the engineers that you knew? - Yes.

5835. You saw only eight of them? - I saw eight of them.

5836. Out of 36? - Yes.

The Attorney-General: Your Lordship will find this dealt with at page 38 - I mean the question which you asked before about the proper order of the signals and orders. It is summarised at Question 993.

The Commissioner: Yes, the question beginning "You told us what happened."

The Attorney-General: Yes. "First of all the signal of the three bells" - I think I am summarising what he said - "then the telephone message, then it was repeated to the First Officer, 'Iceberg right ahead'" - that is because another officer received the telephone message - "then the First Officer went to the telegraph to give an order to the engine room, and gave you the order 'hard a-starboard'?" - (A.) Yes. (Q.) At any rate, up to his going to the telegraph as I follow you, there was no change of speed? - (A.) No, Sir. (Q.) What that order was you do not know? - (A.) No, Sir. (Q.) Then 'hard a starboard' and you immediately put up your helm? - (A.) Hard a-starboard. (Q.) Right over? - (A.) Yes. (Q.) What is it, 35 degrees? - (A.) Forty degrees. (Q.) Then you got the helm right over? - (A.) Right over, Sir."

The Commissioner: "Then she comes round two points and then strikes."

The Attorney-General: Yes. "Is that right? - (A.) The vessel veered" - round to port - "veered off two points" was his expression. It is in the Quartermaster's evidence.

Re-examined by the ATTORNEY-GENERAL.

5837. There are two matters I want you to help us upon, if you can. You told us the time when you got the order all the watertight doors were open. That was at quarter to one? - Yes.

5838. But I do not think you told us what time it was when you went up on deck? - When we left the engine room?

5839. Yes. - Twenty past one.

The Attorney-General: I do not think your Lordship has that?

Mr. Laing: Yes, I think so.

The Attorney-General: My friend says he thinks you have that.

The Witness: That was the time we left the engine room. Then we did not go straight up to the boat deck then.

5840. Can you give us any idea how long it was between that 20 past one and your getting on to the boat deck? - We had to go and get the lifebelts after that. From the time I got the lifebelts and all do you mean?

5841. Yes. You left the engine room at 1.20; you got eventually to the boat deck, and I want to know about what time it was you got on the boat deck? - About twenty to two I think it was when I got on to the boat deck.

5842. How long after you got to the boat deck was it till you got on to the davits and down the falls? - About a quarter of an hour, between a quarter of an hour and twenty minutes.

5843. That would bring it to about five minutes to two? - Yes.

The Commissioner: When he dropped into the water.

The Attorney-General: Yes. And we know it was about quarter-past two when she sank. That helps us now to see what was happening during this time, from 11.40 onwards.

The Witness: I think that was the only boat that took any of them out of the water. We pulled in between six and eight, I think it was, after she sank.

5844. Yes, you are quite right, we have the evidence about it. I am not only asking you about it because we have had it from other witnesses. But you are quite right; they did do it. Now there is one other matter, correct me if I am wrong, but I think you said you went to the third-class cabin to get the lifebelts? - Yes.

5845. That must have been some time between 20 minutes past one and 20 minutes to two? - Yes.

5846. When you got there did you see any passengers? - I never noticed any.

5847. Did you go to the third-class cabin aft or forward? - Aft. The lifebelts are kept in a locker in an alleyway.

5848. I would rather like to know what you did; I think it would be of some assistance to know what you did when you went to this third-class compartment. Did you have to pass along the cabins of the third-class? - Yes, you have to go right along the cabins.

5849. Is it on the same floor as the alleyway? - Yes.

5850. Your engine room opens upon the alleyway? - Yes.

5851. That is deck E. I think it is rather important to see where he went, my Lord. (*To the Witness.*) Then you passed along aft? - Yes.

5852. And along that alleyway are there third-class cabins both to port and starboard of you? - I do not know about that. As we are going aft there are cabins on the right-hand side, that would be the port side.

5853. It may be that there are not cabins on the starboard side of that alleyway? - That would be the port side, as I am walking aft; that is the right hand side of me.

5854. That we have got clear. If you pass along aft along that alleyway, on your right hand side, as you are walking aft, and therefore on the port side of the vessel, there are the third-class cabins? - Yes.

5855. Are there any on your left hand side as you are walking? - I cannot say.

5856. I do not make out there are? - I think that is the post office and hatchways.

5857. Yes; that is quite right. Now I want to know how far aft you went in order to get to this locker where the lifebelts were kept? - Not very far.

5858. Have you any idea how far? - No, I have not an idea of the distance.

5859. Do you remember, as you were walking aft, was the locker on your right hand side or on

your left? - I cannot say, because we had to go up a little alleyway to it and turn round again. It was the first time I had ever been there. There are several alleyways there.

5860. (*The Commissioner.*) The alleyways down to the third-class berths? - Yes.

5861. (*The Attorney-General.*) Did you go up them? - No, I went straight along on the same alleyway.

5862. Just give us an idea; how many of the entrances to the berths do you think you passed? - About four alleyways, I think.

The Attorney-General: Your Lordship sees how the cabins run.

The Commissioner: I do. Did he pass the end of four alleyways?

5863. (*The Attorney-General.*) Yes, he passed the end of four alleyways. The third-class passengers would have to go down these alleyways to go to their berths? - Yes.

5864. You did not go down there? - No, I passed right along.

5865 And you passed three or four of these? - Yes, I think it is about three or four.

5866. That is the part of the third-class where the women and children were? - Yes.

5867. Did you see any women and children along there at all? - No.

5868. Either where you passed or looking further aft or further forward? - No, I never saw anybody.

5869. (*The Commissioner.*) Were the doors of the cabins open? - I cannot say.

5870. You did not go down the alley? - No.

The Commissioner: Will you ask him if the watertight doors are automatic there?

5871. (*The Attorney-General.*) I am going to ask some questions about that. I am going to ask some general questions about that, because we have not had it yet, and he may be able to help us. (*To the Witness.*) With regard to the water-tight doors, you have told us about those which close down automatically from the bridge, on to the inner bottom? - Yes, with electricity.

5872. That is right - from the electric switch. What I want to know is this; there are a number of other water-tight doors, are there not? - I have not seen any, only the doors which they lower down from the bridge.

5873. Do you only know those 12? - Yes, that is all. There are other doors up in the working alleyways which they push to; they have about 12 catches on them.

5874. It is those we want to know about. There are other watertight doors? - Yes, those up in the alleyways.

5875. That is what I want to know something about. Those are not doors which close from the bridge automatically? - No, they swing like an ordinary door.

5876. How are they closed? - They have about 12 catches on them like handles and catches you turn over. You turn them either way.

The Commissioner: He says they swing.

The Witness: Yes.

The Commissioner: They slide, do they not?

5877. (*The Attorney-General.*) Some slide and some are on hinges. I do not know which these are? - Those are all on hinges which they have there.

The Attorney-General: I am told by those who ought to know better that they are sliding doors.

The Commissioner: Well, I saw some of them, and those I saw were sliding doors.

5878. (*The Attorney-General.*) So I understand. (*To the Witness.*) At any rate they are doors which close comparatively easily by hand. Is that it? - Yes.

5879. You were speaking just now about the alleyways, were you not? - Yes.

5880. Are you sure that watertight doors were there? - Well, I do not know whether they are watertight doors or not. I know there are doors.

The Commissioner: When he speaks of alleyways, they are passages between the berths of the

third-class passengers, but they are small things of no consequence, and he did not go between any of them, but he went along the broad alleyway in which there are several watertight doors. Will you look at this plan which I have (*handing the same to the Attorney-General.*). You will see where I have marked a red line.

The Attorney-General: That is right. That is where he walked.

The Commissioner: That is the passage he walked along.

The Attorney-General: Quite right.

The Commissioner: And going aft he would have small alleyways on his right going between the berths of the third-class passengers?

The Attorney-General: Quite right.

The Commissioner: Now, if you look along the broad alleyway he walked along you will find several watertight doors marked.

The Attorney-General: I do.

The Commissioner: And it is those I want to know something about.

The Attorney-General: I agree. Let me ask him to follow it along. Your Lordship is asking about these two through which he passed?

The Commissioner: Are there only two? I thought there were three.

The Attorney-General: I only see two.

The Commissioner: I want to know if they were open or shut. Those are not automatic?

5881. (*The Attorney-General.*) Your Lordship is quite right; it depends upon where you start from. If you start from the place where he came up there would be three. It had been marked red, and I thought that was the passage. There would be three from his coming up from his engine room if he passes along, assuming that he is going to the point, which I think is the one he indicates, which I am going to ask him about. (*To the Witness.*) Do you remember, as you passed along aft, coming to a locker which is amidships where the lifebelts were kept? - I cannot say, because we had to go up two alleyways to get to the locker. We had to go past the staircase where the third-class go on deck. We had to go by that and up a little alleyway and then turn to our left again.

5882. That is right?

5883. (*The Commissioner.*) Had you ever been there before? - No.

The Attorney-General: That is exactly what he would do to get to the place I am indicating, if your Lordship will look. I will mark it, if I may.

The Commissioner: Yes, certainly.

The Attorney-General: I put a blue mark round the locker. As the witness has described it, it quite accurately represents what he would do to get to that spot. He would pass a staircase there on the right, then he goes along in a straight line to the left and goes along another alleyway, and there he would get to the locker. That is quite right.

5884. (*The Commissioner.*) Did you go down any of the small alleyways between the berths of the third-class passengers? - No, Sir.

5885. You passed the mouth of several of them? - Yes, about three or four, I think.

5886. (*The Attorney-General.*) Do you know the Chief Steward's room? - Yes.

5887. Was that just opposite the place where you got the lifebelts? - No, that is right in the alleyway, just against the staircase. We had to go round here and up another alleyway and turn round on the left to get to this locker. It is the place we used to go and get the stamps in the "Olympic," and I think this place was the same.

5888. There would be various offices on your left, as you are walking aft to get these stamps that you told us about and things of that sort? - Yes, the post office is just there on the left. We had to go past the third-class..

The Attorney-General: Now, I want you to tell us about these watertight doors.

The Commissioner: Before you leave that, you say that the Chief Third-class Steward's bunk, or room, or whatever it is is just close to the locker where the lifebelts were?

The Attorney-General: I tried to get something about it from him, but I doubt whether he knows it.

The Commissioner: He had never been in this part of the ship before in his life.

The Attorney-General: It was in answer to a question I put to him about that that he said that was further forward that he passed that to get to the place he used to get the stamps in. Evidently what he means is that there are some offices that he would pass on the left as he walked aft, and he was referring to one of those.

The Commissioner: Yes, because he told us he had never been in this part of the ship before in his life.

5889. (*The Attorney-General.*) In point of fact there is the Second-class Purser's office, which would be very likely the office he was referring to. (*To the Witness.*) Now, I want to ask you about these watertight doors in the alleyway. Were they open? - Yes, they were open.

5890. That is to say you walked through these three doors, and, so far as you know, was there any order given to close any water-tight doors? - I cannot say up there.

5891. As far as you know, of course, the watertight doors closed down below would be closed from above, from the bridge, that we know? - Yes, Sir, but them in the alleyway they were open, and they were open at the time that I left the alleyway.

The Commissioner: It is obvious they were open. He could not have got along otherwise.

The Attorney-General: That is obvious, of course. I think we shall call evidence showing that everything was open there.

Mr. Edwards: There is one point, my Lord, in which there seems to be a little disparity between this witness and Grainger [Ranger]. This witness says that he was taken into boat 14. Grainger's [Ranger's] evidence was that it was boat 4. It may save confusion hereafter if the point is at once cleared up.

The Commissioner: Yes.

The Witness: No. 4 boat I think it was.

5892. What was No. 4 boat? - The boat I got into.

5893. (*The Solicitor-General.*) How do you know? - I asked a sailor after I got on the "Carpathia" what the numbers of the boats were.

5894. The other boats had gone? - This boat came back.

5895. (*The Commissioner.*) I thought I might have made a mistake about the number. I thought when he came up on the boat deck there were only two boats left? - Yes.

The Commissioner: And I thought they were Nos. 14 and 16.

The Attorney-General: Yes, 14 and 16.

The Witness: They were loaded away, Sir. We never got into those two boats.

The Commissioner: Were the two boats that were left Nos. 14 and 16?

5896. (*The Attorney-General.*) I think we had better get it quite clear. (*To the Witness.*) When you got to the port side there were two boats? - Two boats left.

5897. As I understand from all you said, the aftermost boats on the port side? - Yes.

5898. You did not get into either of those? - No.

5899. Those were just going away? - No.

5900. What happened? - I saw them rush to the ship's side from there. I went over to the starboard side again, and then we come back again.

5901. You came back again to the starboard side? - We came back from the starboard side to the port side again.

5902. When you came back to the starboard side there was nothing there, and you went back again to the port side? - Yes.

5903. The boats had gone away? - Yes.

5904. And then you found someone who called out that he wanted two more men? - Yes, right.

5905. And then you climbed up the davits and got down? - Yes, and that boat was No. 4.

5906. (*The Commissioner.*) Then you were pulled into No. 4 boat? - Yes.

The Commissioner: Yes, that is quite right, and that agrees with Grainger's [Ranger's] evidence. Mr. Edwards was quite right to call attention to it; it has saved confusion.

(The Witness withdrew.)

CHARLES JOUGHIN, Sworn.

Examined by the SOLICITOR-GENERAL.

5907. Were you chief baker on the "Titanic"? - Yes.

5908. What was the staff of bakers under you? - Thirteen.

5909. Thirteen, and yourself as chief baker? - Yes.

5910. At the time when this accident happened, were you off duty? - Yes.

5911. In your bunk? - Yes.

5912. Did the shock wake you up? - I felt the shock and immediately got up.

5913. I do not think we need find the place exactly, but tell us, more or less, are your quarters in the aft or the fore part of the ship? - Amidship on the port side.

5914. Did you hear orders given which affected you? - No, Sir, just general orders - orders passed down from the top deck to the lower deck.

5915. You heard orders being passed down from the top deck to the lower deck? - Yes, what we call general orders.

5916. Those are called general orders, are they? - Yes.

5917. I suppose that if provisions were wanted it would be your department to look after that would it not? - No.

5918. What about bread? - The boats are provided with hard bread, what we call biscuits.

5919. Did not you hear any orders given about provisions for the boats? - Not directly from any officer. Word was passed down from the top deck and I received it eventually through other channels.

5920. What was it? - "Provision boats," or put any spare provisions you have in the boats, that was it.

5921. As I understand, the biscuits, the hard bread, would be in the boats already, or ought to be? - Yes.

5922. And it would only be the soft bread you had to think about? - Any surplus stuff we had around that was handy we would put into the boats.

5923. You heard that order passed along. Did you take steps to send up some provisions to the boats? - Yes.

5924. What was it you did, you and your men? - I sent thirteen men up with four loaves apiece, 40 pounds of bread each as near as I could guess.

5925. And your staff, your men, had they got stations for the boats? - Yes.

5926. And as far as you know did they know their stations? - Yes.

5927. Did these thirteen bakers go up with these loaves? - Yes.

5928. Did you go up on deck yourself? - I stayed in the shop for a little while, and then I

followed them up the middle staircase.

5929. Which deck did you come out on to? - Eventually the boat deck.

5930. The top deck. The accident was at 11.40. Can you tell us the sort of time it was when you got to the boat deck? - How long do you think after the accident it was that you got to the boat deck? What time do you think it was? - I should say about half-past twelve, as near as I could guess.

5931. That is the time, as I understand, when you got to the boat deck? - About that time.

5932. The orders you speak of had been given, and you had already sent up the bread? - Yes.

5933. And you followed your men afterwards at about 12.30? - Yes.

5934. There is just another question about time you might help us over. You say it was half-past twelve when you got up to the boat deck. That was after these orders. Can you give us some sort of idea when it was you heard of the order for provisioning the boats? - I should say about a quarter-past twelve.

5935. Then the order is obeyed, and you get up there about half-past twelve? - Yes.

5936. When you got up to the boat deck had any order been given that you had heard about all hands going on deck? - The order had been passed round previous to that.

5937. It had? - Yes.

5938. That would be the general order, I suppose? - The general order.

5939. Had that order about all hands on deck been given before your bakers went on deck? - Oh, yes.

5940. Just two or three questions about what happened after that. Which was your boat? - I was assigned to No. 10.

5941. I do not think, my Lord, we have had any evidence about this boat yet. There are four boats on the afterpart of the boat deck on each side, and No 10 would be the first of the four? - The first one on the port side - the forward one.

The Commissioner: The most forward boat on the port side.

The Solicitor-General: No, the most forward boat of the aft boats.

The Commissioner: Yes.

5942. (*The Solicitor-General.*) It may be convenient, to remind your Lordship that the next one to it, No. 12, was the one that the man Poingdestre was in, and the next one to that, No. 14, is the one that Morris and Scarrott were in, and this one we have not dealt with. (*To the Witness.*) Did you go to your boat, No. 10? - Yes.

5943. And what did you find was the situation there? - Everything orderly. The Chief Officer was there.

5944. Is that Mr. Wilde? - Yes, Mr. Wilde.

5945. Were there passengers there? - A good many passengers there.

5946. What was happening, how far had things got? - They were getting the boat ready for getting the passengers in, and Mr. Wilde shouted out for the stewards to keep the people back, to keep the men back, but there was no necessity for it. The men kept back themselves, and we made a line and passed the ladies and children through.

5947. Who made the line? - The stewards mostly - stewards and seamen; they were all together.

5948. I think I caught you to say that though Mr. Wilde gave the order to keep the men back there was really no necessity, they kept back themselves? - Yes.

5949. Was the order good - the discipline good? - Splendid.

5950. No. 10 was being got ready. When you saw it had anybody got into the boat yet? - No.

5951. Now tell us about No. 10 in order: What happened? - It was swung out, the stewards, firemen and sailors all got in a line. We passed the ladies and children through.

5952. Into No. 10? - Into No. 10. Then we got it about half full, and then we had difficulty in finding ladies for it. They ran away from the boat and said they were safer where they were.

5953. You heard ladies saying that? - I am sure of that.

5954. (*The Commissioner.*) "When the boat was half full we had difficulty in finding more ladies"? - Right, Sir.

5955. "They ran away, saying they were safer where they were"? - Yes.

5956. (*The Solicitor-General.*) Up to this time, could you tell me had you seen any third-class passengers - women from the third-class? - Yes, Sir, plenty.

5957. So far as you saw, was any distinction made between the different classes - first-class ladies or second-class ladies or third-class ladies? - None at all.

5958. Of course, at ordinary times this boat deck is a first-class deck, a promenade, is it not? - Yes.

5959. And the third-class people would not get on to it? - It is railed off just from the boats, and the saloon passengers use it as a sunning deck.

5960. But at this time were there any barriers up? - No.

5961. You know the way, I suppose, that third-class people would have to go in order to get on to this top deck, they would have to mount some stairs, would not they? - They have to go up some stairs, but there was an emergency door from the third-class into the second-class leading up the broad staircase that was open very early.

5962. We will find where that is. There was an emergency door from there leading from the third-class to the second-class? - From the third-class alleyway, what we call the working alleyway, there is a wide door, and that was open early on.

5963. Could you tell us whether that door was open? - It was open.

5964. Let us just fix this. It opens, you said, into the broad staircase? - Yes.

5965. What staircase is that; who uses it as a rule? - Second-class passengers as a rule while at sea.

5966. Is that the staircase - correct me if I am wrong - that runs up the funnel place, as it were? - No, Sir, it runs up the centre of the ship to the second-class smoke-room and the decks.

5967. It is abaft of the fourth funnel? - Oh, yes, it is abaft the after-funnel.

The Solicitor-General: Will your Lordship look for a moment at the big section?

The Commissioner: It is all on this plan.

The Solicitor-General: If your Lordship has got it I need not trouble.

The Commissioner: This emergency door that you are talking about is, I think, on the same deck that the last witness was telling us about.

The Solicitor-General: Yes, I think it is, my Lord.

The Commissioner: Then if you go up you get into what is called the second-class entrance into the dining saloon - the second-class dining saloon.

The Solicitor-General: My Lord, may I suggest that I think it is a little abaft of that.

The Commissioner: What is abaft of it?

The Solicitor-General: The staircase, my Lord. The second-class staircase appears to me to be a little bit further aft than that.

The Commissioner: Not according to my plan.

5968. (*The Solicitor-General.*) I think your Lordship is right; I beg your pardon. I see my Lord, now. (*To the Witness.*) Let us just fix this second-class staircase into which the third-class people get when this door is opened. Is it a stairway that rises through several decks up to the top? - Yes, and there is a lift, an electric lift.

5969. There is an elevator alongside at the same place as the staircase? - Yes.

5970. Your Lordship has got that, I think, on the plan? - That is the staircase in yellow.

(*pointing on big plan.*)

5971. Is that the staircase and the elevator in the middle of it - the second-class staircase (*pointing on the big plan.*)? - No, it is the one further aft, is it not? It is immediately behind the aft funnel. That is the staircase. (*pointing on the plan.*)

5972. And the third-class people come along their alleyway through this emergency door and get direct into that staircase (*pointing on plan.*) - Yes.

5973. And all they have to do is to go straight up on to the boat deck? - Yes, that is right.

5974. Just tell us, please, how is it you know that emergency door was open for them? - Because I went down that way to my room after shutting the bakery door.

5975. You shut the bakery door, went down to your own room, and you saw this door was then open? - Yes.

5976. When you went down to your room and found this door open, did you at that time see third-class people coming up? - Coming along the alleyway some women, with two bags in their hands. They would not let go of them.

5977. A number of third-class passengers were coming up? - Yes.

5978. You have already helped us about the time. Could you tell us at all what time you think that was? - You say it was half-past twelve when you got on to the boat deck yourself? - That was just after I had passed the first lot of bread up, and I went down to my room for a drink, as a matter of fact, and as I was coming back I followed up my men on to the deck.

5979. Does that mean it would be about a quarter-past twelve? - A little after that.

5980. Something between a quarter-past twelve and half-past twelve? - Yes, about that.

5981. Now, just let us go back to boat No. 10 and finish it. You said that when it was about half full with women you could not find more women to pass along the line and put into the boat? - We had difficulty in finding them.

5982. What was done; what happened? - I myself and three or four other chaps went on the next deck and forcibly brought up women and children.

5983. You went down to the A deck? - Yes, to the A deck.

5984. And you mean you brought them up to the boat deck? - Brought them up to the boat deck - there are only about ten stairs to go up.

5985. Did not they want to go? - No, Sir. They were all sitting - squatting down on the deck.

5986. And you and three or four others brought them up? - Yes.

5987. Did you put them into the boat? - We threw them in. The boat was standing off about a yard and a half from the ship's side, with a slight list. We could not put them in; we could either hand them in or just drop them in.

5988. You said "a slight list." Was it the "Titanic" that had the list? - Yes, Sir.

5989. A list to port? - Yes, a list to port, and that made the boat swing out about a yard and a half.

5990. Supposing the ship was lying on an even keel with no list, how much space would there be between the rail and the boat? - Just enough space to step into it.

5991. Did that fill your boat or was there still room? - Eventually it was filled - pretty well filled anyway.

5992. Was it filled from the boat deck? - Yes.

5993. You did not, I think, go away in the boat? - No.

5994. Although it was your boat? - I was supposed to be captain of the boat by the crew list.

5995. By the crew list you were in charge? - Yes.

5996. Why was it that you did not get in? - Well, I was standing waiting for orders by the officer to jump in, and he then ordered two sailors in and a steward - a steward named Burke. I was waiting for orders to get into the boat, but they evidently thought it was full enough and I

did not go in it.

5997. Do you know who the two sailors were? - No.

5998. (*The Commissioner.*) How many men were put on board this boat? - As far as I could see only three - two sailors and a steward.

5999. (*The Solicitor-General.*) Two sailors and a steward named Burke? - Yes. That is all I could see.

6000. As far as you could see, were all the rest women and children? - Women and children.

6001. Was she lowered down? - Yes.

6002. And went away from the side of the ship - I did not see her after she was lowered.

6003. That is No. 10. There would be three boats on the port side? - Yes.

6004. Aft of that? - Yes; Nos. 12, 14, and 16.

6005. Was work being done in connection with them at the same time? - Yes, but a little later than us.

6006. Then, of those four, Nos. 10, 12, 14, and 16, was No. 10 the one that got into the water first? - Yes.

6007. Did you stay by the davits of No. 10 till she was launched? - Oh yes.

6008. And then where did you go? - I went "scouting round," as we call it.

6009. I want to know if you saw anything of Nos. 12, 14, and 16? - I did not see them go. I saw them filling up, but I went away. I went down below after that.

6010. No. 10 was your boat, and No. 10 had gone? - Yes.

6011. And then you went below? - Yes.

6012. As far as the boats are concerned, is that all you can tell us? - As far as those boats, yes.

6013. Now I want to ask you a question about the boat list. You say you knew that you were supposed to be in command of No. 10? - Yes.

6014. Had you seen a list like that up in the "Titanic" (*Showing list.*) - Yes, there was one in the kitchen, posted up on the Thursday with just the kitchen staff on it.

6015. The kitchen staff on the kitchen list was posted when? - On the wall in the kitchen.

6016. Which day? - On the galley, what call "D" deck.

6017. Which day? - On the Thursday.

6018. And did that list show as regards the galley staff, the cooking staff how they were distributed among the different boats? - Yes.

6019. You say it was on the Thursday, she left Queenstown on the Thursday, did she not? - Yes.

6020. Now we just want to finish your experience. You say you went below after No. 10 had gone. Did you stay below or did you go up again? - I went down to my room and had a drop of liqueur that I had down there, and then while I was there I saw the old doctor and spoke to him and then I came upstairs again.

6021. On to the boat deck? - Yes, on to the boat deck.

6022. Just tell us shortly what you did? - I saw that all the boats had gone - I saw that all the boats were away.

6023. That all the boats had gone? - Yes, that all the boats had gone.

6024. Do you mean forward as well as aft? - I could not see very well forward, and I did not look, because they went off first, as far as I could understand.

6025. At all events, all the boats had gone? - Yes.

6026. Yes, what next? - I went down on to "B" deck. The deck chairs were lying right along, and I started throwing deck chairs through the large ports.

6027. What did you do with the deck chairs? - I threw them through the large ports.

6028. Threw them overboard? - Yes.

6029. They would float, I suppose? - Yes.

6030. I think one sees why. Just to make it clear, why did you do that? - It was an idea of my own.

6031. Tell us why; was it to give something to cling to? - I was looking out for something for myself, Sir.

6032. Quite so. Did you throw a whole lot of them overboard? - I should say about 50.

6033. Were other people helping you to do it? - I did not see them.

6034. You were alone, as far as you could see? - There was other people on the deck, but I did not see anybody else throwing chairs over.

6035. Now by this time was the list of the ship the same, or do you think she was worse? - She had gone a little more to port.

6036. And about being down by the head, could you tell at all? - I did not notice anything. I did not notice her being much down by the head.

6037. Do you mean that the list to port was more serious than - ? - I thought so.

6038. Than being down by the head? - I thought so, yes.

6039. Then, after having thrown these deck chairs overboard, did you go up to the boat deck again? - I went to the deck pantry.

6040. Tell us what happened? - I went to the deck pantry, and while I was in there I thought I would take a drink of water, and while I was getting the drink of water I heard a kind of a crash as if something had buckled, as if part of the ship had buckled, and then I heard a rush overhead.

6041. Do you mean a rush of people? - Yes, a rush of people overhead on the deck.

6042. Is the deck pantry on A deck? - Yes.

6043. So that the deck above would be the boat deck? - Yes, I could hear it.

6044. You could hear it? - Yes.

6045. People running - yes? - When I got up on top I could then see them clambering down from those decks. Of course, I was in the tail end of the rush.

6046. (*The Commissioner.*) Clambering down, climbing down from where? - These rails *here* and steps. They came down *this way*. (*Showing on model.*)

6047. (*The Solicitor-General.*) They had run along as far aft as they could on the boat deck? - Yes.

6048. Did you see them clambering down to get on to the A deck so as to get further aft? - Their idea was to get on to the poop.

6049. You say that you heard this sound of buckling or crackling. Was it loud; could anybody in the ship hear it? - You could have heard it, but you did not really know what it was. It was not an explosion or anything like that. It was like as if the iron was parting.

6050. Like the breaking of metal? - Yes.

6051. Was it immediately after that sound that you heard this rushing of people and saw them climbing up? - Yes.

6052. What did you do? - I kept out of the crush as much as I possibly could, and I followed down - followed down getting towards the well of the deck, and just as I got down towards the well she gave a great list over to port and threw everybody in a bunch except myself. I did not see anybody else besides myself out of the bunch.

6053. That was when you were in the well, was it? - I was not exactly in the well, I was on the side, practically on the side then. She threw them over. At last I clambered on the side when she chucked them.

6054. You mean the starboard side? - The starboard side.

6055. The starboard was going up and she took a lurch to port? - It was not going up, but the other side was going down.

6056. It is very difficult to say how many, I daresay, but could you give me some idea, of how many people there were in this crush? - I have no idea, Sir; I know they were piled up.

6057. What do you mean when you say, "No idea." Were there hundreds? - Yes, there were more than that - many hundreds, I should say.

6058. (*The Solicitor-General.*) You said this vessel took a lurch to port and threw them in a heap. Did she come back; did she right herself at all? - No, Sir.

6059. She took a lurch and she did not return? - She did not return.

6060. Can you tell us what happened to you? - Yes, I eventually got on to the starboard side of the poop.

6061. (*The Commissioner.*) Will you point out to me where you got to? - This is where I eventually got to. (*Showing on the model.*)

6062. You got on to the poop, did you? - Along *here* (*showing*).

6063. (*The Solicitor-General.*) What you said, I think, was that you got to the starboard side of the poop? - Yes, on the side of the ship.

6064. On the side of the ship? - Yes.

6065. Is that on the bulwark itself? - I do not know what you call it, Sir. It is the side.

6066. (*The Commissioner.*) "I got on the side of the ship by the poop"? - Yes.

6067. (*The Solicitor-General.*) You see on the model that part of it is painted black and part of it is painted white. Do you mean you were on the part that is painted black or the part that is painted white? - I got along *here* (*showing*), and eventually got hold of the rails *here*. This side *here* was like *this*. This side, instead of being like *this*, was like *that*. (*Showing on model.*)

6068. You got hold of the rail. Let Mr. Wilding turn the model up till you say how far you think it had gone. (*Mr. Wilding turned the model.*)? - I should say about that, but then the forward part is sloping. (*Showing on model.*)

6069. The forward part is down by the head? - Yes.

6070. Did you find anybody else holding that rail there on, the poop? - No.

6071. You were the only one? - I did not see anybody else.

6072. Were you holding the rail so that you were inside the ship, or were you holding the rail so that you were on the outside of the ship? - On the outside.

6073. So that the rail was between you and the deck? - Yes.

6074. Then what happened? - Well, I was just wondering what next to do. I had tightened my belt and I had transferred some things out of this pocket into my stern pocket. I was just wondering what next to do when she went.

6075. And did you find yourself in the water? - Yes.

6076. Did you feel that you were dragged under or did you keep on the top of the water? - I do not believe my head went under the water at all. It may have been wetted, but no more.

6077. Are you a good swimmer? - Yes.

6078. How long do you think you were in the water before you got anything to hold on to? - I did not attempt to get anything to hold on to until I reached a collapsible, but that was daylight.

6079. Daylight, was it? - I do not know what time it was.

6080. Then you were in the water for a long, long time? - I should say over two hours, Sir.

6081. Were you trying to make progress in the water, to swim, or just keeping where you were? - I was just paddling and treading water.

6082. And then daylight broke? - Yes.

6083. Did you see any icebergs about you? - No, Sir, I could not see anything.

6084. Did it keep calm till daylight, or did the wind rise at all? - It was just like a pond.

6085. Then you spoke of a collapsible boat. Tell us shortly about it? - Just as it was breaking daylight I saw what I thought was some wreckage, and I started to swim towards it slowly. When

I got near enough, I found it was a collapsible not properly upturned but on its side, with an officer and I should say about twenty or twenty-five men standing on the top of it.

6086. (*The Commissioner.*) With an officer and what? - I should say roughly about twenty-five men standing on the top - well, on the side, not on the top.

6087. (*The Solicitor-General.*) Do you know which officer it was? - Yes, Mr. Lightoller.

6088. Mr. Lightoller and you think about twenty or twenty-five people? - Yes.

The Commissioner: "Men," he said.

6089. (*The Solicitor-General.*) Yes, men, my Lord? - Yes, all men.

6090. You said something about its being turned on its side? - Yes.

6091. I wish you would explain what you mean? - It was like as if one of those lifeboats was on its side, floating on its side. (*Pointing to model.*)

6092. Then they were not in the boat, were they? - No.

6093. They were - ? - Standing on the side, holding one another's shoulders.

6094. Did you swim towards it? - Yes.

6095. Was there any room for you? - No, Sir.

6096. You agree, do you, that there really was not room for you? - There was not room.

6097. And so they could not take you in? - There was no room for any more. They were standing on it then.

6098. Did you stay near it? - I tried to get on it, but I was pushed off it, and I what you call hung around it.

6099. How much later on was it that you were picked up? - I eventually got round to the opposite side, and a cook that was on the collapsible recognised me, and held out his hand and held me - a chap named Maynard.

6100. Was he able to pull you out of the water, or was he only just able to help to support you? - No.

6101. He gave you a hand, and you kept treading water? - No. My lifebelt helped me, and I held on the side of the boat.

6102. You had been wearing a lifebelt? - Yes, all the time.

6103. So that your feet would be in the water? - Yes, and my legs.

6104. And you supported yourself by your lifebelt. I do not want to be harrowing about it, but was the water very cold? - I felt colder in the lifeboat - after I got in the lifeboat.

6105. You were picked up, were you, by a lifeboat later on? - We were hanging on to this collapsible, and eventually a lifeboat came in sight.

6106. And they took you aboard? - They got within about 50 yards and they sung out that they could only take 10. So I said to this Maynard, "Let go my hand," and I swam to meet it, so that I would be one of the 10.

6107. Did you swim to it, and were you taken in? - Yes, I was taken in.

6108. You have said you thought it was about two hours before you saw this collapsible, and then you spent some time with the collapsible. How long do you suppose it was after you got to the collapsible that you were taken into the lifeboat? - I should say we were on the collapsible about half an hour.

6109. That means that for some two and a half hours you were in the water? - Practically, yes.

6110. We may be able to identify this boat? - I do not know it.

The Attorney-General: We can identify it, I think.

6111. (*The Solicitor-General.*) This lifeboat that took you aboard - did it also take some men off the collapsible? - Yes.

6112. How many? - I could not tell you, Sir.

6113. You did not notice? - I climbed in and then she went alongside the collapsible

afterwards, after I had got in, but I did not notice how many she took.

6114. Do you know an able seaman named Lucas? - No, Sir.

6115. Who has given some evidence here? - No.

6116. Can you tell me this. Did this lifeboat that took you aboard, and also took some others aboard, keep you in it until you got to the "Carpathia," or were any people transferred? - All kept in it till we got to the "Carpathia."

6117. You do not know who was in command of the boat that picked you up? - Mr. Lightoller left the collapsible and then took charge of the boat till we reached the "Carpathia."

6118. And you say the collapsible kept company with the lifeboat, did it? - I do not know what became of that afterwards, Sir. It was half under water while we were on it. I do not know whether it righted itself. I do not know what became of it at all.

6119. After you and some of the others were taken on board this lifeboat, did that lifeboat rescue any other people that you know of? - No, Sir; it could not have done.

6120. It was too full? - It was filled right up.

6121. There was just room for Lightoller to get on board and take command? - There was only room for Mr. Lightoller to stand on the forward part. He had to stand on top and give orders.

6122. There was Mr. Lightoller and there was yourself. Do you know whether it took others on board, and how many? - It took a few more off the collapsible, but I did not recognise them.

6123. And this boat into which you got, the boat Lightoller took command of, what were the people who were in it - women, or men or what? - Mostly women. Bride was one that I recognised.

6124. The Marconi operator? - The Marconi boy. He was one that was taken off the same collapsible.

6125. He was on this collapsible, was he? - Yes, Bride and Maynard. Those two I recognised.

6126. Maynard was the cook? - Yes.

Examined by Mr. SCANLAN.

6127. Do you know whether any of the crew assigned to this boat, No. 10, went with her? - I do not know.

6128. You were captain of it? - I was supposed to be the captain of it.

6129. Can you give any explanation of the fact that from the evidence of yourself and most of the witnesses it does not appear that practically any of the men went with the boats to which they were stationed? - Of course I could not say about other boats, but I know I sung out the names of all the victualling department connected with the boat, and they were every man there.

6130. If there had been a boat drill or a boat muster, would it have helped the members of the crew to know their stations? - They know their stations very well. They knew exactly what to do, because they had been drilled already on the "Olympic."

6131. They had not all been on the "Olympic," I take it? - A great many of them - in fact most of them. It was practically a crew from the "Olympic."

6132. Was there any light in No. 10 when she went off? - I did not see any.

6133. Was there any light in the boat you got on to? - It was daylight.

6134. A crew of two sailors and one steward went with No. 10? - That is all I saw.

6135. Is that all? - That is all I saw.

6136. Was that sufficient for a big lifeboat? - I do not know anything about lifeboats, Sir.

6137. But you were captain of one? - I am not skilled in boats; I am put down as in charge; but, then, I would always give way to a man with nautical knowledge in the boat.

6138. How many men would you expect with you in a boat of which you would have charge? -

I should say about seven or eight.

6139. When this boat, No. 10, was being sent off, was there space in the boat to take in a proper crew? - The space was there, but it was filled up with women and children.

6140. Do you know if all the four collapsible boats were sent off from the ship before she sank? - I do not know, Sir.

Examined by Mr. ROCHE.

6141. You were nearly two hours or three hours in the water, so I understand, and you can help us about a matter that has aroused a good deal of interest. How much assistance did you get from your lifebelt? Did it support you without your treading water yourself? - Yes.

6142. It did? - Yes - splendid.

The Commissioner: You cannot say.

Mr. Roche: There have been a good many questions about it - whether that is so or not. That was with regard to a lifebuoy, it is true, but there have been many questions raised about this, and this gentleman is in a better position than practically anyone ever has been to give an opinion about it.

6143. (*The Commissioner.*) What is this lifebelt made of - is it cork? - Cork.

6144. That you tie round you? - These were a new patent, better than the old ones. You slipped it over your head, and it was like a breastplate and a backplate, and you tied two straps.

The Attorney-General: One can be produced, no doubt.

6145. (*Mr. Roche.*) It is very important to get it cleared up. This is the idea of the new patent, that instead of keeping it down here they put them on the body? - Mine fitted here. (*showing.*)

6146. Did your men know how to get them on? - Everybody knew, it was so simple.

6147. Did you show any of them? - There was no necessity to show.

6148. Did it in fact support you throughout without your treading water? - Oh, no, you had to assist it.

6149. (*The Commissioner.*) But you would not have sunk if you had not done anything? - No. It is only a case of keeping your head with one of those lifebelts.

6150. (*Mr. Roche.*) And simply treading water and paddling? - Just paddling and you keep afloat indefinitely, I should say.

6151. Now a few questions about two other matters. You mustered your own staff and got them up? - Yes.

6152. Did you do that of your own accord, or did you get directions to do so? - I did it of my own accord.

6153. You had no directions from anybody else? - There was a general order; I got no special directions.

6154. What was the general order; that is what I want to know? - All hands out - all hands out of your bunks. There were six of my men working.

6155. In this crowd of several hundreds that you told my Lord about, were you able to distinguish at all who they were, or what they were, whether they were all passengers or sailors or crew? - I could not make out.

6156. You could not make out who they were at all? - They were all mixed up.

Examined by Mr. HARBINSON.

6157. You have told us about the means of access from the third-class quarters to the boat deck? - I said from the third-class quarters into the second-class, and from the second-class there

is a wide staircase up on to the second-class deck.

6158. And ultimately to the boat deck? - Yes.

6159. It leads to the boat deck? - Yes.

6160. And there is an elevator there also? - Yes.

6161. As a matter of fact, once the dynamos are flooded, and the wires are wet, that would prevent the elevator working, would not it? - I do not know anything about that.

The Solicitor-General: There are the stairs.

Mr. Harbinson: There are also, of course, the wide stairs.

The Commissioner: The stairs that were indicated there. (*Pointing on the plan.*)

6162. (*Mr. Harbinson.*) You said to my friend that this crew had served on the "Olympic." Do you seriously suggest that the crew was transferred from the "Olympic" to the "Titanic"? - No.

6163. (*The Commissioner.*) He did not say that? -. I said a good many of them.

6164. You said a good many of them had been on the "Olympic"? - A great many. Ten out of my 14 had all been on the "Olympic."

6165. (*Mr. Harbinson.*) That is only in the baking department? - That is one department only; but I know the stewarding was practically the same.

6166. You do not suggest that the fact that some of the crew had been on the "Olympic" would dispense with the necessity of the boat drill that my friend has referred to, and having further instructions given them as regards their positions in the boat? - No, that would not, but the previous experience on the "Olympic" would help them. That is what I mean to say.

6167. But it would not take the place of proper and adequate instructions? - It would do, it certainly would.

6168. Would it? - They would have the past experience to go on.

6169. Do you suggest that the fact of their having been previously on the "Olympic" would dispense with the necessity of the proprietors of the White Star Line giving proper instructions, and prescribing an adequate code for the members of the crew when they joined the "Titanic"? - No, I would not suggest that.

Mr. Laing: What do you call a code of regulations?

6170. (*Mr. Harbinson.*) As regards their proper positions in the boat, and what they should all do in case of emergency. (*To the Witness.*) I think you have described quite a number of passages that lead from the third-class sleeping apartments to the second-class apartments, and then up to the boat deck. There are quite a maze of passages, I believe, in this ship? - I only described one passage, and that is what we call, on the ship, Scotland Road, the wide alleyway that leads from two or three sections of the third-class. It opens into an emergency door leading into the second-class. It is a wide alleyway.

6171. At normal times is that emergency door kept closed? - At normal times, yes. It is kept private.

6172. Would I be right in thinking that at normal times the third-class passengers would have no right of access to this door at all? - No, not in normal times.

6173. They would be forbidden to approach it? - They could walk past it, but it is never open. It is a kind of slide.

6174. So that, unless on this particular occasion special instructions were given to them as to the route they should follow they would not know where to go, would they? - They would not know unless they were given instructions.

6175. Did you hear any such instructions given? - Yes.

6176. By whom? - I saw the interpreter passing the people along that way, but there was a difficulty in getting them along because some of the foreign third-class passengers were bringing their baggage and their children along.

6177. Who was the interpreter? - I do not know his name.

6178. You do not know his name? - No.

6179. Where was he standing? - He was standing just abaft this emergency door leading into the third-class.

6180. He was pointing or directing those who came to the door? - Passing them along.

6181. That is at the door, but my point is this. Did you see or know of anyone going to the third-class quarters and giving instructions there to the third-class passengers? - No, Sir, I did not. I am out of that altogether.

6182. As to the course they should follow in order to escape? - I did not hear any orders.

6183. You did not hear any directions being given to these people to go to this door, when further instructions would be given to them? - I only saw and heard the interpreter doing his business.

6184. At what time was that? - That was when I was going down to my room after I had sent the first load of bread up, about a quarter-past twelve, or between a quarter and half-past twelve.

6185-6. Did you see any notice posted up or painted up in the neighbourhood of this emergency door giving instructions as to what third-class passengers should do in case of danger? - We are not allowed in the passengers' quarters.

6187. (*The Commissioner.*) Have you ever been in this place in this ship before? - I beg your pardon.

6188. Had you ever been along this Scotland Road alleyway? - Yes.

6189. Before this voyage? - I had been along it in Belfast while no passengers were on, but while passengers are on board the ship we are not allowed in their quarters.

6190. And you did not stop to look for any notices put up, if there were any? - No.

6191. (*Mr. Harbinson.*) You know the "Olympic"? - Yes.

6192. Are there any on the "Olympic," do you know? - I do not know.

6193. You say at the time this passage seemed to be obstructed by third-class passengers bringing their luggage? - Yes.

6194. Would that lead to any confusion? - It would.

6195. Did it, as a matter of fact? - There did not seem to be much confusion, only it hampered the steward; it hampered the interpreter and the men who were helping him, because they could not prevail on the people to leave their luggage.

6196. What width is this staircase that has been referred to leading up to the boat deck from the second-class department? - That is within three yards of the emergency door.

6197. Is it a wide staircase? - Yes, very wide. About six could go up abreast, I should say.

6198. I gather that unless some special instructions were given to these third-class passengers in their cabins it would be impossible for them to know of any proper means of exit and escape? - Just outside of this emergency door there are two wide staircases leading from the third-class quarters right on to the poop deck.

6199. That is not to the boat deck? - The well deck.

6200. How would they get from the well deck to the boat deck? - That would be a difficulty, because they would have to get up two or three ladders, two or three staircases.

6201. They would have to go up two or three staircases. As a matter of fact, when you came across to the boat deck, did you see some of the people on this poop deck? - Very few on the poop deck.

6202. Where were the people whom you saw? - In the well deck.

6203. All in the well deck? - Yes.

6204. And they would get from the well deck to the boat deck? - This was at the finish I saw the people. I never saw them in that quarter of the boat till the end.

6205. And you do not know? - I saw third-class passengers coming straggling through the kitchen, and they even had their baggage then.

6206. What part of the boat was the kitchen in? - On D deck, that is just the deck above the emergency door we are speaking about.

6207. How would they get from D deck to the boat deck? - Just a short staircase, which, under ordinary conditions is private for the crew, but I suppose they walked through it. One man had two bags slung over his shoulder and one in his hand, an Italian, or some nationality like that.

6208. When the boat gave this lurch that you have described to us you say a great many people were thrown into one bunch. Have you any idea of the class of passengers they were? - I could not say.

Examined by Mr. EDWARDS.

6209. You said when you went down to the pantry that you saw some water there. Did I understand you rightly about that? - When I went down to my quarters.

6210. Which deck is that on? - E deck.

6211. What time was this? - After 1 o'clock.

The Commissioner: How long before the vessel went down?

6212. (*The Solicitor-General.*) You suggested he said that he saw some water. I thought he said he went to get a drink of water? - I went to the pantry, I said, to get a drink of water.

6213. (*Mr. Clement Edwards.*) I want to clear up the point about it - the water that he drank and the other that he saw. (*To the Witness.*) You went down to your quarters, you said? - Yes.

6214. And you there saw some water? - Yes.

6215. What time would that be? - A decent bit after one.

6216. (*The Commissioner.*) What did you say? - A decent bit after one.

6217. What water did you see, and where was it? - There was not very much water. It would just cover my feet, that is all. The list of the ship sent it down against my settee in the room.

6218. Sent it down from where? - I could not say where it came from.

6219. Was this place of yours on the port side of the ship? - Port side, amidships.

6220. (*Mr. Clement Edwards.*) Would you see the direction from which this water was coming? - I should say it came from forward.

6221. Was there much of it? - No, not much; it just went over my ankles I should say.

6222. Two or three inches? - That is all.

6223. Was it flowing at all rapidly? - No.

6224. You have said that when you were down, I think in the pantry, or was it again when you were in your quarters, you heard a noise that you thought was the cracking, the breaking of the ship? What time would that be? - A few minutes after I had been to my room, I should say - after half-past one.

6225. So that before you heard this noise like the breaking of the ship you had seen this water, on E deck in your quarters? - Yes.

Examined by Mr. COTTER.

6226. Are there any bulkhead doors in the alleyway outside your room? - One immediately outside.

6227. Is that forward or aft? - Forward of my room.

6228. And the water was coming from forward? - The water was coming from forward.

6229. So that if that bulkhead door had been closed it might possibly have kept the water out? -

The door was not closed, but just about that time I saw two men coming and they said they were going to close it, but I did not see it closed.

6230. Was it closed after they said that? - I do not know; I walked upstairs.

6231. You went up on deck? - Yes.

6232. Your boat you told us was No. 10, and you were in charge? - That is the one I was sent to.

6233. You said that boat was a yard and a half from the ship's side. Was there any difficulty in getting the women into that boat? - Yes. That was through the list to port. Under ordinary conditions there would be no difficulty.

6234. But the boat was slung away from the ship through the list? - Yes.

6235. Did you assist to get some women into the boat? - I assisted to get most of them.

6236. You said you went down to the next deck to bring or try to force women up. Will you tell us - did you do that? - Yes.

6237. Who did you bring up? - I brought up two children and the mother - and a mother and a child, and other stewards were bringing up other women.

6238. What did you do with the children when you put them into the boat? - Handed them into the boat or dropped them in.

6239. Threw them in? - Threw them in.

6240. And what did you do with the mother? - We wanted to throw her in, and I think she preferred to try and step in.

6241. What happened? - She missed her footing.

6242. What happened then? - This steward named Burke got hold of her foot and she swung head downwards for a few minutes, but she was got into B deck. Somebody caught her into B deck - no, A deck.

6243. Did you ever see her again? - No.

6244. The children were saved? - The children were saved.

6245. You said that you never went into your boat. Why did not you go, seeing that you were in charge? - I would have set a bad example if I had jumped into the boat. None of the men felt inclined to get into the boat.

6246. You simply stood back to assist the women and children to get in? - We stood back till the officers should give us the word, and we never got it, so that we never jumped for the boat.

6247. When you found your boat had gone you said you went down below. What did you do when you went down below? - I went to my room for a drink.

6248. Drink of what? - Spirits.

The Commissioner: Does it very much matter what it was?

Mr. Cotter: Yes, my Lord, this is very important, because I am going to prove, or rather my suggestion is, that he then saved his life. I think his getting a drink had a lot to do with saving his life.

The Commissioner: He told you he had one glass of liqueur.

6249. (*Mr. Cotter.*) Yes. (*To the Witness.*) What kind of a glass was it? - It was a tumbler half-full.

6250. A tumbler half-full of liqueur? - Yes.

6251. When you were on the poop did you see anybody attempting to come up on to the poop after you - following you up? - It was an impossibility for them to get on to the poop.

6252. Are there no ladders going on to the poop? - But the ship was like *that*. (*Showing.*) The ladders would be astern. The people were all on the port side in one bunch. There was nobody on the starboard side; in fact you could not see.

6253. It has been stated that she turned practically perpendicular. I want to ask your opinion

about that, because I think it is very important. Did you see the propellers come out of the water at all? - She was not far out of the water at any stage that I saw.

6254. So that to say that she stood up like that - (*showing.*) - would be wrong? - It would be absolutely wrong.

6255. She simply glided away? - She went down that fashion (*showing.*) It was a glide. There was no great shock, or anything.

6256-66. She simply glided away? - She simply glided away.

6267. When you got into the water and had swum to the collapsible boat you were pushed off, you say? - Yes.

6268. Who pushed you off? - I do not know.

6269. Did you say anything when you were pushed off? - No.

6270. You made no statement to anyone? - No.

6271. What condition were you in when you got to the "Carpathia"? - I was all right barring my feet, they were swelled.

6272. Were you able to walk up the ladder? - No.

6273. How did you get up? - On my knees.

(After a short Adjournment.)

Examined by Mr. LAING.

Mr. Laing: May I mention a matter to your Lordship. The White Star Line will gladly welcome any gentleman who is appearing here in Court on behalf of those to whom your Lordship has allowed representation, to visit the "Olympic" on Monday at twelve o'clock, if they can conveniently be there at that time.

The Commissioner: The gentlemen do not appear to be all here at present, but I will mention it in a quarter of an hour or so, when I see them here.

Mr. Laing: We desire to extend a welcome to those gentlemen who are appearing here in Court on behalf of the representation your Lordship has allowed.

The Commissioner: Yes, I understand.

6274. (*Mr. Laing - To the Witness.*) With regard to questions which have already been asked you about your boat No. 10, you, as I understand, were captain of that boat and had a crew of some seven hands allotted to No. 10? - That was only out of the kitchen department.

6275. Seven of your department were allotted? - That is seven out of the kitchen and the bakery and butchers' department. That does not constitute the crew.

6276. You were the captain and there were seven of your department allotted to that boat? - Seven out of three departments, that is the cooking, baking, and butchering departments.

6277. When you got up on the boat deck you were there, and were your seven people there too? - Yes.

6278. And was Mr. Wilde the Chief Officer, there? - Yes.

6279. And was Mr. Wilde having this boat filled with women and children? - Yes, those were his orders.

6280. Were his orders being carried out? - Yes.

6281. Was the sea, as you have described it, like a pond? - Yes.

6282. And when this boat was full, or nearly full, did Mr. Wilde pick out the men to go in her to look after her? - Yes, he said "I want oarsmen."

6283. How many did he want? - He picked out two sailors and a steward.

6284. Three of them went with the boat? - As far as I know. I did not see any more.

6285. Had you heard that help was given or was expected? - We all knew - at least the word was passed round - that there were four or five ships rushing to us. The word was passed round, but there was nothing official.

6286. But you knew pretty well that help was expected and was coming? - Yes.

6287. And with the sea as it was, do you think three men were enough to keep this boat afloat? - I did under the circumstances, because there was no necessity for rowing. They were only there to calm the women, I thought.

6288. Calm the women and keep the boat floating until help arrived? - Yes.

6289. Was that the idea, do you think which Mr. Wilde was carrying out? - I do not know what he thought.

6290. Then there is another matter I want to ask you about. As to water, you say, as I understand, you only saw water on the alleyway? - I did not see it in the alleyway; I saw it in my room. My room is in what we call the skin of the ship, and the water was on the lower port side, just enough to cover my feet, that was all.

6291. *The Commissioner:* Your room is against the skin of the ship? - Yes.

6292. On the port side? - Yes.

6293. And the water that you are talking about was on the port side of your room? - Yes, the extreme port side.

6294. Did the water extend over the whole of the floor of your room? - Oh, yes, but the bulk of it was on the port side.

6295. You have said it was deep enough to come to your ankles; Where was it deep enough to come to your ankles? - On the port side.

6296. On the side which was nearest amidships, what water was there there? - I could not say, but I suppose a fraction less, that is all.

6297. (*Mr. Laing.*) Was there enough to wet your feet, and that sort of thing? - Yes, that is all.

6298. You have told us that you saw some men coming along to close the watertight doors on the alleyway? - Yes.

6299. Do you know who the men were? - No.

6300. Was it the last time that you were in the alleyway that you saw them coming? - Yes.

6301. And were they closing these doors? - They were setting about it.

6302. (*The Commissioner.*) With spanners? - Yes, one large spanner. The spanner is alongside the door in a click ready for use.

6303. (*Mr. Laing.*) The spanner is kept there so that anybody can use it? - Yes.

6304. That was the last time you were down the alleyway? - The last time I was on E deck.

Re-examined by the SOLICITOR-GENERAL.

The Solicitor-General: I think, in view of this last bit of evidence about the water, it is worthwhile finding out where this witness's room is.

The Commissioner: Exactly.

6305. (*The Solicitor-General - To the Witness.*) Your room is on E deck, I understand? - On E deck, amidships.

The Solicitor-General: Has your Lordship got the plan we have called No. 3?

The Commissioner: I have got the plan of E deck.

The Witness: To save confusion, I was occupying, and have occupied on the "Olympic" and the "Teutonic," the confectioner's room because it is a better room.

6306. (*The Solicitor-General.*) That is a little bit further aft? - Yes.

6307. There is a room which is marked on my plan, "Confectioner and Second Baker" - That is

right, that is the room I occupied.

The Solicitor-General: Does your Lordship see "Confectioner and Second Baker"?

The Commissioner: I do.

The Solicitor-General: That is his room.

6308. (*The Commissioner - To the Witness.*) Was the room that you occupied abaft of the bulkhead? - Yes.

6309. Just abaft of it? - Immediately abaft the bulkhead.

6310. (*The Solicitor-General.*) Has your room got a porthole? - Yes, one.

6311. The portholes on E deck are not the bottom row, but the bottom row but one, I think. Mr. Wilding tells me that is so. Because F deck has also got portholes. That was, or had been, a calm evening, I think? - Yes.

6312. Though it was cold, do you know whether your porthole was open or not? - It was closed.

6313. On E deck are the portholes in practice opened from time to time? - Very, very often we keep them open the whole of the passage.

6314. You say yours was closed, in fact? - Yes, on account of the weather, it being a wee bit cold, I suppose.

6315. So far as you know, though, of course, you could only speak of what you heard or saw, was there any order given after the accident about closing the porthole? - I never heard any order.

6316. I suppose when this ship is riding on an even keel the water would be some distance below your porthole? - Yes, a considerable distance.

6317. And, of course, below the portholes on the deck below? - Yes.

The Commissioner: Does this model which I see here indicate the waterline on this particular voyage?

The Solicitor-General: Yes, my Lord, I think it does, by the dotted line.

The Commissioner: Is it the top of the pink?

The Solicitor-General: I am told by Mr. Wilding it is a little lower than the top of the pink.

Mr. Laing: It is just a little below the pink.

The Commissioner: Is it marked on this model? If it is I cannot see it.

Mr. Laing: No, my Lord, it is not.

The Solicitor-General: I understood it was.

Mr. Laing: But we could have it put on if it is any convenience.

The Commissioner: It might be some convenience if you would have the waterline marked on this model.

Mr. Laing: We will put it on with a little strip of paper.

The Solicitor-General: Where one does see it, is on the upper of the two plans on this side of the room. There is the waterline indicated.

The Commissioner: There I see it - those two blue lines, one on the right and the other on the left, you mean?

6318. (*The Solicitor-General.*) Yes. (*To the Witness.*) Do you see the plan there? - Yes.

6319. E deck would not be the line immediately above that, but the line above that again? - Oh, no - I could tell you from the model here, but I cannot tell you from that.

The Commissioner: I am afraid I threw you out of your line of question.

6320. (*The Solicitor-General.*) It was only to see where we were, my Lord. (*To the Witness.*) Now, with regard to this water, did you think that the water was sea water, or did you suppose that owing to the ship having a list, water had poured from somewhere inside the ship? - My idea was she had shipped some water forward, or a quantity of ice that had melted and had run down;

but I did not give it a second thought, because it was not serious.

6321. Was there anywhere else on E deck that you saw any indication of water at all? - No.

6322. (*The Commissioner.*) I should like to ask a question about it. Did the water come under the door of your cabin? - The door was open.

6323. Then it was flowing from the passage; it must have come in from the passage outside? - It must have come in, yes. There is a scupper just at the outside.

6324. That passage outside is what you call an alleyway, is it not? - Yes.

6325. Is that what you call Scotland Road alleyway? - Yes.

6326. That was a fairly wide passage? - Eight or nine feet, I think, I am not sure.

6327. Was there water on the floor of that passage? - Very little.

6328. As the ship listed over to port the water flowed down into your cabin and left the alleyway from which it came fairly dry? - Yes.

6329. Did you see or believe that more water was coming in while you were standing there? - I could not see any coming; I did not know where it came from at all.

6330. Had your cabin a coaming? - A very small one; less than two inches.

6331. Two or three inches? - That is all, a wooden coaming like a doorstep.

6332. (*The Solicitor-General.*) After you had been in your room and seen this water there, you came out again in the alleyway, I understand, did you not? - No, I went up the middle staircase, what we call the crew's staircase.

6333. Did you return to that same deck at all, or was it your last visit? - That was my last visit.

6334. And you told me you did not see water on that deck anywhere else? - Nowhere else.

6335. The only other thing is this. You say you saw men coming to close watertight doors; that is to say, those doors do not shut automatically? - That is right.

6336. Was that on E deck? - Yes, immediately outside my room.

6337. Watertight doors? - Yes.

6338. On E deck? - Yes.

6339. Was one aft of your room? - Immediately forward.

6340. Immediately forward of your room? - Yes.

6341. Then was it that watertight door, which you see on the plan is in the alleyway, which is in front of your room? - I am not sure, but I think it is No. 23 door.

6342. I do not know their numbers, but was it the one just forward of your room? - Yes, in the alleyway.

6343. And you actually saw them doing that? - Yes, they were working on it.

6344. You are quite right; it is No. 23 door? - We used to call it the skidoo door, on account of the number. That is how I remember the number.

6345. (*The Commissioner.*) I do not understand that? - It is an American joke.

6346. Will you explain it? - I could not explain it, my Lord.

6347. (*The Solicitor-General.*) At any rate it connects No. 23 with something about skidoo? - Yes.

6348. Did the men working at No. 23 door tell you they had got orders about it? - No, I did not speak to them.

6349. You do not know whether they were closing or had closed any other watertight doors? - No, I do not know.

6350. You spoke of seeing an interpreter in the third-class part of the ship trying to get the third-class people to come along and go up to the deck? - Yes.

6351. Did I catch you rightly to say the interpreter was doing it and men were helping him? - I could see two or three stewards.

6352. You could? - Yes.

6353. Third-class stewards? - I suppose they were, I am not quite sure.

6354. Trying to persuade the people? - Yes.

6355. And where was it these people that you saw were standing? - In the alleyway, just abaft the emergency door leading into the second-class.

6356. That is also on E deck? - Yes.

6357. Are the third-class cabins which are abaft of that also on the E deck? - There are some on E deck, and there are some on F deck below that.

6358. (*Mr. Clement Edwards.*) There is a question which I did not examine into, but which has arisen, if your Lordship will permit me. (*To the Witness.*) When you saw this water in your compartment did it lead you to any conclusion as to the special danger in which you thought the ship was? - No, not anything special. If it had been higher I should have thought something about it, but under the circumstances I thought it might have been a pipe burst, because there was a pipe burst on the "Olympic" from the engineers' quarters and we got the same water. It might have been the same thing.

The Commissioner: I think all the representatives of the different classes are here now, and I want to say that Mr. Laing, at the sitting of the Court this afternoon, mentioned that the White Star Company would place the "Olympic" on Monday at the disposal of the gentlemen who are here representing the different classes, so that if they choose to go and see her at 12 o'clock on that day they will be able to go over the steamer.

Mr. Edwards: May I say, my Lord, on behalf of my friends, we appreciate this, but it would considerably help us, and in the end I think might help the Court, if passes were also provided for experts to accompany the counsel and representatives who are engaged in this case, not in the sense of experts who may be called as witnesses, but rather as experts who with their special knowledge may fortify the counsel on matters of technical importance.

The Commissioner: What do you say to that, Mr. Laing?

Mr. Laing: My clients do not think that is a reasonable request to make. Their invitation is to the gentlemen who are representing the parties, like ourselves.

The Commissioner: I think you must be satisfied with the ordinary order, which is to the gentlemen who represent the interests. I think that is sufficient.

6359. (*The Solicitor-General - To the Witness.*) There is one other thing. You may be able to tell us about the electric light in the afterpart of the ship. You have described how you heard the breaking of the metal, the rending of metal, followed by this rush of people to the poop. At the time when you heard the rending of metal, were the electric lights burning in the part of the ship you saw? - The electric lights were burning right to the very last. I saw the time by my watch at a quarter-past two.

6360. You looked at your watch? - Yes.

6361. You were carrying it? - Yes, I had it in *this pocket* I was transferring it from *this pocket* to my stern pocket.

6362. And you looked at it as you did it? - Yes.

6363. Were you holding on to the rail at the time? - No, I was getting towards the rail. It was a quarter-past two then.

6364. And the electric light was burning then? - Yes.

6365. So that there was never a time when you were on that ship when there was not electric light where you were? - Right to the very finish that I saw.

6366. (*The Commissioner.*) Your opinion is it was burning until the afterpart of the ship went down. Do you mean that? - Yes, I saw it.

(The Witness withdrew.)

The Solicitor-General: You will see, my Lord, now that Mr. Wilding has put on that model the mark which indicates the waterline, as best he can estimate it at this time.

The Commissioner: Yes, I see that.

SAMUEL JAMES RULE, Sworn.

Examined by the ATTORNEY-GENERAL.

6367. You were bathroom steward on board the "Titanic"? - Yes.

6368. Did you join her at Southampton? - Yes.

6369. As bathroom steward? - Yes.

6370. Did you hear anything at all about being in the neighbourhood of ice before the collision? - No.

6371. Where were you at the time of the collision? - In my bed.

6372. Were you asleep? - Yes.

6373. Would you help us to find out where you were from the plan? Where did you sleep? - On E deck.

6374. What part of E deck? - The afterpart. It is an eight-berthed room; eight people slept in it - the saloon steward, and the lounge steward, and deck steward -

6375. Was it starboard or port side? - Port side. It is next door to the chef's room.

6376. Was it forward or aft of the chef? - Forward, the same passage. The chef went past our door in that passage way.

6377. Who were the men who were with you in this berth? - At the time?

6378. Yes, what were they? Storekeepers? - No. The Linen Keeper, the Smoke Room Steward, the Deck Steward, the Lounge Steward, and the Second Bedroom Steward, and the Bathroom Steward, myself.

6379. Was there any other eight-berthed cabin close there? - No, the next one is twelve.

The Attorney-General: Your Lordship will see where it is if you look just forward of the "Engine casing" on the port side. Your Lordship has the room where Joughin was. Forward of that there is the chef and forward of that again there is a berth and in front of that another one. "Twelve superior stewards." It is the one which has the eight in, and it is marked "One barkeeper, six storekeepers," and something else.

The Commissioner: Are you sure it is there?

The Attorney-General: It must be from what he says, because it is just abaft the twelve.

6380. (*The Commissioner.*) I can see the big berth a little further on. (*To the Witness.*) How many were there in yours? - Eight.

The Attorney-General: That is why it fixes it, my Lord.

The Commissioner: I see in the one I am looking at there are a great many more.

6381. (*The Attorney-General.*) This is the only eight one there. (*To the Witness.*) Were you asleep? - Yes.

6382. What woke you? - The stoppage of the engines.

6383. Did you feel any shock before that? - No.

6384. How many of you were there in the cabin at the time? - Three.

6385. All turned in? - Yes.

6386. Did you all wake together? - Yes, pretty well, I think. If they did not I woke them myself.

6387. Did you think that something was wrong? - I thought so when the ship stopped suddenly.

6388. Did you notice anything further with the engines? - Not until she went full speed astern.

6389. You did notice that? - I noticed that and the electric bells going in the fidley.

The Commissioner: Does he say full speed astern?

6390. (*The Attorney-General.*) Yes, that is what he said. (*To the Witness.*) You noticed the engines had been reversed? - Yes.

6391. I am not sure whether it was after that or at the same time that you heard the electric bells go to close the watertight doors? - The same time.

6392. What did you do then? - I immediately got up and dressed and went on deck.

6393. Were there lifebelts in your cabin? - Yes.

6394. Provided for everyone? - Yes, eight.

6395. Eight lifebelts for eight people? - Yes.

6396. Did you take any with you when you went on the boat deck? - Not then I did not.

6397. You went on the boat deck? - I went right up the stairs on to the boat deck.

6398. Was there any sign of excitement or agitation on the boat deck? - None whatever.

6399. What did you do then? - I walked right along the boat deck right forward and passed in on to A deck and down the stairs to each deck.

6400. What do you mean by each deck? - A, B, C, D, and E.

6401. Till you got to your deck? - Yes, eventually, and I spoke to several of the stewards on watch and asked them what was the matter, and they thought everything was correct. There was no excitement anywhere. As I passed down on each deck I saw groups of people, but there was no panic and no excitement; you would have thought it was the closing up of the public rooms we met at every night. People were grouped round talking, and nothing more that I saw. I went right down through B and C deck down to D and E deck back through the saloon to the pantry, and I stopped talking to the watchman there, and I passed down to E deck again to my room.

6402. To your room? - To my own room, back again. As there was nothing doing and no excitement we thought everything was right.

6403. You thought everything was going to be all right? - Yes.

6404. Did you know you had struck an iceberg? - I heard.

6405. When you got on the boat deck? - Yes.

6406. But you did not think it was anything serious? - No, nobody thought so.

6407. Nobody thought so? - No.

6408. Then you went back to your cabin? - Yes.

6409. Did you go to bed again? - No I stood talking to my two mates that I had left behind, and advised them to get up and dress in case we should be wanted.

6410. You told us you passed along these decks. Did you see any passengers? - On each companionway, I did, in groups. I recognised some that I knew.

6411. You have said there was no excitement. Did that apply as well to the passengers as to the stewards, the persons to whom you spoke? - Yes.

6412. What was the next thing that happened when you got back to your cabin? - I was there perhaps 10 or 15 minutes when the chief bedroom steward came down and said the order was, "All hands on deck for the lifeboats," and the bedroom stewards were to see the passengers out of their rooms with their lifebelts and lock the rooms up.

6413. Did you then go up to the boat deck? - Yes.

6414. Did you take your lifebelt? - Yes.

6415. Does that mean that each one took one lifebelt? - We each took our own.

6416. (*The Commissioner.*) When you say "we," you mean the three? - Yes.

6417. (*The Attorney-General.*) Did you notice any list in the vessel at that time? - Not at that time.

6418. Was there any water in your cabin - any sign of water coming into your cabin at all? - No.

6419. When you got up to the boat deck did you get any other order? - No, as I passed up the staircase, I got to A deck and I saw Mr. McElroy the purser, and Mr. Dodd, the Second Steward. I thought to receive some orders from them, but there were no orders given, and I passed on to the next deck, the boat deck. It was on A deck I saw them. They were in deep conversation.

6420. On the boat deck did you get any order? - No.

6421. Did you get any order about provisions for the boats? - No.

6422. What did you do next? - I went forward to No. 3; I went forward till I got to No. 3.

6423. Did you know your station? - Yes.

6424. Was No. 3 boat your station? - No, No. 15. We got the number as we passed up through the pantry from the boat list.

6425. I want to understand that. There was a boat list? - Yes.

6426. Had you seen that before this night? - Yes.

6427. Where was that? - In the saloon pantry.

6428. And did that tell you your station? - Yes.

6429. Was your station 15? - Yes.

6430. Then when you came up you did not go to boat 15, you went forward to boat 3? - Yes.

6431. Why was that? - Well, I just merely went forward to see what they were doing, and my curiosity took me forward to see if I could hear any more of the damage, and I got busy at No. 3.

6432. Was the vessel at all down by the head then? Did you notice? - Yes, slightly.

6433. Boat No. 3 was on the starboard side? - Yes, starboard side forward.

6434. It was the second boat? - The second boat.

6435. Next to the emergency boat? - Yes.

6436. When you got there were any passengers there? - Well, of course there were some passengers, and some of the crew getting her ready.

6437. Was she being uncovered? - Had she been uncovered at that time? - She was entirely uncovered, and ready for lowering almost.

6438. She was almost ready for lowering? - Yes.

6439. Were there any passengers in at that time? - There were some in it.

6440. Were they men or women in the boat? - Women.

6441. Any children? - I could not say; I was a good way off.

6442. Were there any men in the boat? - I think so.

6443. Could you tell whether they were crew or passengers? - Mostly passengers, that I saw.

6444. In the boat? - Yes. Mr. Ismay was seeing them into No. 3 boat.

6445. (*The Attorney-General.*) I think this is the first time we have had No. 3 boat, my Lord. (*To the Witness.*) Was any officer superintending? - Yes.

6446. Who? - I think it was Mr. Lowe; I am not sure. It was a junior officer. I do not know him.

6447. Was there any confusion? - No.

6448. Everything was going on quietly and regularly? - Yes.

6449. Were the boats lowered from the boat deck to the A deck? - No, they took their passengers on from the boat deck.

6450. I said the boats. Did you see the No. 1 boat? - No. 1 would be in the water at that time.

6451. That was the emergency boat? - Because I heard an order given: "Stand off from the ship's side and come to when we call you." That was when No. 1 boat was in the water.

6452. I should like to get that clear. No. 1 boat was the emergency boat; the forward boat on the starboard side of the ship? - Yes.

6453. It was the boat in which Hendrickson was, the last witness yesterday, my Lord. (*To the Witness.*) I want you to repeat the order you heard given about that boat? - "Stand off from the ship's side and return when we call you."

6454. "Stand off from the ship's side and return when we call you"? - Yes.

6455. To whom was that order addressed? - To the people in the boat, I presume.

6456. To the people in No. 1 boat. Could you see how many there were in that boat at the time? - No.

The Attorney-General: It was the one with seven of the crew and five passengers in, your Lordship will remember.

6457. (*The Commissioner.*) The emergency boat was in the water when you were at No. 3 boat? - Yes.

6458. And this emergency boat had been dropped from the forward end on the starboard side? - Yes.

6459. And someone, I do not know who, gave directions to this boat to stand off from the ship's side and come back when called? - Yes.

6460. Who gave that order? - I could not say - some officer.

6461. (*The Attorney-General.*) Had you heard any other orders given to that No. 1 boat? - No.

6462. At this time, from what you have said, Mr. Ismay was standing close? - Yes, he was helping to get No. 3 out.

6463. Helping to get No. 3 boat out? - Yes.

The Attorney-General: Your Lordship will remember this order. It is on page 119, question 5011. Hendrickson's answer is practically to the same effect. The words are, "He was told to stand off a little way and come back when called."

The Commissioner: Yes, it is to the same effect.

6464. (*The Attorney-General - To the Witness.*) Was Mr. Ismay dressed at this time? - No, he had his slippers and a light overcoat on and no hat.

6465. Slippers, light overcoat and no hat? - Yes.

6466. You said he was helping. What was he doing? - He was just the same as any of the crew; he was doing all he could to assist to get the boats out.

6467. You saw passengers get in. Did you hear any refuse to get in? - No.

6468. Can you give us any idea how many people there were in this boat No. 3 before she was lowered? - No, I could not give you that, because I was a good way from her at the stern of the boat.

6469. You were at the stern? - Yes, at the fall.

6470. Did you see this boat lowered at all to A deck? - No, I think she went right into the water.

6471. (*The Commissioner.*) This is No. 3? - Yes; she could not take her passengers on at A deck.

6472. (*The Attorney-General.*) She could not? - No.

6473. That was because of the windows, I suppose? - Yes, closed in.

6474. What did you do after you saw this boat lowered? - I assisted in the next one.

6475. Which was that? - No. 5. They passed the cover down and I threw it on one side clear of the falls. Then I met some of the pantrymen coming up with provisions for the boat, and I placed all the provisions round to pretty well each boat on the deck.

6476. What do you mean by provisions? What provisions? - A box of biscuits and some bread.

6477. A box of biscuits and some bread, do you mean, to each boat? - Yes.

6478. Did you stay with No. 5 until she was lowered? - No, I went on with the bread and the biscuits.

6479. After helping No. 5 you then went further aft. Did you go to the next boat? - No, I distributed the bread all round - the biscuits and bread to each boat.

6480. Had any of the boats been lowered on the starboard side by the time you got on to the boat deck? - No.

6481. They were all there. Then did you go along to each boat distributing provisions? - Yes.

6482. (*The Commissioner.*) Does this apply only to the starboard side or to the port side as well? - Only to the starboard; I never crossed to port.

6483. Does that mean that you distributed biscuits and bread to each one of the boats on the starboard side? - Yes, pretty well.

6484. (*The Attorney-General.*) If I follow the story it must be from No. 5, because No. 1 was already in the water? - Yes, No. 3 was down.

6485. But when you got to No. 5 you started? - Yes, I met the pantry men coming along with a case of biscuits and some bread. There were some five or six men came along.

6486. Is it your view that No. 1, the first boat on the starboard side, was in the water before any of the other boats were lowered? - Yes, on the starboard side.

6487. You got eventually to your boat, the aftermost boat on the starboard side? - Yes.

6488. That is No. 15? - Yes.

6489. Was she uncovered when you got to her? - Yes.

6490. What did you do? - The time I got there Mr. Murdoch had given orders to see the plug and rudder shipped and the tiller shipped, and everything ready, and then to call the men together into the boat.

6491. Mr. Murdoch was in charge then? - Yes.

6492. He was the officer superintending? - Yes.

6493. You say he called to the men to get into the boat. Will you tell us as nearly as you can what it was he said? - He said: "Some of you get into the boat." About six went in and he said: "That will do; no more; lower away to A deck and receive any women and children there are."

6494. "Lower away to A deck"? - Yes.

6495. Did you then go down to A deck? - I went along down the stairs to the boat and met her at A deck.

6496. Before she was lowered to A deck had she taken any passengers at all? - No, there were no passengers there.

6497. When you got to A deck was there an officer there? - There was someone in charge; I do not know who it was.

6498. Did you hear him give any orders? - To get all the women and children into the boat that we could find.

6499. Were there any passengers standing round on A deck at this time at the place where the boat was lowered to? - Yes, there were some.

6500. Women and children? - There were four or five women and children; four women and about three children.

6501. At this time had you noticed whether the vessel had any list? - Slightly.

6502. A list to which side? - To port.

6503. Can you give us any idea when it was you first noticed the list to port? - No, not particularly; not until I got down into the boat. I found she was pretty well up against the ship's side. I did not notice particularly in getting the other boats out that she had a list.

6504. You mean not until you got to your own boat? - Not till I got down to A deck.

6505. You did not notice it particularly, at any rate, until then? - No.

6506. Did you get those four women and three children into the boat? - Yes.

6507. Were there any more? - No, they sent scouts around and shouted out for any more

women and children and waited quite a while, but there were no more women and children to be found.

6508. Then when she got these four women and three children there was plenty of room still in the boat? - Yes.

6509. Did you try to find any more women and children? - Yes.

6510. What did you do? - They sent scouts all round the port side and the starboard side looking for them.

6511. You say you sent scouts; have you any idea how many men went? - Three or four.

6512. Did you yourself go? - No, I was on the rail, passing the women and children on board.

6513. Did these men come back who had been out looking for the women and children? - Yes.

6514. How long after? - Three or four minutes - four or five minutes.

6515. Three or four or five minutes after they had started to look for the women and children? - Yes. They went on the port side. There was no one to be seen on the starboard side, the side we were on.

6516. No one at all? - No, only those who were round the boat.

6517. Do you mean no one at all, or no women and children? - No one at all, no women and children. I did not encounter anyone until I came downstairs; the deck was perfectly clear.

6518. Then did they find any women and children? - Only these three or four.

6519. We have heard of those - I mean after they went to look for them? - No.

6520. When they came back, what did they say? - There were no more.

6521. (*The Commissioner.*) They said there were no more? - No more on the deck.

6522. Does that mean no more women and children? - Yes.

6523. (*The Attorney-General.*) When there were no more women and children, what orders were given to you? - Mr. Murdoch said, "Fill the boat up; take in what you have got there, and lower away."

6524. "Take in what you have got there." What do you mean by that? Those already in the boat? - No, whoever was at the ship's side.

6525. Was she lowered to any other deck before she was lowered to the water? - No, she filled up from A deck.

6526. (*The Attorney-General.*) That does not quite agree with Cavell's story at page 108, question 4334. It is said that after you had taken passengers in at A deck the boat was then lowered to the 3rd class. Your Lordship will remember he pointed out on the model. (*To the Witness.*) Is that right? - She could not take anyone in below A deck.

6527. Which are you referring to as A deck? - The deck below the boat deck.

6528. The deck immediately below the boat deck? - Yes.

6529. Have you any idea how many got into the boat altogether? - Sixty-eight.

6530. Is that including passengers and crew? - Yes.

6531. That is all told? - Yes.

6532. From first to last? - Yes.

6533. Could you get any more into the boat? - No.

6534. Were there any other boats left besides yours? - No, that was the last in the davits.

6535. Then yours was the last boat to leave on the starboard side? - Yes.

The Commissioner: That is No. 15.

The Attorney-General: Yes my Lord.

The Witness: 11 and 13 were in the water; we very nearly got on top of 13 lowering down.

6536. (*The Attorney-General.*) Yes, I am going to ask you about that in a moment. Did you leave any people standing on the deck when the boat was lowered? - Yes, there were some left behind.

6537. Was there any attempt on the part of those to get into the boat? - There was a bit of a rush at the last when they said "lower away."

6538. (*The Commissioner.*) What were these people left behind? Were they men or women or what? - All men.

6539. (*The Attorney-General.*) Can you give us any idea of how many of the 68 who went into this boat No. 15 were women, and how many were men? - Four or five women and three children.

6540. And all the rest men? - Yes.

6541. That is about 61 men? - Yes.

The Commissioner: This seems quite contrary to the other evidence.

The Attorney-General: Yes, my Lord.

6542. (*The Commissioner.*) Now I want to be clear about this. Are you now talking about boat No. 15? - Yes.

6543. And where was it? Show it to me on that model? - (*The Witness pointed out the place on the model.*)

6544. (*The Attorney-General.*) There is no doubt about that, my Lord. Will your Lordship allow me to put one question to him to make it clear he is speaking of the same boat, No. 15. (*To the Witness.*) When No. 15 was lowered did you very nearly swamp another boat? - Yes, No. 13.

6545. You very nearly came on top of No. 13? - Yes.

6546. (*The Commissioner.*) How long were you at No. 15 boat? - When?

6547. When the passengers or whoever they were were going on board, how long were you there? - 10 minutes possibly - 10 or 15 minutes.

6548. How many people got on in 10 or 15 minutes? - We were about 10 or 15 minutes there before we started to take on anybody at all - when they were looking for the women and children.

6549. As I understand, first of all you got on a small number? - Yes.

6550. And then you sent out what you call three or four scouts? - Yes.

6551. And they came back and said there were no women or children to be found? - Yes.

6552. Then did men begin to go on board the boat? - Not until Mr. Murdoch gave the orders from above.

6553. And what order was it he gave? - He said, "There are no more women and children; fill your boat up and lower away."

6554. (*The Attorney-General.*) Could you tell whether the women who were on board were first-class or second-class or third-class passengers? - I think they were third.

6555. Who, the men? - The women.

The Attorney-General: I am asking now about the four women he said he put on. Why do you say that? - Well, I could not swear.

6556. What makes you think it? I want you to tell the Court what your reason is? - I fancy from the way they were dressed. In fact, I know one was, because she told me on the "Carpathia" that she had lost her husband.

6557. Could you tell whether there were any Irish women amongst them? - No.

6558. You could not tell? - No, because they were all in the middle of the boat and I was in the bows of the boat.

The Commissioner: I do not know how this witness Cavell can have made a mistake.

The Attorney-General: No, if your Lordship looks at page 109 -

The Commissioner: I am looking at it now.

The Attorney-General: It is very difficult to understand.

The Commissioner:. He is being examined by the Solicitor-General, and this is what he says:

“(4353) And then you are lowered to the lower deck, and you take in, you think, about 60? - (A.) Yes. That would make about 70” - that would be the 60 and the seven, you know? - “(A.) Yes. (Q.) Do you say that you took in everybody who came at that time at the lower deck? - (A.) Yes.”

The Attorney-General: He corrected that later.

The Commissioner: “You left nobody behind? - (A.) No, Sir;” and therefore he affirms that there were none but women and children, and he denies that any were men.

The Attorney-General: If your Lordship looks at Question 4369, that puts it specifically.

The Commissioner: “(Q.) You think that the 60 women you took were all third-class passengers? - (A.) Yes, my Lord.”

The Solicitor-General: Of course, the deck he is speaking of is, undoubtedly, a second-class deck.”

The Attorney-General: Will you read on?

The Commissioner: “(*The Solicitor-General.*) That was your impression, was it? - Yes. (Q.) These women that you think came from the third-class, were some of them foreigners? - (A.) They were Irish girls. (Q.) It is a nice question, whether they are foreigners or not. Then your boat, I suppose, was as full as it would hold, was it? - (A.) Yes. (Q.) Who took charge of it? - (A.) One of the firemen. (Q.) What is his name? - (A.) Diamond [Dymond]. (Q.) Then there was you, and were there only three others of the crew? - (A.) Four. (Q.) Four others? - (A.) Yes. (Q.) Diamond and yourself, and four others. (A.) Three more.” Then it goes on to another point.

The Attorney-General: Yes, it is very definite.

The Commissioner: Mr. Attorney, are you in a position to call evidence from the “*Carpathia*”?

The Attorney-General: I expect we shall be. I am not at present, but we shall be.

The Commissioner: Because one would hope that the “*Carpathia*” could give us some information as to what the people were who got out of this boat.

6559. (*The Attorney-General.*) Yes, we may be able to, but I am not very sanguine about that; but we will try. I am much obliged to your Lordship for the suggestion. We will see whether it can be done. (*To the Witness.*) Can you give me a little more information about those persons?

The Commissioner: I wish you would press him a little on the point.

6560. (*The Attorney-General.*) I am going to, my Lord. (*To the Witness.*) If you leave out the four women and the three children of whom you have spoken - I am not going to ask you anything more for the moment about those you picked up on the boat deck - are you quite sure that all the rest of the passengers who got in were men? - Yes.

6561. Quite certain of that? - Yes.

6562. You were helping to pass them into the boat? - Yes.

6563. So that if your memory is correct, you could not be mistaken about it? - No.

6564. (*The Commissioner.*) Do you know Cavell? - No.

6565. Have not you seen him here? - I could not say.

6566. (*The Attorney-General.*) We saw him, he was a very short man, boyish looking. Do you remember? - No.

6567. You do not know him at all? - No.

6568. Could you tell at all whether these passengers, the men who got in were first, second, or third-class passengers? - They were third-class.

6569. Third-class? - Third and second.

6570. Why do you say that? What makes you think they were third and second? - I was in conversation with them on the boat.

6571. And they told you? - Yes, in fact a second-class passenger pulled an oar with me during the night; he told me he was a second-class passenger.

6572. Did you talk to many of the passengers in the boat? - No, only just those immediately around me.

6573. Those who were just around you when you were in her? - Yes. I was in the bows of the boat.

6574. Is this a matter about which you are quite clear in your mind, and about which you cannot be making any mistake as to the number of women that were in that boat? - Quite right.

6575. It struck you as rather odd, did it not, that after the order that was given, "Women and children in the boats," that you should have so many men? - Well, they were pretty well all cleared off that deck.

6576. Did you think when the vessel left that there were no more women on board? - No.

6577. Well, you knew there were some women left? - Well, I should imagine so.

6578. But you knew that the order was that the women were to go into the boat first and this was the last boat? - Yes.

6579. On the starboard side that is - we are speaking altogether of the starboard side? - Yes.

6580. (*The Commissioner.*) If these were all practically men, did it not strike you that you were not doing what you ought to do? You were not taking the women first. Did not that occur to you? - Well, of course, we took all the women who were there. We could not find any more.

6581. You took all the women that were on that deck opposite to that boat, but you knew that there were hundreds elsewhere. You knew that, I suppose? - Well, I imagined there would be some more.

6582. (*The Attorney-General.*) Why did not you go to look for them? - Well, because there were other people looking for them.

6583. But not at the time the men were being passed into the boat? - Yes, they were shouting out round the decks.

6584. Do you mean that when the scouts who went round that you have told us about, whilst the scouts were away, the men were getting into the boat? - No, not till the men came back.

6585. When the men came back and said there were no women? - No, Mr. Murdoch said, "Fill your boat up with what you have got there - men."

6586. After that did anybody go to look for women? - No.

6587. Was there a rush to get into this boat? - No, not particularly.

6588. "Not particularly" means there was some rush? - Well, there was a bit of a rush at the last, yes.

6589. Did the men seem anxious to get into the boat? - Yes.

6590. Pushing forward to get into the boat? - They all seemed anxious to get in.

6591. Alarmed because it was the last boat on that side? - Well, I do not know; I could not say whether they were alarmed.

6592. It looked like it, did it not? - Yes.

6593. Was the vessel then very much down by the head? - Yes, she was.

6594. Was she well listed over to port? - Yes, she had a slight list to port.

6595. Do you know a man called Diamond [Dymond]? - No.

6596. Do you know who took charge of the boat? - A man called Jack Stewart.

6597. What was he? - A steward; he was a steward called Stewart.

6598. A man who was a steward, whose name was Jack Stewart? - Yes.

6599. (*The Commissioner.*) He is alive? - Yes.

The Commissioner: Who is he?

6600. (*The Attorney-General.*) This is the first we have heard of him, my Lord. (*To the Witness.*) Who rowed? - Nearly everybody rowed who could get to the oars. I rowed for one.

6601. (*The Commissioner.*) You do not mean to tell me 60 or 70 people rowed? - No,

everybody who could get to the oars. It was difficult.

6602. I thought you said nearly everybody? - Well, pretty well; they took turns.

6603. (*The Attorney-General.*) When this boat No. 15 was lowered what did you do? Did you go and lie off? - Yes.

6604. Did you wait? - Yes, we waited off.

6605. Could you see people on board? - No.

6606. How far off did you go? - About 500 or 600 yards.

6607. Could you see the lights of the vessel? - Yes.

6608. Her electric lights? - Yes.

6609. Did you see her go down? - Well, yes, I saw her.

6610. Were her electric lights burning to the end - to the last? - Very near to the last.

6611. Did you see her actually founder? - I did not see her actually go down at the last.

6612. After she went down, did you hear cries? - Yes.

6613. Before she went down did you see a number of people in the stern of the vessel, on the poop? - No.

6614. When you heard the cries, did you make any attempt to reach them? - We pulled back and pulled round.

6615. Did you? - Yes.

6616. Did you get near anybody - No, we never saw anyone.

6617. Did you try to reach anybody? - We pulled around the district, around the ship.

6618. (*The Commissioner.*) Your boat was nearly full? - Yes, we could not take many more. It was down in the water as it was.

6619. (*The Attorney-General.*) Supposing you had got to anybody, could you have taken them on board your boat? - Yes, we might have got them in, but there was not much room for anybody there.

6620. What? - There was not much room to pick up anybody.

6621. Was your boat far down in the water? - Yes, right to the gunwales.

6622. Did you see anybody on the deck or on the ship without a lifebelt? - No.

6623. Do you mean everybody had one? - Everybody I saw had one on.

6624. A lifebelt? - Yes.

6625. Can you give me the names of any one of the men who went to look for women and children? - I could not.

6626. Did you know any of them? - No.

6627. (*The Commissioner.*) Did those men get into the boat? - That I could not say.

6628. (*The Attorney-General.*) Did you see at all in what direction they went to look for the women and children? - They went round the deck on the port side on A deck.

6629. On the same deck? - Yes.

6630. Did they go to any other deck? - I do not think so.

6631. Why not? - That I could not say. I could not tell you why they did not.

6632. Then apparently, if I understand you, all that they did was to go round to the port side of the A deck and see whether there were any women and children there? - They went on both sides of A deck.

6633. On both sides of A deck? - Yes.

6634. Do you mean along the deck? - Yes.

6635. (*The Commissioner.*) Do you think they went not to find them? - No, they shouted pretty well all round.

6636. They were shouting, were they? - Yes.

6637. What were they shouting? - "Any more women and children for the boat."

6638. Were they shouting properly so that they could be heard? - So that anybody could hear them on the next deck.

6639. You heard them yourself? - Yes.

6640. And they could have been heard on the next deck? - Everywhere.

6641. (*The Attorney-General.*) Did you see any stewards or any men helping the women from the second-class deck on to A deck? - No.

6642. Have you seen Jack Stewart since you were in the boat with him which eventually was picked up by the "Carpathia"? - Not since I left Southampton.

6643. Did you mean since you left Southampton to come here? - Yes.

6644. (*The Commissioner.*) Then when did you see him in Southampton? - Last Tuesday week.

The Commissioner: You ought to know where this man is, Mr. Attorney.

The Attorney-General: Oh, I know, my Lord. All I said was, this is the first we have heard of him in this case, but, we know, and your Lordship shall see him, and Diamond [Dymond] also.

The Commissioner: He may help to clear this up.

The Attorney-General: Yes, it has to be cleared up.

The Commissioner: I am in a difficulty about this boat at present. Is Cavell gone?

The Attorney-General: I am afraid he has, but we can have him back.

The Commissioner: I wish you would keep him in sight so that we can see him again if necessary.

6645. (*The Attorney-General.*) Yes, my Lord. He was one of those who were released yesterday. We will take care to get him again. (*To the Witness.*) Do you know a man named Noss? - No.

6646. Or Clark? - No.

6647. In the boat with you as part of the crew? - No.

6648. Did you hear the officer shout out, "Stand back; women first" when the rush came? - No.

6649. I will put this story to you. Your Lordship will see I must call the witness later. "As we were being lowered several of the foreign passenger men rushed for the boat." That is what this witness says. That is right, is it not? - Yes.

6650. And did the officer shout out when the rush was made, "Stand back; women first." - I did not hear him.

6651. Well, he must have shouted out something, must he not? - I did not hear him shout it.

6652. Did you hear him give any order? - No.

6653. Not when the rush was made for the boat? - Not after Mr. Murdoch said "Fill the boat up." I never heard any order after that.

6654. I am going to put it to you that you are making a mistake as to the time, if you will follow what I am going to suggest to you. I am putting to you that what really happened was that the rush that was made for the boat of which you have spoken was before Mr. Murdoch's order. Let me put to you the story. Just follow this: that there was a rush of a number of passengers for the boat, and Mr. Murdoch then shouted out "Stand back! Women first!" that you then proceeded to take in all the women and children that were there? - That is correct.

6655. That is correct? - Yes.

6656. That is what I put to you before, you know. Then there was a rush made for the boat before the officer called out "Stand back! Women first!"? - Yes.

6657. And then where was that that the rush was made? - When she came down to A deck.

6658. And then did you take in women and children? - Yes.

6659. How many? - What I told you before.

6660. The four and the three? - Yes. That is the only deck we took them in.

6661. I must put to you that you took in at that deck 22 women and children. Is that right? -

No.

6662. Was it after that that Mr. Murdoch called out, "Is that boat full?" - Yes.

6663. Did you hear persons shouting out at the side of the boat whether there were any more women? - Yes.

6664. I mean not only the scouts who were sent to look for the women? - The man who was in charge on the deck was shouting out at the same time.

6665. Do you mean near the boat? - No, on the deck. The man that was looking after the deck, the officer - I do not know who he was - was shouting if there were any more women.

6666. Did you hear any reply made to that? - No.

6667. Did you hear anyone say to the officer: "There are no more women and children to be seen"? - Yes.

6668. You heard that? - I heard that.

6669. And what did he say then? - To fill up the boat.

The Attorney-General: This is a question really of numbers, my Lord. I cannot say anything further about it, as I have only got the depositions at present. Your Lordship will have to see the witnesses.

(The Witness withdrew.)

Sir Robert Finlay: My Lord, with regard to the question of experts which has been mentioned, we should have no objection whatever if the other gentlemen engaged in the case can agree upon an expert to go with them; we should not object to that in the very least, but we do not think there ought to be an indefinite multiplication of experts.

The Commissioner: Then if you gentlemen can put your heads together, and agree upon one expert to go with you, the White Star Company will be glad that you should have him with you. Find an expert in whom you all have confidence, and let him go with you to show you.

(Adjourned till Tuesday next at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Tuesday 14th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

SEVENTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

Sir Robert Finlay: Your Lordship will recollect that I asked that the cross-examination of the witness Hendrickson should stand over until today. After the rising of the Court on Friday I heard that Sir Cosmo and Lady Duff-Gordon were on their way to this country on board the "Lusitania." They will arrive late to-night. Under those circumstances, if your Lordship approved, I think it would be highly desirable that the cross-examination should be postponed say till Thursday or better Friday, in order that Sir Cosmo and Lady Duff-Gordon should have an opportunity of making their statement, and taking any steps they think proper.

The Attorney-General: Of course we should not raise any objection. I was going to suggest to my friend that if he will let us know as soon as he can what day he will be ready to go on with him, we will take care to have Hendrickson here.

Sir Robert Finlay: Say Friday.

The Attorney-General: Yes.

The Commissioner: Very well.

The Attorney-General: Your Lordship will remember we were examining Rule, the bathroom steward, on the last occasion. I propose now to take some other witnesses from the "Californian" steamer. The reason, as your Lordship will appreciate, is that we cannot always get them here. They are here today and I think it will be convenient to examine them now.

Mr. Robertson Dunlop: Will your Lordship allow me to appear on behalf of the Leyland Line - the owners, master and officers from the "Californian," who are to be examined today?

The Attorney-General: Of course, this question of the "Californian" raises an issue between the master and officers of the "Californian," and, certainly, one man who was employed as a donkeyman or as an assistant donkeyman. The question substantially is this: The "Californian" is said by this donkeyman to have seen the distress rockets fired from a vessel which, according to this man, was the "Titanic," and to have taken no notice of those distress rockets. There is no doubt, as I understand the evidence, that rockets were seen on this night and that the "Californian" was not at a very great distance from the "Titanic," but whether it was the "Titanic" that she saw or not is a matter which can only be determined after we have heard the evidence. It is a little difficult again to say that that has a very direct bearing upon the particular questions which have been submitted so far for your Lordship's consideration. Some of the evidence undoubtedly will be material on these questions as to the position, what was seen and what precautions were taken by the "Californian," and the wireless messages that were sent and received, and they will be undoubtedly important matters for your consideration. This question, as between the donkey man and the master is a different matter, but it does seem to me that in view of the statements which have been made and the evidence that has already been given elsewhere about it, it would be desirable that your Lordship should hear what there is to be said. I propose therefore to ask them a few questions. I do not propose to go into it at any length, but to ask them on such as would be essential, so that your Lordship will be enabled to form some opinion as to whether or not this story told by the donkey man is right. At the present moment he is not in England.

The Commissioner: Who?

The Attorney-General: The donkey man. He left the vessel - as I understand, he deserted, but he is on his road and we are taking steps to have him brought here as soon as he arrives, so that he may tell his story.

The Commissioner: You are going to call others?

The Attorney-General: Yes, the master and officers and the Marconi operator, because they

have to go with their vessel, and I thought it right your Lordship should have the evidence at once.

The Commissioner: I cannot deal with your application at present, Mr. Dunlop. If anything is said which I think requires explanation from your clients I will take care to let you know.

Mr. Robertson Dunlop: If your Lordship pleases, I may say the solicitors for the Leyland Line have taken statements supplemental to those taken by the Board of Trade, and I thought I might be able to clear up some matters which do not seem to be dealt with in the statements which have been given to the Board of Trade.

The Commissioner: Have you seen the statements which have been given to the Board of Trade?

Mr. Robertson Dunlop: Yes, my Lord.

The Commissioner: Have you shown your statements to the Attorney-General?

Mr. Robertson Dunlop: No, my Lord.

The Commissioner: Why not?

Mr. Robertson Dunlop: We had no time; we only got the statement late last night. I can show them.

The Commissioner: It appears to me it would be far better to let the Attorney-General see those statements so that he may deal with the whole thing. In the meantime, what you can do is to watch, and, if you find any attack is made upon your clients, then you can ask me to allow them to go into the box.

Mr. Robertson Dunlop: If your Lordship pleases.

The Attorney-General: It cannot affect the owners, I think; it may affect the master if the story were true.

The Commissioner: I understand this gentleman was applying on behalf of the owners and the master.

Mr. Robertson Dunlop: Yes, my Lord.

The Attorney-General: I do not see how it can affect the owners.

STANLEY LORD, Sworn.

Examined by the ATTORNEY-GENERAL.

6670. (*The Attorney-General.*) This is the Master, my Lord, of the Leyland Line steamship, "Californian" of Liverpool. (*To the Witness.*) Are you the Master of the s.s. "Californian" of Liverpool? - Yes.

6671. She is owned by the Leyland Line? - Yes.

6672. Would you tell me her tonnage? - Net?

6673. Give me the gross and net? - 4,038 net; 6,223 gross.

6674. What is her full speed? - It depends on the consumption of coal. Do you mean on a full consumption of coal?

6675. Yes? - 12 1/2 to 13.

6676. Did you leave London on April 5th? - Yes.

6677. For Boston? - For Boston.

6678. You arrived there, I think, on April 19th? - Yes, 4 a.m.

6679. Did you carry any passengers? - No.

6680. Do you carry passengers at all? - Sometimes we do; we have accommodation for passengers.

6681. You have a certificate as a passenger ship? - Yes.

6682. How many passengers would you carry? - 47 we have accommodation for.

6683. And what crew? - 55.

6684. Full complement? - 55.

6685. And how many boats do you carry? - 6.

6686. How many of those boats are lifeboats? - 4.

6687. (*The Commissioner.*) What are the other 2? - One is a gig and the other a pinnace; they are not lifeboats.

6688. (*The Attorney-General.*) And how many will your lifeboats carry? - The 6 boats carry 218 altogether.

6689. You have no difficulty in carrying more boats than are required for crew and passengers?
- We have boat accommodation for double the crew and passengers it will carry.

6690. Do you remember on Sunday, April 14th, sending a wireless message to the "Antillian"?
- 6.30 on the 14th.

6691. Is that ship's time? - Yes, ship's time for longitude 47° 25.'

6692. Did you give him the position of some icebergs? - I gave him the position of the ship at 6.30, and I told him the icebergs were 5 miles south of me.

The Commissioner: What was the name of the boat?

6693. (*The Attorney-General.*) It was a message sent to the "Antillian." Your Lordship will see in a moment what happened. (*To the Witness.*) Giving the position of three large icebergs, was it? - Yes.

6694. Would you tell me the position that you gave him? - Forty-two deg. five min and 49 deg. 9 min.

6695. Forty-two deg 5 min N and 49 deg 9 min W? - Yes.

6696. The three icebergs were reported five miles to the southward of you? - Yes.

The Commissioner: Forty-two deg 5 min and 49 deg 9 min. was the position of his ship?

6697. (*The Attorney-General.*) Yes, my Lord. On the chart it is a little to the right of the spot marked as that at which the "Titanic" sank - five miles to the southward the icebergs were. (*To the Witness.*) Did your wireless operator tell you whether any other vessel had picked up that message? - *Witness:* He did.

6698. Did he tell you anything about the "Titanic"? - He told me he had offered it to the "Titanic" and he said, "All right, he had it."

6699. He said, "All right, he had it"? - Yes.

The Commissioner: What does that mean?

6700. (*The Attorney-General.*) That meant he had already received the information -

The Witness: He had picked it up whilst we were sending it to the "Antillian."

6701. Later on did you have to stop on account of ice? - I had to stop and reverse engines.

6702. Would you tell us what time that was? - 10. 21 p.m.

6703. That also was ship's time? - Yes, ship's time for that same longitude.

6704. Where were you then? - Forty-two deg five min N, and 50 deg 7 min. W.

The Attorney-General: We shall have to do this with several vessels later on, my Lord; it will be very useful if we agree, at any rate, upon the spot as we proceed, so that we see we get the same spot as your Lordship's assessors have marked for you. We make it the spot is just under the fringe marked as "the field of ice between March and July," and the spot is just under the "J," where she stopped.

The Commissioner: I can hand this plan down. You will see where the blue or the red mark is, and I have written "Californian" above the round spot in pencil. It is not quite under "July"; it is a little to the east of "July." Do you see it?

The Attorney-General: Yes, my Lord, I do.

The Solicitor-General: Probably that is the first position.

The Attorney-General: I agree that is the first position, but what we are speaking of is the spot where she stopped and reversed engines because of ice. I think it is just under the fringe below the "J" in "July"; in the field of ice.

Sir Robert Finlay: That is right.

The Attorney-General: We are agreed that is the right spot, my Lord.

The Commissioner: Very well.

The Attorney-General: I think it is convenient to mark them on the chart as we proceed.

The Commissioner: At some time I shall want a chart, but not now - it is not convenient now - marked with the position of these different vessels at the different times that are referred to in the evidence.

The Attorney-General: Your Lordship shall have it, and the direction in which they are proceeding.

The Commissioner: And also the probable position of the "Titanic" at the time those messages were sent off.

6705. (*The Attorney-General.*) Yes, your Lordship shall have that. (*To the Witness.*) You were telling us that you stopped and reversed engines because of ice. What sort of ice was it? - Field ice.

6706. Where was it? - Right ahead of me.

6707. Did it stretch far? - As far as I could see to the northward and southward.

6708. You could see it although it was night? - Oh, yes.

6709. Then you stopped and reversed engines, and what did you do then? - I turned round and headed E.N.E. by the compass. I twisted her head to E.N.E.

6710. Where had you been heading before? - S. 89, W. true.

6711. You turned to E.N.E. by the compass? - Yes, by the compass.

6712. Did you then stop? - We stopped.

6713. Till? - 6 o'clock next morning. 5.15 we moved the engines for a few minutes and then we stopped on account of the news we received, and waited till 6 o'clock.

6714. It was daylight then, I suppose? - It was daylight then.

6715. Now close upon 11 o'clock did you see a steamer's light? - I did.

The Commissioner: 11 o'clock when?

The Attorney-General: At night, my Lord.

The Commissioner: This was on Sunday night?

6716. (*The Attorney-General.*) Yes. (*To the Witness.*) This was on Sunday night that you had stopped? - After we had stopped.

6717. And you saw a steamer's light. Was it approaching you? - It was approaching me from the eastward.

6718. How did it bear? - I did not get the bearings of it; I was just noticing it casually from the deck.

6719. Where was it? On your quarter? - It was on the starboard side.

6720. What did you see - what light? - I just saw a white light to commence with.

6721. Did you then ask your wireless operator what ships he had? - Yes, I went to his room and I asked him what ships he had.

6722. That means from what ships he had had messages? - What ships he had been in communication with.

6723. What did he say? - "Nothing, only the "Titanic.""

6724. Did you think that the vessel approaching you was the "Titanic"? - No, I remarked at the time that was not the "Titanic."

6725. How could you tell that? - You can never mistake those ships - by the blaze of light.

6726. I am not quite sure that I understand you - you told us you had seen one light? - First.

6727. Then as she was approaching you, did you see more? - I saw more lights.

6728. Did you see any sidelights? - I saw a green light.

6729. And did you see any deck lights? - A few.

6730. It was sufficiently close for that? - Oh, yes, she was getting closer all the time.

6731. About what distance approximately did you consider she was from you? - At 11 o'clock?

6732. I was going to ask you the distance at the time this conversation took place, and you said it was not the "Titanic"? - I suppose she was six or seven miles away. That is only approximately.

The Commissioner: What lights did you see at the time this conversation was taking place.

6733. (*The Attorney-General.*) I thought that was what he was saying. (*To the Witness.*) Will you tell us what lights you saw at the time you had this conversation with the Marconi operator? - I saw one masthead light and a few other white lights, but I do not say I noticed the green light then; I was not paying a great deal of attention to her.

6734. (*The Commissioner.*) Were the white lights bearing from east on your starboard side? - Coming from the eastward on our starboard side, my Lord.

6735. And you saw some other lights. What were they? - They might have been anything - lights from the portholes, doorways, or anything at all.

6736. But no coloured light? - I did not notice any then.

The Commissioner: I understand it now.

6737. (*The Attorney-General.*) You said it was not the "Titanic." Did you give him any directions? Did you tell him to let the "Titanic" know? - I said, "Let the 'Titanic' know that we are stopped, surrounded by ice."

6738. Do you remember at what time that message was sent? - About 11 o'clock.

6739. About 11 o'clock that night, ship's time? - Ship's time.

6740. Did you hear whether that message was acknowledged by the "Titanic"? - Not until the next day.

6741. It was not reported to you till the next day? - No.

6742. What was the report given to you? - That he told him to keep out - stand by; that he was busy with Cape Race. That is what I understood the message.

6743. You heard that from your Marconi operator, I suppose? - Yes.

6744. That an answer had been received from the "Titanic"? - Yes, telling him to keep out - that he was busy.

6745. What is the meaning of "keep out"? - Well, do not interrupt him.

6746. Do not interrupt because he, the "Titanic" operator, was busy? - Was busy.

6747. I think I understood you to say he was getting into touch with Cape Race? - That is what they were doing, I think; they were signaling with Cape Race.

6748. (*The Commissioner.*) "We are busy getting into touch with Cape Race"? - They were communicating with Cape Race then.

6749. (*The Attorney-General.*) I am going to call the operator, my Lord. (*To the Witness.*) Did you continue to watch the approaching vessel? - Yes.

6750. Till what time? - Half-past 11. I was standing on deck watching it.

6751. All this time you were stopped? - We were stopped.

6752. What size steamer did she appear to you - can you give us some idea? - She was something like ourselves.

6753. Something like yourselves? - Yes.

6754. Medium size? - A medium size steamer.

6755. Did you see your third officer attempt to communicate with him? - I did.

6756. How? - By a Morse lamp.

6757. A Morse lamp? - Yes.

6758. Did he get any reply? - No.

6759. By this time had you been able to detect her sidelights at all? - I could see her green light then.

6760. How far do you judge she was when you could see her green light? - Well, I saw it some time between 11 and half-past; I do not know exactly.

6761. What distance do you think she was from you when you could see the lights? - About five miles.

6762. As much as that? - About that, I should think.

6763. Did you give any directions to your second officer with reference to this ship? - After the second officer relieved the deck.

6764. At what time did he relieve the deck? - Ten minutes past 12.

6765. Just before that was there any other officer on deck? - The third officer was on deck until 12.

6766. With you? - Well, I was up and down off the bridge till 12 o'clock.

6767. Then at 12 o'clock the second officer relieved the third officer? - Ten minutes past 12.

6768. You were still on deck? - Yes.

6769. And did you tell him anything with regard to this vessel? - I told him to watch that steamer - that she was stopped.

6770. She was stopped? - The other steamer was stopped.

6771. When did you notice the other steamer was stopped? - About half-past 11.

6772. And he was to let you know if she did what? - If she altered her bearings or got any closer to us - drifted towards us.

6773. Did the ice extend at all to the eastward or westward of you? - It seemed to me to be running more north and south, but whilst we were stopped we were surrounded by loose ice.

6774. From north to south was the field? - Yes.

6775. Then when you stopped you got surrounded by the loose ice? - I ran into the loose ice before I could stop - before the ship was brought up.

6776. There was ice between you and this vessel? - Yes.

6777. And then you noticed this vessel had stopped at half-past 11, presumably also on account of the ice? - On account of the ice.

6778. Can you tell us at all how this ship was heading? - She was heading to the westward, that is all I can tell you.

6779. Could you tell her bearing at all? - Well, I have heard it since. I heard what it was at midnight - S.S.E. from us by compass.

6780. That was at midnight? - Yes.

6781. (*The Commissioner.*) Was the compass correct? - No.

6782. (*The Attorney-General.*) What variation? - The variation that day at noon was 24 3/4. She was about 24 when we were stopped; the deviation would be about 2E, making an error of 22W.

The Commissioner: Are these minute particulars of importance?

6783. (*The Attorney-General.*) No, I do not think they are, my Lord. (*To the Witness.*) Did you speak to the second officer again later about going down below? - I went into the chart room at a quarter-past 12.

6784. Is that below? - No, it is on the bridge deck, just below the upper bridge.

6785. Then did you speak to him through the speaking tube? - At 20 minutes to 1.

6786. Did he say whether she had changed her position? - I asked him if the steamer was the same. He said it was the same; he had called her up once, but she would not reply to him.

6787. Then you went to lie down in the chart room? - Yes, I told him I was going to lie down in the chart room then.

6788. A little later did he whistle down the tube and tell you she was altering her bearings? - A quarter-past 1.

6789. Did he say how she was altering her bearings? - Towards the S.W.

6790. Did he tell you whether he had seen any signal? - He said he saw a white rocket.

6791. From her? - From her.

6792. A white rocket? - Yes.

6793. (*The Commissioner.*) She did not change until what time? - A quarter-past 1 it was reported to me first.

6794. And then what was her bearing? - She was altering it slightly towards the S.W.

6795. It was then that you saw the rocket? - It was then that we saw the rocket.

6796. Did you see it? - No.

6797. The second officer saw it? - The second officer saw it.

The Attorney-General: Your Lordship has the spot marked on the chart showing where the "Titanic" was when she sank?

The Commissioner: Yes.

The Attorney-General: It is not necessary to call attention to that because I think your Lordship has it before you?

The Commissioner: Yes.

The Attorney-General: You will see exactly what relation this has to the "Titanic."

The Commissioner: I do not follow it very well.

The Attorney-General: Have you the spot marked of the "Titanic" sinking? I think it is just at the sounding 2084.

The Commissioner: Is it right Mr. Attorney that at this time the "Titanic" would be bearing to the S.W. of where the "Californian" was?

The Attorney-General: To the S.W. yes.

The Commissioner: Is it also true as this witness is telling us, that the vessel of which we do not know the name was also bearing to the S.W.?

The Attorney-General: I understand him to say so.

6798. (*The Commissioner - To the Witness.*) Is that so. Did you hear him? - I did my Lord. The steamer was heading S.S.E. by compass till 10 minutes to 1.

6799. Yes I know it was, but at the particular time we are talking about it was heading S.W. - Towards the S.W.

6800. I do not know what that means. Does it mean not S.W. What does towards "S.W." mean. Does it mean S.W. or does it not? - It does not mean exactly S.W.; she was heading towards the S.W.

6801. Well, near enough. Is it the fact - am I right in supposing that this vessel, the name of which you apparently do not know, from which a rocket appeared, was at the time that the rocket was sent up in the position in which probably the "Titanic" was? - No.

6802. Well, then, you have conveyed to me an erroneous impression. How did this rocket bear to you? - I have never heard the exact bearing of it.

6803. But your second officer is alive, is he not? - Yes.

6804. Have you never asked him what the bearing of that rocket was? - He told me it was heading towards the S.W. Between the bearings S.S.W. and S.W. would be a distance of at least 5 miles and she was going slowly between those two bearings.

The Commissioner: Mr. Attorney, again I want to know this: Apparently the "Titanic" (although it is very inaccurate because the chart is so small) would be at this time 14 or 15 miles away from this vessel?

The Attorney-General: Yes.

Sir Robert Finlay: I thought 19 miles.

The Commissioner: I do not think it matters very much.

Sir Robert Finlay: 19, Southerly by W.

The Commissioner: I am told 14, but let us assume it was something between 14 and 19. This mysterious vessel would be between the "Californian" and the "Titanic," and must have been well within sight of the "Titanic."

The Attorney-General: Yes.

The Commissioner: We have heard about the mysterious light that was seen, the imaginary light as it was called, that was seen from the "Titanic," but dismissing that light, was there any light or any vessel seen by any witness from the "Titanic" at this time?

The Attorney-General: There is some evidence of it certainly.

The Commissioner: Of what?

The Attorney-General: There is some evidence of a light having been seen.

The Commissioner: I know; I say, dismissing that imaginary light, is there any evidence of any ship having been seen at this time or about this time by the "Titanic"?

The Attorney-General: No, I do not think so.

The Commissioner: What is in my brain at the present time is this, that what they saw was the "Titanic."

The Attorney-General: I know.

The Commissioner: That is in my brain, and I want to see whether I am right or not.

The Attorney-General: It certainly must have been very close.

The Commissioner: Clear it up if you can.

The Attorney-General: I think it will clear up as we go on - at least, as far as it can be cleared up. It is a point your Lordship will probably have to determine on the evidence.

The Commissioner: Yes, and therefore I want the evidence put before me as clearly as possible.

6805. (*The Attorney-General - To the Witness.*) Can you tell us whether you saw one or two masthead lights? - I only saw one.

6806. You only saw one? - The third officer said he saw two.

The Attorney-General: Now that is important.

The Commissioner: That is very important, because the "Titanic" would have two.

6807. (*The Attorney-General.*) Yes, that is it - two masthead lights. (*To the Witness.*) You only saw one, but the third officer said he saw two? - And the second officer said he saw one.

The Attorney-General: Very well; we will hear their accounts from them.

The Commissioner: I am sorry to interrupt you, but it is not satisfactory to me. When was it the third officer said he saw two lights? The third officer by this time was below; I do not know what you are talking about now.

6808. (*The Attorney-General - To the Witness.*) When was it the third officer told you he had seen the two lights? - Before 12 o'clock.

6809. Before 12 o'clock? - Before midnight. At the time I saw one, he saw two.

6810. Were you on deck when he told you this? - He told me the following day, I think; I do not think it was mentioned that night.

6811. He told you next day he had seen two white lights when on deck about 12 o'clock? - Yes, two masthead lights.

6812. Is the third officer still in the ship? - Yes.

6813. Will you tell me his name? - Mr. Groves.

6814. (*The Attorney-General.*) He will be called, my Lord. (*To the Witness.*) Will you tell us what he said to you next day about these two lights? - I asked him the next day or the following day - I do not remember exactly, it is so long ago - how many lights the ship had, and he said "two." I remarked that I only saw one.

6815. (*The Commissioner.*) Now I want to know this. You had seen only one, and you and he were on the deck together, as I understand you? - Yes.

6816. Why did you ask him how many there were? - Well, I was curious about this "Titanic" accident. I was trying to locate the ship that was supposed to be between us and the "Titanic."

6817. Were you in doubt as to whether you had seen one or two lights? - I had not myself.

The Commissioner: Then I cannot understand why you should ask him how many lights he had seen if you yourself had no doubt whatever about it.

6818. (*The Attorney-General.*) If he did see two lights it must have been the "Titanic," must it not? - It does not follow.

6819. Do you know any other vessel it could have been? - Any amount.

6820. Which - I mean, at this particular time, you know, and at this particular spot. Can you suggest any other vessel it could have been? - Well, I do not know.

6821. Carrying two lights? - That particular spot? The spot mentioned here as 19 miles away is not, in my opinion, where the "Titanic" hit the berg.

6822. Within a radius of 20 miles of you? - No, 30 miles.

6823. Do you mean she was further from you? - She was 32 miles from where I left the wreckage.

6824. (*The Commissioner.*) Has the third officer ever expressed any opinion to you that it was the "Titanic" he saw? - No, my Lord.

6825. Never? - Never.

6826. (*The Attorney-General.*) I must put this to you. Do you remember about a quarter-past 11 on that night, that is the night of the 14th, his telling you that he had noticed a steamer - that is, the third officer, Mr. Groves? - No, I do not.

6827. A steamer about three points abaft the starboard beam, 10 to 12 miles away? - No, I do not.

6828. Did you ask about her lights? - Not then.

6829. At any time? - No. A quarter to 12 was the first time I ever mentioned anything to him about the steamer, that I recollect.

6830. Did he say to you that she was evidently a passenger steamer? - No.

6831. And did you say to him, "The only passenger steamer near us is the "Titanic"? - I might have said that with regard to the steamer, but he did not say the steamer was a passenger steamer.

6832. You might have said what? - The "Titanic."

6833. What about the "Titanic"? - The "Titanic" we were in communication with.

6834. That is not what I put, you know.

The Commissioner: No, and it is not what he said.

The Attorney-General: That is a very different thing.

6835. (*The Commissioner.*) You said, according to your statement, "The 'Titanic' is the only passenger steamer near us." You said that to him? - She was.

6836. But you said it to him? - I do not recollect saying it.

6837. You have just told me you did say it. Do collect your mind. Did you say it? - I do not recollect saying it.

6838. (*The Attorney-General.*) Did you know of any other passenger steamer near you except

the "Titanic"? - I did not.

6839. But you knew the "Titanic" was not far from you? - I had no idea where the "Titanic" was.

6840. But you had been in communication with it? - Yes; I had never had its position.

6841. Did you tell him to call her up with the Morse lamp? - I did not; he had already called her up.

The Commissioner: I do not know whether you are going to leave it here?

The Attorney-General: No; I am going to call other evidence about it.

The Commissioner: I mean with this witness.

6842. (*The Attorney-General.*) No, I am not going to leave it. (*To the Witness.*) Who was Mr. Stone? - The second officer.

6843. It was he who relieved Mr. Groves? - Yes, at 10 minutes past 12.

6844. Do you know whether the steamer was pointed out by Mr. Stone to Mr. Groves? - He told me afterwards that she was.

6845. And that it was a passenger steamer? - I never heard that.

6846. That he had said that it was a passenger steamer? - I never heard that.

6847. (*The Commissioner.*) You do not give answers that please me at present. You said just now as plainly as possible that you answered the third officer, I think it was, and said: "The only passenger steamer near us is the 'Titanic.'" You now suggest that you do not remember whether you said that or not? - I do not recollect saying anything to him about it, my Lord.

6848. Could you have forgotten such a thing? - Well, I have heard so many stories about the "Titanic" since that I really do not know what I heard that night.

6849. (*The Attorney-General.*) But that would be rather an important matter, would it not, if you thought the steamer that was approaching you was the "Titanic"? - I never thought it. I saw a steamer.

The Commissioner: This is exactly what you said: "I might have said that the only passenger steamer likely to be near us is the 'Titanic.'" "

6850. (*The Attorney-General - To the Witness.*) You might have said that. That is what you said before. That is right, is it not? - I might have said it; I do not recollect it.

6851. Did you know the steamer had stopped from 11.40, whatever she was? - I know she stopped round about half-past eleven.

The Commissioner: Will you remind me, Mr. Attorney, how the mysterious imaginary light bore from the "Titanic"?

The Attorney-General: It is not very satisfactory. It is said by some witness two points on the port bow; by another a point on the port bow; and by another it is said to have been on the starboard or broad on the starboard. Nobody is very satisfactory about it. Of course, your Lordship will remember it is rather difficult to know after she struck the iceberg how she was heading. We have not any very definite or clear evidence how the "Titanic" was heading. We cannot tell.

The Commissioner: Therefore, it comes substantially to nothing more than this: that there are witnesses from the "Titanic" who believe that they did see the white light of a ship?

The Attorney-General: Yes, and one of them said he saw sidelights. Your Lordship will hear some further evidence about it.

The Commissioner: Yes; one of them said he saw a sidelight.

The Attorney-General: Yes.

The Commissioner: It was a red light, was it not, the sidelight?

6852. (*The Attorney-General.*) Yes, quite right, my Lord. (*To the Witness.*) I think you did see your third officer signaling with a Morse lamp from the bridge? - I did.

6853. And that he got no reply? - He got no reply.
6854. Did it strike you as a curious thing that he got no reply. Did you think about it at all? - I did. It did not strike me as being very strange.
6855. You knew, of course, you were amongst ice? - Yes.
6856. And that the other vessel might also be amongst ice? - Yes.
6857. Have you an apprentice on your vessel called Gibson? - Yes.
6858. Do you remember his coming down into the chart room? - I do not.
6859. After 1.15, when you went to the chart room? - I have a recollection of Gibson opening and closing the chart room door some time between half-past 1 and half-past 4.
6860. You remember that? - I remember that.
6861. Do you remember what he opened and closed the chart room door for? - I do not.
6862. Was it to come and tell you something? - I could not say. I said, "What is it?" and he did not reply; he closed the door.
6863. At half-past 4 by your ship's time were you called by the chief officer? - Yes.
6864. Were you on deck about 20 minutes to 12? - I was on deck, yes.
6865. And at what time did you leave the deck to go to your chart room? - A quarter-past 12.
6866. Did you see that the deck lights of this vessel appeared to go out? - Not to me.
6867. Did the third officer make any observation to you about that? - No.
6868. Did he say to you that her deck lights seemed to go out? - No.
6869. Or that nearly all her deck lights seemed to go out? - No.
6870. (*The Commissioner.*) Was nothing said to you about her deck lights? - Not to me.
6871. Was anything said to anybody as far as you know? - I have heard since that the remark was passed.
6872. Who made the remark and to whom? - The third officer, I think, remarked to the second officer.
6873. When? - I do not know when.
6874. Have you never asked? - I have never asked, no.
- The Commissioner:* You hear what he says?
6875. (*The Attorney-General.*) Yes, my Lord. (*To the Witness.*) Let me finish, first, what happened during that night. You were called by the chief officer? - At 4.30, yes.
6876. What did he say? - He told me it was breaking day and the steamer that had fired the rocket was to the southward.
6877. Was still to the southward? - Yes.
6878. (*The Commissioner.*) Who told you this? - The chief officer at 4.30.
6879. What is his name? - Mr. Stewart.
6880. (*The Attorney-General.*) 4.30 ship's time, day was breaking. The steamer which had fired the rocket was still to the southward. Did you know she had fired a number of rockets? - I did not.
6881. According to you did she fire only one rocket? - Only one rocket.
6882. Have you never heard from other officers that she fired a number of rockets? - Since.
6883. When did you hear that? - The next day.
6884. Who told you? - The second officer first.
6885. What did he say? - He said she had fired several rockets in his watch - no, the chief officer told me, about 5 o'clock, that she had fired several rockets.
- The Attorney-General:* My Lord, I think it very desirable that the other witnesses from the "Californian" should be out of Court whilst this witness is giving evidence.
- The Commissioner:* By all means.
- The Attorney-General:* If your Lordship will direct it.

The Commissioner: Where are the other witnesses from the "Californian"? (*The officers of the "Californian" stood up in Court.*) Well, gentlemen, I think you had better leave the Court at present. (*The officers retired.*)

6886. (*The Attorney-General.*) Had you heard this vessel had fired altogether 8 rockets? - When.

6887. Before the chief officer came to you at 4.30? - None.

6888. Do you know that Gibson was told by the second officer to call you? - I do now.

6889. You do now? - Yes.

6890. When did you hear that? - The next day.

6891. What time the next day? - At about 7 o'clock.

6892. In the morning? - In the morning.

6893. That the second officer had told Gibson to go to the chart room to call you? - Yes.

6894. And was that for the purpose of telling you that this vessel had fired 8 rockets? - Several rockets, I understand.

The Commissioner: Is that the man who did come into his room?

The Attorney-General: Yes.

The Commissioner: And went away, according to this witness, without saying anything?

6895. (*The Attorney-General.*) Yes, my Lord, that is according to the evidence. (*To the Witness.*) Gibson, the Apprentice, had been told by the second officer to go to the chart room to tell you that the vessel had fired altogether eight rockets, or, as you say, several rockets, and that the vessel had disappeared? - Had steamed away. That was the message that I understand was given.

6896. I am putting to you, you know, that what was said was the vessel had disappeared? - No, it was never mentioned, "disappeared," to me.

6897. What did you think it was firing rockets for? - When? I did not know anything about these rockets until 7 o'clock the next morning.

6898. But you saw one rocket fired? - I heard of one rocket. I did not see it fired.

6899. You heard of one? - Yes.

6900. That was before you went to the chart room? - No, at a quarter-past 1.

6901. Were you on deck then? - No.

6902. Did you remain in the chart room when you were told that a vessel was firing a rocket? - I remained in the chart room when he told me this vessel had fired a rocket.

6903. I do not understand you. You knew, of course, there was danger in this field of ice to steamers? - To a steamer steaming, yes.

6904. You knew there was danger? - Yes.

6905. That is why you stopped? - Yes.

6906. And you knew also that it was desirable, at any rate, to communicate with the "Titanic" to tell her that there was ice? - Yes.

6907. You had done that? - I had done that.

6908. And you knew that this vessel, whatever it was, that you say had stopped? - Had stopped, yes.

6909. I do not understand - it may be my fault? - Shall I explain to you?

6910. What did you think this vessel was firing rockets for? - I asked the second officer. I said, "Is that a company's signal?" and he said he did not know.

6911. Then that did not satisfy you? - No, it did not.

6912. I mean whatever it was it did not satisfy you that it was a company's signal? - It did not, but I had no reason to think it was anything else.

6913. (*The Commissioner.*) That seems odd. You knew that the vessel that was sending up this

rocket was in a position of danger? - No, my Lord, I did not.

6914. Well, danger if she moved? - If she moved, yes.

6915. What did you think the rocket was sent up for? - Well, we had been trying to communicate with this steamer by Morse lamp from half-past 11, and she would not reply.

6916. This was a quarter-past one? - Yes, we had tried at intervals from half-past eleven.

6917. What did you think he was sending up a rocket for? - I thought it was acknowledging our signals, our Morse lamp. A good many steamers do not use the Morse lamp.

6918. Have you ever said that before? - That has been my story right through - my impression right along.

6919. (*The Attorney-General.*) Just let me put this to you. When you asked him whether it was a company's signal he said he did not know. That would not satisfy you? - No.

6920. Was it then you told him to Morse her and find out what ship it was? - Yes.

6921. After the white rocket had been sent up? - After the white rocket had been sent up.

6922. And did you tell him to send Gibson, the apprentice, down to let you know his reply? - Yes.

6923. You did? - I did.

6924. What was the message that Gibson brought down to you then? - That morning? I did not get it, not to my knowledge. I never got it.

6825. You had seen the rocket or you had heard of the rocket? - Yes.

6926. You want to know what the rocket is? - Yes.

6927. You have been trying to find out by Morsing him? - Yes.

6928. And you have failed? - Yes.

6929. Then you say to him that Gibson was to come down and tell you what the result of the Morse signaling was? - Yes.

6930. And then, I suppose, you remained in the chart room? - I remained in the chart room.

6931. Then, so far as you were concerned, you did not know at all what the rocket was for? - No.

6932. And you remained in the chart room? - Yes, I remained in the chart room.

6933. And you did nothing further? - I did nothing further myself.

6934-5. If it was not a company's signal, must it not have been a distress signal? - If it had been a distress signal the officer on watch would have told me.

6936. I say, if it was not a company's signal, must it not have been a distress signal? - Well, I do not know of any other signals but distress signals that are used at sea.

6937. You do not expect at sea, where you were, to see a rocket unless it is a distress signal, do you? - We sometimes get these company's signals which resemble rockets; they do not shoot as high and they do not explode.

6938. You have already told us that you were not satisfied that was a company's signal. You have told us that? - I asked the officer, was it a company's signal.

6939. (*The Commissioner.*) And he did not know? - He did not know.

6940. (*The Attorney-General.*) You have told me already some few minutes ago - ? - Very well. Sir.

6941. That you were not satisfied it was a company's signal. You did not think it was a company's signal? - I inquired, was it a company's signal.

6942. But you had been told that he did not know? - He said he did not know.

6943. Very well, that did not satisfy you? - It did not satisfy me.

6944. Then if it was not that, it might have been a distress signal? - It might have been.

6945. And you remained in the chart room? - I remained in the chart room.

6946. Expecting Gibson, the Apprentice, to come down and report to you? - Yes.

6947. Gibson did come down? - So I understand.

6948. But you know perfectly well that he came? - I know now.

6949. Did you know then? - I did not.

6950. I think you told us you heard Gibson open and close the door? - Yes.

6951. And you said, "What is it?" - Yes.

6952. And he said nothing? - He did not say anything.

6953. And you were expecting him to come down and tell you what the meaning of the rocket was? - But in the meantime I was asleep.

6954. (*The Commissioner.*) Yes, but you were not asleep - at least, I suppose not - when you said to the boy, "What is it?" - I was wakened up by the opening of the door - the banging of the door.

The Commissioner: There is one matter I want. When was the Morse signal first used?

6955. (*The Attorney-General.*) You hear my Lord's question? - Half-past 11 at night.

6956. And no reply was ever obtained? - No reply.

6957. So it would follow from what you have said, would it not, that if your man Gill says he did see a distress signal he was right? - No. At the distance we were away from that steamer, if it had been a distress signal we would have heard the report.

6958. I do not understand. From what you have been telling us just now you did not know that this rocket which you saw was not a distress signal? - Well, I am under the impression it was not.

6959. Why? - Because we did not hear the report; we were close enough to hear the report of any distress signal.

6960. How many miles off were you? - About four or five - four to five miles.

6961. Let us go back to the story. At half-past 4 in the morning, when the chief officer called you, do you remember saying to him that the second officer had said something to you about a rocket? - Yes, I said that.

6962. Did you then go on the bridge? - Yes.

6963. Do you remember just before 5 o'clock a conversation with your chief officer? - I do.

6964. About the steamer? - About this, which he said was a yellow-funneled steamer.

6965. What was it? - Do you mean the whole of the conversation?

6966. I only want the substance of it? - Well, I was conversing with him about the probability of pushing through the ice, to commence with. I was undecided whether to go through it or to turn round and go back, and we decided to go on, so I told him to put the engines on and stand by. He did so. Then he said, "Will you go down to look at this steamer to the southward?" I asked him, "Why, what is the matter with it?" He said, "He might have lost his rudder." But I said, "Why? He has not got any signals up." "No, but," he said, "the second officer in his watch said he fired several rockets." I said, "Go and call the wireless operator."

6967. Did he? - He did.

6968. Did he go to the wireless operator? - Yes.

6969. Did the wireless operator come back, or did the chief officer come back? - The chief officer came back some time after.

6970. How long after? - I suppose 15 to 20 minutes.

6971. And what did he say? - He said, "There is a ship sunk."

6972. Did he tell you what ship? - No; he went back to the wireless room straight away.

6973. Did he come back a few minutes after that? - Some time after that. He said, "The 'Titanic' has hit a berg and sunk."

6974. What did you say then? - I left the bridge and went to the wireless room myself.

6975. Did you say anything at all about these rockets? - To him, then?

6976. Yes? - No.

6977. Or anything about the ship you had seen the night before? - No.
6978. Or about the possibility of that having been the "Titanic"? - No.
6979. Or about the vessel that had been stopped about 11.40? - No, I never mentioned a thing to him then. I went right to the wireless.
6980. Or about the vessel you expected to hear about from Gibson? - No.
6981. Or whether Gibson had been sent down by the second officer to tell you anything about that steamer? - No.
6982. It never occurred to you at all? - Not then.
6983. Were you quite comfortable in your mind when you heard the "Titanic" had sunk, in reference to your own actions? - Well, I thought we ought to have seen her signals at 19 miles, that was the only thing that was worrying me.
6984. Do you mean rockets? - Her distress rockets - if she had fired any, which I presume she had.
6985. You ought to have seen them? - I thought we might have seen them at 19 miles.
6986. Have you ever heard what the steamer was that according to you sent up rockets if it was not the "Titanic"? - No, I have never heard anything about it.
6987. We know from the evidence in this case that the "Titanic" did send up rockets for some considerable time? - Yes.
6988. So far as I understand from you, you do not know of any other steamer which, on that night, and about this time, sent up rockets? - I do not.
6989. Does not it strike you now that that steamer you saw sending up rockets must have been the "Titanic"? - No.
6990. Not now? - No, I am positive it was not the "Titanic."
6991. Why are you positive it was not? - Because a ship like the "Titanic" at sea it is an utter impossibility for anyone to mistake.
6992. That must depend upon the distance you are from her? - Well, my distance, according to my estimate, is 4 to 5 miles.
6993. But might not she have been a good deal further off? - I do not think so. I do not think we would have seen her sidelights.
- 6994-5. Of course, if you saw her green light about 4 or 5 miles away, that would show to you that she must have been a pretty big ship, would it not? - It would not follow; there are so many steamers have electric lights now. You see sidelights a great deal further than you used to.
6996. If she was 4 or 5 miles away her light must have been at a high elevation from you, must it not, for you to see it? - A steamer something like ourselves, as I said before.
6997. I mean her sidelight must have been pretty high from the water if you could see it 4 to 5 miles distant? - The "Californian" is 40 feet above the water, and I said she was a steamer something like the "Californian."
6998. Now let us understand where we are about it. Am I right in this, that you cannot suggest any other passenger steamer that was in that neighbourhood at that time - that is midnight - except the "Titanic"? - I only saw one steamer, passenger steamer, of any size that day, and that was the "Mount Temple."
6999. I wish you would answer the question I am putting to you. Is the result of your evidence that you cannot suggest the name of any other passenger steamer that was in the neighbourhood of your vessel at about midnight on the 14th April? - No, I cannot.
7000. You cannot suggest any other steamer that sent up rockets at 1 o'clock or between 1 and 2 in the morning of Monday the 15th April, except the "Titanic"? - No, I have not heard of any.
7001. Did you receive a message from the "Virginian" at 6 o'clock that morning? - Yes.
7002. That the "Titanic" had struck a berg? - "Passengers in boats; ship sinking."

7003. And it gave you the position? - Latitude and Longitude 41° 46', 50° 14'.
7004. And did you at once start for that position? - I did.
7005. What course did you make? - I made from 6 until half-past anything between S. and S.W. I was pushing through field ice.
7006. That was of course in order to reach the position of the "Titanic"? - Yes.
- The Attorney-General:* Has your Lordship got the chart before you?
- The Commissioner:* Yes.
7007. (*The Attorney-General.*) That is very much the course that he would take to go from the spot that he has indicated just below the "J" to the spot of the figure "4" in the soundings which marks where the "Titanic" sank. (*To the Witness.*) The course that you were making was S 20° W., was it not? - No, I was endeavouring to make S. 16° W., as near as possible.
7008. S 16° W.? - Yes.
7009. Was that direction the one from which you had seen the rocket? - I did not see the rocket.
7010. Or from which you had heard the rocket had been seen? - I did not hear as to the bearing of the rocket then.
7011. Had not you heard? - I had heard of rockets, but no particulars of bearing then.
7012. Or where the steamer was - how she bore at all? - No.
7013. Nothing about her? - No.
7014. Did you about half-past 7 pass close to the "Mount Temple"? - I did.
7015. She was also stopped? - She was stopped.
7016. (*The Attorney-General.*) The captain of the "Mount Temple" will be called before your Lordship. (*To the Witness.*) About the same time did you get a verbal message from your operator that the "Carpathia" was standing by the "Titanic"? - Yes.
7017. And to have boats ready and lifebelts? - Yes.
7018. And then you eventually saw the "Carpathia." I need not go through that part of the story. Did you eventually get to the position of the foundering of the "Titanic"? - The real position or the position given?
7019. The position given? - I passed that position.
7020. When did you pass that position? - I must have passed that position I should say about half-past 7.
7021. That is the position given of 41° 46' and 50° 14'? - Yes.
7022. Did you cruise round the vicinity of the wreck? - I cruised round there until 11.
7023. How did you know what was the position? - I got a good observation at noon that day.
7024. I do not quite understand what you mean. You said just now that you passed the position indicated to you by the wireless messages? - Yes.
7025. Where the "Titanic" had sunk? - Yes.
7026. Did you see anything at all there? - The "Mount Temple" was in the vicinity of that position.
7027. She was near there? - Yes.
7028. Did you see any wreckage? - Not where the "Mount Temple" was.
7029. Did you see any wreckage anywhere? - I did.
7030. Where? - Near the "Carpathia."
7031. What did you see? - I saw several boats, deck chairs, cushions, planks.
7032. Collapsible boats? - I saw two collapsible boats.
7033. Did you see any bodies? - No.
7034. Any lifebelts floating? - No.
7035. Any wreckage? - Yes.

7036. Much? - Not a great deal.

7037. Did you cruise round and search? - I did.

7038. To see if you could find any bodies or any living persons? - I did. I did not see anything at all.

7039. I should like to understand from you, if you say that the position indicated to you was wrong, what do you say was the position? - The position where I left the wreckage was 41° 33' N., 50°, 1' W.

7040. One further general question. I want as to what you did. On your vessel on the Sunday evening, April 14th, when you came amongst the ice, did you take any precautions? - Yes, I did.

7041. Tell us what you did. I want you to tell my Lord what you did? - I doubled the look-out. We had one man at the crow's-nest and a man at the fore-castle head, and I was on the bridge myself.

7042. Just let us understand that. Where had you a man on the look-out before you doubled your look-out? - In the crow's-nest.

7043. And then did he report ice? - As I reversed the engines that night there were two reports. I do not know which man reported them, or whether each reported one.

7044. I do not think you are quite following, or it may be I am not. At 8 o'clock you had a report about ice, had you, from your look-out? - No.

7045. When did you? - At about 22 minutes past 10.

7046. As late as that? - Yes, it was reported then.

7047. When did you double your look-out? - Eight o'clock.

7048. Why did you double the look-out? - Because we had passed bergs during the afternoon and we had had a report of bergs from east-bound steamers.

7049. You had reported to the "Titanic" that you had passed ice at half-past 6 that day? - Yes.

7050. You doubled the look-out. You had one man at the crow's-nest? - Yes, and one man right in the bows of the ship.

7051. Was that before you doubled the look-out, or is that doubling the look-out? - That is doubling the look-out.

7052. That is what I want you to tell us. What is the addition that you made? Was it the man on the fore-castle head? - The man on the fore-castle head.

7053. Knowing there was ice about you had one man in the crow's-nest? - Yes.

7054. And then as an extra precaution you put a man on the fore-castle head? - Yes.

7055. That is right, is it? - Yes.

7056. Did you find it better for detecting ice; to have a man right in the bows like that? - Well, I do not know. This is my first experience of field ice. I think I saw the ice myself before they did.

7057. Did you have glasses? - I was not using them at the time. I looked through glasses after I had first seen it and could not make anything of it.

7058. Gill left your ship in Boston, did he not? - He did.

7059. Was he simply a donkey man? - Assistant donkey man? - Assistant donkey man.

7060. And he did not return? - He did not return.

7061. He had not a discharge? - No, he deserted; I entered him as deserted.

The Attorney-General: Yes, you gave notice.

Examined by Mr. SCANLAN.

7062. When you went down from the bridge to the chart room did you lie down? - No.

7063. But you went to sleep? - When?

7064. (*The Commissioner.*) When did you lose sight, and how, of the ship the lights of which you had seen? - The second officer reported to me he last saw her at 2 o'clock, and it was then bearing S.W. 1/2 W. by compass.

7065. Is that the last so far as you know that was seen of that vessel from your ship? - As far as I know it was, my Lord.

7066. And was she at this time about 5 miles away? - No, she must have been more by then.

7067. How many miles? - I think 8.

7068. You were both stopped, you know, all that time? - No, she was steaming, my Lord.

7069. I thought you told us that this steamer stopped? - She did at half-past 11.

7070. And when did she begin to go on again? - From the second officer's report she commenced about 1 o'clock - 10 minutes to 1.

7071. She could not steam very quickly, I suppose? - No, she would not be steaming very quickly.

7072. She was in the middle of the ice? - Yes.

7073. And then at 2 o'clock, the time when we know the "Titanic" went down, the vessel vanished? - He saw her stern light through the glasses faintly.

7074. And that was the end of her? - That was the last he saw of her.

7075. And she has never been heard of since? - Not to my knowledge.

7076. (*Mr. Scanlan.*) Can you say when you went to sleep on the Monday morning? - I told the second officer I was going to lie down at 20 minutes to 1.

7077. When Gibson came into your room did you look to ascertain the time? - Not to my knowledge; I do not recollect Gibson coming into the room.

7078. I think you recollect his having spoken to you? - I said, "What is it?"

7079. Can you say what time that was? - I cannot.

7080. When did your Marconi operator come off duty? - So far as I was concerned he went off at 11 o'clock, after he had sent the last message.

7081. At 11 o'clock on the Sunday night? - Yes.

7082. When you were in doubt as to the name of this ship and as to the meaning of her sending up a rocket, could you not have ascertained definitely by calling in the assistance of your Marconi operator? - When? At 1 o'clock in the morning?

7083. Yes? - This steamer had been in sight, the one that fired the rocket, when we sent the last message to the "Titanic," and I was certain that the steamer was not the "Titanic," and the operator said he had not any other steamers, so I drew my conclusion that she had not got any wireless.

7084. I think you said from the appearance of the green light which you saw before going down from the bridge, you thought it was an electric light? - Did I say that?

7085. Yes. Well, you said that many steamers have electric lights? - They have.

7086. Did you think whether or not it was an electric light? - I did not think anything about it; I was not at all concerned about the steamer.

7087. Had this steamer which you saw, and which you say was, at all events, about the same size as your own, had an electric apparatus, and had you obtained the assistance of your operator, you could have got into direct communication with her, whoever she was? - You say if she had an electric apparatus?

7088. If she had a Marconi installation? - If she had had a Marconi, and we had, of course we could have got into communication.

7089. You had the Marconi? - Yes, we had.

7090. Would not it have been quite a simple thing for you at that time when you were in doubt as to what was the name of the ship, and as to what was the reason of her sending up rockets, to

have wakened up your Marconi operator and asked him to speak to this ship? - It would if it had worried me a great deal, but it did not worry me. I was still thinking of the company's signal.

7091. At all events, now in the light of your experience, would it not have been a prudent thing to do? - Well, we would have got the "Titanic's" signals if we had done.

7092. If you had done you would, in all probability, have got the message from this vessel? - No. I do not think so. In my opinion that steamer had not got wireless at all.

7093. What reason have you for thinking that this steamer, a steamer which you say was, at all events, as big as your own, had not got wireless? - At 11 o'clock when I saw her the operator told me he had not got anything only the "Titanic." I remarked then, "That is not the 'Titanic,'" judging from its size and the number of lights about it; and if he only had one ship, then it was not the "Titanic." I do not see how he could still have that ship.

7094. But as a mere matter of precaution, when you were in doubt and left word that someone was to come down to your cabin and give you a message, would not it have been a proper thing to have tried the experiment? - Well, I was waiting for further information. I had a responsible officer on the bridge who was finding this out for me. 7095. At all events, having your Marconi apparatus it would have been no trouble whatever? - None whatever.

7096. To have got your operator to come to his room? - He was in his room.

7097. And he could have spoken this vessel? - If she had had wireless.

7098. If you had done this you would have found out whether she had wireless? - Very likely. If she had had it we would have got her.

7099. If she had had it you could have ascertained directly in what trouble she was when she sent up the rockets? - Yes.

7100. Is it in ocean-going vessels the usual practice and a recognised rule to double look outs in presence of ice, in a fog and in a haze? - Yes.

7101. Is that known by every captain? - I do not know. I know.

7102. It is the general rule? - As far as I know.

7103. Did you observe between 8 and 10 o'clock that night that there was a haze? - No, I did not.

7104. Can you say that there was not? - In my opinion there was not.

The Commissioner: Do you know of any evidence except the evidence we have already heard, Mr. Scanlan, as to the existence of this supposed haze?

Mr. Scanlan: I do not know anything else, my Lord; but what impresses me is that the look-out man on the "Titanic" not only himself says that there was a haze, but he says that his companion in the crow's-nest remarked on the haze to him.

The Commissioner: Yes, I remember that, and I am asking you whether you know of any other evidence except that which we have heard?

7105. (*Mr. Scanlan.*) No, my Lord, I do not know. (*To the Witness.*) Is it possible that in regard to vessels separated by a distance of 19 miles there might be a haze on the horizon with one of them, and not a haze on the horizon with the other? - I have seen that.

7106.. I mean it is a local effect? - I have seen that.

7107. Is a haze commonly produced by the presence of ice? - I do not know, I have not had a great experience in ice.

7108. You have not had a great experience in ice? - No.

7109. Is it not well known that ice is more easily seen the nearer you are to the water, especially field ice? - I do not know, I have not heard that.

7110. You have not heard that? - No.

7111. You have not had much experience of ice? - No I have not; of field ice this is my first experience.

7112. When you first had warning of the presence of ice did you slow down? - No.
7113. You did not slow down? - No.
7114. Is it not usual to slow down in the presence of ice? - No, not in clear weather.
7115. At what speed were you going? - 11 knots.
7116. But if you are in a haze is it usual to slow down? - In an ice district, yes.
7117. When you stopped on account of the ice what lights were you showing? - Two masthead lights, the red and green sidelights, and a stern light.
7118. How far do you think from your ship her lights would be observable by another ship? - The masthead lights?
7119. Yes? - I suppose the masthead lights you would see 7 or 8 miles - 8 miles I should think.
7120. Suppose the "Titanic" was 7 or 8 miles from you between 11. 30 and 12 o'clock, would those on her bridge have been able to see your lights? - Easily.
7121. Do you practice your hands at boat drill? - We do.
7122. Regularly? - Once a passage.
7123. And have you a boat muster? - Well, that is a boat muster.
7124. What does it consist of? We have not heard yet what a proper boat muster consists of. Will you explain it to my Lord? - I do not know if it is a proper boat muster, but I can tell you what I do. I usually muster all hands on deck; the chief officer calls the names over, and as they pass him they report their boat, and they also report their fire station from the boat list. They line up by their boats. When every man has reported the boat he belongs to and his fire station I usually have a fire drill; I report a fire in one side of the ship, and they run to that side and connect the fire hose; and I usually swing a couple of boats out on the other side.
7125. Are your lifeboats provisioned in case of accident before you commence a particular voyage? - They are provisioned all the time with water and biscuits.
7126. And a compass? - A compass, lamp, oil, sea anchor.
7127. Are all those in each boat before the voyage begins? - They are in all the time.
7128. All the time? - All the time.
7129. In readiness for any emergency? - And renewed every voyage.
7130. Then all your hands know exactly the station to go to? - They do.

Examined by Mr. ROCHE.

7131. You had never been in ice before? - Not in field ice.
7132. You stopped your engines at half-past 10 when you got amongst it? - 20 minutes past.
7133. And you did not put them ahead again until something after four in the morning? - The first move was 5.15.
7134. You were treating the ice, so to speak, with great respect, and behaved with great caution with regard to it? - I was treating it with every respect.
7135. May I take it that you were not anxious if you could help it, between 10 o'clock and 5 o'clock, to move your engines? - I did not want to move them if I could help it. They were ready to move at a moment's notice.
7136. Was that the reason, perhaps, why you were not so inquisitive as to these signals as you might otherwise have been? - No, that had not anything to do with it.

Examined by Mr. HARBINSON.

7137. I understand when you saw ice first this evening it was before 6? - It must have been about 5.

7138. So that it was pretty clear daylight then? - It was perfectly clear - a beautiful day.

7139. So that, it being clear at that time, you did not consider at that moment that it was necessary to slacken speed? - No.

7140. But assuming that you had first heard of ice at 11. 30 that night, would not you have considered it necessary? Did you, as a matter of fact, that night later on slacken speed? - Not until 20 minutes past 10.

7141. You were only going 11 knots an hour? - That was my full speed.

7142. Thirteen, I thought you said? - Driving. On my consumption then, 11 knots.

7143. Having seen ice and knowing you were on the verge of an ice-field, would you not have considered, provided you could have driven the ship at that speed, that 21 knots an hour would be grossly excessive? - Oh, I do not know anything about that.

7144. Under the conditions, ice being in the immediate vicinity, is not that a very high speed? - It was a clear night.

7145. It may have been. Is not it a high speed? - Twenty-one knots is a high speed.

7146. A very high speed? - Yes, very fast.

7147. And an ice-field is very dangerous? - If you hit it.

7148. And at night it is sometimes not easy to see ice? - I do not know. I saw it.

7149. You may have. So you tell us. But do you not consider that 21 knots an hour, or, rather, 45 knots in two hours, was a grossly excessive speed? - I really do not know. It all depends on how quickly that ship handles.

7150. That is to say, on how quickly she responds to the rudder? - To the rudder and engines.

7151. Now, supposing you saw ice right ahead, what message would you send down from the bridge to the engine room? - It all depends what the ice was like.

7152. Supposing you saw a berg of ice on your starboard side? - One solitary berg?

7153. Yes? - On my starboard side?

7154. And you were making for it head on? - That would be right ahead; that would not be on the starboard side.

7155. Slightly to the starboard? - I should starboard the helm; go further away from it.

7156. What direction would you give as to the engines? - I would not give any.

7157. You would go right on? - I would go right on if it was a single berg.

7158. There were two engines, a starboard engine and a port engine on the "Titanic." Suppose you sent the message, "Starboard engine ahead; port engine reverse," what effect would that have on the steamer? - It would twist her head to port.

7159. Would it turn the steamer in her own length? - I do not know; I have no experience of 21 knot steamers.

7160. You have not? - No.

7161. Would it be likely to get rid of the berg quickly? - Oh, yes, to get away from it; that would be the idea of stopping the port engine or reversing it.

7162. Reverse the port and keep ahead with the starboard? - That would twist it quicker.

7163. At once? - Very quickly.

7164. That would be the quickest way of altering the course of the steamer? - I should think so.

7165. You have told us you have four lifeboats for a crew of 102? - Four lifeboats and two ordinary ships' boats.

7166. Is that the normal complement for cargo boats like yours to carry, prescribed by the Board of Trade? - We have more, I think, than are really required.

7167. (*The Commissioner.*) Is it a crew of 102?

Mr. Harbinson: Yes.

The Witness: That is including the passengers.

Mr. Harbinson: I am including passengers and crew.

7168. (*The Commissioner.*) But you had not any passengers? - No, we only had 48 at the time.

7169. (*Mr. Harbinson.*) But you have a carrying capacity of 102? - Yes.

7170. And four lifeboats to make provision for them? - Yes, and two ships' boats.

7171. Is four lifeboats the number of boats prescribed for steamers of your class by the Board of Trade? - I do not know; I think that would be excessive. They do not require you to carry double the boat accommodation for the crew you have in the ship.

The Commissioner: I do not want to hurry you at all, but we are not at present concerned to inquire whether this ship, the "Californian," was properly supplied with lifeboats. If I am to sit here and inquire into the manning and equipment of every vessel referred to I shall never finish.

Mr. Harbinson: Quite so, my Lord.

The Commissioner: I do not want to hurry you or to shut out anything, but do not ask needless questions.

Mr. Harbinson: If I may say so, my Lord, of course, I accept your Lordship's suggestion. The point I was going to make was that if this proportion of lifeboat accommodation had been provided for the "Titanic," of course the whole of the passengers would have been saved.

The Commissioner: Well, that may be. You can do that without asking these questions.

7172. (*Mr. Harbinson - To the Witness.*) Now I want to put a further question to you about the look-out men. You have a crow's-nest on your boat? - Yes.

7172a. Is it an able-bodied seaman you keep posted there usually? - Yes, always.

7172b. Is it a most responsible position? - Oh, I suppose it is.

7172c. To detect danger ahead? - Yes.

7172d. Do you not think that the responsibility of that position would be better satisfied if a junior officer was also posted in the crow's-nest along with the able-bodied seamen? - Do you mean in my own ship?

7172e. In any ship. I ask you now from your general experience as a captain and a seagoing man? - No. If you have an officer on the bridge, I think that is quite sufficient.

The Commissioner: Now that is not the answer you wanted. He is giving you an answer that you did not want, and I respectfully submit you may leave him alone now.

Examined by Mr. CLEMENT EDWARDS.

7173. I think you said that you did not give any instructions to the Marconi operator to try and ascertain the name of this vessel? - No; I did at 11 o'clock.

7174. Not after 11 o'clock? - Not after 11 o'clock.

7175. You have given evidence, I believe, before the American Court of Enquiry? - I have.

7176. Did you at that Inquiry, in reply to a question, say "about 1 o'clock I told the operator to call the ship again"? - No.

7177. So that if you are so reported, it is untrue? - It is.

7178. You said, I think, that when the lad came you have a faint recollection -

The Commissioner: Have you got the print of the shorthand note of the evidence of this witness in America?

Mr. Clement Edwards: I have not, my Lord, but I have what purports to be a verbatim question and answer given by this witness before the American Enquiry.

The Commissioner: Where does it come from?

Mr. Clement Edwards: Reuter's Agency, my Lord.

The Commissioner: Was it telegraphed to this country verbatim?

Mr. Clement Edwards: Yes, my Lord.

The Commissioner: Well, read it to him. Put it to him specifically.

The Attorney-General: I have it, my Lord; I cannot say I have read it.

The Commissioner: Put it specifically to him.

Mr. Clement Edwards: There are certain matters into which this witness has given testimony this morning, and it would be more convenient, if I may respectfully suggest it, if I put to him certain quite specific questions.

The Commissioner: Follow your own course.

7179. (*Mr. Clement Edwards - To the Witness.*) You said, I think, that you have no recollection of the lad Gibson saying anything when he came to the chart room in the morning? - No, I have no recollection.

7180. Did you tell the American Court of Enquiry -

The Commissioner: I understood you to say something different from that; I understood you to say that the boy said nothing.

Mr. Clement Edwards: That is what I understood the witness to say now.

The Commissioner: Oh, no; now he says that he does not remember that he said anything. I understood him first to say that the boy came in and shut the door, that he then said to the boy, "What is it?" and that the boy behaved in a most extraordinary manner by shutting the door and going away.

7181. (*Mr. Clement Edwards - To the Witness.*) What do you say? - Do you remember the lad saying anything or not? - I do not remember him saying anything.

7182. (*The Commissioner.*) Do you remember that he said nothing? - He did not say anything to me as far as I know.

7183. (*Mr. Clement Edwards.*) Did you tell the American Court of Enquiry, "I have a faint recollection of hearing the cabin boy about four o'clock saying something about the ship still standing by"? - I did not.

7184. As a matter of fact you were expecting the lad to come back with a message from the officer as to whether the ship was still there? - Not to come back; I was expecting him to come down for the first time.

7185. So that you were expecting a message from the lad? - I was expecting a message from the officer.

7186. (*The Commissioner.*) By the lad? - By the Apprentice.

7187. (*Mr. Clement Edwards.*) And you said nothing of that before the American Court? - About what you have just read?

7188. Yes? - No.

7189. Did you tell the American Court that "there were flashes of light from this ship; they might have been signals of distress or Morse messages"? - No, Sir.

7190. You said nothing about flashes of light? - I said the Second Officer reported this one rocket which I have mentioned here this morning.

7191. Did you say anything at all about there being flashes of light, and they might have been Morse signals? - No.

7192. Nothing at all? - Nothing at all.

7193. You have said that there was no haze that night? - Yes.

7194. Did you tell the American Court of Enquiry that the light that night was very extraordinary; the conditions were very deceiving? - I told them it was a very strange night; it was hard to define where the sky ended and the water commenced. There was what you call a soft horizon. I was sometimes mistaking the stars low down on the horizon for steamer's lights.

7195. What is that condition of things due to, if it is not due to a haze? - I do not know; just a flash, that is all.

7196. What do you suggest as a characteristic of the atmosphere on a night of that sort? - I really could not say. We could see a light the full limit of my vessel.

7197. You have said that when you heard from the "Virginian" in the morning that the "Titanic" had gone down, and when you heard that she was 19 miles away you did say something about: "Well, you ought to have seen her signals"? - I did not say it; I thought it.

7198. Did you tell the American Court of Enquiry that at 19 miles distance it would be utterly impossible to see either distress signals or Morse flashes? - I did not say "utterly impossible."

7199. Do you say it was impossible? - No. I said I did not think it would be possible to see them at that distance. If they were seen they would be so low on the horizon they might be shooting stars.

7200. You now think that it was possible? - That we might have seen them.

7201. At what time did you think it was possible? - At half-past six the next morning I was thinking about it.

7202. Before you were asked these questions at the American Enquiry, you thought it was possible to have seen these lights? - I thought it might have been possible.

7203. And you told the American Enquiry that you thought it was not possible? - I did not think it was possible.

7204. When did you first hear of the message from the "Titanic" that you were to shut up and keep off as they were busy? - Some time during the morning of the 15th.

7205. Did you regard it as an insulting message? - Oh, no.

7206. Did either of your officers regard it as an insulting message? - No.

7207. (*The Commissioner.*) Is a record kept of these messages? - Yes, my Lord.

7208. By the operator? - By the operator.

The Attorney-General: We are going to call him.

7209. (*Mr. Clement Edwards.*) Why did you tell them that you were surrounded by ice? Did you want to warn them that you were in danger at all? - It is usual, when we see it, to send out messages that we have seen it to all ships in the vicinity.

7210. When you said that you were surrounded by ice, was that to warn them of your danger? - No; to warn them, so that they would know if they were in the vicinity, or pass the word on to other steamers.

7211. That is to say, it was a message of courtesy? - A message of advice.

7212. It was rather a snub, was it not? - Who for?

7213. For them to tell you in reply to that, "Shut up, and keep off"? - I suppose it was, more or less.

7214. And did your officer who received it take it as so? - I do not think so.

7215. You had no conversation with him about it? - I asked him the next morning what they said. When I heard that the "Titanic" had sunk, I sent along and asked him whether he delivered the message I sent at 11 o'clock. He said he had, and they told him to please keep quiet, or shut up.

7216. To shut up? - Something like that; they were busy.

7217. Did you have any conversation with him as to the character of this message? - No.

7218. None at all? - No.

7219. Which officer was that? - That was the wireless operator.

7220. He reported to you directly? - He reported to me directly.

7221. Did he when he got that message report to the officer on the watch? - I was on watch myself then, at 11 o'clock.

7222. Then he did not report to you? - No; I do not think he came on deck again.

7223. Did not you tell the American Court of Enquiry that the operator did come to you at 11

o'clock, and that you then told him to try and find out what was the name of the ship that had stopped close by? - No.

7224. You did not? - No.

Examined by Mr. LEWIS.

7225. How long have you been in charge of a ship; how long have you been a Captain? - I beg your pardon?

7226. (*The Commissioner.*) You are asked how long you have had a captain's certificate? - Since 1901.

7227. (*Mr. Lewis.*) Do you consider it reasonable, seeing that you had very little experience of ice, to go below to the chart room and lie there? - When a ship is stopped?

7228. Yes? - Perfectly justified.

7229. Do you consider it reasonable, in view of the fact that you had been in communication with other ships that your wireless operator should have gone off duty at 11 o'clock? - Yes.

7230. Can you tell us what control you have over the operators? - I do not know that we have any great control. They are amenable to the discipline of the ship to a certain extent, but their hours I do not think I have anything to do with.

7231. They are under the control, I understand, of the Marconi Company? - To a certain extent they are.

7232. To what extent; can you tell us? - No.

7233. Can you tell us if you pay them? - No, they pay them.

7234. So that you have only control so far as the mere discipline is concerned? - If I wanted to get a message sent at any time, day or night, I would send it.

7235. Are you interested in messages received by the ship? - What is that?

The Commissioner: What do you mean by "interested"? Do you mean, "Does he receive any money in connection with them?"

Mr. Lewis: No.

The Commissioner: What is it then?

7236. (*Mr. Lewis.*) I am anxious to know when messages are being received, important messages, whether the captain is at all interested to find out what is happening. (*To the Witness.*) I understand you were in communication with the "Titanic"? - Yes.

7237. Would you consider it dangerous for the "Titanic" to be so close to the ice? - I did not know where the "Titanic" was. I never had her position.

7238. I understand you to say she may have been a long way away? - Anywhere.

7239. She may have been close? - She may have been close or away past.

7240. If she had been 19 miles away, would not her position have been dangerous? - I did not know. I did not know at all how far the ice extended.

7241. It may have extended that distance? - It was more than likely.

7242. If the "Titanic" had been close to it, it would have been extremely dangerous to the "Titanic"? - If they were not keeping a look-out.

7243. Particularly to a large steamer? - If they were not keeping a look-out.

7244. We know now that it has been in evidence that they did have a look-out. You heard that, I take it, did not you, that they did have a look-out on the ship? - Yes.

7245. Under those circumstances, seeing that there was a possibility of the boat being near, do you consider it reasonable that you should go off duty? - Perfectly reasonable. I was looking after my own ship.

The Commissioner: These are answers that do not do you the least good, and they are not the

answers that you want.

7246. (*Mr. Lewis.*) Very well, my Lord. (*To the Witness.*) Do you consider it reasonable, knowing that you were in communication with the "Titanic" that you did not make inquiries from the operator - that you went on till next day before knowing what the reply was from the "Titanic"? - He would give the message I knew, and if he could not give the message he would come back and tell me, I should have thought.

7247. You consider that reasonable? - I do.

Examined by Sir ROBERT FINLAY.

7248. Just a very few questions: Who appoints and pays the Marconi man on board your boat? - The Marconi Company, I understand.

7249. Cape Race is the south-east point of Newfoundland, is it not? - Yes.

7250. Is it the great point for trade messages? - Yes, it is, I believe.

7251. Now with regard to your own vessel, where is the best point for a look-out, on the stem or the crow's-nest, in your vessel? - The man in the crow's-nest on a clear day would see a light further than a man on the foc'sle head of the ship would; but sometimes in hazy weather it is possible to see better from the foc'sle head than it is from the crow's-nest.

7252. And with regard to ice, where would that be best seen from? - On a clear night I think you would see just as well from the crow's-nest as you would from the foc'sle head.

7253. You had one man only in the crow's-nest? - One only.

7254. And one only on the stem? - On the foc'sle.

7255. As a matter of fact, I think you said that you saw the ice before either of them? - I reversed the engines myself before they reported it. Just as they were reporting it I had reversed the engines.

7256. Only one other question. You came to the point where the "Titanic" had been reported as having foundered, 41° 46 N., if I rightly understood you, and 50° 14 W.? - Yes.

7257. How far from that point was the "Mount Temple"? - I think she was very close to it. I should think she had been looking for the "Titanic" boats or wreckage, or something, she was stopped there.

7258. You went on from that point? - Yes.

7259. In what direction did you proceed after that point? - I steered, as far as I recollect, about South or South by East true from there along the edge of the ice - the western edge of the ice.

7260. How far did you go till you got to the wreckage? - I passed her somewhere about half-past seven - somewhere in the vicinity of half-past seven. I got there at half-past eight.

7261. What rate were you going at? - We were driving all we possibly could. The chief engineer estimates the speed at 13 1/2. I estimate it at 13.

7262. You were about an hour? - We were an hour.

7263. Had you also any observations to enable you to fix the spot where the wreckage was found? - I had very good observations at noon and that afternoon.

7264. How long did you remain on the spot where the wreckage was? - We arrived at half-past eight - 11.15.

7265. Can you give us your noon observations? - Yes; 41.33 N. and 50. 9 W.

7266. That is your noon position? - That is my noon position on the 15th April.

The Attorney-General: That is the Monday morning.

7267. (*Sir Robert Finlay.*) When you left the scene of the wreckage, what course did you hold? - 11.20 proceeded on course N. 59, W. by compass.

7268. (*The Commissioner.*) Is that the ship's log? - This is the ship's log, my Lord.

7269. (*Sir Robert Finlay.*) What would that be true? - I think I was intending to make N. 89 W. I think that was my intention. The variation is 23 1/2, and I think the deviation was 5.

7270. What rate were you going? - I went slow. I came through the ice full speed to the ship, but I went back slow.

7271. Can you tell me, on your boat, do you supply the look-out man with glasses? - We do not.

7272. Why is that? - I have never heard of it before this Enquiry.

7273. In your experience, it is not usual? - I have only used them once, that was when I was looking for the "Titanic."

Mr. Dunlop: May I ask some questions of the witness?

The Attorney-General: I think you had better wait till I have finished. I am going to put something further to him, and I think you had better hear what he says first.

Further examined by the ATTORNEY-GENERAL.

7274. Mr. Stone is your Second Officer, is he not? - Yes.

7275. Did Mr. Stone send the Apprentice to report to you at any time? - Did he on this morning?

7276. I am speaking of this morning? - He told me afterwards that he had done so.

7277. At about 2 o'clock? - At about 2 o'clock.

7278. Did he tell you that there had been rockets sent up? - He did. That was the message the boy was supposed to have delivered to me. I heard it the next day.

7279. That is rather important, you see - that is the message which the boy was supposed to have delivered to you which you heard next day? - Yes.

7280. I want to put this to you. Did not the boy deliver the message to you, and did not you inquire whether they were all white rockets? - I do not know; I was asleep.

7281. Think. This is a very important matter. - It is a very important matter. I recognise that.

7282. It is much better to tell us what happened, Captain? - He came to the door, I understand. I have spoken to him very closely since. He said, I opened my eyes and said, "What is it?" and he gave the message; and I said, "What time is it?" and he told me, and then I think he said I asked him whether there were any colours in the light.

7283. That is what the boy has said to you. You have questioned him a good many times since? - Yes, I have questioned him since.

7284. Is he still an Apprentice in your ship? - He is.

The Commissioner: Is he telling the truth? - Is the boy telling the truth?

7285. Yes. - I do not know. I do not doubt it for a moment.

7286. (*The Attorney-General.*) Just think. You say you do not doubt it for a moment. Do you see what that means. That means that the boy did go to the chart room to you. He did tell you about the rockets from the ship and you asked whether they were white rockets, and told him that he was to report if anything further occurred? - So he said. That is what he said.

7287. Have you any reason to doubt that is true? - No; I was asleep.

7288. Then do you mean you said this in your sleep to him, that he was to report? - I very likely was half awake. I have no recollection of this Apprentice saying anything to me at all that morning.

7289. Why did you ask whether they were white rockets? - I suppose this was on account of the first question they asked, whether they were Company's signals.

7290. Do just think? - Company signals usually have some colours in them.

7291. So that if they were white it would make it quite plain to you they were distress signals?

- No, I understand some companies have white.

7292. Do really try and do yourself justice? - I am trying to do my best.

7293. Think you know. Mr. Lord, allow me to suggest you are not doing yourself justice. You are explaining, first of all, that you asked if they were white rockets, because companies' signals are coloured. I am asking you whether the point of your asking whether they were all white rockets was not in order to know whether they were distress signals? Was not that the object of your question, if you put it? - I really do not know what was the object of my question.

7294. And you think that is why you asked about it? - I think that is why I asked about it.

7295. I must ask you something more. Do you remember Mr. Stone reporting at twenty minutes to three to you that morning through the tube? - I do not.

7296. Is there a tube? - There is a tube.

7297. What is the tube? - A speaking tube.

7298. To your chart room? - To my own room.

7299. Were you in your own room? - No, I was in the chart room.

7300. Would you hear if he reported through the tube to you? - At a quarter-past one.

7301. He reported through the tube then? - At a quarter-past one.

7302. Listen to this - he reported to you at twenty minutes to three through the tube and told you that the steamer had disappeared bearing south-west half west. Do you remember that? - I do not remember it. He has told me that since.

7303. Have you any reason to doubt it? - I do not know anything at all about it.

7304. Have you any reason to doubt that Mr. Stone, the officer, is speaking the truth? - I do not see why he should not tell me the truth.

7305. (The Commissioner.), Is he a reliable, trustworthy man? - As far as I know of him he is.

7306. (*The Attorney-General.*) Is he still with you? - He is still with me.

7307. Listen to this: - "The Captain again asked me if I was sure there were no colours in the lights that had been seen." Do you remember that? - I do not.

7308. "And that he" - Mr. Stone - "assured you that they were white lights"? - He has told me all about this since, but I have not the slightest recollection that anything happened that way.

7309. He has told you of this - what he reported to you that night? - Yes.

7310. And you have no reason to doubt it? - If he is telling the truth I have not.

7311. Do you doubt it at all? - I do not know.

7312. This is what he says: "I assured him that they were white lights, and he" - that is you - "said 'All 'right.'" Have you no recollection of that conversation? - I have no recollection of any conversation between half-past one and half-past four that I had with the second officer.

7313. There is only one thing further I want to ask you, who is Mr. Stewart? - The Chief Officer.

7314. Was it he who called you at half-past four? - Yes.

7315. And was it he who told you that the second mate had seen rockets? - Yes.

7316. And did you reply "Yes, I know."? - I said, Yes, they certainly had told me something about a rocket.

7317. Do you observe the difference in the question I put to you and your answer? - You mentioned rockets; I mentioned rocket.

7318. That the second mate had said he had seen rockets, and you replied, "Yes, I know." Very well. Now I want to ask you something further. When you were not satisfied that the rocket which you had seen was a company's signal, there was no difficulty in your calling your Marconi operator, was there? - None whatever.

7319. If you had called him you would have been in communication with the "Titanic," as I understand it? - Yes, I believe she was sending out signals.

7320. And you would have received the "Titanic's" messages? - Yes.

7321. If the Marconi operator had been called up then, and he had put the receiver on he would have heard the "Titanic's" messages? - Yes.

7322. Do you understand Marconi telegraphy at all? - I know the idea of it. I cannot use it.

7323. Do you know the C.Q.D. signal? - I know it.

7324. And the S.O.S.? - Yes.

7325. Can you receive that signal? - They go too quickly for me.

The Commissioner: What does C.Q.D. mean?

7326. (*The Attorney-General.*) C.Q.D. means "Come quick, danger." They are danger signals; and S.O.S. - I am not sure I am quite right about this - is the same signal which has been adopted by a Telegraphic Convention, which means "Save our Souls." The object of the S.O.S. is that it is a very short signal by the Morse code. That is, I understand, the reason why it is given in that way. (*To the Witness.*) So that anybody on your ship who had put the receiver to his ears would have then heard the "Titanic's" message, the C.Q.D. or the S.O.S.? - They would have heard the buzzing, yes.

7327. They would have been able to distinguish the signal as long as she was giving it? - The operator would. I do not think anyone else on the ship would.

7328. The operator would if you had called him? - Yes.

The Commissioner: He has produced apparently the log of this vessel. Have you examined it?

The Attorney-General: I have not.

7329. (*The Commissioner.*) I think you should. (*To the Witness.*) Is there any reference in the log to your steamer having seen these rockets? - No, Sir.

7330. Or this mysterious ship which was not the "Titanic"? - No, Sir.

7331. Is it not usual to record these things in the log? - We never realised what these rockets were, my Lord. If they had been distress rockets they would have been mentioned in the log.

7332. But the next morning you knew the "Titanic" had gone down? - Yes.

7333. Did you make no record then in your log of the signals that you had seen? - No.

7334. Why not? - We never took them to be distress rockets. The second officer's explanation to me of these rockets was that they were not distress rockets.

7335. Why was all reference to these rockets left out of the log? - If we had realised they were distress rockets we would have entered them, my Lord.

7336. Do you mean that nobody on board your ship supposed that they might be distress signals? - The Second Officer, the man in charge of the watch, said most emphatically they were not distress rockets.

7337. Is there anyone on board your boat who thinks that they were? - Not to my knowledge, my Lord. I have not spoken to any of the crew about it.

7338. (*The Attorney-General.*) Will you let me see the log. Who wrote it up? - The Chief Officer writes the log.

7339. (*The Commissioner.*) Mr. Stewart? - Yes; and initialed by each officer at his end of the watch.

Mr. Dunlop: I have a typewritten copy of the log here if you would like to see it.

7340. (*The Attorney-General.*) I would rather see the original. (*The log was handed to the Attorney-General.*) My friend, Mr. Edwards, put some questions about what happened at the Court of Inquiry in America. I have the Report from America, and I think it is right to put this to the witness. (*To the Witness.*) I see you said this in answer to Senator Smith, in America: "When I came off the bridge at half-past ten I pointed out to the officer that I thought I saw a light coming along, and it was a most peculiar light. We had been making mistakes all along with the stars, thinking they were signals"? - "Most peculiar night," I think that should be.

7341. It may be. "We could not distinguish where the sky ended and where the water commenced." That is right, is it not? - Yes, that is what I have said.

The Commissioner: When is this witness going to sea?

7342. (*The Attorney-General.*) When does your ship sail? - Saturday, Sir.

7343. (*The Commissioner.*) Where will you be in the meanwhile? - I am going back home, Sir.

7344. Where is home? - Liscard, Cheshire.

7345. (*The Attorney-General.*) 10, Ormond Street, Liscard, Cheshire? - Yes.

Examined by Mr. DUNLOP.

7346. When did you go on duty on the Sunday morning? - I got up the usual time - 7 o'clock in the morning.

7347. And were you on duty the whole of that day? - I was on deck practically the whole of that day.

7348. Had you got reports from east-bound steamers of the presence of ice? - Yes.

7349. And were you keeping a look-out for ice in consequence of those reports? - I was.

7350. And I think on that day you encountered ice as we have heard? - We did.

7351. You retired to your chart room at 12.15? - 12.15.

7352. Did you undress? - No.

7353. Did you fall asleep at first? - I did not fall asleep before twenty minutes to one.

7354. And at 12.40 you got the report from the Second Officer that the steamer which had previously been seen was still in the same position? - Still in the same position.

7355. (*Mr. Dunlop.*) At 1.15, you have told us, you got a report -

The Attorney-General: I do not quite know what this is leading to. My friend is supposing to be cross-examining this witness. If not, I think it would be better to allow him to tell his story himself. I do not quite appreciate what my friend's position is. I quite understand that he is here for the protection of the master, and I am raising no objection to that, but in all the circumstances I think it would be better to let him tell a little of the story.

Mr. Dunlop: I am coming to the part I want him to speak about.

The Commissioner: I do not think any harm has been done.

The Attorney-General: I am only intervening so that it may not be done later.

7357. (*Mr. Dunlop.*) I have brought you to 1.15, the time that you got the second report? - Yes.

7358. You told us what that report was - that the steamer had commenced to alter her bearing to the south-west? - Yes.

7359. What did that report lead you to infer? - That she was steaming away from it.

7360. And if she was steaming to the south-west would the masthead lights in the ordinary course of things disappear? - Yes.

7361. And would she open then her stern light? - She would open her stern light.

7362. How far is the stern light supposed to be visible? - According to the law it is supposed to be visible at two miles.

7363. One mile is the law? - Is it one mile?

7364. But sometimes they show much further? - Much further.

7365. But they do not show so far as the masthead lights? - No.

7366. Might it be that the masthead lights disappeared, showing a stern light, which was not in fact visible at that distance? - Very likely, yes.

7367. At what time was it, do you think, that you fell asleep after 1.15? - I think it was somewhere after half-past one. I could hear the officer Morsing. I could hear the tick of the Morse machine over my head.

7368. Did you sleep soundly? - I must have done.

7369. If the Apprentice came to your room subsequently, are you conscious of anything that he said to you or what you said to him? - All I recollect saying is, "What is it?"

7370. Did you remain asleep until 4.30? - Until 4.30.

7371. Then did you go on the bridge? - I went on the bridge.

7372. And I think you afterwards heard of the sinking of the "Titanic"? - Yes.

The Commissioner: We have had all this, you know.

7373. (*Mr. Dunlop.*) I am coming now, my Lord, to the questions I wanted to put. (*To the Witness.*) You were surprised about the "Titanic." Did you question your Second Officer as to why you had not been called? - I did.

7374. What was his explanation to you? - He said that he had sent down and called me; he had sent Gibson down, and Gibson had told him I was awake and I had said, "All right, let me know if anything is wanted." I was surprised at him not getting me out, considering rockets had been fired. He said if they had been distress rockets he would most certainly have come down and called me himself, but he was not a little bit worried about it at all.

7375. If they had been distress rockets he would have called you? - He would have come down and insisted upon my getting up.

7376. And was it his view that they were not distress rockets? - That was apparently his view.

7377. The position which the "Virginian" reported to you was, I think, 19 1/2 miles South, 16 West, of your position? - Yes.

7378. How many miles had you, in fact, to steam to get to the place where the wreckage was found? - I should think 30 miles at the least.

7379. Were you able to proceed to the position indicated by the "Virginian" on a direct course? - No.

7380. What prevented you from doing that? - The ice.

7381. Can you indicate what the condition of the ice was between where you were lying and the place where the wreckage was found? - Ice-field - dense ice-field.

7382. Can you tell us what the extent of the ice-field was? - The width of it?

7383. Yes, the width of it from your position to the position of the wreck? - It was running north and south after the style of a T, and the T was dividing the position where the "Titanic" was supposed to have sunk and where we were. I suppose for the two or three miles all the way down to where she was it was studded with bergs and loose ice.

7384. If any vessel was proceeding in a south-westerly direction towards the place where the "Titanic" was she would encounter this field ice? - Yes.

The Commissioner: You are falling into the error that the Attorney-General warned you not to fall into. You are putting the words into the man's mouth. You might as well hand your proof to him and tell him to read it out.

7385. (*Mr. Dunlop.*) Did you prepare a rough sketch to show the position of the ice and also the course which you took from 6 a.m. to 8.30 a.m.? - Yes, I did, I drew a rough sketch of it.

Mr. Dunlop: I would like your lordship to see the sketch he has made.

The Commissioner: Hand it up.

(*The sketch was handed in.*)

The Witness: It is not to scale or anything.

Mr. Dunlop: Does that sketch show the position of the field ice? - Yes.

7386. And the various icebergs? - Yes, and the various icebergs round.

7387. And it shows the course, does it, which you took to avoid the field ice on your way to the "Titanic"? - Yes.

7388. I think you had to cut through first of all 3 miles of field ice? - Two or three miles.

Mr. Dunlop: That is between 6 and 6.30. Does your lordship see the three miles of field ice?

7389. (*The Commissioner.*) Where did you draw this thing? - I drew that in Boston, my Lord.

7390. Before you were examined in the American Court? - Yes.

7391. Where were you in Boston when you drew it? - Aboard the ship.

7392. Who was with you? - No one.

7393. You sat down and did it yourself? - Yes.

7394. (*Mr. Dunlop.*) Was that after you had been summoned to give evidence at the American Enquiry? - No.

7395. Before that? - Before.

7396. (*The Commissioner.*) What did you do it for? - After the statement that this man Gill made in the papers that we were supposed to have ignored the "Titanic" signals I knew at once there would be an Enquiry over it.

7397. You drew it for the purpose of showing that you had not ignored the signals? - I did it for the purpose of showing where we were and the course we traveled on our way down to the ship.

7398. But you wanted it in order to meet the charge that was made? - I did, my Lord.

7399. (*Mr. Dunlop.*) Your Lordship will see they first of all cut through three miles of field ice. (*To the Witness.*) Then at 6.30 you steered a southerly course and passed the "Mount Temple" and stopped at about 7.30? - Yes.

7400. Was there another vessel near the "Mount Temple"? - There was a two-masted steamer, pink funnel, black top, steering north down to the north-west.

The Commissioner: Have you seen this rough sketch?

The Attorney-General: No.

The Commissioner: Do you want to see it?

The Attorney-General: Yes, I should like to see it.

(*The sketch was handed to the learned Counsel.*)

7401. (*Mr. Dunlop.*) After 7.30 had you to navigate through the field ice again? - Yes, I ran along till I got to the "Carpathia" bearing north-east and then I cut straight through the ice at full speed.

7402. From 7.30 to 8.30? - We were not going through ice the whole of that time. We were running till it must have been about eight.

7403. Supposing you had known at 1.15 a.m. that the "Titanic" was in distress somewhere to the southward and westward of you, could you, in fact, have reached her before she sank? - What time did she sink?

7404. (*The Commissioner.*) Do not you know? - I have heard so many different rumours of that out in the States that I really do not know.

7405. What time do you think she sank? - Somewhere between 2 and 3.

7406. (*Mr. Dunlop.*) Assuming that she sank somewhere between 2 and 3, could you, in fact, if you had known at 1.15 a.m. in the morning that the "Titanic" was in distress to the southward and westward of you, have reached her before, say, 3 a.m.? - No, most certainly not.

7407. Could you have navigated with any degree of safety to your vessel at night through the ice that you, in fact, encountered? - It would have been most dangerous.

The Commissioner: Am I to understand that this is what you mean to say, that if he had known that the vessel was the "Titanic" he would have made no attempt whatever to reach it?

7408. (*Mr. Dunlop.*) No, my Lord. I do not suggest that. (*To the Witness.*) What would you have done? No doubt you would have made an attempt? - Most certainly I would have made every effort to go down to her.

7409. Would the attempt from what you now know in fact have succeeded? - I do not think we would have got there before the "Carpathia" did, if we would have got there as soon.

The Commissioner: You must leave this sketch with me.

The Attorney-General: And perhaps we might keep the log till the other officers have been examined.

The Commissioner: Mr. Dunlop, what is this long statement in pencil on this piece of paper?

Mr. Dunlop: Something at the back, my Lord?

The Commissioner: Yes.

Mr. Dunlop: I have not seen that. I have only seen the plan.

The Commissioner: There is a very long statement on the back.

Mr. Dunlop: I have not seen that, my Lord. Perhaps that is something he wrote out.

7410. (*The Commissioner - To Capt. Lord.*) What is this long statement on this piece of paper on which you have made a chart? - They were the notes I made in Boston at the time I made the sketch.

7411. Are these notes supposed to tell the story from your point of view? - Yes, private notes I made.

(The Witness withdrew.)

JAMES GIBSON, Sworn.

Examined by the SOLICITOR-GENERAL.

7412. Is your name James Gibson? - Yes.

7413. How old are you? - Twenty.

7414. Just give us your address? - 38, Railway Terrace, Southport.

7415. Were you an Apprentice on the "Californian"? - Yes.

7416. And on this night, between Sunday, 14th, and Monday, 15th, what time did you go on watch, on duty? - Twelve o'clock midnight.

7417. Was your watch the middle watch? - Yes.

7418. Twelve to four? - Yes.

7419. Which of the officers was in charge in the middle watch? - The Second Officer.

7420. Is that Mr. Stone? - Yes.

7421. He would be on the bridge? - Yes.

7422. When you came on duty at midnight did you find that your ship had stopped? - Yes.

7423. We have been told she stopped some time before half-past ten? - Yes.

7424. When was it that you saw any ship's light round you first? - About twenty minutes past twelve.

7425. What was the light that you saw? - A white masthead light and a red sidelight.

7426. Could you see both those lights clearly? - I could see the red light with the glasses.

7427. You used glasses to see the red light, the port light, but you could see the white light, could you, with your naked eyes? - Yes.

7328. Could you see more than one white light? - I saw a glare of lights on her after deck.

7429. You mean the port-hole lights? - A glare of white lights on her after deck.

7430. I do not think you quite answered the question I was putting to you. Did you or did you not see any second white steamer lights? - Not distinctly, sir.

7431. Do you mean you are not sure whether you could see it or not? - No.

7432. Not sure? - No.

7433. Do you know at all which way your ship, the "Californian," was heading? - I was told afterwards that she was heading east-north-east.

7434. So that she was really pointing in the opposite direction to the direction she had been steaming? - I could not say.

7435. She was going from the east to the west? - I do not know what she was steering.

7436. She was going from Europe to America? - Yes.

7437. And she was pointing how? - East-north-east.

7438. Where did the lights of this steamer you have spoken of bear from you? - Right on the starboard beam.

7439. Would that be broad on the starboard beam? - Right on the starboard beam.

7440. Did you form any view as to how far away the ship was? - From four to seven miles.

7440a. You thought she was from four to seven miles away? - Yes.

7441. Did you notice anything about her masthead light, her white light? - Yes.

7442. What was it? - It was flickering.

7443. Did you form an opinion about it; what did you think she was doing? - I thought it was a Morse light calling us up.

7444. That would be using her masthead light to send Morse signals? - I did not know it was the masthead light then.

7445. Using a light to send Morse signals? - Yes.

7446. Did you report this? - I went to the keyboard and called it up. I went to our keyboard and called her up.

7447. Is the keyboard that you speak of the keyboard, that would work your Morse signaling? - Yes, Sir.

7448. When you work your Morse signaling with your keyboard, what is the light that you flash? - On top of the bridge.

7449. Do you know how to use the keyboard and send Morse signals? - Yes.

7450. So that you went to your keyboard to send them? - Yes.

7451. When you tried to call up this steamer with your Morse signals, could you get into communication with her? - No, Sir; the lights were still flickering.

7452. Could you read at all the message, if it was a message, which this flickering light was sending? - Yes, Sir.

7453. You could? - Yes.

7454. What was it you read? - I did not read any message.

7455. Could you read it if it was clear? - I could have done if it was a Morse light, but I looked at her through the glasses afterwards, and found it was a masthead light.

7456. Then the light went on flickering, did it? - Yes.

7457. And did you look at it then through glasses? - Yes.

7458. And when you did that you say you made out that it was a masthead light? - Yes.

7459. And did you come to the conclusion that she was not sending any Morse messages at all? - Yes.

7460. You have told us, I think, that the officer of the watch was Mr. Stone, the Second Officer? - Yes.

7461. Did you report to him; did you call his attention to the lights you had seen? - Yes.

7462. I suppose this would all take a little time. You said about a quarter-past twelve you noticed the light first. By the time you had finished your attempt with the Morse signaling what time would it be? - About getting on for 25 past.

7463. A little later than that, did the Second Officer, Mr. Stone, say anything to you about this ship? - At five minutes to one.

7464. What was it he told you? - That she had fired five rockets.

7465. That was at five minutes to one? - Yes.

7466. Had you not been on the bridge all the time? - No, Sir. I went down at twenty-five minutes to one and came up at five minutes to one.

7467. You went down at twenty-five minutes to one and came up at five minutes to one, and it is when you come up that this message is given? - Yes.

7468. Could you still see her lights? - Yes, Sir.

7469. Was she still in the same position? - No, Sir. She was about two and a half points before the starboard beam.

7470. Can you tell us whether your ship during that hour had been heading the same way, or whether she had shifted her position? - The ship was swinging round.

7471. Your ship was? - Yes.

7472. Of course, if your ship was swinging round, even though the other ship was stationary, after a bit her lights would bear differently from you? - Yes.

7473. When you say it was 2 1/2 points upon the starboard beam, do you mean forward of the starboard beam? - Before the beam.

7474. Five and a-half from the bows? - Yes.

7475. You say that the "Californian" was swinging. Can you tell me, do you know, which way she was swinging? - She was swinging towards the nor'ard.

7476. Now, I just want to get what happened after that. You have told me that the Second Officer said to you that the ship had fired five rockets? - Yes.

7477. Did he tell you anything else about what he had been doing while you had not been there? - He told me that he had reported it to the Captain.

7478. Did he tell you what the Captain had instructed him to do? - Yes.

7479. What was it? - To call her up on the Morse light.

7480. Did he tell you whether he had tried to call her up on the Morse light? - Yes.

7481. Had he? - Yes.

7482. What had been the result? - She had not answered him, but fired more rockets.

7483. Did you see her fire these further rockets? - I saw three rockets.

7484. You saw three? - Yes.

The Commissioner: Does this mean that there were ten rockets fired by this time?

7485. (*The Solicitor-General.*) I was just going to find out the same thing. (*To the Witness.*) Let us get it quite clear. The Second Officer had told you, you say, that she had sent up five rockets? - Yes.

7486. And you say that you saw three rockets? - Yes.

7487. Did the Second Officer tell you of any more than the five? - No.

7488. Then as far as the report to you went he told you of five before you came back at five minutes to one? - Yes.

7489. And after that you saw three more yourself? - Yes.

7490. How soon was that after you had come back at five minutes to one? - As soon as I went on the bridge at five minutes to one. I called her up as soon as the Second Officer told me.

7491. You called her up on the Morse? - Yes.

7492. You mean the Second Officer gave you orders to do that? - Yes.

7493. And she did not respond to you? - No.

7494. And then you saw these rockets? - Yes.

7495. Give me an idea of the time - would that take long, or was it at once? - Well, I called her up for about three minutes, and I had just got the glasses on to her when I saw her fire the rocket. That was the first one.

7496. The first of the three? - Yes.

7497. You say you had just got the glasses on to her. Did you see it through the glasses? - Yes.

7498. How did you see the second one? - With the eye.
7499. With the naked eye? - Yes, without the glasses.
7500. And the third one? - With the eye.
7501. What colour rockets were they? - White ones.
7502. When you got your glasses on the vessel and saw the first rocket going up through them, could you make out the vessel at all? - No, Sir, just her lights.
7503. (*The Commissioner.*) Still this glare of light? - Yes.
7504. Did that indicate, that glare of light, that this was a passenger steamer? - No, Sir.
7505. (*The Solicitor-General.*) When you saw the first of these three rockets through your glasses did you report what you saw to the officer? - Yes.
7506. Did he tell you whether he saw the second or the third rocket? - Yes, Sir.
7507. Did he? - Yes, Sir.
7508. He said he did? - Yes.
7509. Was he using glasses, too? - No.
7510. He saw it with his naked eye? - Yes.
7511. What happened after that? - About twenty minutes past one the Second Officer remarked to me that she was slowly steaming away towards the south-west.
7512. Had you remained on the bridge from the time that you saw these three rockets until then? - Yes.
7513. Had you been keeping her under observation? - Yes.
7514. Looking at her with your glasses from time to time? - Yes.
7515. What had you noticed between one o'clock and twenty minutes past one, looking at her through your glasses? - The Second Officer remarked to me, "Look at her now; she looks very queer out of the water; her lights look queer."
7516. You are sure that is what he said - "She looks very queer out of the water"? - Yes.
7517. Did he say what he meant? - I looked at her through the glasses after that, and her lights did not seem to be natural.
7518. (*The Commissioner.*) What do you mean by that? - When a vessel rolls at sea her lights do not look the same.
7519. But there was no water to cause her to roll, was there; you were not rolling? - No.
7520. There was no sea to cause her to roll? - No, Sir.
7521. (*The Solicitor-General.*) He made this observation to you. Did you look at her then through your glasses? - Yes.
7522. What did you see? - She seemed as if she had a heavy list to starboard.
7523. She seemed to have a list, and you thought a list to starboard? - Yes.
7524. Looking at her through your glasses, what was there that you could see of her which made you think that? - Do you mean that her masthead light was not immediately over the other lights? - No, Sir.
7525. What was there to show you? - Her lights did not seem to look like as they did do before when I first saw them.
- The Commissioner:* What was the difference?
7526. (*The Solicitor-General.*) Could you describe them at all, Gibson? - No, Sir.
7527. You have told us what the officer said to you. Did you think yourself when you looked at her through the glasses that something was wrong? - We had been talking about it together.
7528. (*The Commissioner.*) I should very much like you to tell me what you had been saying to the officer? - He remarked to me -
7529. I should like you to tell me what were you saying to each other? - He remarked to me that a ship was not going to fire rockets at sea for nothing.

7530. Who said that? - The Second Officer.
7531. A ship is not going to fire rockets at sea for nothing? - Yes.
7532. I daresay you agreed with him? - Yes.
7533. What took place after that between you and him? - We were talking about it all the time, Sir, till five minutes past two, when she disappeared.
7534. (*The Solicitor-General.*) Till five minutes past two, when she disappeared? - Yes.
7535. (*The Commissioner.*) Then do I understand from you that the Second Officer came to the conclusion that this was a ship in distress? - No, Sir, not exactly.
7536. What do you mean by "not exactly"? The second officer said to you, "A ship does not fire up rockets for nothing"? - Yes, Sir.
7537. Did not that convey to you that the ship was, in his opinion, in distress? - Not exactly in distress, Sir.
7538. What then? - That everything was not all right with her.
7539. (*The Solicitor-General.*) In trouble of some sort? - Yes, Sir.
7540. Just think for a minute about this conversation. Do you remember whether the Second Officer and you said anything about ice being dangerous? - No, Sir.
7541. You mean that nothing was said about that? - No.
7542. Your ship had stopped? - Yes.
7543. Because it was not safe. Just think a minute. Was not anything said between the officer and you about it? - No, Sir.
7544. Was anything said between the second officer and you as to whether this was likely to be a passenger steamer? - No.
7545. What did you think? - I thought she was a tramp steamer, and I told him so.
7546. You thought she was a tramp steamer, and you had seen her sidelight at what you thought was between four and seven miles away? - Yes.
7547. And you had seen a blaze of light in the afterpart? - A glare of light.
7548. Four to seven miles away? - Yes.
7549. And you thought she was a tramp steamer? - Yes.
7550. (*The Commissioner.*) Did you expect to see a glare of light on the afterpart of a tramp steamer? - Yes, Sir, on some of them.
7551. (*The Solicitor-General.*) That is until she disappeared at five minutes past two that you have spoken about? - Yes.
7552. What were the orders which the Second Officer gave you when she disappeared? - "Call the Captain and tell him that that ship has disappeared in the South-west; that we are heading West-south-west, and that she has fired altogether eight rockets."
7553. Did you report that to the Captain? - Yes.
7554. Where did you go? - Into the chart room.
7555. Was the chart room door shut? - Yes.
7556. Did you open the door and go in? - Yes.
7557. Did you find the Captain there? - Yes.
7558. Did you speak to him? - Yes.
7559. Did you give him the report you were ordered to give him? - Yes.
7560. What did the Captain say? - He asked me were they all white?
7561. The rockets? - Yes, were there any colours in the rockets at all?
7562. What did you tell him? - I told him that they were all white.
7563. Did he give any instructions? - No.
7564. Did he say anything further? - He asked me the time.
7565. What was the time? - Five minutes past two by the wheelhouse clock.

7566. You told him that, did you? - Yes.
7567. Did he ask you anything further? - No.
7568. Or tell you anything further? - No.
7569. And did you go away? - Yes.
7570. (*The Commissioner.*) Was he awake? - Yes, Sir.
7571. (*The Solicitor-General.*) Did you return to the bridge? - Yes.
7572. Did you report that you had done what you were told to do? - Yes.
7573. Was there anything further that you noticed until you got close to 4 o'clock? - Yes.
7574. What was it? - About 3.40 the Second Officer whistled down to the Captain again.
7575. Twenty minutes to four? - Yes.
7576. Did you see him doing it? - Yes.
7577. Did you hear what he said? - No.
7578. Did anything happen after that? - Yes.
7579. What? - I saw three more rockets, Sir.
7580. How much after? - That was about twenty minutes to four.
7581. Just about the same time? - Yes.
7582. These further rockets that you saw, were they before or after the Second Officer had telephoned to the Captain? - After.
7583. Just think for a moment. You are sure about the time, are you? - Not exactly, Sir.
7584. But you have said 3.40 - twenty minutes to four? - Yes.
7585. Are you sure you mean that? - Yes.
- The Commissioner:* I thought that the Captain's evidence was that it was about 4.30 when this boy was supposed to have given him that message?
- The Solicitor-General:* Oh, no.
- The Commissioner:* What time was it? - Oh, yes, I have made a mistake.
- The Attorney-General:* At 4.30 the officer came.
- The Commissioner:* What time did the boy come in with the message to the Captain?
- The Witness:* Five minutes past two.
- The Solicitor-General:* And he reports at once the rockets that he had seen.
7586. (*The Commissioner.*) Now, am I to understand you to say that at twenty minutes to four the same morning you saw three more rockets? - Yes, Sir.
7587. Were they reported to the Captain? - I reported them to the Second Officer.
7588. Did he report them to the Captain? - No.
7589. Why not? - I do not know.
7590. If they were really there, why were not they reported to the Captain? - I do not know, Sir.
7591. Are you quite sure that these three rockets were ever seen by you at all? - Yes, Sir. I saw the first one, and I reported it to the Second Officer, and we looked out for more to see if we could see any more - and we saw two more.
7592. (*The Solicitor-General.*) You say you saw the first one? - Yes.
7593. Do you mean you saw it with your naked eye? - Yes.
- The Commissioner:* Did any of the boats of the "Titanic" fire Roman candles?
7594. (*The Solicitor-General.*) Yes, my Lord, Roman candles. (*To the Witness.*) If it was twenty minutes to four it was not very far off the beginning of dawn, was it? - No, dawn was just breaking.
7595. Had it got any lighter? - Yes.
7596. Could you see when you saw this flash at all how far away you thought it was? - It was right on the horizon.

7597. What sort of a light was it? You called it a rocket? Was it a flash; did you see it go up into the sky? - Yes.

7598. What colour was it? - White.

7599. And you called Mr. Stone's attention to it, did you, and then there were two more seen? - Yes.

7600. I understand that is after Mr. Stone had spoken on the tube to the Captain? - Yes.

7601. Do you say he did not report these three further lights to the captain at all? - No.

7602. When you saw these three further lights did you get your glasses on to the place? - Yes.

7603. Could you see any sign of a ship? - No.

7604. No sign of a masthead light? - No.

7605. No sign of a sidelight? - No.

7606. Nothing except these flashes? - That is all.

7607. Is that right? - Yes.

7608. Then I think you went off your watch at four o'clock? - A quarter to.

(After a short adjournment.)

7609. (*The Solicitor-General.*) There is very little more I want to ask him, my Lord. (*To the Witness.*) I want to be quite sure first of all that I have got accurately the message that you were told to give to the Captain after the ship had disappeared about five minutes past two. Just tell us again exactly, what it was the Second Officer told you to tell the Captain? - To call the Captain and tell him that the ship has disappeared in the S.W., that we were heading W.S.W., and that she has fired altogether eight rockets.

7610. When the ship disappeared she had got a little on to your port bow? - Yes.

The Commissioner: Will you ask him what he understood by the word "disappeared"?

7611. (*The Solicitor-General.*) Yes, my Lord. (*To the Witness.*) You say you were told to report that the ship had disappeared. What did you understand by "disappeared"? - We could not see anything more of her.

7612. (*The Commissioner.*) Did it convey to you, and did the man who was speaking to you, in your opinion, intend to convey that the ship had gone down? That is what I understand by disappearing. Did you understand him to mean that? - No, my Lord.

7613. What did you understand him to mean that she had steamed away through the ice? - That she had gone out of sight.

7614. Oh, yes. A ship goes out of sight when she goes down to the bottom. What did you understand by the word "disappeared"? - That is all I could understand about it.

7615. A ship that had been sending up rockets; then you are told to go to the Captain and say, "That ship which has been sending up rockets has disappeared." What did you understand the Second Officer to mean? Did not you understand him to mean that she had gone to the bottom? - No.

7616. Then what did you understand, that she had steamed away through the ice? - [No Answer.]

7617. (*The Solicitor-General.*) I want to follow out this last message and see what it means. You were to tell the Captain, and you did tell him, that this ship had disappeared to the S.W.? - Yes.

7618. And that your own ship was heading W.S.W.? - Yes.

7619. So that when this ship disappeared she was lying a little on your port bow? - Yes.

7620. You see this piece of paper I am holding up. I call the top the north, here is the west, and here is the south. The S.W. is at this corner. If you were in the middle of the paper she

disappeared to your S.W.? - Yes.

7621. And you were heading W.S.W.? - Yes.

7622. Now, shortly before that had this ship which had disappeared been lying on your starboard bow? - Yes.

7623. So that you were more like *that (demonstrating.)*? - Yes.

7624. And as you swung round so that she passed from being on your starboard bow to being on your port bow, did you continue to see her sidelight or did her sidelight disappear? - Her sidelight disappeared.

7625. That is her red light? - Yes.

7626. And after her red light disappeared could you still see her masthead light or her white light? - Just a glare of it.

7627. Do you mean that it did not shine as brightly as it had been doing? - Yes.

7628. That is what you mean? - Yes.

7629. Did you look at her through the glasses after her sidelight had disappeared? - Yes.

7630. Did you ever see anything which you took for her stern light? - No.

7631. One other thing about the lights. You have told us how you saw her through your glasses and saw the glare of lights in her afterpart? - Yes.

7632. When you saw her first. Now, tell me, when you first saw that glare of lights in the afterpart, could you see a line of lights? - No.

7633. It was more than a single light, was it not? - Yes.

7634. Could not you tell, when you first saw it, whether that glare of lights in her afterpart was running level with the water? - No.

7635. You could not tell. But, at any rate, you could see it through the glasses? - Yes.

7636. Now I wish you would just try and tell us what you mean when you say that later on, when you looked at her through the glasses, you thought she had a list, or you thought her lights looked queer; what was there about her lights to make you think that? - Her sidelights seemed to be higher out of the water.

7637. The sidelights seemed to be higher out of the water? - Yes.

7638. Do you mean that there was any time when you saw both sidelights? - Her red sidelight.

7639. And you say that watching her, you thought that her red sidelight did not stay at the same level, but got higher? - Yes.

7640. That was your impression was it? - Yes.

The Commissioner: That would make a list to starboard?

7641. (*The Solicitor-General.*) Is that why you thought she had got a list to starboard? - Yes.

7642. You thought her red light was rising out of the water, and so you assumed that the other side was dropping? - Yes.

7643. Did you call the Second Officer's attention to that? - Yes; he remarked it at the time; he told me to look through the glasses at it.

7644. He told you to look through the glasses at that very thing? - Yes.

7645. (*The Commissioner.*) When did you first make that statement to anybody - the statement that you have just made that you were told to look through the glasses, to observe this list? When did you first tell anybody of that? - This is the first time.

7646. You never told it till now in the witness-box? - I have spoken to the Second Officer about it since; that is all.

7647. But you have had a statement taken from you, have you not? - Yes.

7648. Did you say anything about it when you made the statement? - I do not think so.

The Commissioner: I suppose he did not?

The Solicitor-General: We have asked a good many things, my Lord, which are not to be

found in the statements.

The Commissioner: I could tell quite well, you know, that he had never said it before.

7649. (*The Solicitor-General - To the Witness.*) Have you a clear recollection of that? - Yes.

7650. Just tell us. You say the Second Officer spoke to you about it; what did he say? - He said, "Have a look at her now, Gibson; she seems to look queer now."

7651. You have not said anything about her port light yet, you know; did he say anything more? - No; I told him, "She looks rather to have a big side out of the water."

7652. Did you tell him what you noticed with the glasses about her port light? - I do not recollect.

7653. Did he speak to you about her port light? - No.

The Commissioner: I do not understand.

7654. (*The Solicitor-General.*) Just think it over and tell us as well as you can. You were asked by the second officer to look through the glasses at the ship? - Yes.

7655. And I think you told me that when he asked you to look at her through the glasses he said that she looked queer? - Yes.

7656. Did he tell you why she looked queer? - No.

7657. Just think a minute; do not hurry about it? - No.

7658. Had you noticed that she looked queer before he spoke to you about it? - No.

7659. You had not. Then you looked through the glasses? - Yes.

7660. And when you looked through the glasses what was it you saw? What was it that struck you? - That she seemed to be heavily listed to starboard.

7661. You were looking at her port light? - Yes.

7662. What did you see about her port light? - It seemed to be higher out of the water than what it was before.

7663. Did, you tell the Second Officer that you saw that? - I do not recollect it.

7664. Let us see. Had he got some glasses too? - Yes.

7665. Was he looking through his glasses? - I could not say.

7666. You were there, you know. - Yes, but it is dark on the bridge.

7667. Did not you say anything to him about what you noticed, about her red light? - I said she seemed to have a big side out of the water.

7668. Did he agree with you or did he not? - Yes.

7669. He did agree with you? - Yes.

7670. When you looked at this ship's red light and thought that it seemed queer, did you also look at her lights in the afterpart of her? - Yes.

7671. How did they stand in relation to the red light? - They did not seem to be the same as they were before.

7672. They did not seem to be the same as they were before? - No.

7673. You noticed that? - Yes.

7674. Did you mention that to the second officer that you saw that her after lights did not seem the same as they were before? - No; I do not think I said anything at all about it.

7675. Can you help us about it; tell us if you can. What was it about her after-lights, this glare of lights in the afterpart, which made you think they were not the same as before? What was the difference? - That I cannot say.

7676. Were they in the same position as they were before? - They were in the same position, but they seemed to look different.

7677. They merely seemed to look different? - Yes.

7678. Did you think from looking at them that the ship was lying on an even keel? - Not by the white lights alone.

7679. You mean the white lights would not have suggested to you that she was not lying on an even keel? - No.

7680. (*The Commissioner.*) Am I to understand that, as far as you could tell, the position of the white lights had not changed? - They seemed to have changed, but I cannot say how.

7681. Changed in what sense? How had they changed? - They did not look the same as they did before.

7682. I know; you have said that two or three times, and you have been asked what the difference was, and I should have thought you could have told us what the difference was. What was it? - I cannot say, my Lord.

7683. (*The Solicitor-General.*) Were they shining as brightly as they were before? - The same glare.

7684. Then it had nothing to do with the brightness of the lights? - No.

7685. But though the lights were of the same brightness, it struck you that they looked different somehow? - Yes.

7686. Cannot you tell us what the difference was? - No.

7687. You have told us about this red light, that you thought it was higher out of the water? - Yes.

7688. Did you look to see whether these after-lights seemed higher up out of the water, or lower in the water? - I noticed them all at the same time.

7689. What, the red light and the others too? - Yes.

7690. And do you mean that the white light seemed higher out of the water as well as the red light? - Yes.

7691. Did the Second Officer say anything to you about the white lights? - No.

7692. Or you say anything to him? - No.

7693. Then I understand the red light disappeared; you did not see that any more? - No.

7694. And the white lights continued to burn for a little time afterwards and then they disappeared; is that right? - Yes.

7695. I do not think you did give evidence in America, did you? - No.

Examined by Mr. SCANLAN.

7696. Did you know when the rockets were being sent up that they were being sent up as danger signals? - No.

7697. What did you think they were sent up for? - I thought they were some private signals.

7698. Who told you they were private signals? - Nobody told me.

7699. Had you ever seen private signals of that kind? - No.

7700. And never heard of private signals of that kind? - I have heard of private rockets, private signal rockets.

7701. When you came on deck, was the Third Officer there? - No, he had gone below.

7702. I understand you could not say whether or not the light was a masthead light or a signal light, until you took the glasses? - Yes.

7703. Did you find that you could see perfectly well with the glasses at that time of night? - Yes.

7704. When you signaled the Morse signals, what did you say to this ship? - I gave her the calling up sign.

Examined by Mr. HARBINSON.

7705. You said you thought this was a tramp steamer? - Yes.

7706. Why did you think so? - She had no appearance at all of a passenger boat.

7707. What time did it first dawn on you that this was a tramp steamer? - As soon as I looked at her.

7708. What time did you look at her first? - About a quarter or twenty past twelve.

7709. Who first attracted your notice to this boat? - I asked the Second Officer were there any steamers around.

7710. What did he say? - He said, "There is one on the starboard beam."

7711. Did he say anything else? - No.

7712. Had you glasses at that time? - No, I did not look at it with the glasses then.

7713. Could you see it then without the glasses? - I could see this white light.

7714. Only this white light? - That is all.

The Commissioner: All he saw was the lights, nothing else.

7715. (*Mr. Harbinson.*) Only the white light? - Yes.

7716. Why did you get your glasses? - I saw the light was flickering. I thought she was calling us up.

7717. And then you got your glasses and directed them on the boat? - Not before I called her up.

7718. You called her up first and got no reply? - Yes.

7719. And when you looked through the glasses what could you see beyond the masthead light? - Her red sidelight and a faint glare of light on her after deck.

7720. Did you mention what you had seen to Mr. Stone, the Second Officer? - No.

7721. Did you tell him about this glare of light on the after deck? - No.

7722. Was he looking at this boat through those glasses at the same time? - Not then.

7723. When did he commence? - I went off the bridge at 25 past.

7724. And it was while you were away that you say he turned his glasses on the boat? - I do not know.

7725. At any rate, when you came back he told you that she had fired rockets? - Yes.

7726. Did he say anything else beyond the fact that she had fired rockets? - He told me that he reported to the Captain and the Captain had told him to keep calling her up with the Morse light.

7727. Did you again call her up with the Morse light? - Yes.

7728. (*The Commissioner.*) What was it made you think it was a tramp steamer? You saw nothing but the lights? - Well, I have seen nearly all the large passenger boats out at sea, and there was nothing at all about it to resemble a passenger boat.

7729. What is it you expected to see? - A passenger boat is generally lit up from the water's edge.

7730. This boat was apparently lit up, you know; there was all this glare of light. However, that is all you can say? - Yes.

7731. (*Mr. Harbinson.*) Did the glare of light that you saw on the afterpart of this boat seem to be a pretty considerable distance from the masthead light? - Yes.

7732. It seemed to be a pretty considerable distance? - Yes.

7733. So that she seemed to be a big steamer? - Well, a medium size steamer.

7734. Could you see how many funnels she had? - No.

The Commissioner: He could not see that; he could only see the lights.

7735. (*Mr. Harbinson.*) You used the expression that the Second Officer, Mr. Stone, told you she steamed away? - She slowly steamed away towards the S. W.

7736. Did he use the words "steamed away"? - Yes.

7737. Did he say he saw her? - He said, "She is steaming slowly away towards the S. W."

7738. Steaming away? - Yes.

7739. Towards the S.W.? - Yes.

7740. Did you fix your glasses on her at this time? - Yes, I was signaling her continuously.

7741. Could you see whether she was steaming away? - No. The Second Officer was taking bearings of her all the time.

7742. (*The Commissioner.*) The message he sent you with was that she disappeared? - Yes.

7743. (*Mr. Harbinson.*) Not that she steamed away, but disappeared? - Yes.

7744. The Captain made no reply? - He asked me if there were any colours in the lights, or were they all white.

7745. You saw no coloured rockets? - No.

7746. As a matter of fact is not there a code of rockets for use at sea? Do you know as a matter of fact whether there is or is not? - I know now there are only distress rockets used at sea and private signals used near the shore.

7747. And what colour are distress rockets? - White - any colour at all.

7748. Did you say anything to the Second Officer, Mr. Stone, or did he say anything to you, with reference to these rockets that were repeatedly sent up? - Yes.

7749. Did not you think it very curious that so many rockets should be sent up so close to one another? - Yes.

7750. Did you say anything to him about going to see the Captain and saying this seemed to be a serious matter? - No, he told me he had reported it to the Captain and the Captain had told him to keep calling her up.

7751. Did Mr. Stone say this vessel seemed to be in distress? - No; he said there must be something the matter with her.

7752. Did he make any remarks to you as to the Captain taking no action? Did he say anything to you at the time? - No.

7753. Are you sure? - Yes.

7754. (*The Commissioner.*) Did you say anything to yourself about it? - I only thought the same that he thought.

7755. What was that? - That a ship is not going to fire rockets at sea for nothing, and there must be something the matter with her.

7756. Then you thought it was a case of some kind of distress? - Yes.

The Commissioner: We are anxious to get the other witnesses from this steamer into the box, and unless you have something really important, I suggest you should finish.

Mr. Harbinson: I have finished, my Lord.

Mr. Clement Edwards: I have no question.

Mr. Lewis: I have no question.

Examined by Mr. LAING.

7757. I should like to ask one question. Did you hear any explosive signal? - No.

7758. Were those rockets which you saw go up explosives? Did you hear any explosion? - I did not hear any report at all.

7759. Any stars? - Yes.

7760. You could see stars? - Yes.

7761. You mean stars from the rockets? - Yes.

7762. Were they stars of any colour or were they white stars? - White stars.

7763. Do you know that a distress signal, the regulation distress signal, is a rocket throwing stars? - Yes.

7764. You knew that? - Yes.

7765. (*The Commissioner.*) And you knew it then, did you? - Yes.

7766. (*Mr. Laing.*) And each of those rockets which you saw, which you have described as white rockets, were they throwing stars? - All throwing stars.

7767. You have told us your ship's head was E. N. E. when you first saw this vessel? - Yes.

7768. And you saw her red light on your starboard beam? - Yes.

7769. Did you continue to see her red light? - Yes, it was about 2 points on the starboard bow.

7770. When the officer told you she was going away to the S. W. were you still seeing her red light? - No, it had disappeared then.

7771. Did you ever see her green? - No.

7772. To show you her red light she must have been heading to the northward of N. N. W., on your story? - Yes.

7773. And your head was falling away; which way? - To northward.

7774. To northward and westward? - Northward and eastward.

7775. You were heading E. N. E.? - Yes - to northward and westward.

7776. To the northward it was at any rate, and if you pass to northward you would get to the northward and west? - Yes.

7777. I understand you to say you got to W. S. W.? - Yes.

7778. What was causing that? - We were swinging round.

7779. You told us you never saw the green light of this vessel? - No.

Mr. Robertson Dunlop: May I ask one question?

Examined by Mr. ROBERTSON DUNLOP.

7780. Was the glare of light which you saw on the afterpart of this vessel forward or aft of the masthead light? - Aft of the masthead light.

7781. So that you would be seeing her starboard side? - No, her port side.

7782. The glare of light which you say was aft, was aft of the masthead lights? - Yes.

7783. Was that to your left or your right as you were looking at her? - To the right.

7784. Do you mean the masthead light was to the right? - No, the masthead light was to the left.

7785. Was that before you saw her apparently steaming to the south-west? - Yes.

7786. Did you see her turn round? - No.

7787. Had you a good opportunity of seeing whether she had two masthead lights or not - I understand you only saw one? - I only saw one.

7788. How long had you the one masthead light under observation? - From the time I first saw her to the time she disappeared.

7789. How long would that be? - A quarter-past twelve to five past two.

7790. And during that time were you using glasses? - Yes.

7791. Do you think you could have missed the second masthead light had it been there? - No.

7792. Had you a discussion with the Second Officer as to whether this vessel was a tramp or not? - Yes.

7793. And did he agree with you? - Yes.

7794. (*The Commissioner.*) Did he give his reason? - That she was probably burning oil lights; that was the cause of the white head mast light flickering.

7795. (*Mr. Robertson Dunlop.*) How long have you been at sea? - Three and a half years.

7796. And have you seen passenger steamers? - Yes.

7797. Large passenger steamers? - Yes.

7798. And medium-size steamers? - Yes.

7799. Seen them at night? - Yes.

7800. And have you been able to tell the difference between a large liner like the "Titanic" and a tramp? - Yes.

7801. From the appearance of her lights? - Yes.

7802. From the height of her lights? - No, from the quantity.

(The Witness withdrew.)

HERBERT STONE, Sworn.

Examined by Mr. BUTLER ASPINALL.

7803. What certificate do you hold? - A first mate's steamship certificate.

7804. And on the 14th of April this year were you serving on board the "Californian"? - Yes.

7805. What were you? - Second Officer.

7806. And on the night of the 14th of April was it your watch from 12 o'clock onwards? - It was.

7807. From 12 to 4? - Yes.

7808. Did you go on watch at midnight? - Shortly after.

7809. Did you find the ship stopped and surrounded by ice? - Yes.

7810. Was the captain up? - Yes.

7811. Did you speak to him? - Yes.

7812. Did he tell you anything? - Yes.

7813. What did he tell you? - He told me the ship was stopped, surrounded by ice, and he pointed out another steamer.

7814. He pointed out another steamer. What could you see of the other steamer? - One masthead light and a red sidelight and two or three small indistinct lights.

7815. Did he say anything to you when he pointed her out? - He asked me to tell him if the bearing of the steamer altered or if she got any closer to us.

7816. Is that all he said about her? - And that the Third Officer had called her up on the Morse lamp and received no reply.

7817. He told you that? - Yes.

7818. Did you look and see these lights yourself? - Yes.

7819. How far away did you judge they were? - Approximately about five miles.

7820. And how were they bearing from you at this time? - S.S.E. by the standard compass.

7821. Did the captain then leave you? - I went on the bridge and left the captain.

7822. I suppose you relieved the other officer and took charge? - Yes.

7823. Did the third officer make any communication to you about this steamer when you relieved him? - He told me the steamer had stopped about one bell and that he had called her up on the Morse lamp and got no answer.

7824. Did you continue to keep this vessel under observation? - The whole time.

7825. Was there any reason for that? - None whatever except that it was another ship, stopped in ice the same as ourselves.

7826. It interested you? - Yes.

7827. After a time did you make any communication to the captain? - Yes.

7828. How? - By means of the speaking tube.

7829. What did you communicate to him? - I communicated that I had seen white lights in the

sky in the direction of this other steamer, which I took to be white rockets.

7830. What time was it you gave him that information? - Just about 1.10.

7831. Had you seen white lights? - Yes.

7832. Now, will you tell me what you had seen? - First of all, I was walking up and down the bridge and I saw one white flash in the sky, immediately above this other steamer. I did not know what it was; I thought it might be a shooting star.

7833. What was the nature of the flash? - A white flash.

7834. You did not know what it was? - No.

7835. How long have you been at sea? - Eight years.

7836. You know distress signals? - I know what they are, yes.

7837. Was it like a distress signal? - It was just a white flash in the sky; it might have been anything.

7838. I know, but what did it suggest to your mind? What did you say to yourself? What did you think it was? - I thought nothing until I brought the ship under observation with the binoculars and saw the others.

7839. Then you took up your glasses, apparently, and looked? - Yes.

7840. And how many more did you see? - I saw four more then.

7841. What were they, rockets? - They had the appearance of white rockets bursting in the sky.

7842. Did they come in quick succession? - At intervals of about three or four minutes.

7843. Now what did you think they were? - White rockets.

7844. What do you think they meant? - I thought that perhaps the ship was in communication with some other ship, or possibly she was signaling to us to tell us she had big icebergs around her.

7845. Possibly, what else? - Possibly she was communicating with some other steamer at a greater distance than ourselves.

7846. (*The Commissioner.*) What was she communicating? - I do not know.

7847. Is that the way in which steamers communicate with each other? - No, not usually.

The Commissioner: Then you cannot have thought that. Just attend to the question.

7848. (*Mr. Butler Aspinall.*) You are an officer and hold a certificate and have been to sea for eight years? - Yes.

7849. You had been keeping this vessel under close observation and saw five rockets go up in fairly quick succession. What did you think at the time they meant? You applied your mind to the matter, did you not? - Yes.

7850. Now, what did you think at the time? - I knew they were signals of some sort.

7851. I know; of course - signals of what sort did you think? - I did not know at the time.

7852. (*The Commissioner.*) Now try to be frank? - I am.

7853. If you try, you will succeed. What did you think these rockets were going up at intervals of three or four minutes for? - I just took them as white rockets, and informed the master and left him to judge.

7854. Do you mean to say you did not think for yourself? I thought you told us just now that you did think. - [No Answer.]

7855. (*Mr. Butler Aspinall.*) You know they were not being sent up for fun, were they? - No.

7856. (*The Commissioner.*) You know, you do not make a good impression upon me at present.

7856a. (*Mr. Butler Aspinall.*) Did you think that they were distress signals? - No.

7857. Did not that occur to you? - It did not occur to me at the time.

7858. When did it occur to you? Did it occur at some later time to you? - Yes.

7859. When? - After I had heard about the "Titanic" going down.

7860. So throwing your mind back after that information then you thought they were distress signals? - I thought they possibly might have been distress signals.

7861. (*The Commissioner.*) From the "Titanic"? - No, not necessarily.

7862. After you had heard that the "Titanic" went down, then it occurred to you that those might have been distress signals? - Yes.

7863. From the "Titanic"? - Not necessarily. They may have been from some other steamer. I did not think that vessel was the "Titanic."

7664. (*Mr. Butler Aspinall.*) Your vessel had stopped, had she not? - Yes.

7865. That was on account of the danger from ice? - Yes.

7866. Did that fact help you at the time to come to some conclusion as to what these signals meant - danger from ice you know, I suggest, followed by distress signals? - I kept the ship under close observation, and I did not see any reason to suppose they were sent as distress signals from this ship.

7867. You communicated the fact to the Captain? - Yes.

7868. Through the speaking tube? - Yes.

7869. I think you said you left it to him to judge. Did he answer back? - Yes.

7870. What was his answer? - He asked me, "Are they Company's signals?"

7871. What was your answer? - I said, "I do not know, but they appear to me to be white rockets."

7872. Is that all you told him? - Yes; that I had called her up on the Morse lamp.

7873. No, I do not want to break away from what passed between you and the Captain; you told the Captain, you mean? - Yes.

7874. That you had called them up on the Morse lamp? - Yes, and received no answer whatsoever.

7875. When did you call her up on the Morse lamp - after the five rockets were seen? - Previously, and during the time that they were being sent up.

7876. Did that suggest anything to you - a ship showing five rockets, you signaling with your Morse lamp, and getting no answer? Did that suggest anything to you? - No, because I have often signaled ships before, and got no answer from them.

7877. Now, having given this communication to the Master, and having got his reply, did you continue to keep this vessel under observation? - Yes.

7878. Did the Master, when you had this communication through the tube, tell you to go on Morsing this vessel? - Yes.

7879. And did he tell you that you were to send him any news and give him any information that you had got? - When I received any information to send the Apprentice down to him with it.

7880. That is Gibson? - Yes.

7881. Was Gibson on the bridge at this time? - No, he did not see the first of the rockets.

7882. He came later, did he? - Yes.

7883. When he came, did you give Gibson any information? - I told him what I had seen.

7884. What did you say to him? - I told him I had seen those white rockets from the ship and that I had told the Captain about it.

7885. Did you say anything more to Gibson than that? - I told him the instructions I had had from the Master, and he at once went to the Morse lamp and called up the ship again.

7886. Did he get any reply? - None.

7887. Did you speak to Gibson about the meaning of these five rockets? - No, I did not.

7888. (*The Commissioner.*) Had not you and Gibson a conversation about them as to what they meant? - No.

7889. If Gibson says he had such a conversation, he is wrong? - We had no conversation about

rockets then at all. Later on we talked about them.

7890. (*Mr. Butler Aspinall.*) After Gibson had come, and while he was there, did you see more rockets? - Yes.

7891. How many? - Three, in the direction of this steamer.

7892. In quick succession? - About the same period as the others.

7893. The same class of rocket as before? - Yes.

7894. Did anything pass between you and Gibson when those rockets went up? - Not as regards the rockets, no.

7895. Are you sure of that? You see you have got this vessel under observation; she has shown five, you have communicated with the Captain, he has asked you to give him more information and to send Gibson down; there is Gibson, and up go the three rockets: did not you say something to Gibson about the rockets, or Gibson say something to you? - He remarked to me once that he did not think they were being sent up for fun, and I quite agreed with him.

7896. That was my phrase, but at any rate you agreed with him. Now, just tell us a little more in detail what passed between you about this. Did either you suggest to Gibson or did Gibson suggest to you that that ship over there is probably in trouble and wants assistance? - No.

7897. Are you sure? - I made no remark about that at all, about the ship being in distress, the whole time.

7898. Did it never occur to you? - It did not occur to me after what the Captain said.

7899. But what had the Captain told you which would force your mind to the conclusion that that is a vessel which is not in distress? - He emphasised the fact about company's signals.

7900. But you knew they were not company's signals, did you not? - I said I did not think so.

7901. (*The Commissioner.*) You did not believe they were company's signals? - I had never seen company's signals like them before.

7902. Then what did you think they were? - I did not think what they were intended for; white rockets is what I saw them as.

7903. Wait. You did not think they were company's signals? - No.

7904. You did not think they were being sent up for fun? - No.

7905. What did you think? - I just thought they were white rockets, that is all.

7906. That you know because your eyes told you of it, but what did you think they were being sent up for? - Naturally, the first thought that crossed my mind was that the ship might be in trouble, but subsequent events showed that the ship steamed away from us; there was nothing to confirm that; there was nothing to confirm that the rockets came from that ship, in the direction of that ship. That is all I observed.

7907. You did not think they sprang out of the sea? - No.

7908. Where did you think they came from, if they did not come from that ship? - Possibly from a greater distance past the ship.

7909. You thought they came from some other ship? - Possibly.

7910. Have you ever said that before to anybody? - I told the Captain so.

7911. That you thought they came from another ship? - Possibly they might have come from another ship.

7912. Did you tell that to the Captain? - Yes, afterwards.

7913. When afterwards? - The next day.

7914. Have you ever said that to anyone before today, that you made that observation to the Captain? - Not that I know of.

7915. Then you tell us now for the first time in the witness-box. Has anyone ever suggested that these rockets possibly came from another ship, except you today in the witness-box? - From another ship from the one we had under observation?

7916. Yes. Has anyone ever suggested before you have suggested it today in the witness-box? - Yes, the captain and I had a talk over about it.

7917. Now when did you first say that the Captain and you had made this suggestion? Have you said it before this morning? - No, not that I know of, to anyone official.

7918. Never mind about "official" - to any one at all? - Conversations between myself and the other officers on the ship; we talked about this ship the remainder of the passage.

7919. Did you ever say to any officer that you and the Captain had talked about these rockets and had expressed an opinion that they might have come from some other ship? Have you ever said that to anybody till now? You have said it to me, you know? - Yes.

7920. Have you ever said it before to anybody else? - Yes. I think I have said it both to the Chief Officer and to the Third Officer in conversation.

7921. Tell me what you said to the Chief Officer? - I have remarked at different times that these rockets did not appear to go very high; they were very low lying; they were only about half the height of the steamer's masthead light and I thought rockets would go higher than that.

7922. Well, anything else? - But that I could not understand why if the rockets came from a steamer beyond this one, when the steamer altered her bearing the rockets should also alter their bearings.

7923. That pointed to this, that the rockets did come from this steamer? - It does, although I saw no actual evidence of their being fired from the deck of the steamer except in one case.

7924. (*Mr. Butler Aspinall.*) Which is the one case? - One rocket that I saw that appeared to be much brighter than the others.

7925. Was that one of the five or one of the three? - One of the three.

7926. That, you felt confident, came from the vessel that was showing you these navigation lights? - I am sure of it.

7927. That you were sure of? - Yes.

7928. And you had further confirmation in the fact as you have told my Lord, that when the navigation lights altered their bearing, the rockets altered their bearings in a corresponding manner? - Yes.

7929. That would tell you as a sailor that it was almost certain that those rockets were being fired from that steamer which was showing you those navigation lights? - Almost certain, yes.

7930. I suppose, at any rate, now you have not any doubt but that that ship which was showing you the navigation lights was the ship which was showing you these series of rockets? - Except, as I say, that they were very low; they did not appear to go high enough to me.

7931. After you had seen the three rockets was Gibson sent anywhere by you? - He was sent by me previous to that.

7932. Where was he sent? - He was sent down to get ready some gear for streaming a fresh patent log.

7933. I do not think that is material. Did you at any time send down Gibson to make a report to the Captain? - Yes.

7934. When was that? - At two o'clock.

7935. How long after you had seen the three rockets? - I saw the last of the rockets as near as I can say about 1.40.

7936. That would be twenty minutes between seeing the last rocket and the sending of Gibson to the Captain? - Yes.

7937. During that time were you talking this matter over with Gibson? - No. I was watching the steamer by the compass with my binoculars.

7938. Was the steamer altering her bearing to your vessel during that period of time? - Yes, from the time I saw the first rocket.

7939. The first of the eight that you have told us of? - The second - excepting the first flash, which I was not sure about.

7940. You say you saw the steamer altering her bearing with regard to you? - She bore first S.S.E. and she was altering her bearing towards the south towards west.

7941. Under way apparently? - Yes.

7942. During that 20 minutes did you notice anything which you would call funny or odd about her light? - Yes.

7943. What did you notice? - On one occasion I noticed the lights looked rather unnatural, as if some were being shut in and others being opened out; the lights appeared to be changing their position - the deck lights.

7944. Her deck lights? - Yes, and I lost sight of her red sidelight.

7944a. That would be consistent with her altering her heading? - Yes.

7945. What was there funny about it? - Merely that some lights were being shut in and others exposed and I remarked to Gibson that the lights looked peculiar, unnatural, but when I took the glasses and brought her under close observation I took it to be due to the fact that very likely she was porting for some iceberg close at hand and was coming back on her course again, showing her other lights, the original lights.

7946. Is this right, that during this 20 minutes Gibson said this to you: "Look at her red light; is not there something funny about it"? Did anything of that sort happen? - Not her red light that I remember.

7947. Gibson has been here, and he told us that he directed your attention to the red light. If you do not remember it, say so? - I do not remember his saying anything about her red sidelight at all.

7948. At the end of those 20 minutes did you then send Gibson to report to the Captain? - Yes.

7949. What report did you tell Gibson to give to the Captain? - I told Gibson to go down to the Master and be sure and wake him up and tell him that altogether we had seen eight of these white lights like white rockets in the direction of this other steamer; that this steamer was disappearing in the S.W., that we had called her up repeatedly on the Morse lamp and received no information whatsoever.

7950. Did Gibson go away? - He went down.

7951. Did Gibson return? - He returned.

7952. When Gibson returned did he tell you what had passed between him and the Captain? - He told me he had woke the Captain up and given him my report; the Captain asked him the time and asked him if he were sure there were no colours in them, red or green.

7953. You mean the rockets? - Gibson assured him they were white rockets.

7954. Is that all? - Then he told me that as he shut the door he heard the Captain say something - what, he was not quite certain about.

7955. Did Gibson then remain on the bridge with you? - Yes.

7956. And after Gibson had returned did you continue to keep this ship under observation? - Until she disappeared, yes.

7957. What did you see of her which disappeared? - A gradual disappearing of all her lights, which would be perfectly natural with a ship steaming away from us.

7958. (*The Commissioner.*) What do you mean by all her lights? - The deck lights, which were in view. The masthead light would be shut in except for a slight flickering, the glare of it, and the red sidelight would be shut in altogether. The lights I would see would be the lights at the end of the alleyway or engine room skylight, and the stern light.

7959. (*Mr. Butler Aspinall.*) Did the stern light that you speak of as disappearing, suddenly become black or gradually fade away as if it was going away? - It gradually faded as if the

steamer was steaming away from us.

7960. Did it have the appearance of being a light on a ship which had suddenly foundered? - Not by any means.

7961. (*The Commissioner.*) Can you give me an idea of the speed at which she was steaming away when these lights gradually disappeared? - No, it would be very difficult to express an opinion.

7962. Cannot you express any opinion? - I should say that at different times she was going at different speeds.

7963. Well, what speeds? What was the greatest speed? - I could not say.

7964. She was in a sea covered with ice? - Yes.

7965. You could not make any way; at all events you did not make any way at this time; you were standing stationary? - Yes.

7966. You thought she was steaming away? - Yes.

7967. In the same condition of water that you were lying in? - Yes.

7968. Did you really think so? - I did. The only confirmation I had of it was the bearings of the compass. Two ships remaining stationary could not possibly alter their bearings.

7969. You were swinging round? - We were slowly swinging.

7970. (*Mr. Butler Aspinall.*) When you saw her disappear, did you think something had happened to her? - No, nothing except that she was steaming away.

7971. Did you make any report to the Captain about this disappearance? - When I sent Gibson down at two o'clock I told him she was disappearing in the S.W.

7972. (*The Commissioner.*) Did you say to Gibson "Tell the Captain she is disappearing," or did you say "Tell the Captain she has disappeared," which did you say? - I could not have said that she had disappeared, because I could still see her stern light. I saw this light for 20 minutes after that.

7973. (*Mr. Butler Aspinall.*) After she had disappeared, did you not make any report to the Captain? - No.

7974. Are you sure? - Not until about 20 minutes after that again.

7975. Well, you did, you see? - I thought you meant at that moment.

7976. I beg your pardon. Twenty minutes later you reported to the Captain. How? - About 2.40 by means of the whistle tube. I blew down again to the Master; he came and answered it, and asked what it was. I told him the ship from the direction of which we had seen the rockets coming had disappeared, bearing S.W. to half W. the last I had seen of the light.

7977. In view of the fact that when you saw her stern light last you thought nothing had happened to her, why did you make this report to the Captain? - Simply because I had had the steamer under observation all the watch, and that I had made reports to the Captain concerning her, and I thought it my duty when the ship went away from us altogether to tell him.

7978. (*The Commissioner.*) But why could not have you told him in the morning? Why wake up the poor man? - Because it was my duty to do so, and it was his duty to listen to it.

7980. It was of no consequence if the steamer was steaming safely away? - He told me to try and get all the information I could from the steamer. I got none and I thought it my duty to give him all the information I could about the steamer.

7981. Were you anxious about her? - No.

7982. Was he anxious about her? - No, as far as I could judge from his answers and instructions.

7983. (*Mr. Butler Aspinall.*) I want to take you back. You remember those 20 minutes you told me you were talking to Gibson - not all the time, but you and he were from time to time having a conversation about the ship, after the eight rockets, that was between 1.40 and 2 o'clock; it was

20 minutes? - Yes.

7984. Did anything of that sort pass? Did you say something of this sort to Gibson: "A ship is not going to fire rockets at sea for nothing"? - Yes, I may possibly have passed that expression to him.

7985. Well, do you think you did? - Yes, I think I did do so; it is quite possible.

7986. And were you talking about the ship all the time until she disappeared? - No.

7987. Are you sure? - Yes.

7988. Did you say this to Gibson, "Have a look at her now; it looks queer; she looks to have a big side out of the water"? - No, I did not say she had a big side out of the water; he remarked it to me.

7989. He remarked that to you? - Yes.

7990. Did you say, "Have a look at her now; it looks queer"? - That is at the time when I told him the lights appeared to be altering their position with regard to one another. Yes.

7991. Did you think it looked queer? - I merely thought it was a funny change of her lights, that was all. That was before I had looked at her through the binoculars.

7992. In view of the fact that this vessel had been sending up rockets, and in view of the fact that you said it looks queer, did not you think at the time that that ship was in distress? - No.

7993. Are you sure? - I did not think the ship was in distress at the time.

7994. It never occurred to you? - It did not occur to me because if there had been any grounds for supposing the ship would have been in distress the Captain would have expressed it to me.

7995. (*The Commissioner.*) Never mind about the Captain. You are being asked about what you thought yourself. Do you mean to tell us that neither you nor Gibson expressed an opinion that there was something wrong with that ship? - No, not wrong with the ship, but merely with this changing of her lights.

7996. Well, about this changing of her lights? - That is when I remarked that the lights looked queer. The lights, I said, not the ship.

7997. The lights are what I call part of the ship. The whole thing, lights and all, make up the ship. You want me to believe, do you, that, notwithstanding these rockets, neither you nor Gibson thought there was anything wrong on board that ship; you want me to understand that? - Yes.

7998. (*Mr. Butler Aspinall.*) I went back for a moment, but I want now to take you to the later period, when you spoke to the Captain and told him that the steamer had disappeared? - Yes.

7999. Will you tell me whether the Captain made any reply to that, and, if so, what? - He again asked me if I was certain there were no colours in those lights whatsoever. I again assured him that they were all white, just white rockets.

8000. Can you explain why it was that the captain should again ask you if you were sure there were no colours in the lights? - No.

8001. Have you no idea? You are a sailor? - Yes.

8002. You had been taking part in this matter, so to speak? - Yes.

8003. You were an onlooker paying careful attention, keeping those lights under observation, and then this question again comes from the Master. What did you think he meant by such a question? - I did not know, except that he had the thought in his mind that they may have been company signals of some sort.

8004. But do you really mean that? - That thought may have been in his mind; I did not say it was in his mind.

8005. Was it in yours? - That they were company's signals?

8006. Yes? - No, not that they were. They may possibly have been.

The Commissioner: Would there be any significance in the lights if they were coloured as

distinct from white, Mr. Aspinall?

Mr. Butler Aspinall: As I understand it, white lights are distress signals; company's lights are very often coloured.

The Commissioner: Would distress signals be coloured?

Mr. Butler Aspinall: I have not got the exact wording of the regulation in my mind.

The Attorney-General: I do not think there is anything about that in the regulations.

Mr. Laing: I have them here.

The Commissioner: "Rockets or shells throwing stars of any colour or description, fired one at a time at short intervals."

Mr. Laing: Private signals are dealt with by section 733.

The Commissioner: What is a private signal?

Mr. Laing: A company's signal.

The Commissioner: What sort of signal is it?

Mr. Laing: It is a made up signal to show what particular line the ship belongs to.

The Commissioner: But how is the signal different from distress signals?

Mr. Laing: I think they burn different coloured flares or candles, or something of that sort. Sometimes they throw rockets. They throw balls, I know, sometimes - Roman candles.

The Commissioner: But Roman candles do not go up in the air.

Mr. Laing: No, but they throw up balls. It is dealt with by section 733 of the Merchant Shipping Act.

8007. (*Mr. Butler Aspinall.*) After this conversation with the Captain through the tube, did you later see anything more? - Yes.

8008. What did you do? - At about 3.20, just before half-past three, as near as I can approximate, Gibson reported to me he had seen a white light in the sky to the southward of us, just about on the port beam. We were heading about west at the time. I crossed over to the port wing of the bridge and watched its direction with my binoculars. Shortly after, I saw a white light in the sky right dead on the beam.

8009. (*The Commissioner.*) How far away? - At a very great distance I should judge.

8010. What do you mean by a very great distance? - Such a distance that if it had been much further I should have seen no light at all, merely a faint flash.

8011. (*Mr. Butler Aspinall.*) Was it the same character of light as the rockets, or something quite different? - It was so far away that it was impossible to judge.

8012. Did you think it could have come from the steamer you had been looking at before? - No.

8013. It was something different, you think? - Yes, because it was not on the same bearing, unless the steamer had turned round.

The Commissioner: And were these lights rockets? - I think not.

8014. (*Mr. Butler Aspinall.*) Did anything further happen between that time and the end of your watch? - Nothing further.

8015. Your watch ended at 4? - Yes.

8016. At 4 did you see the navigation lights of a steamer? - After 4 o'clock.

8017. When after 4? - Just after 4 o'clock - a few minutes possibly. The Chief Officer relieved me. I gave him a full report of everything I had seen and everything I had reported to the Master, his instructions, when the steamer disappeared, and the way she was bearing - the whole information regarding the watch. He looked over on the port beam, and he remarked to me, "There she is; there is that steamer; she is all right." I looked at the steamer through the glasses, and I remarked to him "That is not the same steamer; she has two masthead lights." I saw a steamer then just abaft the port beam showing two masthead lights apparently heading much in

the same direction as ourselves.

8018. Do you know what that steamer was? - No.

8019. That could not have been the steamer you have been telling us about I suppose? - I should say not.

8020. I want you to consider this. You gave a full report, full information to the Chief Officer, and then he looks over the side and he says "There is that steamer; she is all right." According to the story you have told us you know, when you saw this other steamer's stern light disappear you thought she was all right. What was there in your story to the Chief Officer which led him to make this observation: "There is the steamer; she is all right"? - I do not know what led him to make that observation.

8021. Why should he have said it, in view of the evidence you have given us here today you know? Do not you think you told the Chief Officer that you were fearful the steamer you had seen had gone down? - No. I told him the steamer had steamed away from us in a south westerly direction.

Examined by Mr. SCANLAN.

8022. Did you obtain a certificate from the Board of Trade as a mate? - As a first mate in steamships, yes.

8023. Was that certificate given to you after examination? - Yes.

8024. When did you obtain that certificate? - Last December twelvemonth.

8025. Is not part of the subjects of examination the signals of distress and the signals to be made by ships wanting a pilot? - Yes, the articles.

8026. That is one of the subjects in which you are supposed by the Board of Trade to be qualified before you get the certificate? - Yes.

8027. I suppose before you sat for that examination, you read something about signals? - I learned them.

8028. Do you mean to tell his Lordship that you did not know that the throwing up of "rockets or shells, throwing stars of any colour or description, fired one at a time at short intervals," is the proper method for signaling distress at night? - Yes, that is the way it is always done as far as I know.

8029. And you knew that perfectly well on the night of the 14th of April? - Yes.

The Commissioner: And is not that exactly what was happening?

8030. (*Mr. Scanlan.*) You have heard my Lord put that question. That was what was happening? - Yes.

8031. (*The Commissioner.*) The very thing was happening that you knew indicated distress? - If that steamer had stayed on the same bearing after showing these rockets -

8032. No, do not give a long answer of that kind. Is it not the fact that the very thing was happening which you had been taught indicated distress? - Yes.

8033. (*Mr. Scanlan.*) You knew it meant distress? - I knew that rockets shown at short intervals, one at a time, meant distress signals, yes.

8034. Do not speak generally. On that very night when you saw those rockets being sent up you knew, did you not, that those rockets were signals of distress? - No.

8035. (*The Commissioner.*) Now do think about what you are saying. You have just told me that what you saw from that steamer was exactly what you had been taught to understand were signals of distress. You told me so? - Yes.

8036. Well is it true? - It is true that similar lights are distress signals, yes.

8037. Then you had seen them from this steamer? - A steamer that is in distress does not steam

away from you, my Lord.

8038. You saw these before this steamer steamed away from you? - I saw them at the same time the ship started to alter her bearings.

8039. (*Mr. Scanlan.*) But for a long time while this ship was stationary like your own, you noticed at frequent intervals that she was sending up rocket after rocket? - No.

8040. I thought that you told my learned friend that you had counted the rockets. Here is what you said. You said you had not your binoculars when the first rocket went up and you did not see the stars. Then you took your binoculars and you saw two other rockets and in each case you saw stars? - Yes.

8041. Did not those come in fairly quick succession one after another? - Yes.

8042. What do you mean by saying that you did not see them coming in quick succession one after another? - I said that the ship was altering her bearing from the time she showed her first rocket; she commenced altering her bearing by the compass.

8043. Is not this accurate? When you came on to your watch at twelve o'clock this ship was stationary? - Yes.

8044. And except for a change in her position towards 2.40 she was stationary all the time? - No she was not stationary.

8045. Was she moving? - She started to move as soon as I saw the first rocket. She was stationary up to that time. She was stationary by our compass, at least so far as I could tell.

8046. Do you mean to say she was swinging about? - She was not swinging so far as I could tell; she was steaming away.

8047. But have not you said to Mr. Aspinall that you only noticed her steam away towards four o'clock? - Certainly not; I made no such remark, I think.

8048. When did you send word to the Captain that you noticed her steaming away.

8049. (*The Commissioner.*) It is 2 o'clock? - At 10 minutes past 1. I reported to the Master that she was altering her bearings, which was the same thing.

8050. (*Mr. Butler Aspinall.*) Altering her bearings did not mean steaming away? - I do not see how two ships can alter their bearings when stopped.

The Commissioner: You need not press this any further.

Mr. Scanlan: No, my Lord.

Examined by Mr. HARBINSON.

8051. Did you notice this ship had a list? - No, I did not.

8052. Are you sure? - Yes.

8053. Did you tell Gibson to look through his glasses, and that the ship had a list? - No; he remarked to me that it looked as if she had a list to starboard.

8054. Did you look? - I looked.

8055. (*The Commissioner.*) Did you notice it? - I did not. I remarked to him that it was owing very probably to her bearing and her lights were changing possibly. She had no list as far as I could see.

Examined by Mr. LAING.

8056. Did you ever see this vessel's green light? - No.

8057. If she was going away S.W. she must have gone under your stern? - No, she went across our bow.

8058. Were you turned round? - We were slowly swinging.

8059. She could not cross your bow showing you a red light? - Why not?

8060. Well, I do not think so; I may be wrong? - That is the light she would show, her red light.

8061. If you turn round - heading W.S.W. I think you said? - We were heading E.N.E. at the beginning of the watch and slowly turned round to W.S.W. When I lost sight of this steamer we would be heading then about W.S.W. and she would be about 2 points on our port bow. I saw then her stern light, not her red light. She shut in her red light.

8062. You must have seen her green light if it was showing, before she shut in her stern light? - If she shut in her red light. I did not say she shut in her stern light. She did not shut her stern light in at all the whole period.

8063. You are head E.N.E.? - Yes.

8064. She is abeam of you? - She is on our starboard beam.

8065. With her red light open? - Yes.

8066. Then you turned round? - We slowly swung to port the other way, swinging through to southward.

8067. You came round that way? - Yes, and brought her head -

8068. Right round *this* way? - Yes to W.S.W.

8069. And she goes away to the S.W.? - Yes as near as I could judge. That was approximate.

8070. She must open her green light to you? - No.

8071. (*The Commissioner.*) Is not that so? - She must have opened her green light to you? - To steam away to the S.W.?

8072. Yes. - No.

8073. Just follow it. Take that red book which perhaps makes it plainer, and put the two little boats on it.

8074. (*Mr. Laing.*) (*Demonstrating with models.*) Here is your ship heading E.N.E.? - Yes.

8075. Here is a vessel showing her red light on your starboard beam? - From the appearance of her lights, she was more *that* way, heading in the same direction as ourselves.

8076. Showing a red light? - Yes.

8077. Now you began to turn round through the southward? - Yes.

8078. Like this? - Yes.

8079. How far did you get? - To W.S.W.

8080. That is about it? - Yes.

8081. Now where does she go to? - To the S.W.

8082. She must, to go to the S.W., go round here?

8083. (*The Commissioner.*) She went across your bows? - It was merely our swinging that brought her across our bows.

8084. Never mind, she did come across your bows.

Mr. Laing: She must have done.

8085. (*The Commissioner.*) How did she do it without showing her green light? - I did not see her green light at all. She ported. She shut in her red sidelight and showed her stern light.

8086. (*Mr. Laing.*) And came round like that? - I did not see the green light.

8087. (*The Commissioner.*) She must have shown her green light, you know? - We are heading W.S.W. and the steamer's stern was S.W. ahead of us. All we would see is her stern light. I did not see any sidelight at all after she started to steam away.

Examined by Mr. ROBERTSON DUNLOP.

8088. What kind of steamer did you judge her to be from the appearance of the lights you saw?

- A smallish steamer.

8089. Judging from the appearance of the lights, could she possibly have been the "Titanic" in your opinion? - Not by any means.

8090. (*The Commissioner.*) Have you heard of any other steamer that was in that neighbourhood at that time? - No.

8091. I daresay you have been asking everywhere for this steamer? - There was no one to ask; no one to give us information about it.

8092. Have you been trying to find out? - Only by watching the newspapers.

8093. Have you found it? - No.

8094. You know the "Titanic" was there? - Yes.

8095. (*Mr. Robertson Dunlop.*) And there was another steamer which you say was there the next morning? - I saw three steamers the next morning.

8096. You said there was a steamer heading the same way as you were. How many funnels or masts had the steamer which you saw the next morning? - I could not see anything about her, except her two masthead lights.

8097. Had the steamer which you have referred to, whose lights you saw, one masthead light or two? - The first steamer I saw had one masthead light.

8098-9. If she had had a second masthead light could you have failed to see it? - I think not; I was bound to have seen it.

8100. For how long had you this vessel's stern light under observation? - From just about 1 o'clock to the time I lost her, I should say. The last light I saw must have been her stern light. It may have been the light at the end of an alleyway, or some bright light on deck.

8101. About how long do you think she was showing her stern light? - About an hour.

8102. When you saw she was altering her bearing, was she also altering her distance? - She appeared to be gradually getting further away from us.

8103. And what was the furthest she got away from you before you lost her lights? - I could not say; it would depend upon the height of her lights above the waterline.

8104. Have you any idea how far away she was when you last saw her stern light? - It is a very hard thing to say; I have no idea.

Re-examined by the SOLICITOR-GENERAL.

8105. (*The Solicitor-General.*) May I ask one question, my Lord? (*To the Witness.*) Do you suggest there was any time when you saw nothing but the stern light and the masthead light of this steamer without any other lights from her deck? - No, I suggest no such thing.

8106. You do not suggest that? - No.

The Commissioner: I thought he did.

8107. (*The Solicitor-General.*) It is clear now he does not. (*To the Witness.*) And when you say you saw the light which you call her stern light, you mean you saw a number of lights at the afterend of her and you supposed one was the stern light? - I took the brightest one to be the stern light.

8108. You have been asked questions how far the ship was away. Do you know any means on a dark night at sea by which you can see whether a light is a very powerful light some way off or a less powerful light not so far off? - Yes.

8109. How would you do it? - A powerful light generally throws a glow around it, into the surrounding atmosphere. The more moisture there is in the air the greater the glow you will see around this light.

8110. How much glow was there round these lights? - Very little.

(The Witness withdrew.)

The Commissioner: I do not propose to begin a new witness to-night.

Mr. Robertson Dunlop: May the captain go, my Lord?

The Commissioner: I would rather he did not go to-night. Wait till tomorrow till we have finished with these witnesses.

(Adjourned until tomorrow 10. 30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Wednesday, 15th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION
ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

EIGHTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on

application.)

CHARLES VICTOR GROVES, Sworn.

Examined by Mr. S. A. T. ROWLATT.

8111. Charles Victor Groves, is that your name? - Yes.
8112. Were you second officer of the "Californian"? - Yes, I was on the ship's articles as second officer, but took the duties of third.
8113. You are referred to as third officer in the papers? - Yes.
8114. You remember Sunday, the 14th? - Yes.
8115. Was your watch from 8 p.m. till midnight? - Yes.
8116. And we know your steamer stopped because she got among the ice? - Yes.
8117. At 10.26 was it? - Yes, at 10.26.
8118. And you had had a double look-out. We have heard about that and I will not ask you again? - Yes, a double look-out.
8119. Since about 6? - Since about 6.
8120. Had you seen any icebergs, you yourself, in the afternoon? - Yes.
8121. Where did you see them? - About 5 miles to the southward of us.
8122. What time was that? - About 20 minutes past 5 when I saw them, when I relieved the bridge. I relieved the chief officer then for his tea.
8123. You are talking about the time by your clock? - Yes, ship's time.
8124. When you came on watch at 8 o'clock was it clear? - Yes, quite clear.
8125. Could you see the horizon? - No, you could not see where the horizon in the sky finished but you could see stars right down as far as the sea.
8126. According to your judgment was there anything in the shape of a haze? - No, nothing whatsoever.
8127. None? - None.
8128. Was the captain on the bridge? - Yes.
8129. How long did he stay there? - He stopped there till about 10.35 - perhaps a few minutes less than that, but about 10.35.
8130. When he left the bridge did he give you any orders? - No he did not, not at that time. But I saw him after that.
8131. Did he give you orders about other ships? - Yes.
8132. When was that? - Probably that was just before he left the bridge, about half-past 10, but the exact time he gave those orders I could not say.
8133. What did he tell you? - He told me to let him know if I saw any ship approaching us.
8134. Did you see any ships approaching? - Yes.
8135. Now, what did you see, and when? - As I said before, the stars were showing right down to the horizon. It was very difficult at first to distinguish between the stars and a light, they were so low down. About 11.10, ship's time, I made out a steamer coming up a little bit abaft our starboard beam.
8136. Now, did you look at the clock? - When I saw the steamer?
8137. Yes? - No.
8138. Why did you say 11.15? - I say it was about that.
8139. (*The Commissioner.*) I think you said 11.10? - Yes, I said about 11.10.
8140. (*Mr. Rowlatt.*) That is your judgment? - That is my judgment.

8141. When had you last looked at the clock? - Ten-twenty-six - well, I had looked at my watch; we had no clock on the upper bridge. I set that at 6 o'clock by the ship's clock.

8142. You saw a steamer? - Yes.

8143. What lights did you see? - At first I just saw what I took to be one light, one white light, but, of course, when I saw her first I did not pay particular attention to her, because I thought it might have been a star rising.

8144. When do you think you began to pay particular attention to her? - About 11.15.

8145. About five minutes after you first saw her? - About five minutes after I first saw her.

8146. Did you then see more lights than one? - About 11.25 I made out two lights - two white lights.

8147. Two masthead lights? - Two white masthead lights.

8148. Did you make out any other lights then? - Not at the time, no.

8149. You said that she was a little abaft your starboard beam? - Yes.

8150. How were you heading? - At that time we would be heading N.E. when I saw that steamer first, but we were swinging all the time because when we stopped the order was given for the helm to be put hard-a-port, and we were swinging, but very, very slowly.

8151. You say you were heading about N.E.? - We were heading N.E.

8152. Did you notice that at the time? - Yes.

8153. Was that with a view to see in what direction the steamer was bearing? - No, for my own information.

8154. But it was at that time? - At that time, yes.

8155. Now, how did she bear, how many points abaft the beam did she bear? - Do you mean when I first noticed her?

8156. Yes? - I should think about 3 1/2 points, but I took no actual bearing of her.

8157. That would leave her S. by W.? - We were heading N.E. and she was three points abaft the beam.

8158. Your beam would be? - S.E.

8159. That would bring her about 7? - S. or S. by W. - S. 1/2 W.

8160. Could you form any judgment how far off she was? - When I saw her first light I should think she would be about 10 or 12 miles.

8161. Judging by the look of the light? - By the look of the light and the clearness of the night.

8162. (*The Commissioner.*) That was when you saw the one light? - Yes, when I say she was 10 to 12 miles away.

8163. (*Mr. Rowlatt.*) Did she appear to get nearer? - Yes.

8164. The lights clearer? - Yes, all the time.

8165. Was she changing her bearing? - Slowly.

8166. Coming round more to the south and west? - More on our beam, yes, more to the south and west, but very little.

8167. Did you report that to the captain? - Yes, because, as I said before, he left orders to let him know if I saw any steamers approaching.

8168. You went down to him? - I went down to the lower bridge, which is part of the saloon deck.

8169. (*The Commissioner.*) Would this be something after 11 o'clock? - Yes, my Lord, when I went down to him it would be as near as I could judge about 11.30.

8170. (*Mr. Rowlatt.*) What did you say to him? - I knocked at his door and told him there was a steamer approaching us coming up on the starboard quarter.

8171. (*The Commissioner.*) The door of what? - The door of the chart room. It is a Venetian door.

8172. (*Mr. Rowlatt.*) Did you say what sort of a steamer you thought she was? - Captain Lord said to me, "Can you make anything out of her lights?" I said, "Yes, she is evidently a passenger steamer coming up on us."

8173. (*The Commissioner.*) "Could you make anything out of her lights?" - Yes.

8174. "I said, 'She is evidently a passenger steamer'?" - Yes, my Lord.

8175. You added something to that answer? - "Coming up on the starboard quarter."

8176. (*Mr. Rowlatt.*) Did you say why you thought she was a passenger steamer? - Yes. I told him that I could see her deck lights and that made me pass the remark that she was evidently a passenger steamer.

8177. (*The Commissioner.*) "I said I could see her deck lights"; was that true? - Certainly, my Lord.

8178. (*Mr. Rowlatt.*) How many deck lights had she? Had she much light? - Yes, a lot of light. There was absolutely no doubt her being a passenger steamer, at least in my mind.

8179. Could you see much of her length? - No, not a great deal; because as I could judge she was coming up obliquely to us.

8180. She was foreshortened? - Supposing we were heading *this* way she would be coming up in *this* way, perhaps an angle of 45 degrees to us (*demonstrating*).

8181. So that her side would not be greatly extended? - No.

8182. Now is that all you said to the captain before he said something to you? - Yes. He said, "Call her up on the Morse lamp, and see if you can get any reply."

8183. Did anything pass as to what passenger steamers you were speaking with the wireless? - Not at that moment.

8184. The first thing he said was, "Call her up on the Morse lamp"? - Yes.

8185. What did you say to that? - I went up on the bridge; I went away and went up on the bridge and I rigged the Morse lamp.

8186. (*The Commissioner.*) How long does it take to do that? - It is only a matter of taking a key out of a locker up *there* and just putting the plug in.

8187. A minute? - Yes, that is all.

8188. (*Mr. Rowlatt.*) Did you get any reply? - Not at first, no reply whatsoever.

8189. Did you afterwards? - Well, what I took to be a reply. I saw what I took to be a light answering, and then I sent the word "What?" meaning to ask what ship she was. When I sent "What?" his light was flickering. I took up the glasses again and I came to the conclusion it could not have been a Morse lamp.

8190. (*The Commissioner.*) Is the long and short of it this, that you did not get a reply, in your opinion? - In my opinion, no.

8191. You thought at first you had? - Yes, I thought at first I had.

8192. But you satisfied yourself that you were wrong? - That is so.

8193. (*Mr. Rowlatt.*) Did you go down again to the captain? - No, he came to the bridge.

8194. Was there anyone else there except you and he? - Not on the bridge.

8195. Did you tell the captain about the Morsing? - Yes.

8196. What did he say? - He saw a light flickering himself, and he passed the remark to me. He said, "She is answering you." This was just before I sent the word "What?"

8197. After that was done, did you have any more conversation with the captain about the steamer? - When he came up on the bridge he said to me, "That does not look like a passenger steamer." I said, "It is, Sir. When she stopped her lights seemed to go out, and I suppose they have been put out for the night."

8198. (*The Commissioner.*) You said, "It is"? - Yes, my Lord.

8199. Now, what about putting out the lights? - I said she put out her lights as she stopped.

8200. (*Mr. Rowlatt.*) You have not told us about that yet, but before you come to that, was there anything said at that time about the passenger steamers that you were in communication with by wireless? - Nothing whatsoever.

8201. Was anything said at any time about the "Titanic"? - After the captain came on the bridge.

8202. Was that before the lights appeared to go out? - No, that was after.

8203. (*The Commissioner.*) You said something about the lights of the ship going out. When did they go out? - At 11.40.

8204. Was the Captain standing with you? - No, my Lord.

8205. At that time? - No, my Lord.

8206. Had he gone away? - He had not been on the bridge again since about 10.35.

8207. You went on the bridge after he had told you to signal with the Morse light? - Yes.

8208. And you did signal and then, as I understand, the Captain came on to the bridge? - Not until after I was Morsing. I was actually Morsing when he came up.

8209. Very well, he came up and he remarked to you, "She does not look like a passenger steamer"? - That is so.

8210. And you said, "It is"? - Yes.

8211. Now you said something about the lights going out; what was it? - Well he said to me, "It does not look like a passenger steamer." I said, "Well, she put her lights out at 11.40" - a few minutes ago that was.

8212. Then had she put her lights out before the captain came on the bridge? - Yes, my Lord.

8213. When did she put her lights out? - At 11.40.

8214. And you told the captain this, did you? - Yes.

8215. What did he say to that; did he say anything? - When I remarked about the passenger steamer he said: "The only passenger steamer near us is the "Titanic.""

8216. He said that, did he? - Yes, my Lord.

8217. (*Mr. Rowlatt.*) What makes you fix the time 11.40 for her lights going out? - Because that is the time we struck one bell to call the middle watch.

8218. Do you remember that bell was struck at that time? - Most certainly.

8219. Did the steamer continue on her course after that? - No, not so far as I could see.

8220. She stopped? - She stopped.

8221. Was that at the time when her lights appeared to go out? - That was at the time that her lights appeared to go out.

8222. Were the lights you saw on her port side or her starboard side? - Port side.

8223. I want to ask you a question. Supposing the steamer whose lights you saw turned two points to port at 11.40, would that account to you for her lights ceasing to be visible to you? - I quite think it would.

The Commissioner: Mr. Rowlatt, at 11.40 the engines were stopped on the "Titanic."

Mr. Rowlatt: Yes, my Lord.

The Commissioner: I do not know whether that would cause a large number of lights to go out. They had a supplemental dynamo.

Mr. Rowlatt: I think the only evidence about lights going out was that at some time after this the lights in a particular stokehold went out for a short time.

The Commissioner: Oh, yes, I know that, but is it not the fact that at some time the lights in the ship, except the lights in the alleyways and the working parts of the ship did go out.

Mr. Rowlatt: I do not remember that there is any evidence of that; I do not know how it would be. I do not know whether those who sit with you could indicate whether it would necessarily follow the engines stopping. I should imagine the engines stopping would not put the lights out.

The Commissioner: Did that emergency apparatus working the electric light supply the whole ship with electric light?

Mr. Rowlatt: I am not in a position to answer that question at the moment.

The Commissioner: Did it, Mr. Laing?

Mr. Laing: No, my Lord; the emergency dynamo does not supply the whole of the lights.

The Commissioner: It supplies only, as I understand, the lights in what you may call the working parts of the ship - the alleyways, the engine rooms.

Mr. Laing: And the deck cabins, I think.

The Commissioner: The deck cabins?

Mr. Laing: I think so.

The Commissioner: I do not think so.

Mr. Laing: Some of them, at any rate.

Mr. Rowlatt: It can hardly be that when they stopped the ship going forward the ship is plunged in darkness automatically. It only means they stopped the engines which actuate the propellers.

The Commissioner: At some time the light which was produced by the main engines did go out.

Mr. Rowlatt: The lights went out in a stokehold.

The Commissioner: I remember that. It came on again in a few minutes; in something like ten minutes it came back again. That was temporary.

Mr. Rowlatt: I apprehend that the engine which produces the electric light is not the same engine as the engine which turns the propellers.

The Commissioner: Which engine is it?

Mr. Rowlatt: I cannot tell your Lordship at the moment. We will find out.

The Commissioner: There is a separate engine which works what I call the emergency electric light machine, is not there?

Mr. Rowlatt: There is, my Lord.

The Commissioner: Now where is the engine that works the electric light when that emergency apparatus is not in use?

Mr. Rowlatt: I cannot point to it at the moment - it is immediately abaft the turbine.

The Commissioner: It is abaft the turbine?

Mr. Rowlatt: Yes.

The Commissioner: Very well. Now I understand it. Those engines would be going on just the same although the signal had come from the bridge to stop the main engines.

Mr. Rowlatt: Yes. I have got an answer from the witness which may throw some light upon it. He said that, in his opinion, the turning of the ship -

The Commissioner: I heard him. That would be when the order was given to change the direction.

Mr. Rowlatt: Hard-a-starboard; and your Lordship remembers we had evidence that the ship did answer to the extent of two points at once.

The Commissioner: Yes, she did answer her helm. Very well; two points you were saying?

Mr. Rowlatt: Two points, my Lord. The man at the compass said she altered her course two points.

The Commissioner: A change of two points to port would conceal the lights in the ship?

8224. (*Mr. Rowlatt - To the Witness.*) Did you say "would" or "might"? I do not want to put it too high? - In my own private opinion it would.

8225. You are speaking of deck lights? - Yes.

8226. Lights from the ports and windows? - Yes.

8227. Did you continue to see the masthead lights? - Yes.

8228. Did you see any navigation lights - sidelights? - I saw the red port light.

8229. (*The Commissioner.*) When did you see that? - As soon as her deck lights disappeared from my view.

8230. (*Mr. Rowlatt.*) Did it strike you that going out of the glare of the other lights could show up the port light? Is that what you mean? - Yes, it would do.

8231. I mean, you are not suggesting that the port light was opened, having been shut in before? - Oh, no.

8232. I only want to understand. You cannot see a red light in the midst of the glare of the deck lights. That is what you mean? - Yes, because of the blaze of the white lights.

8233. Was that at 11.40? - Yes.

8234. It was after this that you had a conversation with the captain about the "Titanic"? - Yes.

8235. (*The Commissioner.*) Did the captain see these lights disappear? - Not to my knowledge, my Lord.

8236. Was he there when you saw them disappear? - Not on the bridge.

8237. Where was he - in the chart room? - I could not be certain where he was at that particular moment. When I spoke to him about the steamer coming up astern he was in the chart room.

8238. But at the time you saw the white lights of the steamer disappear he was not standing with you? - No, my Lord.

8239. It was after you had seen those white lights disappear that you had a conversation with him in which he said to you "the only passenger steamer is the 'Titanic'"? - That is so.

8240. (*Mr. Rowlatt.*) Did you have any further conversation with the captain? - I did not.

8241. Did he stay on the bridge or go down again? - I do not think he would have been up there for more than three minutes at the outside with me.

8242. Then he went down again? - He did.

8243. Did you stop on the bridge? - I stopped on the bridge.

8244. Did you continue to observe the steamer? - After I had tried ineffectually to Morse her I did not pay any particular attention to her.

8245. Did you not notice her or did you notice her? - Oh, I noticed her certainly.

8246. Was she keeping her same position? - The same position, yes. We were swinging slowly to port, very slowly.

8247. Did you not take her bearing by the compass? - Not that steamer's bearing, no.

8248. She would appear to be coming round more towards your stern? - No, she would appear, as we were swinging, to be working towards our head.

8249. I thought you were swinging to port? - No, we were swinging to starboard - that is, to the right hand.

8250. How long did you stay on the bridge? - I stayed on the bridge till something between 12.10 and 12.15.

8251. And were you then relieved by Mr. Stone? - I was.

8252. (*The Commissioner.*) 12.15? - I could not be sure of the exact time.

8253. You were relieved by whom? - Mr. Stone.

8254. (*Mr. Rowlatt.*) The last witness we had yesterday, my Lord. (*To the Witness.*) Was he the first person that came on the bridge after the captain went down? - Was there anybody else there? I only want to know whether I have missed out anything? - No, there was nobody up on the bridge from the time that the captain left until Mr. Stone came up.

8255. Very well. Did you point out the steamer to Mr. Stone? - Yes.

8256. Did you tell him what you thought she was? - Yes.

8257. What did you say? - I pointed out the steamer to him and said, "She has been stopped

since 11.40"; and I said, "She is a passenger steamer. At about the moment she stopped she put her lights out."

8258. (*The Commissioner.*) Wait a moment: "I pointed the steamer out to Stone and said, 'She is a passenger steamer. She put her light out.'" "Do you mean by that she shut her light out? - She shut her lights out, my Lord.

The Commissioner: "About 11.40."

8259. (*Mr. Rowlatt.*) To get it quite clear, at that time was it your impression she had put her lights out or shut them out? - At that time it was my impression she had shut them out, but I remember distinctly remarking to him that she had put them out.

8260. (*The Commissioner.*) That means that she had shut them out? - Yes.

8261. That is what you intended to convey? - Yes.

8262. That she had shut them out? - Yes.

8263. By changing her position? - By changing her position.

The Commissioner: Is that right, Mr. Rowlatt; is that the answer you expected?

Mr. Rowlatt: I was asking for information, my Lord, because I thought he had said before that he thought she had put her lights out because of the time of night.

The Commissioner: I think he did say something of that sort.

Mr. Rowlatt: I thought he did, and I asked for information to get it clear.

8264. (*The Commissioner - To the Witness.*) Did you say that you thought she had put her lights out because of the time of night? - I did say that, I think, my Lord.

8265. Then which is it to be, that she shut them out because she was changing her position, or that she had put them out because, in your opinion it was bed-time on board the ship? - Well, at the time the lights disappeared I thought in my own mind she had put them out because in the ships I was accustomed to before I joined this company it was the custom to put all the deck lights out, some at 11, some at 11.30, and some at midnight - all the deck lights except those absolutely necessary to show the way along the different decks. But when I saw the ice I came to the conclusion that she had starboarded to escape some ice.

8266. You came to the conclusion then, did you, while you were on the bridge? - Yes, my Lord.

The Commissioner: It comes to this, Mr. Rowlatt, at first he thought the lights had been put out, but when he reflected about it and observed she changed her position he thought she had shut her lights out, which is a different thing.

8267. (*Mr. Rowlatt.*) I do not know that he said he observed that she changed her position. (*To the Witness.*) This vessel was stopped at this time, was she not? - Yes.

Mr. Rowlatt: He accepted my suggestion, my Lord, that if the vessel did change her course it might shut her lights out; it would shut her lights out.

The Commissioner: I think you are right. What he said was the change of two points to port might, or, as he said, would, obscure the lights.

Mr. Rowlatt: We know she changed two points - the vessel we are talking about changed two points.

The Commissioner: Would a change of two points such as we know took place on the "Titanic" cause the two white masthead lights to alter their relative positions?

8268. (*Mr. Rowlatt.*) Yes. (*To the Witness.*) Would that be so? - Yes, it would, but I do not think at that distance the difference would be perceptible.

8269. It would bring them a little nearer together? - Yes, a little nearer together.

8270. Did you notice anything of that sort? - No, I did not.

8271. You went off the bridge? - Yes.

8272. Where did you go? - The Marconi house.

8273. Is the Marconi operator, Mr. Evans? - Yes.
8274. Did you find him there? - I did.
8275. Was he asleep? - He was asleep.
8276. He had gone to bed? - He had gone to bed, yes.
8277. Did you wake him up? - Yes.
8278. And have some conversation with him? - Yes.
8279. What passed? - The only thing I remember asking him was "What ships have you got, Sparks?"
8280. "Sparks"? - Yes.
8281. Is that his name? - No, it is the name he gets on the ship.
- The Commissioner:* Seeing he is the operator, you know why he is called "Sparks."
8282. (*Mr. Rowlatt.*) You asked him what ships he had got. What did he say? - Only the "Titanic."
8283. Did you take his instruments and put them to your ears? - Yes.
8284. Could you read a message if you heard one? - If it is sent slowly - yes.
8285. Did you hear anything? - Nothing at all.
8286. How long did you listen? - I do not suppose it would be more than 15 seconds at the outside - well, 15 to 30 seconds. I did it almost mechanically.
8287. Did you do anything more before you turned in? - I may have said a few more words to him, but I have no recollection, but when I left his house I went straight to my cabin.
8288. And went to bed? - And went to bed.
8289. (*The Commissioner.*) What time was it you were talking to this man whom you call Sparks? - As near as I can judge it would be between 12.15 and 12.20.
8290. (*Mr. Rowlatt.*) What time did you turn out again in the morning? - About 6.40; I did not notice the time particularly.
8291. Were you woke up by the chief officer? - Yes.
8292. Who is that? - Mr. Stewart.
8293. Did he come to your room? - Yes.
8294. Did he tell you you were wanted on the bridge? - He did.
8295. (*The Commissioner.*) 6.40, was it? - About it.
8296. "Stewart, the chief officer, told me to come on the bridge"? - Yes.
8297. (*Mr. Rowlatt.*) Did he say why? - Yes. He said, "The 'Titanic' has sunk, and the passengers are all in the lifeboats in the water ahead of us," or words to that effect.
8298. (*The Commissioner.*) The passengers were in the lifeboats ahead of you? - Yes.
8299. (*Mr. Rowlatt.*) Did you see Mr. Stone? - I saw Mr. Stone almost immediately after the chief officer left my room.
8300. Where was he? - He was in his room.
8301. Is that close to yours? - Yes, two or three yards away, that is all; diagonally opposite.
8302. Do you mean you went out of your room before you dressed and saw him? - Yes, I jumped straight out of my bunk and I went to his room.
8303. Had he been on the watch from 12 to 4? - From 12 to 4.
8304. Now, did he tell you anything had happened in his watch? - Yes, he told me he had seen rockets.
8305. Did he say where the rockets were, or what sort of rockets, or anything of that sort? - As far as my recollection goes all he said was he had seen rockets in his watch, but at that time I did not pay particular attention to what he said, except that he had mentioned rockets.
8306. You do not remember more than that he mentioned rockets? - No, nothing more.
8307. You do not remember anything more passing with him at that time? - Well, I went to his

room for the purpose of asking him if he was right about the "Titanic," and he said, "Yes, old chap, I saw rockets in my watch," and I went straight back to my cabin.

8308. (*The Commissioner.*) This conversation is important. (*To the Witness.*) When you went from your own cabin, before you dressed, to his cabin you naturally went to ask more about the "Titanic"? - Yes.

8309. You had just heard that she had gone down? - Yes.

8310. Now try to recollect what the conversation you had with Stone was? - I went only to his door; he was just getting dressed himself then, and I said, "Is this right, Mr. Stone, about the 'Titanic'?" I told him what the chief officer had said. He said, "Yes, that is right; hurry up and get dressed; we shall be wanted in the boats." He said, "I saw rockets in my watch."

8311. That conveys to me the notion that when he said he saw rockets in his watch he was referring to the rockets which he believed had come from the "Titanic." Did he give you that impression? - Well, it is rather difficult for me to say what impression I got then because I was rather excited, but I have told you what he said to me and what I said to him.

8312. (*Mr. Rowlatt.*) Did you dress? - Yes.

8313. And go up on the bridge? - Yes, I went straight up on the bridge as soon as I was dressed.

8314. What did you find when you got there? - Ice all round us and icebergs.

8315. Was your ship under way? - The ship was under way then, and I could feel her bumping the ice, and I knew she had got a good speed on by that.

8316. She had not started when you went off your watch? - No.

8317. You did not know when she did start, because you were asleep? - I was asleep.

8318. She had started when you were called, had she? - She was under way then.

8319. Were your lifeboats being swung out? - Yes, the lifeboats were being swung out then.

8320. This was about half-past six, I suppose? - Well, about half-past six; I said 6.40 when I was first called.

8321. Now it is getting on for 7? - I suppose by the time I got on the bridge it would be 6.50; but you understand the time is only approximate.

8322. I quite understand that. Were there any other vessels in sight? - Yes

8323. What were they? - There was a four-masted steamer abeam on our port side.

8324. What steamer was that? - I did not know at the time, but I knew afterwards she was the "Carpathia."

8325. Abeam on your port side? - Abeam on our port side.

8326. In what direction were you going? - That I could not say.

8327. You did not notice? - No.

8328. How far off was she? - I should think she would be about 5 miles - possibly more, possibly less, but about five.

8329. Did you look at her with the glass? - I did.

8330. Who asked you to do that, anybody? - The captain.

8331. Did you make out anything about her? - After I had been looking at her I made out she had her house flag half-mast. She had a red funnel with a black top.

8332. (*The Commissioner.*) She had what half-mast? - Her house flag.

8333. What is that? - Her company's flag.

8334. Is there any significance in its being half-mast? - It is half-masted for death, my Lord.

8335. (*Mr. Rowlatt.*) That is how you understood it at the time? - That is what I understood it to mean.

8336. It was because of the disaster to the "Titanic" that this vessel was flying her house flag half-mast? - Yes.

8337. What did your vessel do then? - We continued on our course for a little time after I had told the captain she had a red funnel with a black top and the house flag half-masted, and the next thing that was done we starboarded.

8338. You made straight for her? - We made practically straight for her.

8339. Did you see any other vessel? - Yes, I saw two other vessels.

8340. At this time? - Yes. I fancy one of them was in sight at the same time as I noticed this four-master.

8341. (*The Commissioner.*) Do you know what they were? - I know what one of them was.

8342. What was it? - The "Mount Temple."

8343. (*Mr. Rowlatt.*) Where was she? - She was ahead, a little on our starboard side when I saw her first.

8344. Before you changed your course? - Before we headed for the "Carpathia."

8345. How far off was she, do you think? - Well, when I noticed her first - I had been paying particular attention to this other steamer - I should think she would be perhaps a mile and a half away from us.

8346. Nearer than the "Carpathia." - Much nearer than the "Carpathia."

8347. Was she stopped? - Stopped.

8348. In the ice? - In the ice.

8349. Did you see any other vessel? - I saw another vessel a little on our port bow; she was coming down almost end on.

8350. (*The Commissioner.*) You do not know her name? - I do not, but as far as I remember she had a black funnel. She was a small steamer.

8351. (*Mr. Rowlatt.*) Did you reach the "Carpathia"? - We did.

8352. What time did you reach the "Carpathia"? - I think it would be about 7.45.

8353. Did she signal to you first? - Yes.

8354. That the "Titanic" had struck an iceberg? - Not at first. The first signal shown was fixed on the jumper stay. That is a signal that she wanted to semaphore.

8355. Did she signal to you by semaphore? - Yes.

8356. What did she tell you? - I think the first question she asked was had we any survivors on board, survivors or people, I do not know which she said.

8357. Did you answer by semaphore? - We did.

8358. You said, No? - We said, No.

8359. Did she say anything more? - Yes; I think the next thing which happened was, I fancy, we asked him if we could be of any assistance, and he said, No.

8360. Were you personally signaling? - No, I was not, but I was reading it.

8361. Anything more - any more messages? - That passed between us? - Yes.

8362. (*The Commissioner.*) Tell us shortly? - He told us the "Titanic" had struck an iceberg at 12 o'clock and had sunk at 3, and they had 800 or 700 - I am not sure which - people on board, including Mr. Bruce Ismay. When we asked him if we could be of any assistance they said, no. And then Captain Lord suggested that we should search down to leeward.

8363. Your captain? - Yes.

8364. Did you search to leeward? - Yes.

8365. Did you find anything? - Only boats and wreckage.

8366. Empty boats? - Boats with no people in.

8367. At about 9 a.m. did the "Carpathia" steam off? - Yes, almost exactly at 9 a.m., because I heard her bell strike.

8368. Did you search longer? - Yes, we searched longer.

8369. Till about 10.40? - Ten-forty exactly. That is when we resumed our course.

8370. After that did you see much more ice? - After 10.40?

8371. Yes? - Yes, we saw a lot of ice; we passed a big field; we passed through a particularly long field about half a mile wide, and we had to absolutely force our way through it.

8372. Was that further south than the wreckage you had seen from the "Titanic"? - I think it was about the same latitude, roughly, within a mile or so. But I never said we saw the "Titanic"; I said we saw the wreckage.

8373. Yes, and we assume the wreckage which you saw was the "Titanic" wreckage - that is what I meant? - Yes.

8374. Do you know whether you carry rockets on your ship? - Yes.

8375. What rockets do you carry? - Distress rockets.

8376. What are they? - Well, I have never seen one fired, so I could not say definitely.

8377. You have never seen one fired? - No.

8378. Is there any inscription on them? - I have not seen a rocket itself, either.

8379. You only know they are there? - I only know they are there.

8380. If you were in distress you would simply send up one of these rockets? - Yes.

8381. And then you would find out for the first time what it looked like? - In my own particular case I should.

Examined by Mr. SCANLAN.

8382. At the time you left the bridge was it a clear night? - Quite clear.

8383. Was it so clear that your captain could have picked his way, even through that ice-field to the ship which you saw? - He could have picked his way through there, but it certainly would not have been a particularly safe proceeding. There is no doubt he could have done it.

8384. You said when you first saw the ship she appeared to be about 10 miles from you? - Ten to twelve, I said.

8385. When she came to a stop what was the distance? - Well, I should think about five to seven miles.

8386. In the relative positions of your ship and this ship which you saw, would any person from her see your starboard light and one masthead light? - When she first stopped he could not have seen it before I left the bridge.

8387. In the position to which you had swung round, just at the time you were leaving the bridge, if any person from that ship or from a boat lower down saw you, would they have seen the light you were showing then, your red starboard light? - It is a green light.

8388. I beg your pardon - your green light? - Yes.

8389. And the white masthead light? - They would have been able to have seen it from the ship undoubtedly, but as to a boat I am rather doubtful.

Examined by Mr. HARBINSON.

8390. Your captain stopped because of the ice-field? - Yes.

8391. That is because he considered it exceedingly dangerous? - That is so; at least, I suppose that is what he concluded.

8392. When you saw this steamer, at any time had you any doubt about its being a passenger steamer? - No doubt whatsoever.

8393. And you for your part never considered it was a tramp steamer? - No, I did not.

8394. And you told the captain, you have told us, that you believed it was a passenger steamer? - Yes, I told the captain that.

8395. And that you could see the two masthead lights? - I do not think I told him that I could see two masthead lights.

Mr. Harbinson: I think you told the Court here today -

The Commissioner: Do not take him all through the whole thing again. I have heard the whole of this. It does not help us to have it all over again.

8396. (*Mr. Harbinson.*) I do not intend to take him through it all, my Lord. (*To the Witness.*) You did see two masthead lights? - Yes, I did see two masthead lights.

8397. What did the captain say when you told him it was a passenger steamer? - Do you remember? - Yes, I do. He said to me, "The only passenger steamer near us is the 'Titanic.'"

The Commissioner: We have got it, you know. He said, "The only passenger steamer about here is the 'Titanic.'"

8398. (*Mr. Harbinson.*) The question I propose to follow that up with is this: Did the captain make any observation as to the distance at that time the "Titanic" should be away? Did the captain say at what distance the "Titanic" would be away at that time? - No.

8399. He said nothing? - Nothing.

8400. Did you know about what distance the "Titanic" should be away? - I had no idea.

8401. When you left the bridge you went to the Marconi operator's house? - Yes.

8402. And he told you the only steamer he had got was the "Titanic"? - Yes.

8403. Did he tell you whether or not he had had any message from the "Titanic"? - No, he did not mention about any message at all.

8404. Or say what distance the "Titanic" would be away? - No, he did not know; he could not say.

8405. What time that night had the Marconi operator gone to bed? - That I cannot say, but it was some time previous to 12.15 or 12.20. That is all I know about it.

8406. If the Marconi operator had not been in bed, but up and in charge of his instrument, would he have been likely to hear the messages sent out by the "Titanic"? - As far as I know.

The Commissioner: You had better ask the Marconi man when he comes.

Examined by Mr. LAING.

8407. Two questions. Do you carry two masthead lights? - Yes.

8408. How many masts have you got? - Four masts.

8409. Where do you keep the after masthead light? - On the mainmast.

8410. And the forward one? - On the foremast.

8411. What sort of span is there between the two? - Longitudinally?

8412. Yes, is it short or long? That is all I want to know? - The distance roughly would be about 70 feet.

Examined by Mr. HOLMES.

8413. When you were searching for the wreckage, what boats exactly was it you saw in the water? - We saw the "Titanic" lifeboats.

8414. How many? - I think there were 7.

8415. Would that be boats cut adrift? - They were left by the "Carpathia."

8416. How many officers had you on the "Californian"? - Three.

8417. What watches did you keep? - The ordinary sea watches; 4 on and 8 off.

8418. All through the day? - All through the day and night.

8419. What is the average range of an ordinary ship's sidelight? - Two miles.

8420. And the masthead light? - Five miles; that is the distance they are supposed to show.

8421. They do show a little further on a clear night? - Yes.

Examined by Mr. CLEMENT EDWARDS.

8422. When you first went on deck that evening with the officer at about 10 minutes to 7, how long had your ship been under way at that time? - I do not know.

8423. Was she under way when you were awakened? - She was under way then, yes.

8424. You do not know at all what time? - No.

The Commissioner: I think we have had it in evidence.

Mr. Clement Edwards: There was a statement by the captain, my Lord.

8429. Did you get good sights? - Perfectly good sights.

Mr. Clement Edwards: Six o'clock, my Lord; it is in his logbook.

Examined by Mr. ROBERTSON DUNLOP.

8425. In the logbook it is stated that when you stopped your ship in the ice the position of the ship was 42° 5' N. and longitude 50° 7' W. Is that accurate? - Well, it is bound to be accurate if the captain put it in.

The Solicitor-General: This witness would not know, would he?

8426. (*Mr. Robertson Dunlop.*) You were on duty from 10.20 when you started until 12.15? - Yes.

8427. The position of your vessel had been signaled to the "Titanic" at 6.30. Did you know that? - No.

8428. Did you take part in ascertaining the position of your ship at noon on the 15th? - Yes.

8429. Did you get good sights? - Perfectly good sights.

8430. And the position which you found was 41° 33' N.; and the longitude, do you remember what it was? - No.

8431. 50° 9' W. Do you know how far it was you had steamed between noon and the time you left the wreckage? - On the Sunday or Monday?

8432. On the 15th, on the Monday. You take your position at noon on the Monday shortly after leaving the wreckage, and I want you to help me to fix the position of this wreckage? - In reference to our noon position?

8433. Yes; you have the noon position. How far do you think you had traveled from the time that you got on your way after searching round the wreckage until your noon position? Do you think it would be about five miles? - No, more than that; about 11. That is in distance.

8434. You would be in the same latitude then as the wreckage was found? - That I could not say.

8435. Do you know your course? - At 10.30 we altered the course to N 60° W by compass.

8436. If the "Titanic" was in latitude 41° 33', which is the position she has given, and the position in which the wreckage was found, and your vessel was, as stated in the log, in latitude 42° 5', the "Titanic" would be some 33 miles to the southward of the position where you were lying stopped? - If she stopped in 41° 33' and we were in 42° 5'.

8437. Yes? - Yes, about 30 miles.

8438. And if the "Titanic" was 30 miles to the southward of the position where you were stopped, I do not suppose you could see any navigation lights at that distance? - No, none

whatsoever.

8439. Nor indeed any rockets at that distance? - I could not say about rockets, but I should not think it was likely.

8440. If this vessel which you did see was only some 4 or 5 miles to the southward of you, do you think she could have been the "Titanic"?

8441. (*The Commissioner.*) That is a question I want this witness to answer. (*To the Witness.*) Speaking as an experienced seaman and knowing what you do know now, do you think that steamer that you know was throwing up rockets, and that you say was a passenger steamer, was the "Titanic"? - Do I think it?

8442. Yes? - From what I have heard subsequently?

8443. Yes? - Most decidedly I do, but I do not put myself as being an experienced man.

8444. But that is your opinion as far as your experience goes? - Yes it is my Lord.

Mr. Robertson Dunlop: That would indicate that the "Titanic" was only 4 or 5 miles to the southward of the position in which you were when stopped.

The Commissioner: If his judgment on the matter is true it shows that those figures, latitudes and longitudes that you are referring to are not accurate. That is all it shows.

Mr. Robertson Dunlop: The accuracy we will deal with, my Lord.

The Commissioner: I mean to say, if what he says is right, it follows that the figures must be wrong.

8445. (*Mr. Robertson Dunlop.*) You will appreciate, Mr. Groves, that if the latitudes are right it follows that your opinion must be wrong? - If the latitudes are right, then of course I am wrong.

8446. If the latitude of your ship and that of the "Titanic" are anything approximately right, it follows that the vessel which you saw could not have been the "Titanic"? - Certainly not.

8447. Were the two masthead lights which you saw wide apart indicating a long ship? - They did not look particularly wide apart.

8448. Did they indicate to you a long ship? - Well, I can form no judgment as to her length. She was coming up obliquely to us.

8449. And at that distance at which you saw her, it would be difficult to estimate the height of those lights? - Oh, quite difficult.

8450. Then what was there in the appearance of those two masthead lights to indicate that this vessel was the "Titanic"? - Nothing in the appearance of the masthead lights at all.

8451. What, apart from the masthead lights, was there to indicate to you that this was a large passenger steamer? - The number of deck lights she was showing.

8452. When you saw these deck lights, was the vessel approaching you obliquely? - Obliquely, yes.

8453. So that the deck lights would not indicate to you the probable length of the steamer showing them? - Well, no.

8454. They would be all bunched up? - They would be bunched up together.

8455. That being so, how did those deck lights communicate to you that this was a large passenger steamer? - Well, as I said before, by the number of her lights; there was such a glare from them.

8456. You mean from the brilliance of the lights? - Yes, from the brilliance of the lights.

8457. But I suppose a small passenger steamer might have brilliant light? - She would have brilliant light, but they would not show the light I saw from this steamer.

The Commissioner: Has any small passenger steamer been heard of in this locality at this time?

8458. (*Mr. Robertson Dunlop.*) You have told us that you did see on the following morning a steamer whose name you do not know? - A small steamer, yes.

8459. Was she a passenger steamer? - That I could not say.

8460. Have you tried to find out her name? - No, I have not; I took no further interest in her.

8461. (*The Commissioner.*) What size boat was she? - I never saw her broadside; I only saw her end-on.

8462. You told me it was a very small boat? - It was a small boat. I judged that from her end-on view.

8463. Was it much smaller than the boat the lights of which you had seen the night before? - I should judge so.

8464. (*Mr. Robertson Dunlop.*) Was she a vessel about your own size? - No, in my opinion she was considerably smaller.

8465. Before the vessel which you saw stopped, on what course did she seem to you to be steering? - Do you mean the steamer I had seen at 11.40?

8466. Yes, before she stopped at 11.40 you had had her under observation for some time, noticing her movements? - Yes, but I took no notice of the course she was making except that she was coming up obliquely to us.

8467. Was she making to the westward or to the eastward? - She would be bound to be going to westward.

8468. Was she? - She was bound to.

8469. Did you see her going to westward? - Well, I saw her red light.

8470. If she was going to the westward and was to the southward of you, you ought to have seen her green light? - Not necessarily.

8471. Just follow me for a moment. She is coming up on your starboard quarter, you told us? - On our starboard quarter.

8472. Heading to the westward? - I did not say she was heading to the westward.

8473. Proceeding to the westward? - Yes.

8474. And she is to the southward of you? - She is to the southward of us.

8475. Then the side nearest to you must have been her starboard side, must it not? - Not necessarily. If she is going anything from N. to W. you would see her port side. At the time I left the bridge we were heading E.N.E. by compass.

8476. Never mind about your heading. I am only dealing with her bearings. She is bearing S.S.E. of you - south-easterly? - About south.

8477. She is south of you and apparently proceeding to the westward? - Yes, some course to the westward.

8478. Does it follow from that that the side which she was showing to you at that time must have been her starboard side? - No it does not follow at all. If she is steering a direct west course, yes.

8479. Did you see her green light at all? - Never.

8480. When the captain came up at 11.30 and you reported her to the captain, what lights was she then showing? - The captain did not come up at 11.30.

8481. When did he come up? - About 11.45 on to the bridge.

8482. You reported to the captain at 11.30? - About 11.30.

8483. And then the captain at some time looked at her and said, "That does not look like a passenger steamer"? - That was about 11.45 on the bridge.

8484. What lights was she then showing? - Two masthead lights and a sidelight, and a few minor lights.

8485. Some deck lights? - A few deck light, yes; that is what I could see.

8486. Is that before or after you say the deck lights had gone out? - That was after the deck lights went out.

8487. What were those deck lights that you saw when the captain came on the bridge? - I do

not think that then I could see more than 3 or 4.

8488. Had those lights gone out or had they come into view again after going? - I do not quite follow.

8489. You have told us the deck lights had gone out? - Yes; when I say that the deck lights had gone out I mean that they disappeared from my view.

8490. They disappeared from your view, and then apparently some of them again came into view? - Yes.

8491. Was that indicating that the vessel was swinging? - Well, it might do.

8492. Turning her head in the ice as you were? - It might do.

8493. When you turned into your berth that night about 12.30 did you think there was any vessel in distress? - No.

8494. (*The Commissioner.*) You had seen no rockets? - I had seen no rockets, my Lord.

8495. And nothing in the appearance of the lights which you say, and the going out of those lights which you have described, led you to think that vessel was in any way in distress? - Nothing whatsoever.

8496. But was, like yourselves, stopped in the ice? - That is so.

8497. And it was not until the next morning that you heard anything had happened? - Not until next morning.

8498. When did you go on watch? - At 8 o'clock.

8499. The captain states that he was on the bridge at 11 o'clock and was there till 11.30? - I say he was not.

8500. You say he was not? - Most emphatically.

8501. Most emphatically? - Most emphatically.

8502. There must be a mistake somewhere? - Well, it naturally follows, does it not?

Re-examined by the SOLICITOR-GENERAL.

8503. You were the officer of the watch, as I understand, from 8 p.m. till midnight. Would you then be keeping the scrap log? - I was keeping the scrap log.

8504. Your ship was under way from 8 o'clock until about 20 past 10 of that watch, was she not? - Yes.

8505. And then about 20 past 10 she stopped, and she was stopped for the rest of the watch? - Yes.

8506. Who would make a dead reckoning and find out where she was at 10.20? - Well, the captain; he would work it. I never work it.

8507. Is the scrap log here? - No, it is not kept.

8508. (*The Commissioner.*) Is it destroyed from time to time? - It is destroyed from time to time. There is one log always kept, of course, but the scrap log is destroyed from time to time.

8509. (*The Solicitor-General.*) I want to know a little about this. Before the scrap log is destroyed in what sort of a book is it kept? - It is copied from the scrap log into the printed log.

8510. Into this fair copy - this book which I have here? - Yes.

8511. Is the scrap log kept in a book? - Yes.

8512. It is not kept on loose sheets of paper? - No, in a book.

The Commissioner: Just follow that up.

8513. (*The Solicitor-General.*) I am going to, my Lord, if I may. (*To the Witness.*) And this book in which you kept the scrap log, for how many days, or weeks, or months is the book good for? - It varies.

8514. Is it as big a book as *this* - as your official log? - Oh, no; it is a thinner book.

8515. How much thinner? How many weeks will it take? - It is my duty to rule that book up myself. It all depends. If we want a piece of paper on the bridge we occasionally tear a piece out of it; and whenever we take occasional observations we work them on the back.

8516. I want you to give me an idea how big a book is the book in which the scrap log is kept? - I do not think it would take more than 25 days.

8517. (*The Commissioner.*) How long had you been out? - We left London on the 5th April in the early morning - Good Friday.

8518. Did you leave with a new scrap logbook? - We always have several of them on the ship; it is a cargo book we have.

8519. There is only one in use? - Yes.

8520. How long had this logbook been in use? - I think I must have started it when we left London.

8521. (*The Solicitor-General.*) That would be April 5th? - Yes.

8522. And you reached Boston, when? - On April 19th, I think it was.

8523. And you just made the return journey from Boston here? - No, Boston to Liverpool.

8524. That is what I mean. You think you started your scrap log on April 5th, and you went across the Atlantic to Boston; that did not use up your scrap logbook, did it? - No, certainly not.

8525. Then did you use the same scrap logbook for the return voyage from Boston to Liverpool? - As far as my recollection carries me we started it again when we left Boston, but I have a recollection of ruling up another one after leaving Boston.

8526. On the voyage back from America to Europe? - Yes.

8527. You have a recollection of that. But you see, if this scrap logbook was newly started when you left on April 5th, it would not be used up in the course of your return voyage from America to England? - Not solely for that voyage, but I have told you we used a back page for occasional observations, or if we wanted a piece of paper to write any note on or anything like that.

8528. Who told you to rule out a new scrap logbook on the voyage back from Boston to Liverpool? - I did it myself; nobody told me to.

8529. (*The Commissioner.*) What does "rule out" mean? - Well, rule the pages in the forms required. First of all, we put "Hours" -

The Commissioner: Yes, I see what you mean.

8530. (*The Solicitor-General.*) Do you suggest that the old scrap log had at that time been filled to the last page? - When I started this new book we had evidently finished the old one, otherwise I should not have started it.

8531. Where is that old one? - The old one? The one for the voyage out?

8532. Yes, the one which you were partly using for the return voyage? - I expect it was thrown away.

8533. Where was it thrown away to? - I expect it went over the side.

8534. Did you throw it over the side? - I did not.

8535. (*The Commissioner.*) Who did? - I do not know; it was only my suggestion that it was thrown over.

8536. (*The Solicitor-General.*) You did not see it thrown over? - No.

8537. The captain might be able to tell us. You would know this book was the book which contained the real record for the 14th April? - Of course I knew that.

8538. And by that time, of course, you, and others on your ship, knew quite well there was a very serious Enquiry being made as to the position of your ship and what she was doing on the 14th April? - Certainly.

8539. And by that time you knew that there was some discussion as to whether the ship which

you had seen was the "Titanic" or some other ship? - That was a discussion amongst ourselves.

8540. And you knew there was a discussion in America and the newspapers? - I did not know that our ship had been mentioned in the papers until we got to Boston.

8541. This was after you left Boston, you see? - Yes, certainly, I knew then.

8542. You cannot tell us whether it was destroyed or not? - No, I cannot say definitely, certainly not.

8543. (*The Commissioner.*) Had you a log slate? - No, my Lord.

8544. You had nothing but this book? - Only the book. Log slates are out of date now, my Lord.

8545. When did you write up the logbook - I do not mean the scrap logbook, but the logbook. When did you write it up? - I do not write it up at all.

8546. When was it written up on board your steamer? - That I cannot say. The chief officer writes that up.

8547. (*The Solicitor-General.*) The chief officer? - Yes.

8548. (*The Commissioner.*) Would he write it up every day or once every two days? - I fancy he writes it up every day.

8549. (*The Solicitor-General.*) That would be Mr. Stewart? - Yes.

8550. I do not know whether your recollection will enable you to tell me, but I had better ask you. As you were making entries in the scrap logbook from 8 to 12 that night, do you know whether you made any entry as to any ship that you saw? - No, no entry whatsoever relating to any ship.

8551. You had gone off watch before there was any question of rockets? - Yes.

8552. You must have seen the scrap logbook the next day when you came on duty; do you know whether it contains any entry of rockets being seen? - I saw none myself.

8553. (*The Commissioner.*) Did you look to see if there was any reference as to rockets? - No my Lord, I did not.

The Commissioner: Then you must be careful how you answer.

8554. (*The Solicitor-General.*) You had come on duty, in one of the watches; would you come up at 4 o'clock in the morning? - No, about 6.50. That is on the Monday morning.

8555. That is what I mean. Then when would you come on duty and be the officer on the watch and have to keep the scrap log? - It is my duty between 8 and 12 under ordinary conditions.

8556. By that time you had heard the news about the "Titanic"? - Yes.

8557. Knowing that, did not you look back in the scrap log and see what entries had been made by your colleague between midnight and 4 a.m.? - No, I did not.

8558. It would be on the very next page, would it not? You turn over the page I suppose when you get to midnight? - Yes, we finish a page when we get to midnight.

8559. You would have only to turn back one page and see the record made by the officer of the watch from midnight to 4 a.m. as to what he had seen? - Yes.

8560. And you did not do it? - No, I did not do it.

The Solicitor-General: We had better get the chief officer I suppose.

8561. (*The Commissioner.*) Yes. If you had been on the bridge instead of from 8 to half-past 12, from 12 to 4, and had been keeping the scrap logbook and had seen a succession of white rockets with stars going up from this vessel which you speak of or from the direction of this vessel, would you in the ordinary course of things have made a record of the fact in your scrap log? - Most decidedly, that is what the logbook is for.

8562. So I should have thought. Then it would have been the business of the man who had charge of this book to record those facts? - I think so, my Lord.

8563. Who was he? - Mr. Stone was on watch.

8564. And, therefore, if Mr. Stone did what you think was his duty, this scrap logbook which was thrown away, or which, at all events, cannot be found, would contain a record of these rockets having been seen? - Yes, my Lord, but it is not my duty to criticise a senior officer, though.

The Commissioner: I am asking what is the ordinary practice. Do you want any of the other officers back, Mr. Solicitor?

The Solicitor-General: I have Mr. Stewart here, who is the chief officer, and the captain is here also.

The Commissioner: You must exercise your own discretion.

The Solicitor-General: I think I will call Mr. Stewart now.

(The Witness withdrew.)

GEORGE FREDRICK STEWART, Sworn.

Examined by the SOLICITOR-GENERAL.

8565. Your name is George Frederick Stewart? - Yes.

8566. Were you the chief officer on board the "Californian"? - Yes.

8567. And on Sunday, 14th April, at what time did you go off watch? - Eight o'clock.

8568. Eight o'clock in the evening? - Yes.

8569. Then, as we have heard, the third officer came on duty at 8 and took the 8 to 12 watch? - Yes.

8570. I think you turned in, did you not? - Yes, I turned in about half-past 9.

8571. Then your next turn of duty would come at 4 o'clock in the morning? - Yes.

8572. Did you go on duty at 4? - Yes.

8573. On the Monday morning? - Yes.

8574. Relieving Mr. Stone? - Yes.

8575. Did you find that your ship was stopped? - Yes.

8576. And did Mr. Stone report to you what had happened on his watch? - Yes, he told me very briefly.

8577. What did he tell you? - He told me he had seen a ship four or five miles off when he went on deck at 12 o'clock, and at 1 o'clock he had seen some rockets.

8578. Did not he say how many? - No, he did not say.

8579. Did not he say what sort of rockets? - I asked him; he said they were white rockets.

8580. This ship would have been in the ice or near the ice too? - Yes.

8581. Did you realise that your ship had stopped because the ice was dangerous? - Well, it was not safe to go on at nighttime.

8582. When Mr. Stone told you that he had seen a ship some miles off which had been throwing up rockets, what did you suppose the rockets must have been for? - I asked him what he did. He said the moment she started firing the rockets she started to steam away.

8583. *(The Commissioner.)* What steamed away? - The ship that was firing the rockets.

8584. Fired the rockets and then started to steam away? - Yes.

8585. (*The Solicitor-General.*) Did he tell you that five rockets had been observed, and then three more? - I do not think he did.

8586. Just to return to the question I put to you - because you have not quite answered it. I ask you, as an experienced officer, when you were told this ship which was in the ice had been throwing up white rockets at night, what did you suppose she was throwing up her rockets for? - I thought what had really happened was she had seen a ship firing rockets to the southward, and was replying to them.

8587. (*The Commissioner.*) Will you repeat that to me? What did you think? - I thought the ship he saw firing rockets was replying to some other ship to the southward.

8588. Replying? Do you reply to another ship by firing rockets? - Well, my Lord, he told me he had called him up repeatedly by the Morse lamp and the ship did not answer.

8589. But I do not understand this replying by means of rockets. Did you ever hear of such a thing? - Well, I never heard of such a thing, but he might have replied to let them know he had seen them.

The Commissioner: You are supposing now something you have never heard of happening before.

8590. (*The Solicitor-General.*) Let me follow. Did it not enter your head when you heard this, that those might be distress signals? - Yes.

8591. It did? - Yes.

8592. What made you think they might be distress signals? - Because they were rockets.

8593. They were from the description just what you would expect if they were distress signals? - They were white rockets.

8594. And did Mr. Stone tell you he had reported to the captain? - He told me he had reported to the captain, yes.

8595. At 4 o'clock - of course it was still dark - did you take the glasses and scan the surrounding water? - Yes.

8596. Did you see anything? - Yes, I saw a steamer to the southward.

8597. At 4 o'clock in the morning? - Yes.

8598. What was it you saw at 4 o'clock in the morning? - I saw two white masthead lights and a few lights amidships.

8599. Did you ask Mr. Stone whether this steamer you saw then was the one he had seen? - Yes.

8600. You did? - Yes, I did, and he said he had not seen that steamer before.

8601. So that, according to him, it was not the same steamer? - Well, he did not know; he said he had never seen that steamer till I pointed it out to him.

8602. Now, just think a moment. Did not you ask Stone if he had thought that was the ship that had fired the rockets? - Yes, I believe I did.

8603. You think you did? - Yes.

8604. You gave a statement, you may recollect, to the Receiver of Wrecks? - Yes.

8605. And when you asked Mr. Stone that question what did he say in reply? - He said, "I do not know; I do not think I have seen that steamer before."

8606. I will put this to you. Is not this right? Did not you say, "I asked Stone if he thought this was the ship that had fired rockets, and he said" - that is, Stone said - "he did not think it was." Is that right? - I do not know.

8607. (*The Commissioner.*) Did you read the statement that you signed? - Yes.

8608. Just look at that paper and read from it what it was you signed. (*A document was handed to the Witness.*) Is that the paper you signed?

8609. (*The Solicitor-General.*) Is that your signature at the end? - Yes.

8610. Will you kindly read what you will find at the back of the first page and then on the top of the second page?

The Commissioner: Read it out.

8611. (*The Solicitor-General.*) "This was 4 a.m." Do you see that? - "He called the captain, and the latter asked him whether they were company's signals. Stone replied he did not know. I asked him during our own talk were they distress signals, and he said he did not think they were. He said he had informed the captain on three occasions at intervals."

Go on. What I asked you to do was to read at the bottom of the page and the top of the next.

The Commissioner: Mark it with a pencil.

The Solicitor-General: Yes, I will. (*To the Witness.*) I beg your pardon. I was pointing to the wrong place. I think I have marked it now for you in the margin with pencil. (*handing the document to the Witness.*)

8612. (*The Commissioner.*) Now read it aloud.

The Witness: "I looked to the southward and saw a light. On looking through the glass I saw two masthead lights and a lot of lights amidships, apparently a four-masted steamer. This was 4 a.m. I asked Stone if he thought this was the ship he had seen, and he said he did not think it was."

8613. *The Solicitor-General:* He told you he did not think the ship you had pointed out was the ship that had fired the rockets? - Yes, he did not think it was.

8614. Did you call the captain a little later on? - Yes.

8615. About what time? - About 4.30.

8616. When you called the captain did you tell him what Stone said he had seen? - I told him that the second mate told me he had seen rockets in the middle watch.

8617. Not a rocket, but rockets? - Rockets.

8618. What did the captain say to you when you said that? - He said: "Oh, yes; I know."

8619. (*The Commissioner.*) Is that all he said? - He said. "Yes, I know, he has been telling me."

8620. (*The Solicitor-General.*) That was all he said? - That is all he said.

8621. Did the captain come on the bridge? - At once.

8622. You were still stopped. Did you hear from him what his plans were? - He talked about the possibility of going through the ice and proceeding on our voyage.

8623. Did not you ask him whether he was not going to see what that ship was that had thrown up rockets? - Yes, after he had spoken about proceeding on the voyage I asked him if he was going to the southward to see what that ship was.

8624. When you asked him that, was the ship you referred to a ship that you thought had been in distress? - Yes.

8625. When you asked him that, what did he say? - He said, "No, I do not think so; she is not making any signals now."

8626. What time was it that this happened? - Half-past four.

8627. When he came on the bridge could you see the ship that you had pointed out? - Yes.

8628. That is the ship that Mr. Stone said he did not think was the ship that had thrown up the signals? - Yes.

8629. Did you and the captain look at this other ship together? - Yes.

8630. Did you tell the Captain that Mr. Stone, who had been on watch, thought this was not the ship that had thrown up the signals? - No.

8631. You did not? - No.

8632. Did the Captain say this: "No, she looks all right; she is not making any signals now"? - Yes, I believe those were his exact words.

8633. When the Captain said: "She looks all right," what was he referring to? - She just looked like an ordinary steamer stopped.

8634. The Captain was referring to the vessel you had picked up? - Yes.

8635. Did not you tell the Captain that according to Mr. Stone, who had been on watch, that was not the steamer that had thrown up the rockets? - No.

8636. You did not? - No.

8637. Had you forgotten it? - I do not know; I did not tell him that.

8638. If Mr. Stone, who was on the watch when it happened, was right, there was no comfort to be got from the fact that that steamer looked all right? - He told me the steamer that had fired rockets had steamed away to the south-west, and he last saw her about two o'clock, just faintly with glasses; she steamed away from him.

8639. Then did you suppose that the steamer which you could see at 4.30 was the same steamer? - I thought she might have drifted back - that she had found that she could not get through the ice.

8640. (*The Commissioner.*) Now, think about what you are saying. Do you want me to understand that you thought it was possible that the ship which had steamed away after throwing up the rockets had drifted back and was there before your eyes?

The Solicitor-General: At half-past four?

8641. (*The Commissioner.*) In the morning? Do you want me to believe that?

The Witness: I thought she might have come back, or she might have known something about the other ship.

8642. Have you ever made that suggestion to a living soul until now? - I do not believe so.

8643. It comes out for the first time in the last minute? - I thought all the time that that ship had something to do with it or knew something about it.

8644. But you never told anybody so until now? - No.

8645. (*The Solicitor-General.*) On that day you thought she might have drifted back? - Or go back.

8646. Did you say drifted? - Yes, but I did not mean it in that sense of the word.

8647. You did not mean drifted back? - No.

8648. (*The Commissioner.*) What did you mean? - That she had come back.

8649. She had steamed back? - Yes.

8650. (*The Solicitor-General.*) Anyhow, you and the Captain at half-past four in the morning were talking about this steamer as though it was this steamer which had thrown up the signals, although the officer of the watch who had seen the signals told you it was not? - Yes.

8651. And you never told the Captain of that mistake? - No.

8652. (*The Commissioner.*) Did you ever say to Stone afterwards, "Why, that is the steamer of last night, and it has drifted back"? - No.

8653. (*The Solicitor-General.*) It was a little later than that that your wireless people heard that the "Titanic" had sunk? - Yes.

8654. When you heard that did it occur to you that the steamer that had been sending up distress rockets might have been the "Titanic"? - Not the steamer we saw.

8655. That is not what I asked you. I will put the question again, if I may. When you heard that the "Titanic" had sunk that night, did it occur to you that that steamer which you had heard had been sending up rockets, might have been the "Titanic"?

8656. (*The Commissioner.*) Now, come; answer that question? - No, I did not think it could have been the "Titanic."

8657. (*The Solicitor-General.*) Have you ever ascertained what the steamer was which was sending up rockets, if it was not the "Titanic"? - No.

8658. It is your business to write up the logbook from the scrap log? - Yes.
8659. Who keeps the scrap logbook, and where is it kept? - It is just kept for the day, that is all.
8660. I am not sure that I understand. You do not mean there is a new scrap logbook for every day? - It is all bits that are torn out and destroyed. The logbook is written up every day and the officer signs it.
8661. Do you mean that at the end of the day when you have written up your log from the scrap logbook, you tear out the page of the scrap logbook and destroy it? - Yes.
8662. (*The Commissioner.*) Day by day? - Yes.
8663. (*The Solicitor-General.*) Are you quite sure of that? - Yes.
8664. That was the practice, was it, on this ship? - Yes.
8665. Now let me tell you at once why I press you about this. While you have been out of this room we have had in that box the Third Officer, and I have been asking the Third Officer why he did not turn back in the scrap logbook and read what was written for the previous day. He did not suggest to me that it would probably be torn out you know. Now do you suggest it is torn out day by day? - Yes.
8666. Always? - Always.
8667. (*The Commissioner.*) Is it a book with a back to it? - No, it is only a small book with a paper back.
8668. Never mind; it is a book with a back to it. Is it the size of a penny memorandum book? - It is about *that* wide and *that* long. (*demonstrating.*)
8669. It is a sort of diary - something like a diary? - Yes.
8670. And it is bound in a paper cover? - Yes.
8671. So that if you wanted to do so you would have to tear out each page and throw it away? - Yes, cut it out with a knife about a quarter of an inch from where the book is sewn into the cover.
8672. (*The Solicitor-General.*) Why do you do that? - Because we only keep the one log.
8673. But why? - By the company's instructions.
8674. (*The Commissioner.*) I never heard of this. Are you instructed by your owners to destroy the scrap log as the voyage goes along? - Yes, my Lord.
8675. (*The Solicitor-General.*) Day by day? - Yes.
8676. (*The Commissioner.*) Does your steamer belong to the same company that practically owns the "Titanic"? - We belong to the Leyland Line, my Lord.
8677. Yes, I know, but is that part and parcel of the International Marine? - A part of it, my Lord.
8678. That is to say, it belongs to the same company that the "Titanic" belonged to? - I cannot say as to that, my Lord.
8679. I daresay you do not understand the arrangements between them, but you are part and parcel of the International Marine? - Yes.
8680. And the "Titanic" was part and parcel of the International Marine? - Yes, my Lord.
8681. Am I to understand that those instructions are given to all the steamers controlled by that company, that is to say, to the White Star, the Leyland Line, and others? - I cannot say that, my Lord.
8682. (*The Solicitor-General.*) You are speaking of your own steamer? - Yes.
8683. Are those instructions you speak of to be found in any book? - Yes.
8684. They are, are they? - Yes.
8685. I do not suppose you have the book here? - No.
8686. Just tell us from your recollection what is it one would find in the book about this? - That the scrap log was to be put on a slate and rubbed off every day, or else in a book in which the page can be destroyed.

The Solicitor-General: The owners are represented here, my Lord; no doubt they can prove it if it is so.

The Commissioner: Will you inquire about that, Mr. Laing?

Mr. Laing: Yes.

Mr. Robertson Dunlop: I will make inquiries what the instructions are, and what the practice is with regard to these scrap logs.

The Commissioner: Is there anyone here who can tell us now?

Mr. Robertson Dunlop: I have no one here who can tell us now, but I will make inquiries during the Adjournment.

Mr. Laing: I can tell your Lordship what the practice is. The practice, so far as the White Star vessels are concerned is that the scrap logs are not to be kept. They are torn off a block or pad day by day. What is called the chief officer's log is kept and handed in as soon as completed, to the owners; but the scrap logs are not kept.

8687. (*The Solicitor-General - To the Witness.*) I clearly understand in your case you do not use a slate? - No.

8688. And you do not use a pad? - No.

8689. You use a book with a cover? - Yes.

8690. And stitched? - Yes.

8691. Have you got the cover? - I think so.

8692. And you will find it if you can. We should like to see it. Now I have here the log which you wrote up - the 13th April, the 14th of April on the next page, and the 15th. The page runs from midnight to midnight, and then the noon observations are in the middle across the page? - Yes, just the same as that.

8693. I see on the 13th April, at noon (I am taking latitudes), you were 43° 43'? - Yes.

8694. And I see that on the 14th April, twenty four hours later, you were 42° 5'? - Yes.

8695. You were going rather more southerly? - Yes.

8696. Of course, the ice came from the north, I suppose? - Yes.

8697. Does it set in a southerly direction? - Yes.

8698. So that in the course of those twenty-four hours you had made southerly some 39 minutes of latitude? - Yes.

8699. Before you next took the noon observation your vessel had stopped? - Yes.

8700. Because she stopped about 10.20 or 10.21, on Sunday evening? - Yes.

8701. And she had stopped because of the ice? - Yes.

8702. Who made the calculation to find out what her latitude was when she stopped? - The Captain gave the position at 10.21.

8703. The Captain did that? - Yes.

8704. Was there any reason that you know of why between noon on the 14th of April and the time when she stopped, she should have altered her course and ceased to go on more to the south? - No.

8705. There is no reason you know of? - No.

The Commissioner: I would like to understand as I go along. Do your questions suggest this log has been doctored?

8706. (*The Solicitor-General.*) What I want to know is, how they arrived at the latitude which is put down, I presume, by dead reckoning at 10.20. I am right; it would be by dead reckoning you would get it? - Not only that; I had the Pole Star at half-past ten.

8707. (*The Solicitor-General.*) I am making no suggestion, but I want to understand, because there may be a mistake. What I notice is that at noon on the 13th April your latitude was 43° 43' at noon on the 14th April it was 42° 5', and yet when she stopped, 10 1/2 hours later than noon,

about half-past ten, the latitude by dead reckoning is still given as 42° 5'? - Yes, but we were going more westerly then, I believe, from noon.

8708. Keeping on the same latitude since noon? - Yes.

8709. Could you tell me when you changed your course? Look at the log and tell me. Start from noon on the 14th April, Sunday. Can you tell me from your log when you changed your course? - N. 61° W. at noon.

8710. Is that altered at noon? - Yes.

Mr. Robertson Dunlop: It altered at 9.40 and 9.55.

8711. (*The Solicitor-General.*) Would that keep you on the same latitude? - Yes.

8712. What do you mean by N. 61° W.? Is that magnetic? - That is compass.

8713. Do you know what the deviation of your compass is? - About 5 degrees, I believe - 5 1/2 degrees I believe it was.

8714. Which way? - W.

8715. Then if you allow for the deviation what does your course come to be then? - About W.

8716. And is that from noon? - Yes.

8717. In the log for the 14th April where the course might be indicated the entry is "various." Is that so? - The 14th April?

8718. Am I wrong? - On the 15th April it is "various" in the morning.

8719. Now turn back to the 14th; what about it there? - That is the course for the previous 24 hours.

8720. When you make your noon observation? - Yes; a summary for the 24 hours.

8721. Now, I should like to follow this. As far as your memory serves you, did you enter into that logbook everything that you found on the scrap log sheet? - Yes.

8722. You observe there is nothing at all in your logbook about seeing distress signals? - Yes.

8723. Is there anything? - No, nothing.

8724. Nothing at all? - No.

8725. No reference to any of these events of the night at all? - No.

8726. (*The Commissioner.*) Does that convey to you that there was no reference to those events in the scrap log? - Yes, my Lord.

8727. (*The Solicitor-General.*) Give us your views. Supposing you were keeping the scrap log on a watch when you were in ice, and supposing you saw a few miles to the southward a ship sending up what appeared to you to be distress signals, would not you enter that in the log? - Yes - I do not know.

8728. (*The Commissioner.*) Oh, yes you do? - Yes, I daresay I should have entered it, but it was not in our scrap logbook.

8729. (*The Solicitor-General.*) That is not what I asked you. What I asked you was - apply your mind to it - supposing you had been keeping the scrap log in those circumstances and you saw distress signals being sent up by a ship a few miles from you, is that, or is not that, a thing you would enter in the log? - Yes.

8730. (*The Commissioner.*) How do you account for it not being there? - I do not know, my Lord.

8731. It was careless not to put it in, was it not? - Or forgetful.

8732. Forgetful? Do you think that a careful man is likely to forget the fact that distress signals have been going on from a neighbouring steamer? - No, my Lord.

The Commissioner: Then do not talk to me about forgetfulness.

8733. (*The Solicitor-General.*) The scrap logbook is intended to be kept at the time, is it not, as the things happen? - Yes, Sir, but they generally write them up at the end of the watch.

8734. And you were there at 4 o'clock at the end of the watch? - Yes.

8735. And Mr. Stone told you then at 4 o'clock that he had seen these signals? - Yes.
8736. (*The Commissioner.*) And they had been sending messages to the Captain about them? - Yes.
8737. (*The Solicitor-General.*) Three times? - Yes.
8738. And you were just going to take over the ship for the next watch and take charge of this same sheet of paper? - Yes.
8739. Did not it occur to you that it was odd that there was nothing entered on the scrap logbook? - I did not notice the scrap logbook at that time.
8740. You did not notice it? - No.
8741. You made entries on the same sheet of paper between four and eight o'clock, did not you? - Not till eight o'clock.
8742. At eight then? - Yes.
8743. Did not you notice it then? - I noticed there was nothing on it then.
8744. But by that time you had had the message that the "Titanic" had sunk? - Yes.
8745. Did not you notice it then? - I noticed there was nothing there.
8746. You did notice it? - Yes.
8747. Then you did at eight o'clock notice there was nothing in the scrap logbook about what had happened between midnight and four? - Yes.
8748. And you have told us, in your view, it would be right to make such entries? - Yes.
8749. Did you ever speak to the Second Officer about it? - No.
8750. Never? - No.
8751. (*The Commissioner.*) Or to the Captain? - No.
8752. Or to anybody? - No, my Lord.
8753. (*The Solicitor-General.*) This piece of paper, whatever it was in the scrap logbook for 15th April, would be used until midnight on the 15th, would not it? - Yes.
8754. Then would you write the entries into the logbook from the scrap logbook? - Yes.
8755. And do you say you then destroyed the record for April 15th? - Yes.
8756. When you destroyed it did you notice then there was no record on it about these distress signals, did not you notice that? - No, I just copied it off as it was.
8757. There is just one other question I must put to you because we are going to call the Marconi operator. You have told us that during your watch between four and eight, you went in to see the Marconi operator, did not you? - Yes.
8758. Try and remember what it was that you told him? - I told him to get out and see what the ship was to the southward.
8759. I want you to be as accurate as you can. Do you think that is all you said to him? - I think so.
8760. What this ship was to the southward? - Yes.
8761. What did you mean by "This ship to the southward"? - The ship that I could see, Sir.
8762. The ship that Mr. Stone had already told you was not the ship that had sent up the rockets? - Yes.
8763. You think that is what you asked him? - Yes.
8764. I must just put it to you. Did not you go to his room and did not you say to him that rockets had been seen during the night? - I do not think so, Sir.
8765. You do not think you did? - No.
8766. And did not you ask him whether he could find out with his Marconi apparatus whether anything was amiss? - I told him to call up and see what that ship was to the southward. I remember that distinctly, Sir.
8767. Did not you ask him whether he could find out whether anything was amiss? - I do not

think so - No, Sir; I do not remember that.

8768. Did you at that time think that anything was amiss? - I thought something had happened, yes.

8769. But you do not think you said that? - I do not think so, Sir.

Examined by Mr. SCANLAN.

8770. With reference to the navigation of your own ship, did you think it was dangerous on that night, the Sunday night, to proceed? - Yes.

8771. What circumstances caused you to think that? - The ship was surrounded by ice.

8772. Was there any haze? - None at 4 o'clock.

8773. You went off watch at 9.30? - Eight o'clock I went off watch really.

8774. But you did not leave the deck till 9.30? - I was out on deck for a few minutes until 9.30.

8775. About that time was there any haze? - I did not notice any; I do not think so.

8776. Had you been in charge and seen distress signals would you have proceeded to the vessel in distress? - Yes, Sir, I think I would.

Mr. Harbinson: I ask this witness nothing.

Examined by Mr. CLEMENT EDWARDS.

8777. When you went on duty again at four your ship was still stationary? - Yes.

8778. What time did you start moving? - 5.15.

8779. At that time you were surrounded by a considerable lot of ice? - Yes.

8780. What pace did you make for the first three or four miles? - We were going very, very slow.

8781. How slow? - I could not tell you what we were going; I was not very much on the bridge after that time.

8782. Cannot you give us any idea of the pace? - I could not give you any idea.

8783. Just crawling through? - Just crawling through the ice.

Examined by Mr. ROBERTSON DUNLOP.

8784. I want to ask you about this logbook. When do you write up the logbook? - As a rule between 8 o'clock in the morning and noon.

8785. Do you remember when you wrote up the log entry of 14th April, after you had stopped in the ice? - Yes, I wrote that up just before noon on the 15th.

8786. Do you write it up from your scrap log? - Yes.

8787. And then you say that after you have written it up from the scrap log you destroy the sheet of paper? - Yes.

8788. Tear it out of the book? - Yes.

8789. And is that the practice which you were following before April 14th? - Always.

8790. And the practice which you have since followed? - Yes.

8791. You have been asked some questions by my friend about the course you were steering. I think the course you steer across the Atlantic is changed from time to time? - Yes.

8792. You are sailing on the Great Circle? - Yes.

8793. I see that at 9.40 on the 14th April the course was altered to north 60 west, and again at 9.55 to north 59 west? - Yes.

8794. From time to time there is an alteration of course of about a degree one way or the other?

- Yes.

8795. Is that in the ordinary course of navigation and apart from the presence of ice? - Yes.

8796. At 6.30 your log, if you look at it, records passing two large icebergs, and gives the latitude and longitude? - Yes.

8797. Is that the latitude and longitude of your ship at the time these icebergs were passed? - Yes.

8798. When did you get the observation of the pole star that enabled you to fix your position? - About half-past 7.

8799. P.m.? - P.m., yes.

8800. That is about an hour after you passed these icebergs? - Yes.

8801. Did you get your position before or after the ice was reported to the "Antillian"? - I do not know what time it was reported to the "Antillian."

8802. Apparently we may take it from what was said just now that the wireless message was sent to the "Antillian" and received by the "Titanic" at 6.30? - Yes.

8803. Do you know what position was given to the Marconi operator? - No.

8804. He will tell us. Assuming the position given to the Marconi operator was latitude 42.3 north, I find in your log latitude 42.5 north? - Yes.

8805. What is the explanation of the two degrees' difference of latitude? - Two miles on account of observation.

8806. Two minutes of difference - is that your explanation? - I had the star then. I thought the star was more accurate.

8807. Is the explanation this: That at 6.30 the latitude given to the Marconi operator was latitude by dead reckoning from your noon position? - Yes.

8808. But at 7.30, an hour later, you got an observation which enabled you to fix your actual position? - Yes.

8809. Which differed two minutes north of the position by dead reckoning? - Yes.

8810. And is that observation at 6.30 recorded in your log of this star an accurate one? - Yes.

8811. Is there any room for doubt about the accuracy of that position there? - No.

8812. Then at 10.21 there is an entry that the ship was stopped in latitude 42.5 north and longitude 50.7 west? - Yes.

8813. Do you know who took that position? - The captain gave us that position.

8814. Did you or not subsequently verify this position? - Yes.

8815. When did you verify it? - The next day.

8816. And did you find this position to be accurate? - Yes.

8817. At noon on the 15th did you take observations to fix your position? - Yes.

8818. Who was taking part in these observations? - All the officers took them.

8819. Did you get good sights? - Very good sights.

8820. Did the sights taken by the various officers agree? - They all agreed.

8821. And was the position as ascertained by those sights latitude 41.33? Can you tell me? - Yes, 41.3 N., 50.9 W.

8822. That is your noon position? - Yes.

8823. Are you able from working back from that noon position to fix accurately the position of the wreckage which you came up to at 8.30? - Yes.

8824. How many miles had you traveled between the time you proceeded on your course and when you took this position? - About four or five miles.

8825. According to your log, you proceeded on your course at 11.20? - Yes.

8826. And you stopped close to the "Carpathia" at 8.30? - Yes.

8827. And remained until 11.20? - Yes.

8828. And between 11.20 and noon you say you traveled some four or five miles? - Yes.

8829. Were you encountering ice at the time? - Yes.

8830. Is the position stated in your log as the position in which you were searching for the boats of the "Titanic" accurate or not - latitude 41.33 north and longitude 50.1 west? - Yes.

8831. Was that the latitude and longitude in which you found the wreckage? - Yes.

8832. How many miles was the position of the wreckage from the place where you had been stopped from 10.21 the night before until six o'clock that morning? - About thirty miles.

8833. Do you know in what direction, thirty miles? - About south a little east.

8834. Assuming the "Titanic" struck the iceberg in the position which was reported by the "Virginian" at 6 a.m., according to your log, latitude 41.46 north and longitude 50.14 west, how far was that position from the place where you were stopped? - About 19 or 20 miles.

8835. And bearing how? - Bearing about south-south-west - south, a little west.

8836. Could the "Titanic," assuming she was in either of those two positions, or was to the eastward of either of those two positions, by any possibility have been visible to anyone on board your ship while you were lying stopped in the ice? - No.

8837. Do you think her rockets could have been seen in the latitude in which she was? - I do not think so, Sir.

The Commissioner: All this does not impress my mind much. It all proceeds upon the assumption that all these figures are right. The other evidence to my mind is of vastly more importance. However, I do not want to shut you out from it, you know.

8838. (*Mr. Dunlop.*) You have heard my Lord's observation. Have you any reason to doubt the accuracy of these latitudes? - No, Sir.

The Commissioner: The previous officer told me, in answer to a question, that I think you yourself suggested, that he was satisfied that it was the "Titanic," and at present I do not mind telling you that is my attitude of mind. You may perhaps change it.

Mr. Dunlop: I hope to succeed, my Lord.

The Commissioner: What do you think?

Mr. Dunlop: I submit, my Lord -

The Commissioner: Oh no, I am not asking you - I am asking the witness.

8839. (*Mr. Dunlop - To the Witness.*) What do you think? - I do not know, Sir.

The Commissioner: That is a very safe answer.

8840. (*Mr. Dunlop.*) Have you formed any opinion? I suppose you have been thinking about this a good deal and discussing it with the officers, and may I say with others in New York? - Yes.

8841. Have you ever considered whether the vessel which was reported to have been sending up rockets was, or could have been, the "Titanic"? - I do not think it could have been, Sir.

8842. (*The Commissioner.*) What? - I do not think it was, Sir.

8843. You think it may have been? - I think if it had been the "Titanic" there would have been no doubt about it.

8844. Do you think it may have been the "Titanic"? - No, Sir.

8845. (*Mr. Dunlop.*) You were proceeding to Boston? - Yes.

8846. The "Titanic" is said to have been going to New York? - Yes.

8847. (*The Commissioner.*) Have you ever found out what it was, if it was not the "Titanic"? - No, my Lord.

8848. Has anybody found out what it was? - No, my Lord.

8849. (*Mr. Dunlop.*) Have you ever found out what that steamer was which you yourself saw on the Monday morning? - No.

The Commissioner: That is the steamer which Stone, I think, said was not the steamer that he

had seen the night before.

8850. (*Mr. Dunlop - To the Witness.*) But it was a steamer that you saw on the Monday morning? - Yes.

8851. What kind of a steamer was she? - A four-masted steamer with one funnel.

8852. Have you been able to ascertain what her name was? - No.

8853. Does it surprise you that you have not been able to find out the name of the steamer that was firing rockets at midnight? - Well, we never knew what ship that was that we saw to the southward.

The Commissioner: Do not you think that if there had been a steamer firing rockets at that time we should have heard something about her by this time?

Mr. Dunlop: Your Lordship may yet.

The Commissioner: I know; but we have not so far, and you see it is a month since this happened.

8854. (*Mr. Dunlop - To the Witness.*) If you were proceeding to Boston and the "Titanic" to New York, if you proceeded on your ordinary course and she proceeded on her ordinary course, what difference of latitude would there ordinarily be between the tracks of the two steamers? - At that point I believe it would be about thirty or forty miles.

8855. If you were both doing what you intended to do? - Yes.

8856. Now I want to ask you about the reports which the Second Officer made to you when you came on duty at four o'clock. I do not think we have got this clearly. You told my friend the Solicitor-General that the Second Officer reported that about 1 o'clock the steamer he was referring to had fired some rockets? - Yes.

8857. You remember saying that do you? - Yes.

8858. When the Second Officer told you that, what did you say? - I asked him what she did then.

8859. Did you ask him whether they were distress signals, for example? - Yes, I asked if he thought they were distress signals.

8860. And what did he reply to you? - He said, No, he did not think they were; they did not make any report.

8861. (*The Commissioner.*) Who said that? - Mr. Stone, my Lord.

8862. (*Mr. Dunlop.*) The Second Officer. (*To the Witness.*) Did he give you any reason for thinking that they were not distress signals? - He said he thought they might have been replying to somebody else to the southward.

8863. Did you ask him what kind of rockets they were - whether they made any report or anything of that kind? - Yes, Sir.

8864. What did he say? - He said, No, they did not make any report, and they did not leave any trail in the sky, and they did not seem to go any higher than the masthead lights.

8865. And did he mention these matters as reasons for thinking that they were not distress signals? - Yes.

8866. But signals made by way of communication with some other vessel to the southward? - Yes.

8867. Did you ask, or not, what he thought this vessel had been firing rockets for? - Yes, Sir.

8868. Did he state any opinion to you? - He said he thought she was answering to somebody else.

8869. Supposing a vessel had been to the southward of your position and between you and the "Titanic"; and supposing she had seen the signals of the "Titanic," would you be surprised if she had signaled in reply by means of rockets? - No, Sir.

8870. If this vessel had no wireless telegraphic apparatus, or did not understand, or did not use

the Morse signals, was there any other means of acknowledging the "Titanic's" signals than by these rockets? - I do not think so.

8871. Did you see the nature of the ice, between six o'clock and 8.30, the next morning? - Yes.

8872. While you were steaming in the direction of where you supposed the "Titanic" to be? - Yes.

8873. Do you remember what course you had to steer? - No.

8874. Were you able to proceed direct to the position of the "Titanic" given by the "Virginian," or had you to skirt the edge of the ice-field? - We went along the edge of the ice-field, I remember that.

8875. Did you see what kind of ice there was to the south-west of the position where you were? - It was thick field ice.

8876. Supposing this vessel which was seen during the midnight watch had in fact been proceeding to the south-west in answer to signals from the "Titanic" - proceeding in that direction - could she have reached the "Titanic"? - I do not think so.

8877. Unless she skirted the ice in the same way that you were able to do at daylight? - Yes.

8878. May that be the explanation of why you had not been able to find out the name of this vessel and why she was not there when you reached the "Carpathia"? - Yes.

8879. Did the Second Officer say what the movements of the steamer had been which had fired the rockets? Did he report to you that at 4 o'clock? - He said she steamed away to the south-west.

8880. Did he say what happened to her lights, and what he saw of them? - He said he saw a stern light as she was going out of sight, and it got very faint, so faint that he had to use the binoculars to get the bearing of it.

8881. Was there any report made of the lights having disappeared in the sense of a vessel having foundered? - Not at 4 o'clock.

8882. Or anything of that kind? - No.

8883. Was that the impression which his report created on your mind? - No.

8884. When he reported that the vessel had steamed away, what did you gather from the way in which he made his report of what he told you that had happened to this steamer? - That he had gone down to the other ship.

8885. Gone down to the south-west? - Yes.

8886. Did you ask him whether he had seen anything else? - He said he thought there was a light to southward about 20 minutes to 4.

8887. And when he stated that, what did you do, if anything? - I looked and I could see a light to the southward.

8888. What was the vessel which was showing the light which you saw to the southward at 20 minutes to 4? - I saw the lights at 4 o'clock. She had two masthead lights and a few lights amidships.

8889. That was the light which the Second Officer, as I understand, had told you he thought he saw - the light to the southward at 20 minutes to 4? - Yes.

8890. He told you that at 4 o'clock, and then you say you looked at it and you picked up the light? - Yes.

8891. Was that the light of this four-masted one funnel steamer which you afterwards saw at daylight? - Yes.

8892-3. Did you draw the attention of the Second Officer to that light? - Yes.

The Commissioner: Now, Mr. Dunlop, do get on.

8894. (*Mr. Dunlop.*) And it was then that there was some discussion as to whether that was the vessel that had been exhibiting the rockets which he had seen during the middle watch? - Yes.

8895. Did he say whether he had seen this vessel before or not? - He said he had not seen that ship before.

8896. Is it easy or not to say from what particular lights distress signals may be exhibited - whether it was this vessel or some other vessel? Is it different from lights only or masthead lights? You see what I mean? Was it easy for him to be able to be sure whether the vessel that was exhibiting the rockets was not the vessel which you drew his attention to shortly after 4 o'clock? - No, I do not think so.

The Commissioner: I do not very well understand the question, and I certainly do not understand the answer.

8897. (*Mr. Dunlop.*) My Lord, I will try and put it again more clearly. (*To the Witness.*) The Second Officer, as you told us, said that he did not think the vessel which you pointed out to him was the vessel that had previously been firing the rockets? - Yes.

8898. Is that a thing that he could be sure about? - I do not think so.

The Solicitor-General: He has given evidence, you know.

8899. (*Mr. Dunlop.*) I want to know your opinion, because you were there and you saw this vessel and the position in which this vessel was. Did the Second Officer report to you the direction from which he had seen these rockets? - Coming from the steamer?

8900. Yes? - He said she had gone away to the south-west.

8901. And in what direction was it that you saw this light which you were able to pick up? - About south.

Mr. Edwards: May I suggest that your Lordship asks this witness this question: How many funnels the "Carpathia" has?

8902. (*The Commissioner.*) Can you tell us how many funnels the "Carpathia" has? - One funnel, my Lord.

Examined by Mr. COTTER.

8903-4. How many masts has the "Carpathia" got? - Four masts.

8905. Is it in your mind at all that it was the "Carpathia" you saw? - No; I thought it was a yellow funnel boat when the sun was up.

8906. Are there any instructions issued by your company about the Marconi apparatus in time of trouble, either on your own ships or any other ships? - No, I do not know of any.

8907. None at all? - No.

8908. What took you to the Marconi House at the time you went there? - The Captain sent me to call the Marconi man to see what ship was to the southward.

8909. The Captain sent you? - Yes.

8910. What time did the Captain come up to the bridge? - Half-past four.

8911. When did you first hear that the "Titanic" had sunk? - When I went to the Marconi House.

8912. How long after you had got to the Marconi House did you find out that the "Titanic" had sunk? - I could not exactly say how long it was - the time I took to get the operator out and to his machine.

8913. He was in bed? - Yes, asleep.

8914. And he got to his machine? - Yes.

8915. Did the Marconi operator tell you where he had got the information from? - He said he had the "Frankfurt."

8916. Would it not have been the right thing, I ask you, as Chief Officer, assuming that you saw these lights in close proximity to the ice and rockets also going up - would it not have been

the right thing to have gone immediately to the the operator, and asked him to get into communication if possible with this ship? - Yes, I think so now.

8917. But would not you do it as your duty? - I saw a ship to the southward there, but she would not answer.

8918. But assuming that you could not get any definite reply from her, would it not have been the best thing to have gone and got the Marconi instrument into operation to see if you could get into touch with her? - Yes, now I think so.

(The Witness withdrew.)

The Solicitor-General: What we propose to do, subject to your Lordship's approval, is to recall the Third Officer and the Second Officer just on this one point about the log, so that your Lordship may have the evidence about it, and then we propose to call the Marconi operator.

CHARLES VICTOR GROVES, Recalled.

Examined by Mr. ROWLATT.

8919. I want to ask you one or two questions about the waste logbook to clear up something. I understood you to tell us that the waste logbook, as a book, was destroyed. Is that so? - Not as a book, no, Sir.

8920. How is it destroyed? - Page by page.

8921. Every day? - Not necessarily every day. I do not think it is done at any stated intervals, but I do not have anything to do with the destroying of it.

8922. Perhaps you can tell us this. On April 15th, when you came on duty, had the page before been destroyed? - That I could not say, but I hardly think it would be.

8923. You could not tell as to any particular days when they were destroyed? - No.

(The Witness withdrew.)

The Commissioner: I think you have got the evidence now about the logbook and the scrap logbook.

The Solicitor-General: Your Lordship does not care about having the other officer again?

The Commissioner: No, I do not think so. I may tell you that the effect of these things on my mind is this - That it is the practice to tear out the sheets of the scrap log from time to time and destroy them. But, you know, that does not get over my difficulty that apparently, if this evidence is true that has been given in the box, there was no entry of any kind in that scrap log of these rockets having been seen.

The Solicitor-General: I understand, my Lord.

CYRIL F. EVANS, Sworn.

Examined by the SOLICITOR-GENERAL.

8924. Are you the Marconi operator on the steamship "Californian"? - Yes.

8925. Do you remember Sunday, 14th April? - Yes.

8926. You have no one to help you, I think - no assistant - with the Marconi apparatus on the ship? - No.

8927. Can you tell us what time you turned in on the Sunday night? - Half-past eleven, ship's time.

8928. During the Sunday, this 14th of April, had you been on duty with your Marconi apparatus from time to time? - Yes.

8929. I think starting about 7 o'clock in the morning? - Yes.

8930. When you get a certain way across the Atlantic do the Marconi operators keep New York time for the purpose of their messages? - Yes, when they get to 40 west.

8931. When you get to the Meridian 40 west? - Yes.

8932. Were you in that part of the Atlantic where New York time is kept by the Marconi operators? - Yes.

8933. Have you got your records there, or do you remember them - the hours I am going to put to you? - I have my logbook.

8934. Would not it be as well for you to have it? - The Chief Officer has it.

8935. I have no doubt he would let you have it. Perhaps, while they are getting it you can tell me this: What is the difference between New York time and ship's time at the place where you stopped? - One hour and fifty-five minutes.

8936. That means one would have to add 1 hour 55 minutes to New York time to get at your ship's time at the place where you stopped? - Yes.

(The Marconi logbook was handed to the Witness.)

8937. We have heard something about communications between you and the "Antillian"? - Yes.

8938. Is that another ship of the same line, the Leyland line? - Yes.

8939. Can you tell us what time it was that you were communicating with the "Antillian," and then tell us what the message was you sent? - 5.35 p.m. on the 14th.

8940. That is New York time? - Yes.

8941. In ship's time then that would mean 7.30, would it not? - Yes.

8942. p.m.? - Yes.

8943. What was the message which you sent the "Antillian" at that time? - It was a message reporting ice. "To Captain, 'Antillian,' 6.30 p.m. apparent time, ship; latitude, 42.3 North; longitude, 49.9 West. Three large bergs five miles to southward of us. Regards. Lord."

8944. "Lord" - that is the name of your Captain? - Yes.

The Commissioner: Did you say that was sent at 7.30?

8945. *(The Solicitor-General.)* He was sending it at 7.30. *(To the Witness.)* That is information, so I understand, as to what they had seen at 6.30? - Yes.

8946. You are sending at half-past seven a message which the Captain had asked you to send? - Yes.

8947. And the message referred to the fact that an hour before apparent ship's time there had been icebergs seen to the southward? - Yes.

8948. Did the Captain write out this message and give it to you to send? - Yes.

8949. I just want you to go back for a moment to the message; there was one point I did not quite follow. You began by telling us the message started by a reference to your latitude and longitude. Did that refer, as you understood it, to the position you were in at half-past seven, or to the position you were in at half-past six? - Half-past six apparent time ship.

8950. So that it gave the other ships news of whereabouts in the Atlantic these icebergs were? - Yes.

8951. Did you hear anything of or from the "Titanic" about this time? - Yes, a little after.

8952. Did she ring you up, or did you ring her up? - She called me up.

8953. What does that mean? Is it just to find your position, or what? - No. If you have not had

another ship before, whichever ships hears the other one first you call him up and you offer him a "T.R."

8954. What does "T.R." mean? - "Time rush"- when a ship gets him. It is what we call the official "T.R."

8955. (*The Commissioner.*) What does "T.R." mean? - It means "time rush."

The Commissioner: What does "time rush" mean? - I do not know the significance of it.

8956. (*The Solicitor-General.*) I fancy it is merely a *memoria technica*. (*To the Witness.*) It is merely a convenient message to use? - Yes.

8951. Let us see if I follow it properly. When the "Titanic" sends out a message as other ships get nearer to her with apparatus they can hear that the "Titanic" is sending out a message, cannot they? - Yes.

8958. When they get within a certain range? - Yes.

8959. And when that happens, do you communicate back again? - Yes.

8960. To say that you are there? - Yes.

8961. Then the "Titanic" knows that you are within her range, and you are able to say that you have heard the "Titanic"? - Yes.

8962. Is that what a "T.R." is? - Yes; and then we exchange times to see if our clocks are the same. That is why we call it a "T.R."

8963. You exchange times? - Yes, and which way we are bound.

8964. Ship's time? - No, if we are working on New York time we exchange New York time.

8965. So that that is a check to see that each ship has got the right time? - Yes.

8966. I see from the statement you have made that upon this happening you offered him what you call an "S.G."? - Yes.

8967. What is an "S.G."? - "S.G." is a prefix. When you send "S.G." he knows that there is a service advice message coming through.

8968. It means that you are offering him some information if he wants it? - Yes.

8969. And what was the information that you were prepared to offer the "Titanic"? - I told him "S.G. ice report."

8970. That means that you were in a position to give him some news about ice? - Yes.

8971. Is this shortly after half-past seven? - Yes.

8972. What did the "Titanic" say to you when you offered your ice report? - He said, "It is all right. I heard you sending it to the 'Antillian,' and I have got it."

8973. Did you cease communicating with him? - Yes.

8974. That is all about 7.30, or a little later, is it not? - Yes.

8975. There is nothing more, as I follow you, until your ship stops? - No.

8976. Which we know she did, about 10.25 - your ship's time? - Yes.

8977. Did you go on deck when you found the ship had stopped? - Yes.

8978. I think you found the Captain and the Chief Engineer discussing the matter? - Yes.

8979. And then did the Captain make a communication to you and ask you to do something? - Well, Sir, he was talking about the ice then; he was talking to the Chief Officer. I asked him if anything was the matter, and if he wanted me. A little after that he came along to my cabin to talk to me.

8980. What did he want to know? - He asked me what ships I had got.

8981. That means, what ships you were in touch with? - In communication with.

8982. What did you say? - I said, "I think the 'Titanic' is near us. I have got her."

8983. Did you say "I think the 'Titanic' is near us" or "is nearest"? - Near us.

8984. (*The Commissioner.*) "Nearer" is it you are saying? - She was "near us."

8985. (*The Solicitor-General.*) As far as you know, was there any ship with Marconi apparatus

that was nearer you at this time than the "Titanic"? - Not as far as I know. I had not the "Titanic's" position.

8986. (*The Commissioner.*) What time was this - about what time? - Five minutes to eleven.

8987. (*The Solicitor-General.*) Ship's time? - Yes.

8988. What did the Captain say when you said that? - He said, "You had better advise the 'Titanic' we are stopped and surrounded by ice."

8989. Did you call up the "Titanic"? - Yes.

8990. Can you give me the time? - It was 9.5 p.m..

8991. New York time? - Yes, 11 o'clock ship's time.

8992. What did you say? - I said, "We are stopped and surrounded by ice."

8993. Did you get an answer from the "Titanic"? - They said, "Keep out."

8994. Just explain to us, will you, what that means? - Well, Sir, he was working to Cape Race at the time. Cape Race was sending messages to him, and when I started to send he could not hear what Cape Race was sending.

8995. Does that mean that you would send louder than Cape Race to him? - Yes; and he did not want me to interfere.

8996. That would interrupt his conversation with Cape Race? - Yes.

8997. So that he asked you to "keep out"? - Yes.

8998-9. In ordinary Marconi practice is that a common thing to be asked? - Yes. And you do not take it as an insult or anything like that.

The Commissioner: What did you say?

9000. (*The Solicitor-General.*) "You do not take it as an insult or anything like that." (*To the Witness.*) Do I understand rightly then that a Marconi operator, like other people, can only clearly hear one thing at a time? - Yes.

9001. Have you any means of knowing - do you judge that he had heard your message about ice? When you say you sent this message and he said "keep out," did he say that after he had got your message? - The very minute I stopped sending.

9002. (*The Commissioner.*) You cannot tell, I suppose, whether he heard what you said? - He must have heard it, my Lord, but I do not know whether he took it down.

9003. Would he hear what you said, or would he merely hear that you were speaking? You see, as I understand, he was getting messages from two points - from Cape Race and from you. He could not hear both, I suppose, at the same time? - No, my Lord.

9004. And he may not have heard what you said, though he may have known that you were trying to speak to him. I do not know, you know; I am only asking? - Well, my Lord, my signal would be much stronger than Cape Race's.

9005. You think that he would have heard you, and you would, as it were, obliterate Cape Race? - Certainly, my Lord.

9006. (*The Solicitor-General.*) I notice, Mr. Evans, in the evidence you gave in America, you said your message would come to him with a bang? - Yes.

9007. And the other message would be faint. Is that right? - Yes.

9008. We shall hear a good deal about this later on. Now will you tell me this? You spoke about speaking to him and his hearing you. Is it spelt out with a code or with an alphabet? - Spelt out with an alphabet.

9009. Is it the ticking of a needle? - No, Sir, the clicks in the 'phone. You read off them.

9010. Long clicks and short clicks? - Yes.

9011. How is it that he would know when he got your message coming to him with a bang that it came from you? - By my call signal.

9012. You begin with that, do you? - First of all.

9013. You say who you are? - First of all you give his call signal, and then yours afterwards.

9014. And then you gave him this message, spelt it out, that you were stopped in ice; and then he replies to you, "Keep out." How do you know he was talking to Cape Race? - I heard him beforehand.

9015. You could hear him? - Beforehand, and directly after that.

9016. (*The Commissioner.*) What was it you heard? - Before that, my Lord?

9017. No. What was it that you heard which conveyed to you that he was in communication with Cape Race? - Directly afterwards he called up Cape Race - a few seconds after.

9018. After he had said to you "Keep out"? - Yes, my Lord.

9019. (*The Solicitor-General.*) Could you overhear what he was saying to Cape Race? - Yes.

9020. What was it he said? - He said, "Sorry, please repeat, jammed."

9021. That means that somebody else had interrupted? - Yes.

9022. After that did you hear him continuing to send messages? - Right up till I turned in.

9023. It was not your business, and I have no doubt you did not listen in detail to what they were, but could you tell, as a matter of fact, whether they were private messages? - Yes, all private messages. You can tell by the prefix.

The Commissioner: That means messages from passengers.

9024. (*The Solicitor-General.*) Yes, business and private messages for the passengers. (*To the Witness.*) You can tell that by what you call the prefix, the sound that is sent first of all? - Yes.

9025. And that continued, you say, till you turned in? - Yes.

9026. When was it that you turned in? - Eleven-thirty p.m., ship's time.

9027. You had been at work since 7 o'clock in the morning, except intervals for meals? - Yes.

9028. Was it your regular course to turn in about that time? - As a rule. It all depends where we are.

9029. And when you turn in you put down I suppose the receivers, or whatever they are? - I hung the 'phones up. The detector was also stopped.

9030. What is the detector? - The detector is the arrangement for detecting the signals - making the signals audible in the 'phones which has to be wound up.

9031. And that would stop would it? - Yes.

9032. So that after you had turned in, supposing the "Titanic" sent out the signals C.Q.D., or whatever they might be, you would not hear them? - No, Sir, not unless I got the 'phones.

9033. And your instrument would not repeat them? - No.

9034. You turned in. Do you recollect the second officer, Mr. Groves, coming into your room a little later? - Yes, I have a faint recollection of it.

9035. Can you give me any idea as to what sort of time it was? - About a quarter-past 12, I think.

9036. Mr. Groves' watch ended at midnight, you know? - Yes.

9037. And he came in you say at about a quarter-past 12? - He stopped up on the bridge, I think, for 10 minutes until 10 minutes past 12 with the other officer to get his eyes in.

9038. When Mr. Groves came into your room, what did he do? - He asked me what ships I had got; if I had got any news.

9039. Yes, what did you tell him? - I told him I had got the "Titanic." I said, "You know, the new boat on its maiden voyage. I got it this afternoon."

9040. You got it this afternoon. Had you got the "Titanic" earlier than half-past 7? - No.

9041. When you said "This afternoon," you mean at half-past 7? - Yes, Sir, that was right.

9042. That is right, is it? - Yes.

9043. By New York time it would be 4.30 or 5 o'clock? - Yes.

9044. Did anything more happen then? - I do not remember Mr. Groves picking the 'phones

up, but Mr. Groves says so.

9045. That he picked them up and put them into his ears? - Yes; of course, I was half asleep.

9046. Did he tell you, as far as you recollect, then at a quarter-past twelve of anything that he had seen since the ship had stopped? - No.

9047. He only came in and asked what ships you had got? - Yes. He generally comes in my room and has a talk.

9048. He generally does that? - Yes. He comes and has a chat.

9049. Just to find out what the news is? - Yes.

9050. And then, I think, you went to sleep? - Then I went to sleep. He switched out the light and shut the door.

9051. The next thing I want to know is this. Mr. Stewart is the Chief Officer, is he not? - Yes.

9052. Do you remember Mr. Stewart coming into your room later on? - Yes, in the morning.

9053. Can you tell me what time it was? - 3.40 or 3.45, New York time.

9054. (*The Solicitor-General.*) Do you mind timing it into ship's time for us?

The Commissioner: It is inconvenient to have two times. I have taken it down hitherto in ship's time.

9055. (*The Solicitor-General.*) It is certainly much more convenient, my Lord. (*To the Witness.*) You have only to add one hour 55 minutes to it, have not you? - Yes.

9056. So that 3.45 New York time is 5.40 ship's time. Is that right - about twenty minutes to six? - Yes.

9057. It was getting light? - Just after dawn, I think.

9058. You remember Mr. Stewart coming into your room at that time, twenty minutes to six? - Yes.

9059. Just tell us carefully, if you will, what it was he said? - He said: "There's a ship been firing rockets. Will you see if you can find out whether there is anything the matter?"

9060. (*The Commissioner.*) Find out what? - If there is anything the matter.

9061. (*The Solicitor-General.*) Did you ask him any more about the rockets? - No, I jumped out of my bunk and took up the 'phones at once.

9062. You took up the 'phones immediately? - Yes.

9063. If you had been asked to do that at any time in the night you could have done it, could not you? - I could have done it.

9064. And would have done it, of course? - Yes.

9065. When you get hold of your instrument you send out a call don't you? - I listened at first to see if anybody was working.

9066. You listened first? - Yes.

9067. But you did not hear anything? - No.

9068. And then not hearing anything did you send out a call? - Yes, C.Q.

9069. That is call C.Q. is it? - Yes.

9070. Is that a general call up? - A general call for all ships to answer.

9071. Did you get an answer from anybody? - Yes.

9072. From what ship? - The "Mount Temple" first.

9073. That is a Canadian Pacific vessel, I think? - Yes.

9074. Did you get any information from her? - He said, "Do you know the "Titanic" has struck an iceberg, and she is sinking," and he gave me her position.

9075. You have got his message there, have you? - No, - I mean to say you do not call those messages, you know.

9076. (*The Commissioner.*) Was it the "Mount Temple" said that the "Titanic" had struck an iceberg? - Yes.

9077. (*The Solicitor-General.*) You would not keep a record of this? - It is just simply conversation, Sir.

9078. Did you say, "She is sinking"? - He said, "She is sinking."

9079. The "Mount Temple" said, "She is sinking"? - Yes.

9080. Did he give you the position of the "Titanic"? - Yes.

9081. The position that we have had mentioned in the case several times? - Yes.

9082. Did the "Mount Temple" say what she was doing? - No. The "Frankfurt" jumped in then. He told me the same thing and gave me the same position.

9083. What line does the "Frankfurt" belong to? - She is a German boat; I think it is the Norddeutscher Lloyd. I know it is a German boat.

9084. What did the "Frankfurt" say? - The "Frankfurt" told me the same thing. The Chief Officer was in my room at the time.

9085. You have told us that Mr. Stewart came in and gave you this information of what had happened during the night, and asked you to find out whether anything was the matter. You say you jumped out of bed and used your instrument. Was Mr. Stewart there? - Yes, Sir. I gave him the position, and he went off to get the Captain.

9086. When you heard these messages from the "Mount Temple" and from the "Frankfurt" did you tell Mr. Stewart what you heard? - I wrote down the position and gave it to him.

9087. You wrote down the position on a piece of paper and gave it to him? - Yes.

9088. Did it take any time calling these ships up and getting the answer? - About five minutes, not more than that.

9089. So that it was about a quarter to six ship's time? - Yes.

9090. When you gave Mr. Stewart the message and the position what did he do? - He went off to the Captain and fetched the Captain. Then I got the "Virginian" and asked him for an official message.

9091. What line does the "Virginian" belong to - the Allan line, is it not? - Yes.

9092. You asked the "Virginian," did you, for an official message? - Yes, so that I could give it to the Captain.

9093. What was the message that you got from the "Virginian"? - It gave the position of the "Titanic," and said she was sinking, passengers in boats.

The Solicitor-General: Have not you got the actual message there? You might just as well have it?

The Commissioner: What was the position?

9094. (*The Solicitor-General.*) I think you will find it is in the message. I have it here: "'Titanic' struck berg; wants assistance; urgent; passengers in boats; ship sinking. His position, 41.46 North, 50.14 West. - Gamble, Commander." Is that right? - Yes.

9095. That is the message from the "Virginian"? - Yes, I have it here, Sir.

9096. I think I read it right, did not I? - Yes.

9097. Did you get any news as to whether any vessels were going to this spot to see if they could help? - The "Frankfurt" told me they were going along, and the "Virginian" told me so, and also a Russian boat.

9098. What is the name of the Russian boat? - The "Birma," Russian-American Line.

9099. She has also got wireless, has she? - Yes, but not our system.

9100. Could you tell sufficiently? - Yes. We all unite in case of an emergency like that.

9101. Did these different vessels that you speak of give you their position? - No, Sir; they gave the "Titanic's."

9102. Only the "Titanic's"? - Yes.

9103. Then you knew they were going to the spot, but you did not know where they were

going from? - I knew the "Frankfurt" had passed us during the day before, I think it was.

9104. She is a faster boat than you? - She was going the opposite way, and she passed us. She turned back and went towards the scene of the disaster.

9105. You knew she was nearer Europe; she was more to the East? - Yes.

9106. Apart from that, did you know the actual position of these other boats that said they were going to her assistance? - No. I knew that the "Virginian" was coming up from Cape Race way.

9107. (*The Commissioner.*) Yes, but you did not know their position? - No, my Lord.

The Solicitor-General: That is what I wanted to know.

(After a Short Adjournment.)

9108. (*The Solicitor-General.*) What I wanted to know further was this, about the system. When you turn in and leave your instrument as I understand from what you have told me, a motor stops, your little motor? - No, the detector, it has to be wound up.

9109. Is the effect of that that there would be no means by which you would know whether a distress signal was being sent out by another ship? - No, unless I had the 'phones on. There has been nothing invented so far. There was in the very old sets, but it was done away with because it could not be relied on.

9110. So that you have to rely upon the sense of hearing in your ears, applied to the receiving instrument set against your ears? - Yes.

9111. And, of course, you cannot do that when you are asleep in bed? - No.

9112. The other thing I wanted to be clear about was this. I suppose the range of your communication depends upon the strength of your installation? - For sending, yes.

9113. You heard the "Titanic" speaking to Cape Race? - Yes.

9114. Could you hear Cape Race speaking to the "Titanic"? - No.

9115. Could you hear Cape Race at all? - No.

9116. But evidently the "Titanic" could hear Cape Race? - They had a higher area, and I understand they had a more sensitive detector.

9117. Now, take your installation. What sort of range, what radius of area would you be able to cover with your apparatus; could you speak to a ship 100 miles off? - Yes; the furthest distance I have got so far is 250 miles. My power is cut down. The ship is only a 60-volt dynamo ship; most ships have 100 volts.

9118. So that your installation was comparatively weak? - Oh, no, I get 250 miles.

The Solicitor-General: Of course, this witness can give evidence of what happened when they got to the "Carpathia," but we have got it without.

Examined by Mr. SCANLAN.

9119. I think you said to your Captain on the Sunday evening that the "Titanic" was near you? - I said I thought she was near us.

9120. What basis had you for saying she was near you? - The strength of the signals.

9121. You also state that when you gave a message to the ship of your own line you gave your position? - Yes.

9122. You commenced the message by giving your position? - Yes.

9123. When you gave the final message to the "Titanic" did you commence that message by giving your address, so to speak - your position then? - No.

9124. Would the "Titanic" be able to judge from the distinctness of your message that you were near them? - Yes; you cannot judge a distance accurately.

9125. What impression did you have as to the distance the "Titanic" was from you? - Well, he had very good signals, very clear signals, and he has got a good power.

9126. Would that indicate roughly a certain number of miles - that you must be within a certain number of miles? - By the strength of the signals I should say he was not more than 100 miles off us in the afternoon. I heard him working a long time before I got him.

9127. When you were speaking to him at night, when you gave the message that you were surrounded by ice, what I want to know is, could he form an idea that ice was very near him?

The Commissioner: The ice?

9128. (*Mr. Scanlan.*) That he was not far from the position of which this gentleman was speaking. (*To the Witness.*) In whose employment are you? - The Marconi Company.

9129. Are you liable to come to your machine any time you are called upon by the officers of the ship? - Well, personally I would myself, but we have no instructions to that effect to my knowledge. We are under the command of the Captain.

9130. (*The Commissioner.*) Do you sign on with the ship's officer's? - Yes.

Examined by Mr. HARBINSON.

9131. You cannot work day and night? - No.

9132. If there had been another operator on this boat to have taken your place when you went to bed at 12 o'clock? - Half-past 11.

9133. He would have got this C.Q.D. signal sent out from the "Titanic"? - Yes.

Examined by Mr. LEWIS.

9134. Do I understand you are on the ship's articles? - Yes.

9135. I take it only as a matter of form? - To bring us under the Captain's control.

9136. To what extent has he control over you? - The Captain has command over everybody in the ship, has he not? - That is why we have to sign on.

9137. To what extent can he interfere with your duties as an operator? You are in the employ of the Marconi Company? - Yes.

9138. Do you receive instructions from them when engaged, as to your duties? - Well, we have instructions as to our hours; if we want to get into communication with the land, we generally stop up later.

9139. I am not asking the instructions from time to time. I want to know whether you are given instructions when you are first employed as to your duties and so forth - when you are first employed by the Marconi Company? - We are told to take orders from the Captain.

9140. There are certain duties laid down; I presume they give you certain instructions. Do not you have instructions as to your duties on board ship? - Not to my knowledge.

9141. There are no printed instructions issued? - There is one about calling the C.Q. at even hours, so that you can always get somebody at that time.

9142. Are you allowed to get into communication under ordinary circumstances with a ship with another system, say the De Forest system? - Not under ordinary circumstances; we are not supposed to.

9143. Have you had instructions on that matter? - No written instructions.

9144. What sort of instructions have you with regard to communication under ordinary circumstances with ships having other installations? - We are not to communicate with them.

9145. You are not to communicate? - No, except in case of distress or anything like that.

9146. Is that under the International Code? - Perhaps you are not aware; that is by agreement

with the different countries? - The only other one is the American one, and America has not come under the International Convention.

9147. America has not come under it? - No.

The Solicitor-General: We shall call another witness.

9148. (Mr. Lewis.) I will defer that, as I understand another witness will be called. (*To the Witness.*) When you approached the "Carpathia" did you find any difficulty in getting into communication with her? - Yes.

9149. You tried to communicate did you? - Yes, but I heard him say this; he said that he had picked up twenty boat loads, I think it was.

9150. Did they tell you the same thing as the other boat did, to shut up? I understand you did not think it was rude, but on another occasion another boat told you to shut up. He told you to do the same? - Yes.

9151. You had a communication from the "Frankfurt" and the "Birma," had you? - Yes.

9152. What systems are those? - I am afraid I made a mistake before, because the German company and our company is a combined company really, and we always communicate with them; but with the Americans we are not supposed to.

9153. What system had the German boat? - It is the Telefunken system.

9154. Did I understand you to say it is a joint system? - A joint system, Marconi and the other.

9155. And the "Birma" is the De Forest? - The American De Forest, yes.

9156. (*The Commissioner.*) The "Birma" is a Russian ship; she has a different system? - Yes.

9157. (Mr. Lewis.) You say that is an American system? - The United Wireless Company of America, so I understand.

9158. Is that the system employed on the "Birma"? - Yes.

9159. Not the De Forest? - It is the same thing.

9160. You had no difficulty with them. Did you ever have any difficulty with those ships by that system? - They jammed us a good deal.

9161. That is in the ordinary course? - Yes.

Examined by Mr. CLEMENT EDWARDS.

9162. When Mr. Stewart came to your cabin was your ship moving? - No.

9163. How soon after he came to your cabin did your ship start moving? - Ten minutes or a quarter of an hour, I think.

9164. Did he say anything to you about a ship being to the southward, would you find out what she was? - No, not to my knowledge.

9165. How soon did you get into touch with the "Carpathia"? - I did not get her until I got nearly alongside of her.

9166. What time was that? - About half-past 8, I think.

9167. From the time you started moving till you got alongside, have you any idea how far you had traveled? - No, I was in my room most of the time, or else I was running up to the bridge.

9168. Could you tell what the revolutions were; whether it was working rapidly or slowly? - I do not think so; I am not much judge of that.

9169. You are not able to judge? - No, I know the ship was trembling a bit through hitting the ice.

Examined by Mr. COTTER.

9170. Is it not the fact that she was supplied every trip with a chart of the North Atlantic? -

Yes.

9171. Have you a copy of the chart you had on the "Californian"? - No, but that chart is only amongst ourselves. They are square charts. They are not made out like ordinary charts.

9172. I want to look at the chart? - We are not marked on that chart because we have not got a regular run.

9173. But the "Titanic" would be marked on it. First class passenger ships would be marked on that, giving the positions going across the Western Ocean? - I do not know. I have not got one of the "Titanic."

9174. Did you have a chart at all? - No.

9175. Have you seen a Marconi chart? - I should think so.

9176. You had none on the "Californian"? - I had got some.

9177. When did you get it? - The other trip before.

9178. The voyage you were on I mean? - The trip before that.

9179. You got none for the last trip? - No.

9180. Is it not the fact that you get them every trip? - Yes, it was an oversight on my part.

9181. So that you can locate a ship and get some idea of the radius she is in in the Western Ocean? - It is a chart made out so that we can know for our own convenience when to expect communications from other ships, but you cannot say that a certain ship is going to be there at a certain time.

9182. But within a range of 100 miles or so you would have an idea where to pick her up? - Yes.

9183. And you had not got a chart? - No, I had got a South Atlantic chart because I made a mistake. We went to New Orleans on the first trip, and the next trip we came back to London; we did not go back to Liverpool; and in the hurry of getting off again. I did not get another chart.

9184. You took no chart? - No.

9185. If you had had a chart with the "Titanic" on it, it would have given you a better idea where she was than you had? - No, it would not at all.

9186. What is the use of the chart then? - Simply to show us when to expect communications with other ships.

9187. That is the point. At a certain time she would be in a certain place? - You cannot say a ship will be in a certain place at a certain time.

9188. It would give you the radius; I do not mean the miles? - It would give you the longitude West.

Examined by Mr. DUNLOP.

9189. With regard to the distance at which you say the "Titanic" was when you got into communication with her, did you give evidence at the Court of Inquiry in America? - Yes.

9190. And you remember in answer to Senator Smith, saying this, "You cannot tell by the strength of the signals where anybody is"? - "You cannot tell exactly" were my words.

9191. Can you tell within 100 miles? - It is very hard to say. There is some peculiarity in every boat. You can tell she is getting nearer by the strength of the signals or something like that.

9192. When you were communicating with the "Titanic" on the Sunday, whether she was 100 miles away or 200, you could not tell from the sounds of the message which she sent to you, could you? - You cannot tell exactly; it is impossible.

9193. Did you say further, when referring to the message that you received from the "Titanic": "I thought he was very much south of me, because we were bound for Boston and we were north of the track; we were following the track of the 'Parisian'"? Do you remember saying that? - Yes, the captain told me to expect the "Titanic" to be away to the southward of us.

9194. When you said that the "Titanic" was near to you, within your radius, do you think she was? - I could not tell.

9195. You could not tell within 100 miles or 200 miles? - No, you cannot tell.

9196. All you thought you could tell was that the "Titanic" appeared to be the nearest vessel to you that had wireless telegraphy with which you could correspond? - Yes, that was my view.

Re-examined by the SOLICITOR-GENERAL.

9197. If you get within communication of a ship which has wireless telegraphy, unless you know whether its installation is a strong one or a weak one, have you any means of seeing whether she is very near or whether she is further off? - Well, you could tell by the strength. If she is a very long way off and you have tuned accurately to her, and you find her signals are very weak, you can say she is a good distance off.

9198. Does not it depend on the strength of her own discharge as well as upon the strength of the signals that you receive? - Yes.

9199. So that you need to know whether she has a strong installation or not? - But you can always tell by the sound of the spark. A strong installation has a singing spark; a coil set has a bad spark.

9200. I think I heard you say, "I heard the 'Titanic' long before I got her"? - Yes.

9201. You could tell that she was sending out messages though you were not able to respond to them, is that it? - The reason I did not try and get her before that was he was working, he was busy with different ships, and all the rest of it. You have to wait before you start. The bigger ship, the faster ship, is the controlling ship; therefore he would be senior to myself.

9202. That is the rule, is it? - Yes.

9203. And as you had heard the "Titanic" for some time, could you tell us from what you heard whether she was getting nearer to you as time went on? - Yes.

9203a. Was she? - Yes.

9204. You say you continued to hear her until you turned in at half-past 11? - Yes.

9205. When you turned in, from what you could hear of her, was she nearer to you than she had been before? - Yes, her signals were stronger, getting much better.

9206. Very much stronger? - Yes.

9207. I think this is what Mr. Cotter referred to when he spoke of a communication chart. (Holding up a chart.) Yes, that has only the longitude W. marked on it. You could not tell exactly where a ship is. (*The chart was handed to the Commissioner.*)

9208. It is not a navigation chart, or a geographical chart? - No, it is for our own convenience.

9209. It is a diagram? - Yes, you could not call it a map.

9210. Suppose a ship leaves Europe on a particular day and is due in America on a subsequent day, and you draw a straight line across, you can tell more or less when she will cross the different meridians? - That is it, exactly.

9211. And of course the steeper the line is the quicker the ship? - Yes.

9212. If it is a flat line it is a very slow ship, that takes a long time to get across; if it is a very steep line it is a quick ship? - Yes.

The Solicitor-General: Your Lordship sees that on the chart?

The Commissioner: Yes.

The Solicitor-General: You say your ship would not be on that at all? - We are not a regular ship.

9213. You do not go a regular journey backwards and forwards? - No.

9214. Does that communication chart enable a man to judge when it is likely that he will get

within speaking distance of the different vessels in the Atlantic? - It is simply to give the operator an idea what ships to expect. There is one thing I would like to mention. When the ship is stopped and the dynamos are not going it does not mean that the machine is useless, because I have storage batteries as well. If the ship was going down I should not be able to use the ship's power. I have my own storage batteries.

9215. You are speaking now of what was probably happening on the "Titanic"? - Yes.

9216. You have storage batteries as well as dynamos? - Yes.

9217. Supposing the dynamos on a ship like the "Titanic" stopped and you could not use the current which they make, you would then have recourse to your storage batteries? - Yes.

9218. Would they be as powerful? - The storage batteries are not so powerful, no, but I have got 200 miles with them.

(The Witness withdrew.)

The Solicitor-General: From the "Californian" there is this donkeyman, Gill, who is not here at present, and who gave evidence in America. I have three or four other "Californian" witnesses, but it does not appear to me they would add anything.

The Commissioner: Of course, I do not know what they have got to say; you must exercise your discretion.

The Solicitor-General: I have done my best to decide whether they would, from any point of view, add anything, and I do not think so, and therefore we do not propose to call any more unless Mr. Dunlop wants them.

The Commissioner: Do you want any more, Mr. Dunlop?

Mr. Robertson Dunlop: No, my Lord, I do not think they add anything.

The Solicitor-General: What should the "Californian" witnesses do?

The Commissioner: As far as I am concerned, they may go. I do not want them. I do not suppose anyone else does. Do you want them, Mr. Dunlop?

Mr. Robertson Dunlop: No.

The Commissioner: Very well, they may go. They are going to sea. I understand.

Mr. Robertson Dunlop: Yes, they are sailing on Saturday.

The Commissioner: I do not think it is necessary to keep them.

JAMES HENRY MOORE

Examined by Mr. BUTLER ASPINALL

9219. Do you hold a master's certificate? - Yes.

9220. On the 14th of April were you master of the "Mount Temple"? - Yes.

9221. Is she one of the Canadian Pacific Railway fleet? - Yes.

9222. What size is she? - 6,661 tons register.

9223. And on what voyage was she? - West.

9224. What voyage - where was she going? - West, on our sixty-second voyage west.

9225. Is she fitted with a Marconi installation? - Yes.

9226. On the 12th April did you receive a message from the "Corinthian" informing you that there was ice? - On the 13th April.

9227. Where was that ice? - 42° 15' N. and 49° 48 W.; 41° 25W' N., 50° 20' W.

9228. In consequence of that information did you alter your course? - I did.

9229. When you got that information what course were you on? - About S. 65° W.

9230. And in consequence of that information to what did you alter your course? - Just a little to the southward of that, because I went straight down to 50° W.; instead of going down to 52° and 47° W., I went down to 50° W. and 41° 20' N.

9231. Why did you make that alteration in your course? - On account of the ice being there.

9232. You thought it safer to do so? - Safer to do so; yes.

9233. Now, I want to take your mind on to Sunday evening or rather Monday morning, the 15th April. On the early morning of the 15th did you get information from your Marconi operator in connection with the "Titanic"? - Yes.

9234. What was the information he gave you? - That the "Titanic" was sending C.Q.D. signals saying she was in distress and had struck an iceberg and wanted assistance.

9235. I think telling you that the "Titanic's" position was 41° 46' N., 50° 14' W.? - The first position I got was 41° 46' N., 50° 24' W. It was afterwards corrected to 41° 44' N. and 50° 14' W.

9236. In consequence of that information, did you proceed towards that position? - I immediately turned the ship round and steered east.

9237. At that time was your ship in ice or not? - No. I had not seen any ice at all up to that time.

9238. Later on, I think, about 3.25, did you meet pack ice? - Yes; I had met scattered ice before that, but that was the time I met the heavier ice.

9239. I think from that time onwards you continued to meet heavy ice? - Oh, yes.

9240. And at about daylight did you come up to the position? - In the vicinity of that position.

9241. In the vicinity of the position you had been given? - Yes.

9242. Did you see any signs of wreckage? - None whatever.

9243. And were you as you were proceeding to get there getting messages from various steamers as to this disaster? - Yes.

9244. And I think shortly before 8 a.m. you came in sight of the "Carpathia" and the "Californian"? - Yes.

9245. Now I want to ask you with regard to two matters I think you mentioned in your evidence in America. Whilst you were on your way to the position which had been given to you as to the disaster of the "Titanic," did you fall in with a small schooner? - Well, I could not say it was a small schooner or a large one. I simply saw the green light of a sailing vessel.

9246. I want you to tell me a little more about it. At what time was that? - Shortly after 3 o'clock.

9247. How far do you think you were from the place where the "Titanic" foundered? - At that time?

9248. Yes? - I should think about 15 or 16 miles.

9249. Were you on your bridge at the time? - All of the time.

9250. You saw a green light? - Yes, of a sailing vessel.

9251. Did you see the ship herself? - Not at all; it was dark.

9252. You could only see the green light, and I suppose beyond that you know nothing more about the schooner? - No.

9253. Later on did you see a light or lights of any other vessel? - I had seen the lights of a vessel proceeding the same way, but steering a little more to the southward than mine; I could see a stern light.

9254. At what time was that? - Shortly after we turned round.

9255. That is earlier than this. About what time was that? - Say one - between one and half-past one.

9256. You only saw a stern light? - We saw a stern light, and then the masthead lights as she

was crossing our bows to the southward.

9257. Beyond that you know nothing of her? - I saw her afterwards in the morning, when it was daylight. She was a foreign vessel - at least, I took her to be a foreign vessel. She had a black funnel with a white band with some device upon it, but I did not ascertain her name.

9258. How are you able to say that the vessel that was showing you a stern light was the vessel you saw at daylight? - We saw her all the time.

9259. You kept her under observation? - Yes.

9260. Was she going west? - She was going east.

Examined by Mr. SCANLAN.

9261. Have you instructions from your company as to what to do when you meet ice? - We are not to enter field ice under any conditions.

9262. Just tell us what your instructions are? - I have not got them here; they do not happen to be in these sailing orders although I have them. Those instructions we usually get that we are not to enter field ice, no matter how light it may appear.

9263. Not even in daylight? - At any time. We are not to enter field ice at any time, no matter how light it may appear.

9264. When you got warning there was ice ahead, what precautions did you adopt? - I simply steered down. I went down further to the southward.

9265. Did you decrease your speed? - Not at all; it was daylight.

9266. What is your highest speed? - About 11 knots.

9267. Do you make any change in the lookout? - If we expect to see ice we always double the lookout.

9268. On this occasion, in daylight, when you were warned there was ice ahead, did you double the look-out? - No, because I made sure I could pass that ice.

9269. At night, even going at 11 knots, do you double the look-out? - No, unless we expect to see ice.

9270. If you expect to see ice, do you double the look-out? - Oh, yes.

9271. When you double the look-out, just explain to my Lord what you do? - Put an extra hand on the fore-castle head, besides the look-out in the crow's-nest.

9272. In ordinary circumstances have you two men in the - Only one.

9273. And one on the fore-castle head? - Yes, or on the forward bridge. We have a look-out on the forward bridge.

The Commissioner: Not in ordinary circumstances.

9274. (*Mr. Scanlan.*) No. (*To the Witness.*) In ordinary circumstances have you any man stationed at the fore-castle head? - No.

9275. Supposing there was ice ahead of you, would you double the look-out? - Certainly.

The Commissioner: I think you will have to give up that evidence.

Mr. Scanlan: I think your Lordship will observe that I want to make this point, that in any circumstances of danger there should be a look-out man on the fore-castle head as well as in the crow's-nest.

The Commissioner: I understand that point.

9276. (*Mr. Scanlan - To the Witness.*) Supposing there happened to be a haze ahead, would you then put a look-out man on the fore-castle head? - Yes.

9277. Would you diminish your speed if there was a haze ahead? - Not without it was so thick that we could not see a safe distance ahead.

9278. What lifeboats do you provide? - We had 20 lifeboats when we left London.

9279. And how many passengers? - 1,466; I believe that is about the number.

9280. And how many crew had you?

9281. (*The Commissioner.*) How many people altogether had you on board? - About 1,609; that is the crew and passengers.

The Commissioner: I did not hear how many passengers and how many crew.

9282. (*Mr. Scanlan.*) He said 1,466 passengers, my Lord. (*To the Witness.*) And what is the total of the crew? - 143 of the crew; that makes 1,609 altogether.

9283. Now, what is the capacity of each of your lifeboats? - On an average about 49 persons.

9284. You have lifeboat accommodation for 1,000? - Yes.

9285. And that is the extreme? - That is the extreme.

9286. Have you not increased your lifeboat accommodation? - We are increasing it now.

9287. What kind of boats are you supplying? - The ordinary lifeboats.

9288. (*The Commissioner.*) Where are you registered? - In Liverpool.

9289. Then I suppose you comply with the Board of Trade regulations? - Yes, my Lord.

9290. (*Mr. Scanlan.*) You are supplying now additional lifeboats? - Yes.

9291. Is that with a view of providing lifeboat accommodation for every soul on board? - Yes.

9292. Explain what class of boats you are providing? - Ordinary wooden lifeboats, and also the Berthon boats - at least, not Berthon boats but the semi-collapsible boats.

9293. Not the Englehardt? - I believe they are to be Chambers boats - a great number of them are to be Chambers boats, and then we will have two or three Berthon boats.

9294. Are the lifeboats sufficiently stout in their construction to live through a heavy sea? - Yes; they are approved by the Board of Trade.

9295. (*The Commissioner.*) That may be a different thing. Are those lifeboats, in your opinion, of any use in a rough sea? - Oh, yes, my Lord.

9296. Because we have been told by other people that the lifeboats on the "Titanic" would have been of no value in a rough sea? - I believe my lifeboats are well built, and they are very buoyant; and they would be able to live in almost everything, my Lord.

9297. It is not so much living; it is getting down from the deck to the water with a vessel rolling or pitching, or whatever it may be. Is it a practical thing to get these lifeboats down from the deck to the water with a ship standing 90 feet above the water? - I should say it is a very dangerous operation, because if there was any rolling of the ship and the boat came back against the ship's side, I am afraid there would not be any boat left, not at that great height.

9298. (*Mr. Scanlan.*) Even with a swell on, a fairly heavy roll, could not you lower your boats from the boat deck of the "Mount Temple"? - We could lower them down, but if the ship was rolling very heavily, you can understand, if the ship was swinging, the boats would come with a heavy swing against the ship's side.

9299. For strength and durability how do your lifeboats compare with the coastguard lifeboats? - I cannot say; I never examined any of them.

9300. But you are aware that in great storms these boats go out to the rescue? - Yes.

9301. You do not know anything of the construction of those? - No.

9302. Or how yours compare with them? - No.

9303. In order that a lifeboat may be serviceable in a disturbed sea, have you any suggestion to offer as to any method of safely lowering them or taking passengers from a lower deck than the boat deck? - The better plan would be if there is no motion in the ship to take them at the lower deck, because if you put too many people in the boats they are bound to break the boat down.

9304. The back of the boat might break? - The centre will break with a heavy weight. The boat is hung by the two ends.

9305. At what lower deck could the people be taken? - In a ship like the "Titanic," I believe

she has doors; the passengers could be taken from there.

9306. Yes, she has doors on the third class deck; but how would you get the passengers lowered from those doors into the boat? - If the doors were in a line with the boats they could easily pass through the doors into the boats.

9307. Do you think it would be a practical suggestion to lower the boat from the boat deck practically empty, and to have your passengers on the third class deck, and to have them let down from the third class deck into the boat? - If the weather permits, and it is practicable.

9308. Could that be done in rough weather? - I do not think so.

9309. Then you have no suggestion as to what could be done to save passengers in rough weather? - No.

Examined by Mr. HARBINSON.

9310. Does ice at sea give any other indication of its approach beyond a coldness in the atmosphere? - In certain cases the atmosphere appears luminous on the horizon.

9311. As a matter of fact, does a haze usually envelop an ice-field? - Not usually.

9312. You said you heard on the morning of the 15th from your operator about the "Titanic" signals? - Yes.

9313. What time did you hear? - 12.30 by my clock.

9314. How many operators have you on board? - One.

9315. He had not turned in at the time? - He had turned in, but he had his ear-pieces on at the time.

9316. He had not divested himself of them. Now would you consider it safe in the neighbourhood of an ice-field, provided your boat had the power, to go ahead at 21 knots an hour? - It would be most unwise to go that speed at nighttime.

Examined by Mr. HOLMES.

9317. Out of the crew of 143, how many were officers? - We had 4 officers.

9318. Four officers under you? - Yes.

9319. And what watches did they keep? - Double watches when near land or in the ice track.

9320. What length of time would that mean? - Four hours on and 4 hours off.

9321. Throughout the day? - Yes, that is when we are in the vicinity of ice or in the vicinity of land.

9322. And in mid-ocean? - We keep single watches.

9323. Four hours on and 8 hours off? - Yes.

9324. You have been asked about the power of these boats to live in the sea. Do you know that recently, when the crew of the "Chesapeake" had to take to their boats, they were for 7 days in mid-Atlantic in their lifeboats? - I had not heard of it.

9325. May we take it that you are increasing your lifeboat accommodation beyond the Board of Trade regulations because you consider those regulations are inadequate? - We are putting sufficient boat accommodation in for all the passengers that we shall carry.

9326. Is that because you consider the present Board of Trade regulations are inadequate? - That is right.

Examined by Mr. CLEMENT EDWARDS.

9327. What in your view is the right number of men for manning a lifeboat capable of holding

70 people? - You ought to have at least four seamen in it.

9328. When you say four seamen, do you mean four A. B.'s? - No, seamen. We could put firemen in there. Very often firemen can pull a boat just as well as a sailor.

9329. You say four seamen. What number of other hands do you think in addition? - Those are sufficient for the oars and one officer; someone to take charge of the boat, some petty officer or certificated officer which ever boat it is.

9330. One qualified officer and four seamen who are capable? - I do not say a qualified officer; I say a petty officer; it may be a certified officer or a petty officer.

Examined by Mr. COTTER.

9331. When you left London on your last voyage did you have any boat drill before you left? - Not before we left.

9332. You had no boat drill at all? - No, not before we left.

9333. Was there a Board of Trade Surveyor there? - We passed the ship on the 27th of March; the Board of Trade passed her on that date, the 27th March, 1912.

9334. Did the Board of Trade Surveyor examine the boats at all? - Yes.

9335. Did he see one swung out and lowered? - I cannot say; I was not on board. I was away home. I live in Liverpool.

9336. You are speaking of a boat that holds 49? - Yes.

9337. And you say four seamen would be sufficient for that. How many seamen would be required for a boat which would hold 68?

The Commissioner: I thought he answered that.

9338. (*Mr. Cotter.*) He was speaking of a boat with four oars, I think? - Yes.

The Commissioner: He answered the question with regard to a boat holding 70.

9339. (*Mr. Cotter.*) You were not speaking of a boat which would hold 70? - No, 49.

The Commissioner: Then I mistook the question which you put, Mr. Edwards. Did not you put a boat which held 70?

Mr. Clement Edwards: Yes, evidently I did not make my question perfectly clear.

The Commissioner: It was perfectly clear to me.

9340. (*Mr. Cotter - To the Witness.*) A boat that would hold 68 people would require a larger number of seamen? - Yes; I should put six men in a boat like that.

9341. (*The Commissioner.*) I want to understand this. Supposing the sea was quite smooth and the question was about saving the passengers, I suppose the more crew you put into a boat the less passengers you could put in? - That is true.

9342. If the sea were perfectly smooth, would you then in order to save more passengers put in a less crew? - Certainly, my Lord.

9343. (*Mr. Cotter.*) Is it not a fact that a boat that will carry 68 people will require nine? - You can have six at the oars and an officer in charge.

9344. There are four seats in the "Titanic" boats? - You want to save passengers. If you are in a cargo steamer and you are only saving your crew, then you will have so many men allotted to these boats; you will have so many firemen, and so many seamen, and so many stewards, and so many engineers.

9345. Is it not the fact that you have the same thing in the first class passenger liners if you have proper drill? - That is quite right.

9346. Do you have bulkhead drill? - We have no doors in our bulkheads. We have no doors in them except in the engine room in the tunnels. There are two watertight doors there.

9347. Only down below in the tunnel? - Yes.

9348. And she carries how many passengers? - I have had 1,800 people in her.

9349. 1,800 people? - Yes, passengers.

9350. (*The Commissioner.*) It was 1,600 before? - I have carried over 1,800 passengers.

9351. (*Mr. Cotter.*) What is the deck you have your bulkhead doors in? - The main deck.

9352. You have them along the main deck? - No, we have no bulkhead doors at all. They are solid. We have bulkheads rising to the main deck.

9353. But you have entrances through them? - No, we have not.

9354. How do the people get along the deck? - They cannot get through there; they have to come up.

9355. (*The Commissioner.*) They have to climb up over the top of the bulkhead? - We have ladders up there. When we have steerage passengers there they must go up on to the main deck. We have no doors through the bulkhead at all.

9356. (*Mr. Cotter.*) They have to climb right over the top. As a matter of fact, they have to go upstairs to go downstairs? - They have to live downstairs, and what need is there to go up and then down again?

9357. Take the main deck. She has other decks besides the main deck? - Yes.

9358. But go along the main deck - ? - We have a sheltered deck. We have only three decks, we have not got nine, and the three decks are the ones which have bulkheads, and those bulkheads have no doors in them except down in the engine room in the tunnels.

Examined by Mr. LEWIS.

9359. Do you consider that a good plan - a bulkhead of that description? - I do.

9360. Do you know if the look-out men's eyes are tested in any way? - Yes.

9361. Who by? - The ship's doctor.

9362. Is that done every voyage? - Yes.

9363. Do you know whether that is a regulation of the Board of Trade? - I am not aware of any.

9364. It is simply for your own satisfaction? - Yes.

9365. On your boats I am not sure whether you have boat drills? - We have boat drills every passage - once every passage.

9366. I understood you to say that you think one officer and four seamen sufficient to man a lifeboat of your size? - That is if you wish to save any passengers.

9367. How many seamen would you say would be required to get the boats ready and lowered? - It just depends how the boats are fixed. With some boats all you have to do is to throw a fender down when your falls are held tight and your boats are shoved right out; it will not take more than two or four men; two men could lower them.

9368. How many A. B.'s have you on your boat? - We have 25 hands on deck.

9369. In a case of emergency how long do you think it would take to lower your 20 boats? - In the case of going back to the "Titanic" we took about an hour to put them all out. That is, the boats that were under the davits.

9370. I did not catch your answer? - We went back to the "Titanic's" assistance. We put all the boats out, with the exception of two. They were all ready for lowering in less than an hour, as far as I could judge.

9371. All ready for lowering? - Yes.

9372. But there would be the question of lowering? - That is not a very difficult thing.

9373. How long do you say it would take to get your boats absolutely ready and put down into the water the whole 20, remembering, of course, that you lose your men as you put them in? -

You would have to get the men there. If that is the case, you could call up the sailors; you could call up your firemen.

9374. In the case of emergency you would call up your firemen to assist you that could be spared? - Certainly.

9375. Did you have your regulation number of A. B.'s on your boat, as required by the Board of Trade? - Yes.

9376. None extra? - None extra - at least, I do not think so.

9377. Do you intend putting on extra men now? - We have more than the Board of Trade calls for.

9378. With these extra boats do you intend to put on extra men? - I do not know; we have 16 able seamen.

Examined by Mr. LAING.

9379. Have you had a long experience in the North Atlantic trade? - Twenty-seven years.

9380. And do you run to Montreal in the summer and St. John's in the winter? - Yes.

9381. Have you ever tried using binoculars for your look-out? - No.

9382. Is that a new idea to you? - Yes, it is.

9383. With regard to yourself, on this voyage did you get a Marconi notice that ice was about? - Yes.

9384. Was it fine clear weather? - Yes.

9385. Did you keep your speed? - I did.

9386. I suppose in time you saw ice? - I saw no ice at all until I went back to the "Titanic's" assistance.

9387. You saw nothing until you turned to go South? - Until I turned to go North and East.

9388. Was the ice further south than you had known it? - I never knew it to be so far south before. Not in my whole experience of 27 years, I never knew it so far South.

9389. And you are constantly running backwards and forwards? - For 27 years.

9390. With regard to your ship, how many passengers can she carry when you are full up? How many are you allowed to carry? - I do not know. There is no limit put on. We were to have taken 2,200 from Antwerp this last voyage.

9391. (*The Commissioner.*) Passengers? - Yes, my Lord.

9392. Then it was contemplated that you might have passengers and crew to the extent of 2,300, or something like that? - Passengers alone, my Lord.

9393. And crew? - We carried, I suppose, about 160 crew.

9394. That would be nearly 2,500? - Yes.

9395. And the lifeboat accommodation would not be increased? - No.

9396. (*Mr. Laing.*) With regard to the look-out, do you put a man on the look-out on the forecastle head in foggy weather? - Yes.

9397. And hazy weather? - Yes.

9398. Weather in which you blow your whistle; is that what you mean? - Even when we do not. When it is really necessary to blow the whistle we always put a man in the crow's-nest, and when we meet ice we put a man forward on the look-out on the forecastle head.

9399. That is in hazy weather? - Yes.

9400. Do you usually carry one man in the crow's-nest? - At nighttime; not in clear weather in the daytime.

9401. In the daytime you do not have a look-out at all? - We have an officer on the bridge.

9402. But you do not have a man in the crow's-nest or one on the forecastle head? - No.

9403. But at night you have, as a rule, a man in the crow's-nest? - Yes.

9404. But, if it is hazy weather, a man on the bow as well? - Yes.

9405. Your instructions seem to be that you are not to enter field ice? - Not to enter it on any account.

9406. You meet constantly field ice on your way to Montreal, do you not? - Yes, but we go round it.

9407. And when you say it is not wise to go 21 1/2 knots - I think your expression was in the neighbourhood of ice - did you mean field ice? - Field ice.

9408. (*The Commissioner.*) And you have never gone through field ice except when you went to the position where the "Titanic" was lost? - No; I did not pass any ice at all.

9409. You never in your life have been in field ice? - Yes, I have been through field ice when I was in other Companies, my Lord, but not with the Canadian Pacific Railway.

9410. Did you consider it was dangerous when you were with the other Company? - Of course, we took every precaution. If it was very heavy, we would not attempt to go through it.

9411. But you did go through it? - We did go through it, but still we would never attempt it if it were heavy. Light scattered field ice we would go through without any trouble.

9412. But with the present company you would not even do that? - We have instructions not to go into field ice no matter how light it may appear. On my voyage before last I went 30 miles south to clear some ice. I saw some ice and went down 30 miles to the south, and I wrote to my Marine Superintendent and told him what I had done and he said I was quite right in doing so, my Lord.

Re-examined by Mr. BUTLER ASPINALL

9413. For what part were you bound? - St. John's, New Brunswick.

9414. At the time you received the information from the Marconi operator that the "Titanic" was sending out messages of distress, what was your latitude and longitude? - 41° 25' N., 51° 14' W.

9415. If so, you were south of the position from which the "Titanic" was sending messages? - Yes. I steered N. 65° E. true, from my position to the position the "Titanic" gave me.

(The Witness withdrew.)

JOHN DURRANT, Sworn.

Examined by the SOLICITOR-GENERAL.

9416. (*The Solicitor-General.*) This is the Marconi operator on the "Mount Temple," my Lord. Your Lordship will find that he has heard a great number of messages going to and from the "Titanic," and he therefore can give us in chronological order a great deal of the story so far as it is told by means of those wireless messages. (*To the Witness.*) Is your name John Durrant? - Yes.

9417. Are you Marconi operator on board the "Mount Temple"? - Yes.

9418. Which was bound, as we know, for St. John's, New Brunswick. Were you the only Marconi operator on board? - Yes.

9419. And in your ordinary day's work what time do you turn in? - Never before 1 a.m. I have a good sleep after the midday meal, and I never turn in before 1 a.m..

9420. You take a time off? - After my midday meal for about three hours.

9421. And then you can keep on working till 1 o'clock in the morning? - Yes.

9422. At what time do you start work the next morning? - Half-past seven.
9423. What is the range of your Marconi installation on the "Mount Temple"? - I get about 150 miles in the daytime, and something over 200 at night.
9424. Why is it that it is more at night? - They say it is the sun's rays cause refraction.
9425. Anyhow it is some scientific reason? - Yes.
9426. I suppose you are on the Ship's Articles of the "Mount Temple"? - Yes.
9427. But are you in the employ of the Marconi Company? - I am.
9428. And does the Marconi Company require you to keep a log? - Yes.
9429. A record of the messages which you send and receive and overhear? - Yes - not overhear.
9430. Only send and receive? - Yes.
9431. I know we are coming to some you did overhear. I think it is called a *proces verbal*? - Yes.
9432. Have you your copy there? - Yes.
9433. You have a copy there of what I have here? - Yes.
9434. Is this the *proces verbal* of the "Mount Temple" which you kept? - Yes, of that voyage.
- The Solicitor-General:* I think the clear course is to ask this gentleman, in order the entries which appear to be significant and important. Of course, there are a great many others, which only confuse them. I will take them out in order of time, if I may, right through.
- The Commissioner:* Can you let me have a copy of that document, or a copy of parts of it?
9435. (*The Solicitor-General.*) I can give your Lordship what has been extracted from it and I think that will be what your Lordship will wish. (*To the Witness.*) When one comes to the 14th April, the Sunday, you were on the American side of the Atlantic, and were you keeping New York time in your records? - I was keeping New York time.
9436. We have been told that to get back to ship's time in the sort of latitude where the "Titanic" struck, you would have to add 1 hour and 55 minutes? - In my case it is 1 hour and 46 minutes.
9437. Then if I add 1 hour and 46 minutes to the time you have written down I shall get what your ship's time was? - Yes.
9438. Before I come to the record which you have kept about the disaster, I want to ask this question. Before you heard anything about the "Titanic" having struck, had you received any warning messages about ice? - Yes; I think it was on the 13th, the day before, from the "Corinthian."
9439. The day before? - Yes. I think it was the 13th. My P. V. will tell you.
9440. I thought it was on Friday, the 12th. Will you look and see (*handing a document to the Witness.*)? - Yes.
9441. I think you will find it is about midnight between the 12th and 13th? - This is when I first had it (*pointing out on the document*).
9442. Did you notice, when you pointed to it, what was the time? - 8.45.
9443. 8.45 p.m. New York time would be the same thing in your ship's time as half-past ten? - No, we were more to the east at that time; it would be later.
9444. At any rate it would be some time in that evening? - Yes.
9445. And some time on that evening - is it on Saturday? - Yes, you will see it at the top.
9446. Saturday, April 13th, you got a message? - Yes; a formal message from the Captain of the "Corinthian" to the Captain of the "Mount Temple."
9447. Was it simply that they had seen ice? - Yes.
9448. And did you report that to the Captain? - Yes, right away.
9449. Except for that message, did you get any other message about ice up to the time you

heard the "Titanic" calling for help? - No.

9450. Now let us take the story in order of time, as you recorded it with the help of your Marconi apparatus. I am going to add 1 hour and 46 minutes to your time, so as to keep your ship's time all the way through? - In this copy I have New York time and ship's time both together.

9451. That is very convenient. Now tell us the ship's time when you first got a message as to the "Titanic" being in distress? - 12.11 a.m.

9452. Just read your account, as you have it there, of that message. - "Titanic" sending C.Q.D. Answer him, but he says, "Cannot read you, old man. Here my position, 41° 46' N. 50° 14' W. Come at once, have struck berg." I advised my captain.

9453. I have before me a document which suggests that he told you he could not read your message. - He did not get my call, but he knew it was somebody calling him, answering his C.Q.D., so he sent his position right away.

9454. That would mean that he told you what the latitude and longitude was? - Yes.

9455. And asked your ship to come at once as he had struck an iceberg? - Yes.

9456. Did you give the message to your captain straight away? - I gave it to the night steward and he took it up.

9457. That is 11 minutes after midnight your time. Is your next entry 10 minutes after that? - Yes.

9458. That would be 21 minutes after midnight? - Yes.

9459. What was it you heard then? - I have got down here, "'Titanic' still calling C.Q.D. is answered by the 'Carpathia' and says 'struck iceberg come to our assistance.' Sends the position."

9460. Does that mean that you could overhear the "Carpathia" answering the "Titanic"? - Yes.

9461. And could you also overhear the message that the "Titanic" was sending to the "Carpathia"? - Yes.

9462. Did you hear the same latitude and longitude repeated by the "Titanic" to the "Carpathia"? - Yes.

9463. That is 12.21. Then five minutes after that, 12.26, is your next entry "'Titanic' still calling C.Q.D."? Have you noted there about that time that you had turned your ship's course? - Yes.

9464. And started to their help? - Yes; that was about 15 minutes after we got the signal. It may have been sooner.

9465. At any rate by that time you had turned round? - Yes.

9466. Then 8 minutes after that, I think that will be 12.34, just over half-past 12? - Yes.

9467. Did you hear the "Frankfurt" answering the "Titanic"? - Yes.

9468. That is the North German-Lloyd boat? - Yes.

9469. Did you hear the "Titanic" giving her position to the "Frankfurt"? - Yes.

9470. Now, have you got your record of what he said? - Yes. "'Titanic' gives position and asks, 'are you coming to our assistance?' 'Frankfurt' replies, 'What is the matter with you?' 'Titanic' says, 'We have struck iceberg and sinking. Please tell captain to come'; and then 'Frankfurt' replied, 'O.K. Will tell the bridge right away.' Then the 'Titanic' said, 'O.K., yes, quick.'"

9471. (*The Commissioner.*) What does "O.K." mean? - All right.

9472. (*The Solicitor-General.*) It spells "Orl korrekt." (*To the Witness.*) That was the first time you had overheard a message from the "Titanic" that she was sinking? - Yes.

9473. Just about 25 minutes to 1? - That is it.

9474. Then following on that, I think another 8 minutes later, did you hear her calling S.O.S.? -

Yes.

9475. Is there any difference from the point of view of urgency between this C.Q.D. call and the S.O.S call? - Myself, I should say that C.Q.D. would be more quickly jumped at than S.O.S.; C.Q.D. got a good name in the time of Jack Binns, and the public know C.Q.D. is a distress call.

The Commissioner: Can you tell me what it means?

The Attorney-General: Yes. "Save our souls."

9476. (*The Solicitor-General.*) They are both used, are they? - Yes.

9477. As I understand, you heard the "Titanic" about a quarter to 1 sending both signals? - Yes.

9478. After that could you hear the "Titanic" talking to these other ships? - Yes, she was calling the "Olympic."

9479. When was she calling the "Olympic"? - 12.43 ship's time.

9480. (*The Solicitor-General.*) If your Lordship has a copy corresponding to mine - I think you have - the bottom entry on the first page is "10.57 MGY calling MKC," and "MKC" means the "Olympic." (*To the Witness.*) What is the time equivalent to? - 10.57 is 12.43.

9481. Now tell us your next entry? - The "Caronia."

9482. That is another ship she got in touch with? - Yes, a long distance away.

9483. What was the time you heard her talking to the "Caronia"? - 12.45 ship's time. It is the "Caronia," the Cunard Line.

9484. (*The Solicitor-General - To the Witness.*) You got one a minute later, 12.46. What is that? - "'Titanic' calling 'Virginian' and C.Q.D."

9485. That is the Allan Line, the "Virginian"? - Yes.

The Commissioner: This boat, the "Mount Temple," was never in a position to render active assistance.

The Solicitor-General: It was 49 miles away, and it was making for her.

The Commissioner: She could not possibly have reached her.

9486. (*The Solicitor-General.*) No, not possibly. She was doing her best. (*To the Witness.*) If you had broken in and tried to talk to the "Titanic" yourself, you would only have interrupted her talking to other people? - I should.

9487. So you keep it and only listen? - Yes, I never said a word after I got his position.

9488. And you told your captain of the "Mount Temple" the place, and then you spent your time in recording what you could hear? - Yes, that is the first rule in wireless telegraphy to avoid interference.

9489. (*The Commissioner.*) And all this time you were making your way towards the position of the "Titanic"? - Yes, the captain had doubled the watch down below.

9490. (*The Solicitor-General.*) Now pass on to the next entry I think you have got a record of the "Titanic" speaking to the "Olympic"? - Yes.

9491. What time is that? - 1.6 ship's time. "'Titanic' is answered by the 'Olympic' and tells him 'Captain says, 'Get your boats ready,' going down fast at the head.'"

9492. That is six minutes past 1? - Yes.

9493. "Captain says, 'Get your boats ready, going down fast at the head.'"? - Yes.

9494. You notice that message which you hear is within a few minutes of an hour from the time when you had first heard the "Titanic's" C.Q.D.? - Yes.

9495. Six minutes past 1. Then five minutes after that, 1.11, did you hear a message from the "Frankfurt"? - Yes.

9496. Just read it? - "Our Captain will go for you."

9497. That is the message sent to the "Titanic"? - Yes.

9498. And the next one? - Two minutes afterwards the "Titanic" was working the "Baltic."

9499. I think that is the first time we have mentioned the "Baltic," is it not? - Yes.

9500. That is 13 minutes past 1? - Yes.

9501. You have a record of that going on again three minutes later? - Yes.

9502. Now, 1.21 is it not? - 1.21. "'Olympic' sends M.S.G. to 'Titanic.'"

9503. Read that? - I did not take that. That was an official message which I am not supposed to take.

9504. At any rate you could hear the "Olympic" was sending messages to the "Titanic"? - Yes; it was an official message, something about lighting up all boilers.

9505. You could hear it was something of the sort? - Yes.

9506. We have independent evidence that that message was sent. The Captain of the "Olympic" sent a message they were lighting up every boiler and making for her as fast as they could. Did you hear the reply of the "Titanic" at 1.21? - Yes.

9507. What was it? - "We are putting the women off in boats."

9508. Then six minutes after that, at 1.27 - what was it you heard at 1.27? - "'Titanic' calling C.Q.D. says 'engine room flooded.'"

9509. And two minutes after that, 1.29? - Yes.

The Commissioner: Can you indicate to me where the water which is referred to here would be?

9510. (*The Solicitor-General.*) My friend Sir Robert Finlay suggests to me that I perhaps should ask the witness to look at the record to be sure he has got the actual words. (*To the Witness.*) Have you got your record there before you for 1.27? - Yes.

9511. Just read it exactly as it is? - You mean what I have in my log?

9512. Yes? - "'Titanic' calling C.Q.D., says 'engine room flooded.'"

The Commissioner: That is what you read to me just now.

9513. (*The Solicitor-General.*) Yes. Let us follow what that means. (*To the Witness.*) Was it a message that was being sent by the "Titanic" to any particular ship, or was it being sent all the way round? - It was a general call, I take it.

9514. A general message? - Yes. When she took up the "Olympic" or the "Baltic," it was just "C.Q.D. engine room flooded."

9515. Just like when a ship sends C.Q.D. to anybody in call, so they sent that message to anybody in call? - Yes.

9516. Up to that time, except the C.Q.D. and S.O.S. message, had all the messages been addressed to particular ships? - No, he only sent one official message - no, he never sent any official message. The "Olympic" sent one to him.

9517. And when you say the message was "engine room flooded," does that mean you heard the word "engine" and the word "room" spelt out? - Yes; no abbreviation or code, or anything. Your Lordship will remember there are two engine rooms. The one where Mr. Asquith has the pointer is the more forward of the two - the reciprocating engine room, which drives the port and the starboard shaft.

The Commissioner: Then comes the turbine.

The Solicitor-General: Yes, behind that.

The Commissioner: And behind it, again, is the dynamo?

The Solicitor-General: Yes.

The Commissioner: Do I understand from this Marconi operator that the water had by this time found its way aft very considerably?

The Solicitor-General: Assuming the message was accurate.

The Commissioner: Did this message come by any code word?

9518. (*The Solicitor-General.*) I will ask him, my Lord. I understand not. (*To the Witness.*) Is

there any single code word for "engine room"? - No; it was spelt out letter by letter. There was no abbreviation or code word in the message.

9519. (*The Commissioner.*) This was spelt out just as we read it here? - Yes.

9520. "Engine room flooded"? - Yes.

9521. (*The Solicitor-General.*) That is 1.27, your time? - Yes.

The Commissioner: This is a little more than half an hour before the ship disappeared.

9522. (*The Solicitor-General.*) I do not know how much correction would be necessary from the point of view of time. I thought one might perhaps ask him. (*To the Witness.*) Of course your ship was getting nearer to the "Titanic" all that time? - Yes.

9523. And she had been steaming towards the "Titanic" for an hour? - Yes, since 12.26, I have here.

9524. Since 12.26 and this is 1.27? - Yes.

9525. She had been steaming towards her for just an hour? - Yes.

The Commissioner: You are giving us New York time, are you not?

The Solicitor-General: No, my Lord, all the way through I am correcting the New York time to the ship's time, that is to say to this ship's time.

The Commissioner: The black figures printed here are New York time?

The Solicitor-General: Yes.

The Commissioner: And the figures I am marking as you go along are ship's time?

The Solicitor-General: Yes. I have no doubt they did not correct the ship's time while rushing to the assistance of the "Titanic," but it is the ship's time of the "Mount Temple" at the time she gets the C.Q.D. message.

The Commissioner: It would make very little difference surely; there would not be much difference.

9526. (*The Solicitor-General.*) No. (*To the Witness.*) What did you do on the "Mount Temple" to correct your time? Is it corrected at noon? - Yes, and I believe it is put on or back some time at night about 10, but that does not affect me at all.

9527. No, of course not. I quite understand. I think your Lordship will find if we have to go into it that the "Olympic" also received this message. I have here the print, and my record is that the "Titanic" says to the "Olympic," "Weather is clear and calm, engine room getting flooded." (*To the Witness.*) Just look in your record and tell me whether at this time you have any record of the "Titanic" saying anything about the weather? - No, I remember distinctly the "Olympic" asking him, "Captain says how is the sea around there?" and he replied, "Sea calm."

9528. Have not you got that down? - I have that after the "Engine room flooded."

9529. Within two minutes after? - Yes.

9530. And that is a message to the "Olympic"? - Yes.

9531. So that you have recorded within two minutes two statements which the "Olympic" has got recorded as happening at the same time? - Yes.

The Commissioner: I suppose the "Olympic" would get this message, "engine room flooded"?

The Solicitor-General: It is recorded by the "Olympic," my Lord.

The Commissioner: I thought it was a general message.

The Solicitor-General: Yes, it is sent out to anybody who can hear it.

The Commissioner: And he heard it?

9532. (*The Solicitor-General.*) I was not quite accurate in saying the "Olympic" had recorded it. I do not know whether she did or not. What I was looking at was the corresponding *procès-verbal* of the "Carpathia" and the "Carpathia" has got a record that they heard the "Titanic" answering the "Olympic" and saying, "weather is clear and calm. Engine room getting flooded," (*To the Witness.*) You cannot tell, I expect, whether it was "engine room getting flooded" or

"engine room flooded"? - I took particular care to get all these messages absolutely correct.

9533. You think that is quite correct? - I have it here, and I think it is correct too, "'Titanic' calling C.Q.D., says 'engine room flooded'." And answering the "Olympic's" question, he said, "sea calm."

9534. That takes one down to 1.29? - Yes.

9535. Now, two minutes after that, 1.31, did you hear the "Frankfurt" sending a message? - Yes, he asked, "Are there any boats around you already?"

The Commissioner: Is that 1.29 or 1.27?

9536. (*The Solicitor-General.*) 11.41 is the same as 1.27 and 11.43 is the same as 1.29; and 11.45 is therefore the same as 1.31. I was taking them in order, I think. There are three, I am taking the third of those. At 1.31 what was it you heard the "Frankfurt" saying to the "Titanic"? - "Are there any boats around you already?"

9537. Did the "Titanic" make any reply? - No.

9538. Two minutes after that again, 1.33, did you hear the "Titanic" send a further message? - No, I heard the "Olympic" send a message to the "Titanic"; the "Titanic" acknowledged it.

9539. The "Titanic" acknowledged it? - Yes.

9540. I had better ask you now: is that the last message that you heard from the "Titanic"? - Yes.

9541. What is the time? - 11.47 New York time, that is 1.33.

9542. 1.33 your ship's time? - Yes.

9543. (*The Commissioner.*) You do not know what that message was, the 1.33 message? - I did not take it, but it related to "are you steering south to meet us." It was a message after that description.

9544. That was a message from the "Titanic"? - From the "Olympic" to the "Titanic" asking if he was steering southward to meet him - an official message.

9545. And then you said that the "Titanic" acknowledged it. I want to know whether you hear what the "Titanic" said? - Simply "R.D." which is the code word for "received."

9546. Simply "R.D." acknowledgment? - Yes.

9547. But not saying anything? - No.

9548. (*The Solicitor-General.*) That is the last message that you hear from this ship. Could you tell at all during this time whether the messages from the "Titanic" were getting fainter? Did you notice that? - No, not in the least.

9549. You were getting nearer to her? - Yes. Allowing for my getting nearer they never got weak at all.

9550. They did not get weak at all, as far as you could see? - No. I presume the flooding of the engine room put the wires out of commission.

9551. (*The Commissioner.*) The flooding of the engine room did what? - Put the wires out of commission, my Lord.

9552. (*The Solicitor-General.*) If the dynamo which is usually employed for the Marconi is not available, have you got any storage batteries? You have, have you not? - Yes.

9553. Is it usual to have storage batteries? - Yes.

9554. Are the storage batteries kept in the Marconi operator's room? - Yes.

9555. That is high upon the ship? - Yes.

9556. Would he need to change over to get to the storage batteries, or would they come on automatically? - He could do it in a minute.

9557. He could do it at once. Do storage batteries send out as strong a message as the dynamos? - No.

9558. Much weaker? - Yes.

9559. That is 1.33. Then, I think, it was eight minutes after that, that is 1.41, that you heard the "Frankfurt" and the Russian ship the "Birma" calling the "Titanic"? - Yes.

9560. And still there was no reply? - No reply.

9561. At 1.56, four minutes to two, did you hear the "Olympic," the "Frankfurt," and the "Baltic," all calling the "Titanic" and no reply? - And no reply.

9562. Then what is your next entry? I think it is just a quarter of an hour later? - Yes, 2.11, "Birma" tells "Frankfurt" he is 70 miles from "Titanic."

9563. This is the "Birma," the Russian ship? - Yes.

9564. "Birma" tells "Frankfurt" he is 70 miles from the "Titanic"? - Yes.

9565. Just give me the next two; I think they are important? - 2.36 I have "All quiet now."

9566. That is your record? - Yes, "Titanic" has not spoken since 11.47 p.m."

9567. That means 1.33? - Yes.

9568. That was your record? - Yes.

9569. And then the next one? - 3.11.

9570. Who is this from? - "Carpathia" calls "Titanic" and says "If you are there we are firing rockets."

9571. Just read the next two; I think we must have them? - 3.26 "Carpathia" calling "Titanic," no reply." 3.44 "Birma" tells "Frankfurt" that he thinks he hears the "Titanic," so calls him and says, "Steaming full speed to you, shall arrive you six in morning. Hope you are safe. We are only 50 miles now."

9572. Then I think two minutes after that you heard the "Carpathia" calling for her again? - Yes.

9573. And then an hour later I see you have an entry, 4.46, that is a quarter to five in the morning, "All quiet. We are stopped amongst pack ice." That is to say the "Mount Temple" was? *The Commissioner:* Which is the first message from the "Californian"?

9574. (*The Solicitor-General.*) I think, my Lord, the first message from the "Californian" in your copy would be numbered 3.25. Just run your eye down. Is not that right? - Yes.

9575. Let us take it down to that point. You have given me the "Carpathia" calling out at 3.46., then 4.46 "all quiet; we are stopped amongst pack ice." That meant the "Mount Temple" is. Then at 4.51 you heard the "Birma" and the "Frankfurt" working.

The Commissioner: I think the first is 3.25.

9576. (*The Solicitor-General.*) The next one, 3.20, what is that? - They are still working.

9577. And now the next one? - 3.25, were the "Californian" calls.

9578. What does that correspond to? - 5.11.

9579. That is it. What is it you say? - "Californian" call C.Q. I answer him and tell him the "Titanic" has struck an iceberg and sunk, and give him her position.

9580. That was 5.11 by your time? - Yes.

9581. (*The Solicitor-General.*) Your Lordship will remember the "Californian" operator. (*To the Witness.*) Now, does C.Q. simply mean a general call round? - All stations.

9582. So that anybody within range may pick it up and answer it? - That is one of the reasons they altered the distress call.

9583. Because "C.Q." is so easily confused with "C.Q.D."? - Yes.

9584. You have not, I think, got it recorded; do you remember what it was the "Californian" operator asked you at 11 minutes past 5? - He called "C.Q." That was all. He never asked any question at all.

9585. Then you got into touch with him? - Yes.

9586. And you told him the "Titanic" had sunk? - Yes.

9587. And sent him its position? - Yes.

9588. And then I see you have it recorded 15 minutes later, that is at 5.26, that you heard the "Californian" speaking to the "Frankfurt," and the "Frankfurt" sent him the same information? - Yes.

9589. (*The Solicitor-General.*) That exactly corresponds my Lord. (*To the Witness.*) I think you heard about 8 o'clock in the morning, your ship's time, from the "Carpathia," that she had rescued - ? - Twenty boat loads.

9590. And, of course, as we know, your ship did her best, but could not get to the spot in time? - No.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,

BUCKINGHAM GATE,

Thursday, 16th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

NINTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son),

watched proceedings for the Canadian Pacific Railway Company.
MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS. M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

The Solicitor-General: My Lord, the witness, Mr. Durrant, the Marconi operator, has given all the evidence which I had in mind to ask him, and he is available here if there is anybody else who would wish to ask him questions; I do not know whether there is.

Sir Robert Finlay: I do not think so.

Mr. Clement Edwards: I was going to ask the witness two questions.

JOHN DURRANT, Recalled.

Examined by Mr. CLEMENT EDWARDS.

9591. You said last night that at 5 minutes past 11 you got a general inquiry from the "Californian" and in reply you said the "Titanic" had struck an iceberg and had sunk. Had you been told by anyone that she had sunk, or was it your own conclusion? - Well, it was 11 minutes past 5, not 5 minutes past 11.

The Commissioner: It was in the morning.

Mr. Clement Edwards: Quite so, my Lord.

The Witness: I came to my own conclusions. More than that I had no official notice from the "Titanic" or any one else that she had sunk.

9592. Now from that time forward, I suppose you were close to your instrument for many hours and you could overhear any messages that were sent. Did you hear any message to the effect that the "Titanic" was steaming to Halifax? - No, there was no such message.

9593. Did you hear any message to the effect that all the passengers had been rescued? - No, not until the "Carpathia" had advised that they had rescued 20 boat loads; they gave no number of the passengers rescued.

The Commissioner: Do you want to ask anything, Mr. Lewis.

Mr. Lewis: Yes, my Lord.

Examined by Mr. LEWIS.

9594. After the "Titanic" had sunk, did you hear any message from the "Carpathia" to the "Birma"? - No.

9595. (*The Commissioner.*) Have you told us all you heard? - Yes.

The Commissioner: He has told us all.

Mr. Lewis: Very well, my Lord.

Mr. Spratt: Will your Lordship allow me to put one question to this witness in the unavoidable absence of my friend, Mr. Roche?

The Commissioner: What is the question?

Mr. Spratt: The question I wish to put is this: Dealing with the statement of this witness that he

picked up at 1.27 a message" Engine room flooded" and the words were spelt out, the question I want to put to this witness is whether there is a code word for engine room in the ordinary course of events and whether there is any significance in the words "engine room" being spelt out, as opposed to the code word which might mean the boiler room, the engine space.

9596. (*The Commissioner - To the Witness.*) Is there any code word for "Engine room"? - No, my Lord.

The Commissioner: That answers that question.

(*The Witness withdrew.*)

The Solicitor-General: There is the witness Rule, who gave evidence on the 10th of May, at the end of the day. My friend, the Attorney-General, examined him. He begins at page 148 and he runs to the end of the day, pages 148 to 153. Your Lordship may remember he was a bathroom steward.

The Commissioner: Yes.

The Solicitor-General: Your Lordship will see there that though he gave evidence answering questions by the Attorney-General, the other Counsel here did not have an opportunity of putting questions to him. We broke off because we were going to call a different class of witness the next morning.

The Commissioner: Yes.

The Solicitor-General: I have him here and perhaps it would be as well if he went into the witness-box now.

The Commissioner: Let him go.

SAMUEL RULE, Recalled.

The Commissioner: Does any gentleman want to ask any question of this witness?

Mr. Scanlan: I should like to ask him one or two questions, my Lord.

Examined by Mr. SCANLAN.

9597. In your evidence a few days ago you said that Mr. Ismay was assisting on the starboard side to get people into the boats? - Yes.

9598. You heard an order given as to the lowering of the first boat from the starboard side, No. 1? - Yes.

9599. Was Mr. Ismay present when that order was given? - He was standing by No. 3.

9600. That was quite close to No. 1? - Yes.

The Commissioner: What do you mean by "quite close to No. 1"? - As far as Mr. Ismay was concerned, it would depend upon where he was standing.

9601. (*Mr. Scanlan - To the Witness.*) Could you indicate where Mr. Ismay was standing on the deck at the time the order was given to No. 1? - At the second boat. (*pointing on the model.*)

9602. (*The Commissioner.*) Do you remember with reference to the second boat where about he was standing, was he at the stern, or at the bow, or at the middle. If you do not remember, say so? - The last I saw of him he was pretty well at the stern, at the after fall.

9603. (*Mr. Scanlan.*) Will you indicate on the model where he was standing? - Yes (*The Witness did so.*)

9604. And where were you standing? - I was just by the end of No. 3, between that and No. 5.

9605. (*The Commissioner.*) You were a boat's length away? - Not quite.

9606. (*Mr. Scanlan.*) At all events he was nearer to No. 1 at the time it was being lowered than you were? - Yes.

9607. When you heard this order given as to the lowering of No. 1, do you know that it had only 5 passengers? - No, No 1 was in the water at that time.

9608. You did not know how many were in it? - No, No. 1 was in the water at that time.

9609. Can you now remember the officer who was on the boat deck giving orders then? - No.

9610. But are you sure it was an officer? - Well, I would not swear.

9611. Are you still satisfied that the boat in which you went away was No. 15? - Yes.

9612. You were asked on the last occasion if a previous witness named Cavell was in the crew of that boat with you. Have you seen him since? - No.

The Solicitor-General: He is here.

Mr. Scanlan: Would it not be well, my Lord, if this witness had an opportunity of seeing him, as there is confusion?

The Solicitor-General: We have him back.

The Commissioner: To identify him.

Mr. Scanlan: Yes.

The Commissioner: Let him come in. You can go on with your questions in the meantime.

9613. (*Mr. Scanlan - To the Witness.*) Did Mr. Ismay give any orders? - No.

9614. He just assisted to help the passengers in? - Yes.

9615. With regard to No. 15 had you a lamp? - No.

9616. I suppose you looked for it? - Yes.

9617. Had you a compass? - Not that I am aware of.

9618. We may take it from you that the crew of No. 15 consisted of seven men? - All in the boat together?

9619. Yes? - There were more than that.

9620. How many seamen were in the boat? - One.

9621. (*The Commissioner.*) What do you mean by a seaman? Do you mean an A.B.? - I could not swear whether he was an A.B.

The Commissioner: I am asking Mr. Scanlan. Do you mean A.B., because one of the witnesses said that he regarded one of the men out of the engine room as a seaman, because he said they could very often handle an oar very well.

Mr. Scanlan: I regard the deckhands, my Lord, as seamen.

The Commissioner: I wanted to understand in what sense you use the expression.

9622. (*Mr. Scanlan - To the Witness.*) When you say there was a seaman in the boat with you, do you mean one of the A.B.'s? - He was a deckhand.

9623. He would be either an A.B. or an ordinary seaman? - Yes.

9624. Besides this seaman, how many of the ship's hands were in the boat, members of the crew? - That I could not say.

9625. I thought you said, in giving your evidence, that when the boat was lowered from the boat deck down to A deck there were six in her? - Yes.

9626. Six of the crew? - Yes.

9627. And, then, do you know any other member of the crew who got into her except yourself? - No.

9628. So that you would have had seven in her? - Yes.

9629. Could you recognise the members of the crew who were in her? - The only ones I can recognise were those in our department.

9630. From your department? - Yes.

Mr. Scanlan: I understand Cavell is here now, my Lord.

9631. (*The Commissioner.*) Very well; now just stand forward. (*Cavell came forward in Court.*) Now, Rule, look at that gentleman? - Yes, my Lord.

The Commissioner: Now what is your question, Mr. Scanlan?

9632. (*Mr. Scanlan - To the Witness.*) Can you recognise Mr. Cavell here as one of the boat's crew who were in No. 15 with you? - Yes.

9633. He was? - Yes.

9634. Are you still satisfied on your recollection of what happened on that night that you took in on A deck 60 men, male passengers? - 60? That I would not swear to.

9635. How many male passengers did you take in? - That I could not say.

9636. I thought you were very emphatic on the last occasion that all told in your boat, No. 15, you had 68 persons? - That was the count in the morning - 65 to 68.

9637. And that you had taken in four women and three children? - Yes, when I was there.

9638. Now if you had seven of a crew, that would leave 61 persons in the boat, and of these seven were women and children - four women and three children. At all events, you had 55 additional passengers? - Yes.

9639. Is it still your opinion that those 55 were all male passengers?

The Commissioner: To make your arithmetic correct it would be 54.

The Solicitor-General: Yes, that is right.

9639a. (*Mr. Scanlan.*) Yes, my Lord, 54. I thank your Lordship. (*To the Witness.*) Were these all male passengers? - No, I made a mistake there.

The Commissioner: I cannot hear what he says.

9640. (*Mr. Scanlan.*) He says, "I made a mistake there." (*To the Witness.*) Will you explain to my Lord what mistake you did make? - I just counted the women I helped into the boat and the children. The others I did not see.

The Commissioner: What am I to understand now, because up to this time there has been a flat contradiction, as I understand, between this witness and that other man?

Mr. Scanlan: That is so, my Lord.

9641. (*The Commissioner - To the Witness.*) Now, then, am I to understand that you think the other man was right? - Yes.

9642. (*Mr. Scanlan.*) Do you mean that when you said the other day that all the others except the seven taken into that boat were men, that is all wrong? - Yes, I made a mistake.

9643. Were they all women? - Principally, I should say.

9644. Are you able to tell my Lord now how many men and how many women respectively you took in at A deck? - I could not say.

The Commissioner: Well, Mr. Scanlan, you are only making confusion worse confounded.

Mr. Scanlan: I think, at all events, it is important to have this discrepancy cleared up.

The Commissioner: Quite; I quite agree with you.

9645. (*Mr. Scanlan.*) I do not wish to leave it entirely here. (*To the Witness.*) Did you count yourself in the morning the total number of persons you had in the boat? - No.

The Solicitor-General: I am sorry to interrupt, but I think it would be as well if that man Cavell went out of Court now.

The Commissioner: Where is Mr. Cavell? He had better retire.

The Solicitor-General: I think he had better go out.

(Cavell left the Court.)

9646. (*Mr. Scanlan.*) Here is what you said when you last gave evidence, in answer to the Attorney-General. I want you to listen to it. You were asked: "Can you give us any idea of how

many of the 68 who went into this boat No. 15 were women and how many were men?" Your answer is: "Four or five women and three children." Then the next question is: "And all the rest men?" and you replied to that, "Yes"? - Yes, that is all the women and children I saw in.

9647. When you stated that all the rest were men, you understood what you were being asked? - I did not see all the men get in.

9648. But you knew that you were being asked as to the number of men, male passengers, who were in the boat? - Yes.

9649. Now, if you have made a mistake, can you explain how you came to the conclusion or can you tell us now how many men were in the boat and how many women? - Well, I took it from what I could see - I was in the bows of the boat - there were most men forward. I could not see the women; the women were in the centre of the boat.

9650. The women were in the centre of the boat? - Yes.

9651. And is it still your evidence that although you did not know the numbers of men and women, the majority of the people in the boat were men? - Yes, as far as I could see.

9652. Is that still your evidence? - Yes.

9653. (*The Commissioner.*) I do not know what you mean by "As far as I could see." I suppose these people were dressed in all sorts of garments? - Yes.

9654. Do you mean you had some difficulty in distinguishing men from women? - You would have at night.

9655. You got to the "Carpathia" at daylight? - Yes, just after the break of day.

9656. It was coming daylight. Had you a difficulty then in distinguishing the men? - Well, no.

9657. (*Mr. Scanlan.*) Did anyone make a count of the passengers? - Yes.

9658. Who did? - A man called Stewart.

9659. (*The Commissioner.*) Do you mean the "Carpathia's" steward? - No, on our boat - the man in charge of the boat.

9660. (*Mr. Scanlan.*) The man called Jack Stewart, and he is a survivor? - Yes.

Examined by Mr. HARBINSON.

9661. Do you remember the Attorney-General asking you before it was lowered - that is No. 15 boat - to A deck, had she taken in passengers at all? - Yes.

9662. And you answered there were no passengers. Now do you remember being asked whether any passengers were standing on A deck at this time when the boat was lowered, and you said, "Yes, there were some." Then the Attorney-General says, "Women and children? - (A.) There were four or five women and children." And then do you remember this: "Did you get those four women and three children into the boat? - (A.) Yes. (Q.) Were there any more?" and did you say, "No, they sent scouts around and shouted out for any more women and children and waited quite a while, but there were no more women and children to be found?" - Yes.

9663. Is that correct? - That is correct.

9664. This was on A deck? - Yes.

9665. Where did they send the scouts? - Round A deck.

9666. How long did it take them sending those scouts round? - About six or eight minutes.

9667. Did they send them to any other deck than A deck? - I do not know.

9668. You do not know? - No.

9669. There was ample time to send them to other decks? - No, there was not.

9670. Was there any great hurry about the launching of this boat? - The officer, I think, was pretty anxious to get her ready because the ship was taking a list.

9671. Who was the officer who sent the scouts around? - I could not say his name.

9672. And it was after the scouts returned that the boat was filled with men? - Some more men got in.

The Commissioner: The boat was filled. Whether it was filled with men or not, we do not know.

9673. (*Mr. Harbinson - To the Witness.*) Well, more men got in? - Perhaps half-a-dozen.

9674. You have told my friend you do not know the exact composition of this crew, the numbers of men and women respectively? - No.

9675. (*The Commissioner.*) What do you mean by half-a-dozen more men got in. Do you say that after the scouts came back only six men got in? - About that.

9676. Then the boat was already full with the exception of those six men? - Yes.

9677. But they had been calling out for women all the time, had not they? - Yes.

9678. And the women had been getting in, and then they sent for more women, and then six men got in. Is that right? - Yes.

9679. (*Mr. Harbinson.*) I understood you to say when the boat was lowered to A deck there were only a few women and children standing round. Listen to this: The Attorney-General asks you, "Were third class passengers standing around on A deck at this time at the place where the boat was lowered to? - (A.) Yes, there was some. (Q.) Women and children? - (A.) There were three or four women and children - four women and about three children?" - That is when I arrived there.

9680. On A deck? - Yes.

9681. And when the boat was lowered to A deck it was quite empty? - Bar the crew that entered from the boat deck.

9682. Except the crew? - Yes, six men.

9683. Then I understand that in answer to my Lord those four women and three children got in there? - When I got in there.

The Commissioner: No; I did not ask him anything about that. I asked him about six men who he says got in after the scouts came back, and apparently they completed the whole boatload.

9684. (*Mr. Harbinson.*) Perhaps I could make it slightly clearer this way, my Lord. (*To the Witness.*) There were only four women and three children, when the boat came down, standing on A deck? - I cannot say; I was not on A deck when the boat arrived.

The Commissioner: If you are going to make it clear do not make a statement yourself, because you were not there, but ask him questions.

Mr. Harbinson: Yes, my Lord, I will do so.

The Commissioner: And elicit from him what the facts are.

9685. (*Mr. Harbinson - To the Witness.*) Is it accurate that when the boat was lowered to A deck you saw four women and three children standing there? - I was not at A deck when the boat arrived at A deck.

9686. You were not? - No.

9687. When you arrived at A deck did you see four women and three children standing there? - Yes.

9688. Were there some men standing there at the same time? - Yes.

9689. Did those women and children get into the boat? - Yes, I helped them in.

The Commissioner: Do not repeat the thing over and over again. We have heard about the four women and the three children over and over again. There is no doubt that they got into the boat.

9690. (*Mr. Harbinson - To the Witness.*) Was it at that time that scouts were sent round the deck? - Yes.

9691. While the scouts were away did any men get into the boat? - No.

9692. (*The Commissioner.*) Then after the scouts came back six men got into the boat? - Yes.

9693. Did any more people get into the boat? - No, my Lord.

9694. Was the boat then launched? - The officer said "lower away"; he was frightened of the falls.

9695. (*Mr. Harbinson.*) Where did you get the crew and passengers all told of 68? - Off A deck.

9696. You do not know how many got in on A deck? - No. They all got in on A deck bar the crew from the boat deck.

9697. All men? - Where from?

9698. A deck? - Yes.

Examined by Mr. CLEMENT EDWARDS.

9699. How long were you taking passengers in from A deck? - I could not really say; perhaps about 15 minutes.

9700. Were they being passed through windows? - No.

9701. Do you say that A deck under boat 15 is an open deck on the "Titanic"? - Yes.

9702. Is it not the fact that on A deck on the "Titanic" the windows come right up to the edge? - Yes (*pointing on the model.*)

9703. *That* is boat 15 (*pointing on the model*)? - Yes.

9704. Then how do you say if the windows come right on to end these passengers were passed in? - They were passed in from A deck.

9705. But A deck comes right up *here*? - Yes.

9706. That is to say the front of A deck is flush with *this*? - Yes.

9707. Do not the windows open? - No; it is a closed in deck.

9708. It is a closed in deck? - yes.

9709. That is what I thought. Now if it is a closed in deck, how do you say that the passengers were passed to the boat? - From A deck.

9710. But how if it is closed in - through the windows?

The Commissioner: The suggestion is, you know, that they could not walk through a sheet of glass. Did they walk through a sheet of glass? - No, Sir.

9711. (*Mr. Clement Edwards.*) There are windows all along there? - Not on A deck.

Mr. Laing: No, there are not.

The Witness: A deck is an open deck.

The Solicitor-General: You will find windows on the next deck.

9712. (*Mr. Clement Edwards.*) Then it is wrong information I have? - The windows are forward on A deck.

Sir Robert Finlay: The model is quite right.

Mr. Clement Edwards: But this, I understand, is a model of the "Olympic." I will say at once that my instructions are that on the "Titanic" the A deck is a closed deck right to the end, and is different to this model of the "Olympic."

Sir Robert Finlay: No, this model is made as it was on the "Titanic."

The Commissioner: Then we may take this as an exact model of the "Titanic"?

Sir Robert Finlay: Yes.

The Solicitor-General: That is so.

Mr. Clement Edwards: With very great respect to Sir Robert Finlay, I trust that will be proved, because my instructions are very positive upon this point as to the character of the construction of A deck.

The Commissioner: At the proper time I suppose this model will be proved.

Sir Robert Finlay: Certainly.

9713. (*Mr. Clement Edwards - To the Witness.*) You say A deck is an open deck? - Yes, aft.

The Commissioner: Did you hear his additional word "aft"? My recollection is that, although there are windows, they do not extend the whole length.

Mr. Clement Edwards: That is so, my Lord, on the "Olympic."

The Commissioner: You come to a point where the windows stop, and, for all I know, this boat may have been at that point.?

9714. (*Mr. Clement Edwards.*) You say that A deck is an open deck aft? - Yes.

The Commissioner: Not aft - near aft.

9715. (*Mr. Clement Edwards.*) What is the position at which A deck ceases to be a closed deck. Go to the model and point out? - The windows finish *there*; and *this* is open (*pointing on the model*).

9716. So that right away under the after-boats it is all open? - Yes.

Examined by Mr. HOLMES.

9717. At the time No. 15 was lowered the "Titanic" was very badly down by the head? - Yes.

9718. So much so that you nearly came down on boat No. 13? - Yes.

9719. And there was, therefore, no time to waste in getting passengers in? - No.

9720. Now as to the order in which the other boats were lowered. Are you quite satisfied that when you came on deck No. 1 was already in the water? - Yes.

9721. And that 5 and 3 were lowered after No. 1? - Yes.

9722. Just think carefully. Was not No. 5 lowered before No. 3, and No. 3 before No. 1? - No, I do not think so.

9723. You do not think so. Are you quite certain about it? - No. 5 was there.

9724. Are you quite sure Nos. 3 and 1 were not there? - No. 3 was on the deck.

9725. Was not No. 1 there also? - No; No. 1 was in the water.

9726. No. 1 was the emergency boat, which is swung right out? - Yes.

9727. Might it not be that because it was not in the same position as the other boats you did not notice it when you came on deck? - No.

9728. You say you do not know whether there were any officers there or not? - Forward?

9729. Yes? - I could not say.

9730. Was there anyone on the bridge then; did you see the captain? - No, I was a long way from the bridge.

9731. Did you hear any orders given at all? - No.

9732. To any of the boats as they were being lowered? - No.

9733. Nor to them in the water? - The only order I heard was to stand off.

9734. Was there any mention of gangways? - No; the only orders I heard was to come back to the ship when called.

9735. Which boats did you see lowered. Did you see Nos. 5 and 3 actually lowered into the water? - No.

9736. Neither of them? - No.

Examined by Mr. COTTER.

9737. How long have you been going to sea? - 40 years.

9738. How long? - About 40 years.

9739. How long have you been in the White Star Company's employment? - 35.

9740. Have you ever taken part in boat drill? - Yes.
9741. In the White Star Line? - Yes.
9742. So you have a thorough grasp of what boat drill really means? - Yes.
9743. Did you see a boat list with your number or the number of your boat on before you left Southampton? - Not before I left Southampton.
9744. When did you see it? - About the day after I left Queenstown.
9745. Where was it posted up? - In the saloon pantry.
9746. What position do you hold on board? - Bath steward on B deck.
9747. So you would have a thorough knowledge of the run of the decks? - Yes.
9748. So you would know whether A deck was covered in or whether it was not? - Yes.
9749. Where were you when the ship struck? - In my bed.
9750. In your bunk? - Yes.
9751. Who got you out? - Myself.
9752. Who called you up? - Myself; the stopping of the engines woke me.
9753. The stopping of the engines woke you up? - Yes.
9754. Did you get up out of bed because somebody told you, or did you go to see for yourself what was the trouble? - I just jumped up myself.
9755. Did anyone come to the glory hole and tell you to get up? - Not then.
9756. When did they come? - I got up and dressed immediately the engines stopped. The engines reversed.
9757. She reversed? - Yes.
9758. When did it stop? - Almost immediately and the electric bells below started ringing, and I dressed and went right up on deck.
9759. The electric bells started ringing; was that attached to the Stone-Lloyd doors, the automatic doors? - Down below in the fidley.
9760. You could hear them ringing? - Yes, from my room.
9761. Did anybody come then and give any orders? - No.
9762. Did anybody receive any orders that night? - Not till later on in the night.
9763. Who gave orders then? - I come back to my room and the chief bedroom steward then came down.
9764. How long after she struck did you come back to your room? - Possibly it may be 20 minutes.
9765. When you got back to your room whom did you hear giving orders? - The chief bedroom steward came down.
9766. What is his name? - Penrose.
9767. Did you see the chief steward or second steward, or any officers along B deck? - I saw the second steward on B deck, in the deck pantry, as I passed up the second time, and the purser.
9768. What were they doing? - They were in conversation one with the other.
9769. Did anyone give the stewards' department any orders what to do? - They gave me no orders.
9770. Did you see any orders given by any of these people in position? - No.
9771. Did you see any stewards going forward or aft to the third class? - As I passed out on E deck, Muller, the interpreter, was getting all his people from forward aft, and they were taking their luggage with them on E deck.
9772. He was getting them from forward to aft? - Yes, the afterend of the ship.
9773. Were there any women among them? - No, all men.
9774. They were passing the men along E deck? - All the foreigners.
9775. And they were bringing the baggage along? - Yes, the trunks and valises and all that,

with them.

9776. Was there any chaos in the alleyway? - None whatever; you would think they were landing on the tender taking their baggage to New York.

9777. Can you tell me how many bulkheads there are on E deck; that is Scotland Road as you call it? - Yes.

9778. How many? - I could not say.

The Commissioner: The plans will tell us that far better than this witness can.

The Witness: There are two on the port side by the engine room, one outside our door, the next one is by the engine room door, and then aft there are two more before you get to the end of the third class.

9779. (*Mr. Cotter.*) The stewards would know where those bulkhead doors were? - Yes.

9780. Is it not the fact that it would be their duty if they had been taught or shown any drill, to close those doors immediately there was a collision? - Naturally it would be.

9781. No one went to close those doors that night? - No, because when I left the deck the interpreter was forcing people along the watertight doors in the alleyway.

9782. Showing it was taking in water forward, I put it to you the water would come along that deck and would get level with E deck, would it not? - Not that night, she would be down by the head. [Question originally refers to T deck - in place of E deck.]

9783. The water would find its level down E deck? - Yes.

9784. If the bulkhead door was closed then the water could not get along that deck? - There is no bulkhead door forward.

9785. Just think a bit? - No; on the starboard side there is; not on the port side.

9786. On the starboard side there is? - Yes on the starboard side, but not on the port side.

9787. I think you will find there is one on each side; just think it out; are you sure? - I do not remember one on the port because you go right up to the staircase to take you to the different decks.

9788. Where did you go after you left your room the second time? - On the boat deck.

9789. Had you heard any orders then? - No.

9790. You simply went on your own account? - Only what the chief steward said to the bedroom stewards, to see passengers out of their rooms with their lifebelts and lock their doors.

9791. (*The Commissioner.*) He told us this before.

The Witness: And everyone else to go to the boat deck.

9792. (*Mr. Cotter.*) I will take you to your boat. There has been a little discrepancy. You were sitting in the bow, you say? - Yes.

9793. Was there anyone sitting with their back to you? - Yes.

9794. Is that how you made a mistake with regard to the number of women? - Yes.

9795. You found you made a mistake? - The part was full of men where I was sitting. There were two to each oar.

9796. So you thought it was full of men. It was like an optical illusion to you that night. Thank you.

Examined by Mr. LAING.

9797. Was there a steward called Stewart with you in that boat? - Yes.

9798. Was there a man called Lewis with you in that boat? - I do not remember.

9799. Was there a man called Diamond [Dymond], a trimmer? - That I could not say.

Examined by the SOLICITOR-GENERAL.

9800. I just want to get this clear. As far as you are clear, you have told us several times how many people there were in this boat, No. 15, altogether. You have given their number. Now, what is the number? - Sixty-eight.

9801. You are sure about that? - As far as Stewart told me.

9802. You heard it from Stewart? - Yes.

9803. Now we will take 68. You have told us several times that of the crew there were seven in the boat. Is that right? - The crew altogether, do you mean?

The Solicitor-General: Yes.

The Commissioner: There were seven of the "Titanic's" crew in your boat? You have told us so very often. I do not know whether you have some doubt about it now.

9804. (*The Solicitor-General - To the Witness.*) I do not want to put it on you if you are not certain. You told us how Mr. Murdoch stood on the top deck and told some of you to get into that boat? - There were six got in then.

9805. And you were one of them? - No, I did not get in then.

9806. You got in at A deck? - Yes.

9807. That is one amongst seven? - Yes.

9808. Is that all you know of the crew that were in that boat? - That is all I know, yes.

9809. Very well. This is clear. Now there is one other thing it seems to me you can tell us. You say six got in from the top deck, the boat deck, and the boat was lowered to the next deck, the A deck. Is that right? - Yes.

9810. Now, did all the rest of the people get in from the A deck? - Yes.

9811. And nobody got in below that? - No.

9812. You yourself got in from the A deck? - Yes.

9813. And what were you doing while this boat was level with the A deck? - After she got down to the A deck?

9814. Yes, lowered from the top deck to the A deck. When she was lowered she had six of the crew in her? - Yes.

9815. Now it comes to A deck? - Yes.

9816. What were you doing on A deck during the time the boat No. 15 was level with the A deck? - I was on the boat deck and came along to the A deck.

9817. You mean you followed the boat down? - Yes.

9818. And you came down to A deck yourself? - Yes.

9819. And when you got to A deck did you get into the boat at once? - No.

9820. What did you do while the boat was level with A deck? - I assisted the women and children in that I was speaking of.

9821. Where were you standing? - By the rail.

9822. That is what I want to know. You were standing by the rail and you helped them in? - Yes.

9823. Do you mean you remained standing by the rail until you got in? - On the rail, yes.

9824. You did? - Yes.

9825. All the time? - Yes.

9826. And when you got into the boat, by that time was the boat full or not? - Yes.

9827. You mean you got in then, one of the last? - Yes.

The Solicitor-General: I have got some other witnesses about this boat, my Lord; it is just to see how much he does know. I think it would be better to call my other witnesses about this boat instead of recalling Cavell for the moment.

The Commissioner: Yes.

9828. (*Mr. Cotter.*) May I ask one question? It may clear the air. (*To the Witness.*) Have you suffered in health since this accident? - Yes.

The Commissioner: Suffered in health?

9829. (*Mr. Cotter.*) Yes. (*To the Witness.*) Several nights without sleep? - Yes.

9830. Thinking of this disaster? - Yes; I have been to a doctor.

9831. You agree it has affected your memory a lot? - Yes.

9832. Have you been to a doctor? - Yes.

Mr. Cotter: I think that will clear the air a little, my Lord.

(The Witness withdrew.)

The Commissioner: I can understand it affecting his memory, but I cannot understand it having the effect of causing him to remember things that did not take place. I quite understand him forgetting things by reason of his illness.

Mr. Cotter: That night, my Lord, might have an influence on a man's brain.

The Commissioner: Perhaps you know more than I do about it, but I should have thought it did not cause him to remember things that did not take place.

Mr. Harry Barber: May I say I am watching the case on behalf of the Stone-Lloyd system of watertight doors. Mr. Cotter, in examining the witness, referred to the watertight doors as the Stone-Lloyd doors. The Stone-Lloyd is not the system.

Mr. Cotter: I said "or automatic doors."

The Commissioner: Do not let us get into conversation about these matters.

JOHN EDWARD HART, Sworn.

Examined by the SOLICITOR-GENERAL.

9833. Is your name Hart or Stewart? - Hart.

9834. Were you a third class steward on the "Titanic"? - Yes.

9835. And at the time when the collision occurred were you off duty and in your bunk? - Yes.

9836. What deck is your room on? - The glory hole below E deck, below the main working alleyway.

9837. Do you mean that it is on E deck, or below E deck? - Below E deck.

9838. Is it a room in which a number of third class stewards are together? - Yes.

9839. I see a room on the plan that is marked "42 third class stewards"; would that be it? - We have two rooms for third class stewards. They are both on the same level, but one is beside the third class dining room.

9840. And the other one? - The other is further along - more amidships.

9841. I see, which was yours? - Just beside the third class dining room.

The Solicitor-General: Has your Lordship got it?

The Commissioner: Yes, I have just seen it.

9842. (*The Solicitor-General - To the Witness.*) It is marked "38 third class stewards," on deck F, I think? - I think it is.

The Solicitor-General: I think it is the more after one of the two, your Lordship sees.

The Commissioner: Is it marked, "42 third class stewards"?

The Solicitor-General: I understand him, my Lord, rather to suggest that it is the one in the afterpart of the same deck, a little further aft. There is another one marked, "38 third class stewards."

The Commissioner: Yes, I see it.

9843. (*The Solicitor-General.*) I think that is what he means. (*To the Witness.*) Close to the bakers? - Yes.

9844. There is a room for six bakers next door? - Yes.

9845. Very well, that is your room. Were you awakened by the collision? - No.

9846. Did somebody else come and wake you up? - Yes, somebody came along and woke me.

9847. You heard there had been an accident? - Yes, they said there had been an accident.

9848. I think at first you did not think it was serious, and did not take much notice of it? - Yes, and went to sleep.

9849. Who was it who came afterwards and gave instructions? - The chief third class steward, Mr. Kieran.

9850. (*The Commissioner.*) Is he a third class steward? - Yes.

9851. (*The Solicitor-General.*) What were the orders to pass along? - He passed several orders. To me he said, "Go along to your rooms and get your people about."

9852. Would your rooms be the third class passengers' rooms? - Yes.

9853. Which part of the third class accommodation is it that you were responsible for? - Section K and part of M, the adjoining section, on E deck.

9854. That is part of the after third class accommodation? - Yes.

9855. K and M? - Yes.

The Solicitor-General: Does your Lordship see on the plan of the E deck there is the letter "K" marked in that alleyway?

The Commissioner: I see it.

9856. (*The Solicitor-General.*) And then further aft again M. (*To the Witness.*) They use those letters K and M, and the other letters of the alphabet to indicate the different watertight compartments? - No.

9857. Do not they lie between two watertight bulkheads? - Yes, there are two watertight bulkheads at the afterpart of the beginning of the third class.

9858. I thought K lay between two, and M between two others, and so on? - Yes, that is quite correct, K lies between two.

9859. (*The Commissioner.*) And M lies between two? - No, M lies between the afterpart and one bulkhead.

9860. (*The Solicitor-General.*) We mean the same thing, I think, Mr. Hart. I thought we noticed when we went to see the ship that they used the letters of the alphabet to indicate the different compartments right along? - That is it.

9861. Anyhow, your third class passengers were in the K section and in the M section? - Part of M, yes.

9862. Are the third class passengers accommodated in different parts of the ship according as they are single men or married couples, and so on? - Yes.

9863. And what is it you had in your section? - I had part single women and part married.

9864. Married couples, I suppose? - Yes.

9865. How many third class passengers had you in your sections altogether? - Somewhere about 58.

9866. (*The Commissioner.*) Altogether? - Altogether.

9867. Men and women? - All told.

9868. (*The Solicitor-General.*) That would be including children? - All told.

9869. And of those 59, how many would be in the married couples' part? - How many married couples, do you mean?

9870. Yes, or put it the other way, you have a certain number of married men with their wives

and families and a certain number of single women. Just divide it up? - At the same time we had some married women travelling with their children.

9871. Give me some guide? - I will give you a rough estimate.

9872. Take your 58? - I had about nine married couples with children.

9873. I understand you had no single men? - No, no single men.

9874. That would mean that you had got nine men? - Nine husbands travelling with their wives.

9875. Nine husbands altogether? - Yes.

9876. And the rest would be either ladies travelling alone, or wives or children? - Yes.

9877. (*The Commissioner.*) Of the 58, nine were men? - Nine were men.

9878. All the others were women or children? - Yes.

9879. (*The Solicitor-General.*) When you got those instructions just tell us what you did? - The chief third class steward was there, and he said "Get your people roused up and get lifebelts placed upon them; see that they have lifebelts on them." I did so.

9880. I suppose most of those people would have retired for the night? - The majority had retired.

9881. Did you knock them all up? - Yes.

9882. Can you tell us so far as your third class passengers are concerned, did you go to each third class compartment and rouse up your people? - I went to each third class room and roused them.

9883. (*The Commissioner.*) Were most of them up or were they asleep? - The majority were up. They had been aroused before I got there.

9884. (*The Solicitor-General.*) They are not single cabins, these third class compartments, are they; not single berths? - They consisted of four berth-rooms and two berth-rooms, and two six berth-rooms.

9885. And what did you do about the lifebelts? - I saw the lifebelts placed on them that were willing to have them put on them.

9886. (*The Commissioner.*) Some would not put them on? - Some refused to put them on.

9887. (*The Solicitor-General.*) Did they say why? - Yes, they said they saw no occasion for putting them on; they did not believe the ship was hurt in any way.

9888. Up to this time were any instructions given for your people to go to any other part of the ship? - Not to my knowledge.

9889. Just tell us next what the next instructions were, or the next thing that you did. I will put the question in another way. You have told us that the instructions you got from Mr. Kieran, that you were to rouse up your people and get lifebelts on them. Did he say anything about future instructions that would be given? - He said there would be further instructions; that I was to stand by my own people.

9890. So you were expecting further orders? - Yes.

9891. Now you can tell us what happened. What further orders were given? - He said, "Have you placed lifebelts on those who are willing to have them?" I said, "Yes." After that there was a large number of men coming from the forward part of the ship with their baggage, those that were berthed up forward - single men.

9892. Third class? - Yes. When I saw that my own people had the required number of lifebelts, or those who were willing to have them, I placed the remainder of the lifebelts in one of the alleyways beside which these people would have to pass in case any came through without lifebelts from the forward part of the boat.

9893. This is also on deck E? - Yes.

9894. You told us these third class passengers who were berthed forward came down to the

aft? - Yes.

9895. That would be down that alleyway? - Yes, down to the afterpart of the ship.

9896. And whether a third class passenger is berthed forward or berthed aft, is the third class dining-room aft? - The third class dining-room runs from almost amidships to aft.

9897. What I mean is the third class passengers who are berthed forward would know their way aft, because they had been accustomed to go to the dining-room? - Yes.

9898. (*The Commissioner.*) What deck is the dining-room, is it below E deck; that would be F?

-
The Solicitor-General: It is very clearly shown on that big section up there. Your Lordship sees "Third class dining-room," indicated amidships (*pointing on the section*).

The Commissioner: It is right amidships.

The Solicitor-General: Yes. Your Lordship sees the people who are berthed right forward would be quite accustomed to come back to that extent.

9899. (*The Commissioner.*) Yes, I see it. (*To the Witness.*) These men coming from the forward part of the ship would come along the alleyway and then go down a companion ladder and get to the dining saloon? - Yes.

9900. On the deck below? - Yes.

9901. (*The Solicitor-General.*) Where was it you saw them? - I saw them where I was placed in my part of the ship, where my people were.

9902. That is K and M? - Yes, on the main alleyway.

9903. I think the next thing you will be able to tell us will be the further instructions as to where these people were to go? - I waited about there with my own people trying to show them that the vessel was not hurt to any extent to my own knowledge, and waited for the chief third class steward, or some other officer, or somebody in authority to come down and give further orders. Mr. Kieran came back. He had been to sections S, and Q, and R to see that those people also were provided with lifebelts.

9904. S, and Q, and R are all in the extreme afterpart of the ship, are not they? - That is correct.

9905. S is on deck G, R is on deck F, and Q is on deck E, all in the extreme afterpart of the ship? - Yes.

9906. He had been there to your knowledge? - Yes, he had also his assistant with him, one by name, Sedginary. [Sidney Sedunary]

9907. (*The Commissioner.*) The chief steward and his assistant, Sedginary [Sedunary], went right aft, did they? - Yes.

9908. To S, R and Q? - Q, S and R.

The Solicitor-General: Your Lordship happened to say, "The chief steward." Of course, it is the chief third class steward. Your Lordship appreciates that?

The Commissioner: Yes.

9909. (*The Solicitor-General - To the Witness.*) Would those two people you have spoken of, Mr. Kieran and Mr. Sedginary, have any responsibility except for third class passengers? - No, I think not; that is their own department of the ship.

9910. What about the assistant; you say his assistant was with him? - Yes.

9911. In these compartments, do you mean? - Going around he went round with him.

9912. Did Kieran survive? - No.

9913. He was drowned? - Yes.

9914. And the other man? - The assistant also, he was drowned.

9915. You would have colleagues, other of the third class stewards, of course; do you know whether they were doing what you were doing? - All the men that had rooms were.

9916. All the third class stewards who had got rooms? - The third class stewards do not all

have rooms. The third class stewards that had rooms went round to their respective sections and were doing the same as I was doing.

9917. (*The Commissioner.*) You mean those who had charge of rooms? - Yes.

9918. You mean to say they roused the passengers and tried to get them to put on lifebelts? - Yes.

9919. (*The Solicitor-General.*) How many third class stewards would there be who would have charge of rooms in the afterend of the ship? - Eight.

9920. As far as you know they were each engaged in doing this? - Yes.

9921. Now just tell us about the next thing? - I was standing by waiting for further instructions. After some little while the word came down, "Pass your women up on the boat deck." This was done.

9922. That means the third class? - Yes, the third class.

9923. Anything about children? - Yes. "Pass the women and children."

9924. "Pass the women and children up to the boat deck"? - Yes, those that were willing to go to the boat deck were shown the way. Some were not willing to go to the boat deck, and stayed behind. Some of them went to the boat deck, and found it rather cold, and saw the boats being lowered away, and thought themselves more secure on the ship, and consequently returned to their cabin.

9925. You say they thought themselves more secure on the ship.? Did you hear any of them say so? - Yes, I heard two or three say they preferred to remain on the ship than be tossed about on the water like a cockle shell.

9926. Can you in any way help us to fix the time, or about the time, when the order was given to pass the third class women and children up to the boat deck? Could you tell us how long it was after you were first roused, or how long it was before the ship went down? - Well, as near as I can. The vessel struck, I believe, at 11.40. That would be 20 minutes to 12. It must have been three parts of an hour before the word was passed down to me to pass the women and children up to the boat deck.

9927. (*The Commissioner.*) This would be about 12.30? - Yes, my Lord, as near as can be.

9928. (*The Solicitor-General.*) You say the word was passed down and you heard it? - Yes.

9929. And you had your other colleagues there, other third class stewards. Was the word passed along? - Yes, we were in a bunch. The whole sections are in a bunch. The word was passed right round, "Women and children to the boat deck," at somewhere about 12.30.

9930. When you heard it you would repeat it? - The word was passed along; it was said loud enough for anybody to hear.

9931. In order that your third class women and children should get from those quarters up to the boat deck, they would have to mount a number of decks and go up a number of stairs? - I did not take them that way.

9932. How did you take them? - I took them along to the next deck, the C deck, the first saloon deck.

9933. You are making it very clear. There is a third class stairway going up? - Yes.

9934. Did you take them by the third class stairway up to C deck? - I took them up into the after-well deck, that would be the third class deck up one companion to C deck.

9935. Do you see the plan (*pointing on the plan.*)? - There is no occasion; I know the ship.

9936. It is to help us, not you. You say there are a series of stairways indicated. It is the third class stairway going up, is it not? - Yes.

9937. The regular way by which third class passengers would go up if they were going to get to -? - The after-well deck.

9938. And is that the way you took them up? - Yes.

9939. As far as the C deck? - Yes.

9940. It is marked on the plan? - It is up one companion.

9941. It is marked on the plan, "Third class Entrance," I think? - I do not know how the plan is marked.

9942. Is it a wide stairway with rails dividing the stairs into sections? - Yes, it is very wide.

9943. So that 20 or 30 people could walk up abreast? - Well, hardly that.

9944. Well, 15 people? - I should imagine six aside could go up easily.

9945. That would bring them up then, as I follow you, to the C deck, to the after-well deck; and how would you get them from there to the boat deck? - I took them along to the first class main companion from there.

9946. (*The Commissioner.*) You did yourself? - Yes.

9947. (*The Solicitor-General.*) You led them, you guided them? - I went ahead of them.

9948. That would mean on C deck going forward. Would it mean passing the second class library, and all that? - Yes. The beginning of that deck is the second class, and further along, the saloon.

The Solicitor-General: Your Lordship has the plan of C deck. I do not know whether that is before you now?

The Commissioner: Yes.

The Solicitor-General: Your Lordship sees he comes up to that deck by what is *there* marked as "Third class Entrance" in the extreme afterpart of the ship?

The Commissioner: I see that.

The Solicitor-General: Then he guides his people forward along that deck, past the second class part of the ship, where the second class library is marked.

The Commissioner: I see that.

9949. (*The Solicitor-General.*) And goes still forward until he comes to the first class stairs, which is next to what is marked "Barber's shop," a big stairway. (*To the Witness.*) Then did you guide them up that first class stairway to the boat deck? - Right to the boat deck.

9950. At that time, when you took up your people by that route, was there any barrier that had to be opened, or was it open to pass? - There were barriers that at ordinary times are closed, but they were open.

9951. They were open when you got there? - Yes.

9952. How many people of your lot did you take up the first time you went up this course to the boat deck? - Somewhere about 30.

9953. All women and children of the third class? - Yes, on that occasion, on the first occasion.

9954. And having got them to the boat deck, do you remember whereabouts on the boat deck you took them to? - Yes. I took them to boat No. 8, which was at that time being lowered.

9955. That is the fourth boat on the port side? - Yes.

9956. Practically opposite the second funnel, or a little more forward than the second funnel? - Yes.

9957. Did you leave them there? - I left them there and went back again.

9958. And when you went back what happened then? - But on the way of my getting back other passengers were coming along, third class passengers. They were also being shown the way to the boats. Amongst them were females - the husbands and fathers were with them.

9959. Who was showing them the way? - One by the name of Cox.

9960. Is he a steward? - Yes.

9961. One of your colleagues? - One of the third class stewards.

9962. Was Cox saved, do you know? - No.

9963. Did they follow the same route to go to the boat deck? - Well, by the way he was taking

them they must have done.

9964. You returned to your people? - I returned to my own part of the ship.

9965. Did you bring up any more? - Yes, about 25. I had some little trouble in getting back owing to the males wanting to get to the boat deck.

9966. The men? - Yes. After the word was passed round for women and children, I was delayed a little time in getting a little band together that were willing to go to the boats.

9967. A band of women and children? - Yes.

9968. How many did you gather? - Somewhere about 25.

9969. Were those all people from the rooms you were responsible for? - No, also from other sections.

9970. Were they all third class passengers? - Yes.

9971. Did you guide them by the same route? - Yes.

9972. Where did you take them to? - I took them to the only boat that was left then, boat No. 15.

9973. This is an important thing. You say the only boat that was left? - That I could see.

9974. Do you mean the only boat that was left on either side of the ship? - I came along the starboard side of the vessel and on that side of the vessel that was the only remaining boat.

9975. That is the aftermost boat on the starboard side? - Yes, the last boat on the starboard side.

9976. That is the boat we have had some evidence about this morning. Can you tell me whether at that time there were any boats on the port side? - I cannot say, I did not go; the last boat I saw on the port side launched was when I took my first lot of passengers to boat No. 8.

9977. At that time when you took your lot of passengers to boat No. 8 on the port side were there any other boats left on the port side? - It is like this. From boat No. 8 I believe there is a big square right amidships. I did not look further.

9978. You mean there is a big empty space? - Yes.

9979. Of course boat No. 8 is one of the forward lot of boats? - Yes.

9980. You would come up by the main companion way, and coming up by the main companion way would come up almost opposite boat No. 8? - Yes.

9981. And so you went straight to it? - Yes.

9982. You really cannot tell us whether at that time the after boats on the port side were still there or not? - I cannot tell you.

9983. And when you came up the second time you say you went to the starboard side? - I came up on the starboard side. It was on the starboard side that I came up. I went across in the first place to the port, because at that time they were lowering away the port boats.

9984. You mean the first time you came on the boat deck? - Yes, and on my return to the deck the second time, I could see that there were no boats being lowered away from the port.

9985. You could? - Yes, from the open space which is right opposite. I then took them to the starboard side. There was on that side one remaining boat, No. 15.

9986. I see that in order to get from the first class companion up which you came to boat No. 15, you would come out on the boat deck, if you look at the model, just in front of the second funnel, and you would have to walk right back to the aftermost boat, which we see there. That is right, is it not? - Yes.

9987. And you could see, of course, that there were no boats left until you got to No. 16 [15]? - On the starboard side there were no boats left except that one.

9988. When you got with these people to No. 15 was there room for them in it? - Yes, they were placed in it.

9989. Now this is on the boat deck? - Yes.

9990. Not on A deck? - No.

9991. Do you mean that these people were put into it from the boat deck? - From the boat deck. The boat was lowered right flush with the rail on the boat deck.

9992. From the davits? - From the davits to the level of the rail to enable the people to get in easier.

9993. I had better tell you why, because it helps us all. We have had other evidence, you see, and it is not very clear from the other evidence where the people got in? - Am I clear?

9994. You are clear. Are you quite clear in your own mind that they got in from the boat deck? - Yes.

9995. (*The Commissioner.*) 25? - There were more than 25, but I took up 25.

9996. Your 25 got into No. 15 boat from the boat deck? - Yes.

9997. (*The Solicitor-General.*) I daresay you can tell us a bit further about it. When you got to boat 15 with these 25 people, were there any people in boat No. 15 already? - Yes.

9998. About how many, or who? - Well, I can give you a rough estimate.

9999. Yes, of course? - The last 25 were passed in from the boat deck.

10000. Your 25? - Yes.

10001. (*The Commissioner.*) Were they mixed, women and children, or were they women? - There were three children with them, my Lord.

10002. Twenty-two women and three children? - The boat was then lowered to A deck. We there took in about five women, three children, and one man. He had a baby in his arms.

10003. Five women, three children, and a man with a baby from A deck? - Yes; the boat was then lowered away.

10004. Into the water? - Yes.

10005. You were in her, as I understand? - Yes.

10006. Did you get in her from the boat deck? - Yes.

10007. At the time when your second contingent got in? - After; yes.

10008. How many people do you think were in boat No. 15 after she got into the water, and when she was saved? - I would not like to vouch for its accuracy, but I can give you an estimate.

10009. What is your estimate? - I should say somewhere about 70 after we left A deck.

10010. Another witness has told us he thinks 68? - Well, it is a rough estimate; it is pretty near it.

10011. Now let us see if you can help us as to how many members of the crew there were in boat No. 15. There is yourself, of course? - Yes.

10012. Can you tell us how many other members of the crew there were in boat No. 15? - I should say about 13 or 14 all told of the crew.

10013. There is a man named Cavell, a little short man, who is a trimmer? - Yes.

10014. Do you know him? - Yes.

10015. He was in the boat? - Yes.

10016. Do you know a bath room steward named Rule? - Yes, I know him.

10017. He was in the boat? - I saw him get out of the boat.

10018. That will prove it. Then a man named Diamond [Dymond] we have heard of; he was a fireman? - Yes.

10019. Was he in the boat? - Yes.

10020. Who was in charge of her? - This Diamond [Dymond] - at least, he had all the say, and so I take it he was in charge.

10021. I suppose so. Then I think there is only one other name I have heard, that is Lewis. Was there a man named Lewis, said to be a third class steward? Do you know about that? - I no doubt know them by sight, but we had nearly 60 third class stewards, and it is rather difficult to know

their names.

10022. Then we have heard something about somebody called Jack Stewart. Is that somebody else? - Well, I know the name, but I would not like to vouch for him being in the boat, as I did not see him.

10023. I want to be sure we do justice to you. You got your second contingent, 20 or 25, into the boat. They got in before you did? - Yes.

10024. Now, were any directions given about your getting into the boat? - Yes, I was ordered to get into the boat.

10025. Please, tell us about it? - After I saw my people in, the officer who had charge of the lowering away of that boat.

10026. That was Mr. Murdoch, was it not? - Yes, Mr. Murdoch. It was rather dark on the deck. He said, "What are you?" I said, "One of the crew. I have just brought these people up." He said, "Go ahead; get into the boat with them."

10027. And that is how you came to get in? - Yes.

10028. Let us take your estimate - 13 or 14 of the crew out of some 70? - Yes.

10029. That will leave us something like 55 others? - Yes, or 57.

10030. You have told us of that 55 or 56, some 25 were your contingent, your women and children that you brought up? - Yes.

10031. That is 25 out of the 55; that leaves about another 30? - Yes.

10032. And you have told us that, besides, there were taken in from the A deck five women, three children, and a man with a baby? - Yes.

10033. That knocks off 10 more? - Yes.

10034. That leaves 15 more people. Now, can you give us any idea whether those 15 remaining people were men, women, or children, or what? - Yes.

10035. Will you tell us? - There were about three male passengers and the rest were women.

10036. (*The Commissioner.*) Do the three that you talk about include the man who came on board with a baby in his arms? - No.

10037. Then there were four men? - There were four men.

10038. Four men and 13 or 14 of the crew? - Yes.

10039. Then out of the whole boatload of 70 there were about 18 men? - Yes.

10040. (*The Solicitor-General.*) And it follows that if that is right there would be about 50 women and children? - Yes.

10041. Your people that you were responsible for were third class people? - Yes.

10042. Can you tell us about the people that were taken in from the A deck, the five women and three children and the man with the baby; do you know at all what class they belonged to? - Yes.

10043. What were they? - They were also third class.

10044. And those people who were on the boat before your contingent got into it, what class did they belong to as far as you know? - I should imagine they were either first class or second.

10045. Then it comes to this, that as far as you can tell us, it was either first or second class people who were in that boat before you got there. Then your people got in and some more people got in from A deck, and those people you think were third class people? - Yes.

10046. When you left the third class part of the ship the second time, the last time, were there any more third class passengers down there? - Yes, there were some that would not come to the deck.

10047. They would not come? - They would not leave their apartments.

10048. Of course by that time you at any rate had realised that this was a very serious accident? - Yes, but they would not be convinced.

10049. Did you do your best to convince them? - Everybody did their best.

10050. Did you hear other people trying to persuade them? - Yes.

10051. On this second journey of yours, the last journey, did you see other stewards or not engaged in getting people? - Yes, I met several on the deck directing them the way to the boat deck. There was one man at the foot of the companion leading from the sleeping accommodation to the after-well deck; there was one man at the end of the companion leading from the well deck to the E deck, and there were others along the saloon and second cabin deck showing them the way to the boat deck. So that there was no difficulty for anybody who wanted to get to the boats to find their way there.

10052. There is a third class interpreter, is there not? - Yes.

10053. Did you see him about? - Yes.

10054. Some of your third class passengers are foreigners? - Yes.

10055. What was he doing? - He was trying to keep some of the foreigners quiet.

10056. We have been told that there is an emergency door that can be opened and will let people from the third class into the alleyway, so that they could use the second class companion? - Yes.

10057. You did not go by that route, I know? - No.

10058. Did you see whether or not that door was open? - Yes, I could see the door was open.

10059. Could you see whether it was being used as a means of getting from the third to the second? - The people that were coming from the forward part of the ship were making right for the after-well deck of the third class, and one was following in the others' train.

10060. And would they pass through that door? - No, they would have to pass that door but not through it.

10061. What I wanted you to tell me was, whether that door which you say was open in order that people could get through, was used at all? - I cannot tell you that; I saw nobody use it.

10062. When this boat No. 15 left the boat deck with your 25 women and children in it and then you following in as Mr. Murdoch told you, were there any other women and children on the boat deck there? - Yes, there were some first-cabin passengers.

10063. Women? - Women with their husbands, I take it.

10064. This was the last boat to leave, at any rate, on the starboard side? - Yes.

10065. Were there men there? - Yes.

10066. A number of them? - A number of them.

10067. What was the discipline? What was the order then? - Absolute quietness.

10068. On the boat deck? - Yes.

10069. And when this last boat No. 15 got to the A deck and took in these five women and three children and the man, were there any other people on the A deck? - Yes, there were some men.

10070. Men? - Yes.

10071. Do you mean that there were only men left on the A deck? - Yes.

10072. When the boat got to the A deck did you hear any orders given or any cry raised to see whether there were women and children? - Yes, there had been repeated cries before that boat was lowered, for the women and children.

10073. And were they looked for when it reached the A deck? - Well, there were stewards all round the ship. I take it that there were.

10074. I understand you to say that so far as you know there were no other women and children on the A deck? - No. I saw none.

10075. As a matter of fact, was there any room in your boat when it left A deck, or was it full? - Had there been any more women or children I take it they would have made room.

The Commissioner: There were some women.

The Solicitor-General: Not on the A deck.

The Commissioner: No, on the boat deck.

The Solicitor-General: His point is that those on the boat deck would not go.

The Witness: Had there been any more I have no doubt a place would have been found for them, even if they had to lie on others.

10076. Lord Mersey has just pointed out that you told us, on the boat deck where the boat left there were some women and their husbands. How was it they did not get into the boats? - Because the cry was for the women and children, and the boat at that time was practically full of women and children, and these women would not leave their husbands.

10077. That is what I wanted, that was the impression you got, was it? - Yes.

10078. Did you hear any of them say so on the boat deck? - Yes.

10079. You did? - Yes.

10080. You have told us that you were one of a number of some 60 third class stewards? - Yes.

10081. Can you tell me how many third class stewards were saved? - Yes, I believe 11 or 12.

10082. Out of 60? - Yes.

10083. And you have told me that you had about 55 or 60 people to look after in the third class cabins that were your duty? - Yes.

10084. Can you tell me of those how many were saved? - I would not vouch for those that got away in other boats outside of the one that I was in myself.

10085. Do you know how many of your own lot of people you were able to save? - I would not like to say "able to save," but I saw in the same boat as myself those that I took to the boat - in the boat I got away in, No. 15.

10086. And the others? - They were not all mine.

10087. (*The Commissioner.*) They did not all come out of your section of the afterpart; some belonged to other stewards? - Yes, other sections.

10088. (*The Solicitor-General.*) I thought you might have been able to see them afterwards on the "Carpathia"? - Yes, I saw a lot of them.

10089. I thought that you could tell us probably how many people that were under your charge were saved? - I see what you mean. I should like to give you some idea. I saw about 20.

10090. Whom you recognise as being in the cabins you had? - Whom I recognised as being in my rooms.

10091. (*The Commissioner.*) That is 20 out of 58? - Yes.

10092. (*The Solicitor-General.*) The others came from other sections. I am told I may have made a mistake, and we ought to get it right. It is the first class companion up which you came. I said it was the one near the barber's shop. Is that right or not? - To tell you the truth, I did not know where the barber's shop was.

10093. Is it the main companion? - The main companion.

10094. The big one? - Yes.

The Solicitor-General: That identifies it. I see it is close to the purser's office.

The Commissioner: The companion forward of the boiler casing?

The Solicitor-General: Yes, my Lord, that is my meaning; it is the big one.

The Commissioner: And it would bring him up opposite No. 8 boat?

10095. (*The Solicitor-General.*) That is it. And, putting it another way, it would bring him up between the first and second funnels of the ship. (*To the Witness.*) That is the one, Mr. Hart, is it not? - Yes.

Examined by Mr. SCANLAN.

10096. At first, I take it, you were trying to assure the passengers under your charge that they were in safety? - Yes.

10097. When you realised that the position was very serious, what did you say to those people? - I told the people to lose no time in getting to the boat deck.

10098. Did you tell them the ship was sinking? - No, I did not know the ship was sinking.

10099. Even amongst the 49 [58] women and children for whom you were responsible, did some of those go back to their quarters? - Yes.

10100. And refused to go? - Yes.

10101. When those people refused to go, did you again go back to them and tell them that those in charge knew that the ship was in a very dangerous condition? - Yes; they were informed the second time I went back.

10102. You made it perfectly clear to them? - Everything was clear.

10103. At the time you were leaving in No. 15 boat, were there rockets being sent up? - Yes; rockets had been fired some time previous to that.

10104. You saw that yourself? - I saw the rockets fired; yes.

10105. Have you had boat drill during your experience as a steward? - Yes.

10106. On a number of ships? - Yes.

10107. You handled an oar yourself, did you in No. 15? - Yes.

10108. And you are quite accustomed to the handling of an oar? - I believe so.

10109. Have you had practice, some training, in handling lifeboats? - Well, I have had the usual boat drill on board ship, but previous to that I have had some exercise at rowing a boat.

10110. Is it the usual practice in ships you have been on to have boat drill? - Yes.

10111. What companies have you been with? - The American Line.

10112. And what else? - Only that.

10113. How often do they have boat drill there? - As a rule, one each way, out and home.

10114. Do you call that a boat drill or a boat muster? - Fire and boat muster.

10115. Do the stewards and the firemen as well as the A.B.'s and other deckhands take part in that boat muster? - Yes. They have to attend this boat muster, failing which, they are logged for non-attendance - fined.

10116. You had not a boat muster on the "*Titanic*"? - No.

Examined by Mr. ROCHE.

10117. You have told us that when you got the order to muster the women and children it was about half-past 12, you think? - Somewhere about that.

10118. Now I want you to give us your best estimate of the time when you left the ship - when the boat was lowered from the ship? - When boat No. 15 was lowered?

10119. Yes; it was the last boat, was it not? - Yes.

10120. What is your idea about the time then? - I should say about a quarter after one.

10121. You had been going between half-past 12 and a quarter-past one two or three times backwards and forwards from the deck to your quarters at K that you had charge of? - Yes.

10122. To do that you passed "Engine Room Casing"? - I could not tell you anything about the engine room casing.

10123. You pass along E deck, do you not? - No, I did not go along E deck.

10124. What deck were you on? - I was on E deck, but I went right aft.

10125. You never went as far as the engine room? - No.

10126. Was the electric light going all the time? - Yes.

10127. But what the engines were doing you do not know? - No; the light was burning brightly.

10128. But what the main engines were doing, you did not know? - I cannot vouch for what they were doing.

10129. Did you ever see any of the engineers on the boat deck? - No; I would not know them, perhaps, if I saw them.

10130. You would not know them at all? - No.

10131. How many officers did you see on the boat deck? You saw Mr. Murdoch? - I saw Mr. Murdoch on two occasions, the only two occasions on which I went to the boat deck.

10132. You never were on any deck below No. E deck at that time? - Yes, the third class dining room is below E deck; our own quarters are below it.

10133. The watertight bulkheads are there and extend up to E deck, I understand? - Yes.

10134. They extend up as high as E deck. When you passed along to go to the third class dining saloon, was the watertight bulkhead in the way there, open or shut? - Open.

10135. It is F deck you are talking about? - It is the deck below E deck.

10136. It is F you are speaking of? - Yes; that is where the dining room is situated, and where I was sleeping.

Mr. Roche: When did you go there that night?

The Commissioner: What is it you are putting to him?

Mr. Roche: I am putting to him whether he was on a deck below E deck.

The Commissioner: Yes, and he says he was.

10137. (*Mr. Roche.*) When was that? You slept there. Your own berth was there? - Yes.

10138. You were there in your berth at the time of the collision? - Yes.

10139. You went up from there to E deck? - Yes.

10140. Pretty soon? - Yes, pretty soon, when I realised the ship's condition.

10141. When you went along to get up you passed the position where the watertight bulkheads were? - Yes.

10142. Were they open or shut? - Open.

10143. Did you go down on to that deck again at any time? - No.

10144. You cannot tell us at all whether those watertight bulkheads were open or shut? - No, I cannot tell you.

10145. How long after the collision was it that you went up? Five minutes, ten minutes, or only a few minutes? - Well, after the collision, on being aroused first by a man coming from forward, a steward, he said there had been an accident, and I closed my eyes and went to sleep again; I did not believe it.

10146. How long for, do you suppose? - Oh, I should imagine somewhere about 15 or 20 minutes.

10147. And when you left 15 or 20 minutes or longer than that, after the contact with the berg, the watertight bulkheads were open? - Yes.

Examined by Mr. HARBINSON.

10148. Did I rightly understand you to say that very shortly after the impact Kieran told you to go down to your people and rouse them up? - Yes.

10149. Did I rightly understand you also to say that you went round the whole of the two sections allotted to you? - Yes.

10150. Did you go to each of these cabins and arouse the occupants of each compartment? - Yes, those that were not already aroused.

10151. Those that were not already up or had not gone to bed. Now, I should like to know what are the means employed to prevent the third class passengers during the voyage from straying into the first and second class decks and quarters of the ship. First, are there collapsible gates? - Yes, gates that can be removed. Dividing the third class deck there is a companion; dividing the second class deck and the first class deck there is a barrier.

10152. Are those kept fastened during the course of a voyage - the barrier and the companion? - No.

10153. Are they open? - Well, the barrier that lifts over and the gate that fixes in, you can just take it out with your hand; it is never locked.

10154. Do I understand you to say that those gates are not locked at any time and the barrier is not fastened? - Not to my knowledge.

10155. So that at any time a third class passenger, by pushing the gate or by raising the barrier, can go to the second class deck or to the first class deck. Is that right? - That is correct. That is, of course, if there is nobody there on watch. There usually is a quartermaster standing by there or a seaman.

10156. Have you ever seen those gates locked? - No, I was not long enough on the ship to see them locked.

10157. I mean, any other ship. What ship were you on before you came on to this ship? - I have been in the whole four of the American Line boats.

10158. On any of the previous boats have you seen those barriers or gates locked to prevent the third class passengers straying on to the first or second class decks? - You see, the ships are built differently. The American Line boats are built entirely differently from the "Titanic."

10159. I want to make it quite clear. Is it the usual practice on trans-Atlantic passenger steamers to keep the gates locked and the barriers fixed so that they cannot be opened by third class passengers? - I do not know of it.

10160. Have you seen it? - I have not seen it.

10161. How many days had you been on the "Titanic" before the accident took place? What day did you join? - The ship left on the 10th, on the Wednesday; I joined the ship on the Friday before the Wednesday.

10162. You had been on board a number of days then, and during the time that you had been on board had you looked whether or not those gates were locked or the barriers fixed? - No.

10163. You had not looked? - No.

10164. Do I rightly understand you to say that you do not know whether they were locked or not? Is that the effect of your evidence? - No; I fail to understand you.

10165. You did not look whether the gates were locked or the barrier closed from the time you went on to the "Titanic" until the time of the accident. Is that so? - I do not see how they could be locked. I do not think so at all.

10166. Did you look to see whether the gates were locked or the barriers permanently fixed down? - Prior to the accident?

10167. Yes? - No.

10168. Therefore you do not know whether they were or were not? - Previous to the accident I cannot answer.

10169. Therefore at the time of the collision you do not know? - No. I say previous to the accident.

Mr. Harbinson: I quite follow you.

10170. (*The Commissioner.*) They were all down, as I understand, when you were bringing the passengers away? - Yes, my Lord.

10171. All three were opened? - Yes, my Lord.

10172. (*Mr. Harbinson.*) Did you see anybody open these gates or raise these barriers? - No, I did not see anybody open them; but I had to pass through them, and I saw them open.

The Solicitor-General: Not "opened" but "open."

10173. (*Mr. Harbinson.*) You saw them open? - Yes.

10174. You do not know who opened them? - No.

10175. You saw them open? - Yes.

10176. That was when you were taking up the first batch of third class passengers? - Yes.

10177. Do I gather rightly from you that it was a considerable time after the third class steward had told you to rouse up your people that you went about reassuring these people and telling them that the vessel was not hurt? - No; right from the very first we were trying to convince the people that she was not hurt.

10178. Did I understand you rightly when you said that "A large number of men were coming from forrard [forward], from the front part of the ship; I went about among my people trying to show them that the vessel was not hurt"? - Trying to "assure" them - not to "show" them.

10179. I accept your correction - "trying to assure them that the vessel was not hurt" - is that what you said? - That is so.

10180. Why did you on your own authority, after you had been told by the first class steward - ? - By who?

10181. By your chief third class steward to go down and rouse these people - Why did you upon your own authority go round and tell them that the vessel was not hurt? - It was not on my own authority at all.

10182. Who told you to do that? - The third class steward told me to get my people about as quietly as possible.

10183. Why did he tell you to get them up? - I cannot answer why he did. I take it, on account of the collision. He must have had word that there had been an accident.

10184. And, knowing from him that there must have been an accident, and that he considered the accident was of such a character that these people should be roused, you went round among them, and tried to assure them that the vessel was not hurt? - In the first place.

10185. Why did you do that? - Because it was my instructions to.

The Commissioner: Why? - To keep them quiet; it is quite obvious.

10186. (*Mr. Harbinson.*) I put it to you that it was as a result of these assurances of yours that the people refused to go up on deck? - You put it to me as such?

10187. I put it to you that as a result of these assurances given to the people they refused to leave their berths? - I do not take it as such.

10188. Was it so? - It was not so. If you will pay a little attention you will find that some people were taken to the boat deck.

10189. Please do not be impertinent? - I do not wish to be impertinent.

10190. I suggest to you that it was as a result of these assurances given by you that they were declining to leave their berths? - You take it as such.

10191. I ask you, is that so? - I do not know.

10192. You do not know? - I do not think so.

10193. How many women refused to leave their berths? - Several.

10194. Could you give us any estimate? - I might if I think.

The Commissioner: His estimate in such circumstances is, to my mind, of no value at all.

10195. (*Mr. Harbinson.*) Were there half-a-dozen out of the 58? - I take it there was.

10196. You do not know? - I could not vouch for the number.

10197. Was it a small number compared with the number who came up with you? - Oh, yes.

10198. A very small number? - Yes.

10199. So that I am right in assuming that all except a small number responded to your warnings? - That I can account for myself in my own part of the ship.

10200. That it was only a small number who refused to leave? - It was only a small number who refused to leave.

10201. You have told us, I think, that there were sixty third class stewards? - Yes.

10202. How many of those sixty were in the afterpart of the ship? - None.

10203. Can you tell us how many were in the after, and how many were in the forward part? - No.

10204. You have no means of telling? - I could not tell you.

10205. Could you give us any estimate of the number of women and children who were in the afterpart of the ship - third class men, women and children? - No.

10206. You cannot? - No.

10207. Who will be able to tell me that? - No doubt the White Star Line can tell you. The single men were all berthed in the fore part of the ship.

10208. You can give us no estimate of the numbers of the third class passengers who were in the after portion? - No.

10209. And therefore you cannot tell me how many stewards were allotted to look after the third class passengers? - In the afterpart of the ship, I can.

10210. That is what I am asking you? - Eight.

10211. Eight stewards to look after all the third class passengers in that portion? - That is for the sleeping accommodation.

10212. It is a considerable distance, is it not, from the aft part of the ship to the boat deck? - Yes.

10213. You have told us that you saw a number of stewards placed at various portions to direct the third class passengers how they were to go? - Yes.

10214. About how many stewards were so placed? - I passed about five or six on the starboard side.

10215. Who else besides you, then, were bringing the people from their berths - rousing them and bringing them up to the boat deck? How many others? - Almost eight. A portion of the third class stewards were room stewards, of whom I am the only survivor.

10216. I understood that there were only eight third class stewards in the aft portion altogether? - To look after them.

10217. Who were stationed at various places to direct the third class passengers the way they were to go? - Not of that eight.

10218. There were five? - Five others.

10219. What class stewards were they? - I could not tell you. Stewards were placed all round the ship.

10220. Do you know who placed them there? - I cannot tell you.

10221. Do you know the stewards by sight who were placed to direct the third class passengers? - No.

10222. But you say they were not third class stewards? - They were not third class stewards.

10223. Did you see the emergency door open? - I saw it open - The swing door to the second class you mean?

10224. Yes? - Yes.

10225. Do you know at what time it was opened? - Yes, I can tell you. It was open at half-past 12.

10226. Would it be right if anyone said that a number of sailors were keeping back the third class passengers from reaching the boat deck? - Would it be right to do so?

10227. Would it be right if anyone said so? - I do not say that it would be right.

10228. I asked you would it be right if anyone said so? - I would not like to say it would be right.

10229. (*The Commissioner.*) Would it be true? - I should not think so.

Mr. Harbinson: It is not what you think. Did you see any sailors keeping back the third class passengers from reaching the boat deck?

10230. (*The Commissioner.*) Did you see anyone keeping the third class passengers back, so as to prevent them getting to the boat deck? - No, my Lord.

10231. (*Mr. Harbinson.*) You told us about a rush of men from the front part of the ship coming aft? - Yes.

10232. They were coming towards the third class quarters? - Yes.

10233. They were third class passengers? - They were.

10234. Why do you think they were coming aft? - Because I saw them coming aft.

10235. I quite realise that you saw them. But what was it caused them, do you think, to do that? Was it because they could not escape to the boat deck by the companion ladder leading to the front part of the ship? - I do not believe so.

The Commissioner: How can he know that? Do let us have some sort of order in these questions. How can he know why they did come aft?

Mr. Harbinson: Did you form any opinion at the time?

10236. (*The Commissioner.*) Did you ask them why they were coming aft? - No, Sir, there was no occasion to ask.

10237. (*Mr. Harbinson.*) Did you form any opinion at the time? - I knew why they were coming aft.

10238. That is what I want to know. Why did they come aft? - Because the forward section had already taken water.

10239. And that was the only way they could escape? - Not necessarily, no. They could escape from the fore part of the ship.

10240. Up the companion ladder would have been the nearest way for them, would not it? - Yes.

10241. But they did not do that; they chose the other way? - They chose the other way?

10242. That is rather curious, is it not? - No, it is not curious at all.

10243. Is it not? - No.

10244. That is to say, they go the whole length of the ship and come up from the well deck at the back, rather than go up the companion ladder leading from the fore deck to the boat deck? - Perhaps the people did not stop to think where they were going to.

10245. If there had been anybody to show them, they would not have had occasion to think? - That may be so.

10246. According to you - and, of course, I am not disputing the accuracy of your figures at all - you took practically the whole of your section, the greater number of them, up; you took two batches? - Yes, but they were not all men.

The Commissioner: Oh, no, no. Do not make that mistake. They were not all from his section. A great many of them were from other sections.

10247. (*Mr. Harbinson.*) All your own went up except the few who refused to go? - All of mine went up except a few.

The Commissioner: Some of them went up and went back again.

10248. (*Mr. Harbinson.*) I will deal with that, your Lordship. (*To the Witness.*) Except the few who you say refused to go? - Yes; all went to the boat deck.

10249. Except the few who refused to go? - Yes.

10250. With regard to the ones who went up and went back again when they found, I think you said, it was rather cold on the boat deck, did they belong to the first or second lot that you took up? - How do you mean? Please say that again.

10251. You said a number went to the boat deck and returned to their berths? - They belonged to the first lot, because the second lot I saw placed in boat No. 15.

10252. The whole of them? - Yes.

10253. How many of the first lot returned to their berths? - I cannot tell you that.

10254. You cannot give any estimate? - No. I know I saw them to the boat deck.

10255. According to you, all the women and children, from the aft part of the boat who were taken up and who wanted to escape could have done so? - I do not doubt that for a moment.

10256. Can you explain how it was, that being so, that 55 percent of the women of the third class were drowned? - I cannot account for it - No, sir.

10257. I would like you to try and give us your opinion. That is a very high percentage, is it not? - I simply referred to those that I took up.

10258. (*The Commissioner.*) Were you ever in an accident of this kind before? - Something similar, my Lord.

10259. When was that? Were a great many people drowned? - There was nobody drowned.

10260. Then it was not an accident. Can you form any opinion as to what percentage of third class passengers might be expected to be drowned in an accident like this? - No, my Lord.

The Commissioner: Do not ask him such questions - they do not help me at all.

Mr. Harbinson: If I may respectfully explain to your Lordship, after what he has said it raises a curious condition of affairs - That all the women could have escaped who wanted to escape, and yet the fact remains, as stated by the learned Attorney-General, that the percentage of the third class female passengers who were drowned was 55.

The Commissioner: I know, but you are wasting our time by asking a steward questions about percentages. He does not know anything about such things. Ask him about things that happened and that he saw, and that he can tell us of, and then we will form our own opinion as to what deductions are to be drawn from the facts.

Mr. Harbinson: I do not think I shall ask him anything more, my Lord.

Examined by Mr. HOLMES.

10261. At the time your boat was lowered, was the ship badly down by the head? - Yes.

10262. Had she a list? - Not that I noticed. I noticed she was badly down by the head.

10263. You did not notice any list either way? - No.

10264. Did you see any lights of ships out at sea? - When?

10265. At any time? - Yes.

10266. Before or after you were lowered into the water? - Before and after.

10267. In which direction? - On the starboard side of the ship.

10268. Bearing how from the ship? - I should take it bearing North.

10269. That would be on the starboard bow? - Yes, on the starboard bow.

10270. What were the lights like? - I saw two lights. I took them to be plain, ordinary white lights - two masthead lights.

10271. Masthead lights? - Yes.

10272. It looked like a two-masted ship? - Yes.

10273. Could you judge at what distance? - No. Distance on water is very hard to judge.

10274. Could they have been lamp lights in any of your small boats? - No. They would not be that high.

10275. Did you find a lamp in your boat when it was lowered? - No, there was no place to look for any lamp.

10276. Were there lamps in any of the other boats you saw in the water? - Yes.

10277. How many? - I saw three.

10278. Three other boats with lamps in them? - Yes, three other boats with lamps in them, and there may have been more.

Examined by Mr. COTTER.

10279. Is it not a fact that a bugle goes at nine o'clock every night at sea ordering third class women below? - Not to my knowledge.

10280. What time are they ordered below, off the decks? - It is the usual custom for the Master-at-Arms to go round and tell them when it is the proper time to go down - I believe somewhere about nine and ten.

10281. Between nine and ten they are ordered off the decks? - Yes.

10282. When you went below, or when you received the order from the Third class Steward, did not you, as a sensible man, think it was the only sensible order you could receive to go down and tell the women quietly to get out and get their lifebelts on? - Yes. But whether I had been told that by the Third class Steward or not, I would have done it.

10283. You knew that if you went down below and did not do it in that way you might cause a panic - they might be hysterical? - That was the idea in informing the people quietly.

10284. There were no orders given to tell the third class men - the single men living in the bow of her - to come up on the boat deck, were there? - Not to my knowledge.

10285. So that there was no necessity for a Steward to go there and show them the way to the boat deck at the top? - I believe that somebody went forward after the collision to try to see what damage was done after the collision had happened, and there met the passengers coming along. He came along with them. I believe that was the interpreter Mellor.

10286. He was bringing them along E deck? - The main alleyway, E deck.

10287. He would not take them up to the boat deck and mix them with the women? - I do not think he would, because he brought them along that way.

10288. When you went down below, did you find any difficulty in getting the women to leave their baggage behind? - Some were inclined to take their baggage, but they, of course, would not be Europeans. I take it they were foreigners.

10289. You found a difficulty in getting them to leave their baggage behind; they wanted to take it up with them? - I did not find any difficulty at all, because I had no foreigners.

10290. But the foreigners did not want to part with their baggage? - I have heard so.

10291. When you went back again the second time, did you go down to F deck? - No.

10292. You did not go down to F deck? - There was no occasion to go there.

10293. Where did you go to? - The second time I went to my station on this deck.

10294. Did you see any water along E deck? - I saw none.

10295. No water at all? - I saw none.

10296. You saw no water at all along any deck from the time she struck? - I saw no water to the time I quitted that ship, with the exception of outside the ship, of course.

10297. I said, "along the deck"? - No, Sir; I saw none.

10298. What ship were you in when you met with your last accident? - I was in the "St. Paul" when she collided with the "Gladiator."

10299. So that you would know what to do in the case of an accident? - I imagine I would, yes.

10300. Were all the third class stewards trying to get the women out, and showing them up to

the decks? - Yes.

10301. My learned friend thinks there were only eight stewards in the third class. Will you tell us how many stewards there are in the third class? - There are somewhere about fifty-nine or sixty.

10302. Part of them were bed-room stewards, and part of them were table waiters, is that so? - Yes.

10303. And they would all be doing their little bit to get the passengers up? - They all helped to get the passengers away. Those that were not told off to their own rooms were sent on the boat deck to help in the best way they could.

10304. Did you notice between the dining room and the after section on F deck whether there were any bulkhead doors? - Yes, there were two.

10305. Did you ever see them closed on the voyage? - Yes, I saw them closed at bulkhead door inspection on the day after we left Southampton.

10306. Was there a general bulkhead inspection the day after you left England? - Yes; the Chief Officer came round with Mr. Andrews, the man representing Harland and Wolff's.

10307. Were the stewards told off to close those doors? - Yes; I myself was told off.

10308. And you closed a bulkhead door? - Yes.

10309. Do you know what you closed those bulkhead doors for - what that drill is for? - Yes; I take it as such, that in case anything should go wrong with the machinery leading from the bridge in closing those doors.

10310. These doors are hand doors? - No; they can be closed from the bridge as well.

10311. On E deck? - Yes.

10312. I think you are mistaken, my Lord. I do not think that is a fact? - I think so. Anyhow, I closed them by hand with a big spanner.

10313. You turn a spanner with a wheel? - Yes; I turned it with a spanner.

10314. You are not sure about whether they can be closed from the bridge? - I would not be sure that they can be closed from the bridge on E deck, but I take it as such, by the overhead gear, that they could be closed from the bridge.

10315. The real object of that drill is, is it not, that in case of collision a man should go there and close the door? - Yes.

10316. Do you remember anybody doing it that night? - No, I do not.

Examined by Mr. LEWIS.

10317. When you returned from your first visit to the boat deck you told us you had some trouble to get back owing to the men trying to get up. What prevented you? - The stewards prevented these men getting up when the order was passed around for the women and children.

Examined by Mr. MAURICE HILL.

10318. When you passed from your "glory hole" to M and K sections, did you pass along F deck or did you go up at once on to E deck by the stairway? - I went on to E deck by the stairway.

10319. Just outside your quarters? - Yes.

10320. Were you at any time after that on F deck? - No.

The Commissioner: Do you want to ask this witness any more questions?

The Solicitor-General: Just one or two more, my Lord.

Further examined by the SOLICITOR-GENERAL.

10321. Some questions have been put to you by some of these gentlemen rather suggesting that you discouraged these third class people from doing what was best to save their lives. Did you do anything of the sort? - No, Sir, I would not take it that way.

10322. I suppose you found they got a little excited when they were asked to put their lifebelts on? - They were simply told to put their lifebelts on in a quiet manner to prevent any kind of a panic that might have ensued.

10323. And you did your best to discharge that duty? - Yes.

10324. Was that before any order had been passed along that these people were to go up to the boat deck? - Yes.

10325. And when the order was passed along that they were to be taken up to the boat deck, did you do your best to get them through? - I did my duty, Sir, to get them through.

(The Witness withdrew.)

ALBERT VICTOR PEARCEY, Sworn.

Examined by the ATTORNEY-GENERAL.

10326. Were you a third class pantryman on the "Titanic"? - Yes.

10327. Had you been in the employment of the White Star Line for some five years? - Yes.

10328. You were transferred to the "Titanic" from the "Olympic"? - Yes.

10329. And were you employed as a third class pantryman on the first voyage of the "Titanic"? - Yes.

10330. Were you off duty when this collision occurred on that Sunday night? - Yes.

10331. Were you standing with others outside the pantry? - Yes.

10332. Is that on E deck? - Yes, I think it is E deck. I am not quite sure.

10333. Do you remember where it was? - Just outside the pantry door in the main alleyways. Just under the main alleyway of E deck.

Mr. Laing: Just behind the third class dining room.

The Commissioner: On what deck did you say?

10334. *(The Attorney-General.)* He said E deck, but I am not sure that he is right. - I am not sure I am right. I know it is just outside the pantry.

10335. I am going to put a question that will clear that up. Was it on the same deck as the third class stewards had their quarters? - Yes.

10336. On the same deck as the third class dining saloon? - Yes.

The Attorney-General: Then it is F deck.

The Solicitor-General: It is marked, my Lord, "Third class Pantry" - just on the after side of it.

The Attorney-General: It is just after the third class dining saloon.

The Commissioner: No, it is apparently close to the boiler casing.

The Attorney-General: It is also abaft of the third class dining saloon.

The Commissioner: On the port side? - On the starboard side it is close to the dining saloon.

The Attorney-General: So it is, I think, on the other. Both on the port and starboard side it is just abaft of the third class dining saloon. The boiler casing is marked in between.

The Commissioner: On the plan I have there is only one dining saloon marked.

The Attorney-General: I think they are both marked "Third class Dining Saloon."

The Solicitor-General: The title is "Third class Dining Saloon."

The Attorney-General: It is all one? - your Lordship sees.

The Commissioner: Yes, I understand.

10337. (*The Attorney-General - To the Witness.*) Did you feel the collision? - Not at all.

10338. What was it that first indicated to you that there had been a collision with the iceberg? - There was just a small motion, but nothing to speak of.

10339. What happened immediately after this motion? - The order was "All watertight doors to be closed."

10340. Are you referring to the watertight doors of this F deck? - Yes.

10341. Were they closed? - Yes.

10342. Did you help to close them? - Yes.

10343. Did several other men help with you? - Yes.

10344. Where did you close them? - I closed them on towards aft. I closed the pantry doors of my pantry on the starboard and port sides.

The Attorney-General: Does your Lordship see them marked on the plan, on the starboard and port sides of the pantry.

The Commissioner: Yes.

10345. (*The Attorney-General.*) Both of them are on the afterpart of the pantry. (*To the Witness.*) You said you were a third class pantry man. What was your duty? Had you any duty in connection with the passengers? - No, not at all.

10346. You had not to look after them at all? - No.

10347. Your business was entirely in the pantry? - Yes.

10348. Who was the chief third class steward? - Mr. Kieran.

10349. Did he give any orders that you heard? - The order that I heard was, "Assist all passengers on to boat deck."

10350. (*The Commissioner.*) That meant, I suppose, "Assist all passengers"? - Assist third class passengers. When Mr. Kieran gave that he would mean to say the third class passengers.

10351. Get on to the boat deck? - All passengers get on to the boat deck.

10352. (*The Attorney-General.*) You understood that to mean the third class passengers who were under his charge? - Certainly.

10353. Was anything said about lifebelts? - I did not hear it, Sir.

10354. Did you help? - Yes.

10355. Tell us what you did? - The lifebelts I put on their heads, and I tied the strings round them.

10356. You helped them with the lifebelts - helped to tie them on? - Yes.

10357. Then when you had done that, where did you go? - I passed all the passengers I could see forward to the boat deck.

10358. How did you pass them forward to the boat deck? - Through the emergency door.

10359. Where was that emergency door to which you are referring? - The one right forward.

10360. Where does it lead through? - Right through the saloon companion.

10361. What saloon? - The first class.

10362. Right through the first class saloon companion? - Yes.

10363. That would be on the next deck, would it not, on the upper deck? - Yes.

10364. Deck E? - Yes.

10365. Would that be leading into the alleyway? - Yes.

10366. As the people came along there you passed them through this door, did you? - Yes.

10367. Where did the people come from? - They came from forward.

10368. The people came from forward? - The people came from forward.

10369. Were they men or women? - All men, Sir.

10370. They were all from forward? - Yes.
10371. You passed them up to that door; did you give them any directions? - Yes, passed the directions right up. There were stewards besides me.
10372. Right up the whole way? - Right through the saloon to the companion - right through that door right up the saloon companion leading to the top deck.
10373. To the boat deck? - Yes.
10374. And you and others directed them? - Yes.
10375. Were there stewards posted at stations all along the way? - Yes.
10376. From forward? - Yes.
10377. Up to the companion? - Yes.
10378. Did you go down to the passengers quarters at all? - No, not at all.
10379. It was not part of your duty? - It was not part of my duty at all.
10380. You were carrying out what you were told by the steward - to assist them up to the boat deck? - Yes.
10381. Did a great number of passengers come along that alleyway? - Yes.
10382. Did you remain there until there were no more coming along the alleyway? - As far as I could see.
10383. You remained there until you could see no more passengers coming along the alleyway; is that right? - Yes.
10384. What did you do then? - I went to the boat deck myself.
10385. What was the time then? - Between one and half-past. It was nearly half-past one.
10386. You had nothing to do with the passengers who came from the afterpart of the ship? - No.
10387. When you found there were no more passengers coming along, you went up to the boat deck yourself? - Yes, I went up to the boat deck myself.
10388. Did the other stewards go with you? - Yes.
10389. And those who had been stationed there and who had been assisting in the directions? - Yes.
10390. When you got to the boat deck will you tell us what you saw? - I saw two babies on the deck; I picked them up in my arms and took them to the boat.
10391. Do you know what boat it was you took them to? - A collapsible boat.
10392. Was there any officer there? - Yes.
10393. Who? - The Chief, Mr. Murdoch.
10394. Do you remember whether the collapsible was on the starboard or the port side? - On the starboard side.
10395. Did Mr. Murdoch give you any order? - Yes.
10396. What was it? - He told me to get inside with the babies and take charge of them.
10397. Were you attached to any boat; had you a station on any boat? - Yes.
10398. What was it? - No. 3 on the starboard side.
10399. That was the second boat - the first lifeboat after the emergency? - Yes.
10400. Did you notice what had happened with regard to any of the other boats on the starboard side when you were ordered into the collapsible? - Not at all.
10401. When you came on the boat deck you did not see? - No.
10402. Did you notice whether No. 3 boat, your own boat, was there or not? - Yes, it was gone.
10403. You did notice that No. 3 boat was gone? - Yes, my boat was gone.
10404. Where was the collapsible when you were told to get into it? - By the side of No. 3 on the starboard side.
10405. On the starboard side? - Yes, on the starboard side close to number 3. That was the boat

I was stationed in.

10406. Close by where number 3 would have been if it had been in its ordinary place? - Yes.

10407. Had it been moved or was it where you usually saw it? - It was where I always saw it.

10408. Did you notice whether the emergency boat had gone or not? - No.

10409. Did you notice anything more at all about the boats except that number 3 was gone? - No, I never noticed anything more.

10410. Were there people in the collapsible boat? - Yes.

10411. Were they women or men? - All women, Sir.

10412. And children? - Children and women.

10413. And some of the crew? - Five of the crew with the Quartermaster.

10414. Did that include yourself? - There were three Firemen, myself, and a Quartermaster.

10415. Do you remember how many you were in the boat? - Just about sixty-six.

10416. Does that include the crew? - That is without counting the crew.

10417. About sixty-six passengers? - Sixty-six passengers and five of the crew - seventy-one.

10418. (*The Commissioner.*) That means seventy-one in all, does it? - Yes.

10419. (*The Attorney-General.*) Did you count the passengers at all? - I took notice of the passengers - what there was there. I counted there were just about sixty-six.

10420. You mean when you could see? - Yes.

10421. Do you remember how the collapsible was launched at all into the water? - No. It is launched, of course. It is put down the side.

10422. It is put over the side? - It was swung out.

10423. By the davits? - Yes.

10424. Swung out by the davits? - Could you tell us, was that where No. 1 boat was or No. 3? - No. 3.

10425. That is what you mean, is it? - Yes.

10426. As I understand you, No. 3 boat, that is the first lifeboat on the starboard side? - Yes.

10427. And your boat took its place? - Yes.

10428. The collapsible boat? - Yes.

10429. And by means of the davits which were there ordinarily for No. 3 boat you were lowered into the water? - Yes.

10430. Probably that is how it is you noticed No. 3 boat was gone? - Yes.

10431. Were there any women or children on the deck in the neighbourhood of the boat when you left? - I did not notice. I never noticed at all.

10432. I want to quite understand what you mean when you say you never noticed. Do you mean that you did not see any, or you do not know whether any were there? - I did not see any women there at all.

10433. You did not see any women there at all; is that it? - Yes.

10434. That is in the neighbourhood of the boat, I asked you? - Yes.

10435. Did you notice whether there were any women and children on the deck at all when you left? - No.

10436. Do you mean you did not see any? - I did not see any.

10437. Your boat was launched over the side by means of the falls? What happened to it, do you remember? What happened when you first got to the water? Did it float all right? - Yes.

10438. Were the sides up - the canvas bulwarks? - Yes.

10439. Was it dry when you got into the water? - Yes.

10440. Who was in charge? - The Quartermaster.

10441. Do you remember his name? - No, I do not.

10442. Tell us what happened to it. I want you to tell us all you can. You got into the boat;

there was the Quartermaster in charge. I suppose some of you started rowing? - Yes; I handed the babies over to the passengers, and I took the oars.

10443. You took the oars with the rest of the crew? - Yes.

10444. Did any of the passengers help you to row, or was it all done by you - the crew? - Done by the crew.

10445. How far did you row? Did you row right away from the ship? - Yes. We rowed away from the ship. We rowed her a distance out.

10446. You rowed out a distance from the ship? - Yes.

10447. You could not tell us how far? - No.

10448. Did you notice when you rowed away whether the ship had any list? - Yes, the ship had a list on her port side.

10449. Did you notice whether she was down by the head? - No, I did not notice.

10450. Did you notice whether she appeared to be going deeper into the water forward - did you notice that? - No.

10451. Then you rowed away? - Yes.

10452. Did you see the vessel go down? - Yes.

10453. Were you facing her when she went down? - Yes.

10454. Were her lights burning? - Yes, the lights were burning.

10455. Up to the last? - Yes.

10456. Can you give us any idea of how long it was after you had started rowing away from the "Titanic" before she sank? - No, I cannot. It was 20 minutes to two when we came away from her.

10457. That will help us. It was 20 minutes to two, you remember, when you started rowing away from the ship's side - is that right? - Yes.

10458. That is what you mean, is it? - Yes.

10459. Not when you came up on deck, but when you started rowing away? - Yes, when we got away. It was just in time.

10460. How do you remember it was 20 minutes to two? - Because I looked at the time.

10461. That is what I wanted to know. Where did you look at the time? - One of the passengers had the time.

10462. And it was 20 minutes to 2? - Yes.

10463. Will you tell the Court what you saw? Explain to the Court what you saw when the vessel sank? - Of course, when she sank she went down. She went down *this way (showing)*. I could not exactly say. I am only rough myself, and I cannot describe it.

10464. Let us see if we can help you. Did she appear to be plunging down by the head or the stern? - She was plunging forward.

10465. Did you see her stern out of the water at all? - Yes, Sir.

10466. Was the stern upstanding? - Yes.

10467. So that the stern was up in the water like *that (showing)*? - Yes.

10468. Could you see underneath her? - No.

10469. Could you tell that her keel was visible? - Yes, the keel was visible.

10470. Then, when you saw that, what did you next see happen to the stern? - She went down, you see. It upset me, and I could not exactly say.

10471. It upset you and you cannot give us a description of what happened? - No.

10472. Did you remain in this collapsible boat until you were picked up by the "Carpathia"? - Yes.

10473. And all your passengers? - Yes.

10474. As you went away with your 66 passengers and crew, and so you were picked up by the

"Carpathia"? - Yes.

Examined by Mr. SCANLAN.

10475. When this collapsible boat was lowered was the water practically up to the deck? - Not on that side - not on our side. That was the starboard side.

10476. Had you a light in this boat? - No.

10477. Was there a compass in it? - I do not know.

10478. Was there a supply of biscuits? - I do not know.

10479. Had you sufficient of a crew to row this boat? - No.

10480. Did you require the assistance of passengers? - No; we did not require them.

10481. You had 5 members of the crew in this boat? - Yes.

10482. How many would you have needed in order to row her? - It would want 8 - 8 or 9 crew.

Examined by Mr. HARBINSON.

10483. Did anyone give you any instructions to stand at the first class emergency door? - No.

10484. Did you hear anyone give any instructions to any of the other stewards as to where they were to stand? - No.

Examined by Mr. COTTER.

10485. Where is your third class pantry situated? - Amidships.

10486. From the time the vessel struck until you went to the boat did you go down to your pantry at all? - No.

10487. Did you go near to the third class dining room? - No.

10488. Did you see any stewards along E deck taking passengers aft - women passengers and children? - No.

10489. You did not see them? - Not E deck. You say aft. I was not there. I was at the other end.

10490. I mean taking them from forward to aft? - No.

10491. When you got up to the boat deck who was standing by that collapsible boat? Was there any officer there? - Yes.

10492. Who was it? - The chief officer, Mr. Murdoch.

10493. Did you see Mr. Lightoller about anywhere? - No.

10494. What officer got into your boat? Was there any officer there? - Only a quartermaster.

10495. There was no officer at all in your boat? - The quartermaster.

10496. He is the petty officer of the boat. Was there any water in the collapsible boat by the time you got to the "Carpathia"? - No.

10497. It was all right? - Yes.

(The Witness withdrew.)

EDWARD BROWN, Sworn.

Examined by Mr. ASPINALL.

10498. Were you serving as a first class steward on the "Titanic" on the occasion of this casualty? - Yes.

10499. Have you served in liners before? - Yes.

10500. In what ships? - The "Cedric," the "Teutonic," the "Oceanic," the "Adriatic," and the "Olympic."

10501. All White Star boats? - Yes, all White Star boats.

10502. Do you know what your boat was? - The boat that I was assigned to was number 5.

10503. Had you seen the list? - Yes, I saw the list on the Friday.

10504. At the time of the accident were you asleep? - At the time of the accident I was asleep.

10505. Were you awakened by the shock? - Yes.

10506. I do not intend to take you in great detail through the earlier part of your story, because we have heard it many times from other people, but did you at first think that there was no danger? - I never thought there was any danger.

10507. And then after some 20 minutes had passed were you told that you were wanted on the boat deck to help with the boats? - That was the time I thought it was. You cannot judge time very well. I thought it was 20 or 25 minutes.

10508. Did you go on the boat deck, and do what you were told? - Yes.

10509. To take this matter quite shortly, did you first help with boat No. 5? - Yes.

10510. Did you help the women and children into the boat? - Yes.

10511. Those were the orders? - Those were the orders.

10512. Then did you go from that boat to No. 3? - Yes.

10513. And help there again with women and children? - Yes.

10514. Then did you go from boat No. 3 to boat No. 1? - Yes, I went from boat No. 3 to boat No. 1.

10515. And helped with women and children? - Yes.

10516. Having done that, did you then go and help with a collapsible boat? - Yes.

10517. I want you to tell me which collapsible boat that was, the one on the port side or the one on the starboard side? - The starboard side - the one that was under number 1 boat.

10518. Did you get that collapsible boat to the davits? - We did, Sir.

10519. Did you then proceed to fill it up with women and children? - Yes.

10520. Was Mr. Bruce Ismay taking any part in connection with that boat? - Yes, he was calling out for the women and children first. He helped to get them into that boat and he went into it himself to receive the women and children.

10521. Was that boat filled? - It was filled.

10522. What was done with that boat? - Filled up and lowered over the side.

10523. Was it then lowered down to the water? - As far as I can say. I saw it going over the side from the boat deck.

10524. Up to the time that that boat was filled and lowered away was Mr. Ismay there doing what you have told us? - Yes.

10525. Did you see any more of Mr. Ismay yourself after that? - Not after that.

10526. After you had finished with that boat where did you next go to? - We turned our attention to another collapsible boat that was on top of the officers' house on the same side of the ship.

10527. That was a boat which lay on the top of the officers' quarters? - Yes.

10528. You tried to get that boat down to the deck? - Yes.

10529. Did you get it down? - Yes; we got two planks on the bow-end of the boat, and we slid it down on to the boat deck.

10530. Having got it down, the next thing, I suppose, would be to get it to the davits? - We tried that, and we got it about halfway and then the ship got a list to port, and we had great difficulty. We could not get it right up to the davits, so we had to slacken the falls. The ship took

a list to port, and we could not get it up the incline right up to the davits.

10531. Did you do your best? - We did our best. We slackened the falls and made it fast.

10532. You did make it fast? - Yes, we did make it fast by slackening the falls, but we could not haul it away any further.

10533. Were you ever able to get it outboard so as to lower it? - No.

10534. Were there any women there whilst you were dealing with this boat that had come from the top of the officers' quarters? - There were four or five women that I could see there waiting to get into this boat if we got it under the davits.

10535. Whilst you were trying to get this boat up the hill, as it were, to the davits, did anything happen to the ship? - Yes, she put the bridge under then.

10536. She put the bridge right under water? - Yes, she put the bridge right under water.

10537. You spoke of a list to port, I think? - Yes.

10538. At the time that she put the bridge under water was the list considerable? - Yes.

10539. She was, of course, well down by the head then? - Very well down then, Sir.

10540. What happened to you when she put the bridge under water? - I found the water come right up to my legs *here*, and I jumped into the collapsible boat then. I cut the after fall, and I called out to the man on the forward end of the boat to cut her loose; she would float if we got the falls loose.

10541. Did this other man do that? - I could not say.

10542. Did she float? - I cut the ropes and then I was washed right out of her.

10543. You cut both falls? - No, only the after fall.

10544. What happened to the forward fall? - I could not say. I was washed out of the boat then.

10545. You were washed out of the boat, were you? - Yes.

10546. Did you notice what happened to these three or four women who had been standing there? - The last I saw of them they were in the water struggling.

10547. You could not help them, I suppose? - No.

10548. Then did you go down - did you sink? - When I got in the water I was in a whirlpool going round like this. (*showing*).

10549. Did you come up to the top? - Yes, I came up to the top.

10550. Had you got your lifebelt on? - Yes.

10551. Did you hear any noise from the ship as she went down under you - any explosions? - What I took to be an explosion, Sir - a great noise, a great report.

10552. When you came to the top of the water, what did you see round you? Did you see anything round you - wreckage or people? - Not then. There was no wreckage, but a lot of people in the water.

10553. Could you help me with regard to this; if you did not notice say so: Did you notice whether the bow broke off? - With the first report of that explosion I saw the afterpart of the ship giving a tremble like *this* (*showing*), and I thought by the afterpart going up like *this* (*showing*), and giving a bit of a tremble that the bow had fallen off. I might be wrong.

10554. But that was your conclusion from it? - Yes.

10556. I suppose your opportunities for observation were not very good at this time? - No. That part was practically under water then.

10557. When the afterpart gave this tremble, where were you then? - In the water; right before the forward funnel.

10558. Did you notice whether the lights of this afterpart were still lighted or not? - There were lights burning then.

10559. Could you see that? - Yes.

10560. After you had been in the water for some time did you see a black object? - Yes, I saw

a black object.

10561. How long do you think you were in the water before you saw that? - It seemed a very long time.

10562. Was it a long time? - It seemed a lifetime to me.

10563. Did you swim towards it? - I did my best. I never swam in my life; but I kept myself up with the lifebelt, and I made my way the best I could towards it.

10564. Do you mean you cannot swim? - Yes.

10565. Then the lifebelt saved you? - The lifebelt saved me.

10566. Did that black object prove to be a collapsible boat? - Yes.

10567. I think it was half submerged, was it not? - Yes, submerged with the weight of men on it.

10568. How many people were there on it? - I should say there were 16 or 17 on it.

10569. You used the expression "with the weight of men on it." Were they men or were they some women? - They were all men then, Sir. The women we had on it were picked up after I got aboard of it.

10570. Did you get on to that collapsible boat? - I did.

10571. Did you remain on it? - I remained on it.

10572. Did you pick anybody up in that boat? - When I was there I saw them pick two up, a woman and a gentleman - a very big gentleman.

10573. You have spoken of the men on this boat. Were they passengers, or were they crew of the ship, or staff of the ship? - They were mixed up; there were some stewards, some firemen, and the rest passengers.

10574. Could you tell me how many were passengers out of the 16 men? - There was one fireman that I knew. I do not know whether there were any more or not.

10575. Do you know how many were passengers? - I know there were three stewards, and I know there was one fireman. I do not know how many more.

10576. (*The Commissioner.*) Do you know whether any of the 16 that you saw were passengers? - Oh, yes, Sir.

10577. How many? - You could not very well pick them out. I should say 10 or 12 of them were passengers.

10578. (*Mr. Butler Aspinall.*) I believe next day, to go on a little further, you first of all were picked up by No. 14 boat? - Yes.

10579. And taken to the "Carpathia," were you not? - Yes.

10580. Do you know a man called Joughin, the Chief Baker of the "Titanic"? - Yes, I do.

10581. He has been here, and he has told us that he swam to a collapsible boat that was in trouble, after he had been in the water for some time, and they refused to take him in. Do you remember that incident happening? - That is another collapsible boat altogether.

Mr. Aspinall: That is not your collapsible boat?

The Commissioner: You gave me, Mr. Aspinall, or the witness did, the number of the boat that picked them up; what was it?

10582. (*Mr. Butler Aspinall.*) Boat 14. (*To the Witness.*) You were picked up by boat 14? - Yes.

10583. And we have heard it was the Fifth Officer, Mr. Lowe, who was in charge of that boat? - Yes.

The Solicitor-General: That boat is the one that Scarrott and Morris have given evidence about already.

10584. (*Mr. Butler Aspinall.*) Do you know if on your collapsible boat there was a man - a cook I think he was - from the cook's department by the name of Maynard? - No. He was on the

upturned collapsible boat.

10585. That clears it up. Then you were taken on board the "Carpathia." I want you to tell me these two other matters which I think you can speak about. Whilst you were working down the last collapsible boat from the top of the officer's quarters to the deck, did you notice Captain Smith? - Yes, the Captain came past us while we were trying to get this boat away with a megaphone in his hand, and he spoke to us.

10586. What did he say? - He said, "Well, boys, do your best for the women and children, and look out for yourselves." He walked on the bridge.

10587. He returned then to the bridge? - Yes.

10588. And about that moment of time the ship took her last plunge? - Yes, a very few seconds after that.

10589. There is one other matter I want you to tell us about as you were on the ship to the end. Do you know what the Band were doing at the last? - I do not remember hearing the band stop playing. They were playing for a long time, but I do not remember hearing them stop.

10590. Where would the band be gathered; where would they play, do you know? - Right on the forward companion on the very top - on the boat deck forward companion.

The Solicitor-General: Between the first and second funnels.

10591. (*Mr. Butler Aspinall.*) Were they playing at the time when you were dealing with this collapsible boat from the top of the officers' quarters? - Yes.

10592. Up to as late as that your memory serves you? - Yes, they were playing then.

10593. (*The Commissioner.*) Do you mean up to the time when the Captain called out to you to look after the women and children? - Yes, they were playing a few seconds before that, Sir.

10594. (*Mr. Butler Aspinall.*) Just in order to get the names, if I can, of some of the people in your collapsible boat, do you know the names of any member of the crew that was in that collapsible boat? - Two besides myself.

10595. You know the names of two? - Yes.

10596. Will you give me their names? - Gus Whiteman, [August Weikman] the Chief Barber, the First class Barber, and W. Lucas, a First class Steward.

10597. (*The Attorney-General.*) You say Lucas was a steward? - Yes, a first class steward.

(After a short adjournment.)

Examined by Mr. SCANLAN.

10598. I believe that this collapsible boat which you failed to get into the water was practically a new collapsible boat the same as the others? - Yes, as far as I know, it was.

10599. And would have been serviceable if you had succeeded in getting it launched? - Yes.

10600. Did the fact that this boat was on the top of the officers' quarters make it difficult to get her near the davits? - No, Sir; not if the ship had been on an even keel; but when we got it down on to the boat deck the ship had a list to port.

10601. I know that was against you, of course. The other collapsibles were under the davits, were not they - under other boats? - They lie just behind the No. 1 davit.

10602. And I suppose if this boat had been placed under one of the ordinary lifeboats it would have been quite an easy matter, even with a list, to have launched it? - If it was right under the davits - Yes.

10603. As you were one of the last to leave the boat before she sank, I want to ask you this question: Did you observe just at that time the lights of any ship in your vicinity? - I never saw any, Sir.

10604. Or even when you got into the water and on to the raft? - Only the lights of our own boats.

Examined by Mr. COTTER.

10605. How long have you been going to sea? - Eight years.

10606. Have you been in any other company except the White Star Line? - My two first voyages to sea were in the Dominion Line.

10607. Do you know what boat drill is? - I do.

10608. What was the number of your boat on the "Titanic"? - No. 5.

10609. You saw that on the list? - I saw that on the list.

10610. In the pantry? - In the pantry.

10611. Had you any bulkhead door allotted to you? - No.

10612. Do you know anything about the bulkhead doors on the "Titanic"? - Which way do you mean?

10613. Where they were situated? - Of course, down below in the engine room department. I do not know anything about them; our department a little.

10614. Tell us what you know about the bulkhead doors and where they were situated? - On E deck, I know there are four there; that is on the port side. On the starboard side I know of two.

10615. Did you take any part in any bulkhead door drill? - No.

10616. You do not know whether the bulkhead doors were closed during the voyage, as far as it went, of the "Titanic"? - Not so far as I know.

10617. Now, I will take you up to the boats. When you got on deck you went to No. 5 boat, you stated? - Yes, I went to No. 5. That was my boat.

10618. And from there to No. 3? - Yes, No. 3.

10619. When you got to No. 1 did you receive any orders? - When I got as far as No. 1 boat I heard an order called out to cut the collapsible boat loose that was lying under No. 1 boat.

10620. You heard an order? - I heard an order given; I do not know who by. It might have been one of the officers, I do not know. I heard an order given to cut the collapsible boat loose.

10621. Did you go to the collapsible boat? - I did, and got my knife out and cut it loose.

10622. Did you see No. 1 launched? - No. My attention was on the collapsible boat, and I could not see what was going on in No. 1. I was that close to it (*showing*), but I could not see what went away in it or anything else.

10623. You never heard the order to launch No. 1? - No, I was working down below the collapsible.

10624. Did you see the first collapsible boat go away? - I did, off the starboard side.

10625. Was it launched from the davits? - Right from the davits, yes.

10626. Did you see Mr. Ismay about? - Yes, he was standing in the boat receiving women and children.

10627. He was standing in the boat? - He was receiving women and children in the collapsible boat when it was hanging over the side on the davits.

10628. Were there any women about after it had been launched? - I saw four or five women when we were trying to get the boat away.

10629. When you were launching? - When the first collapsible boat went there were no more women there to get in the boat and it was practically full then.

10630. How long from the launching of that collapsible boat with Mr. Bruce Ismay in it, was it that you saw the women? - I suppose it took us about 10 or 12 minutes to get the other boat down.

10631. That is when you were getting the boat off the house? - Yes, off the officers' house, and those women were waiting to get into the boat if we could have got it away.

10632. They came along after the first collapsible boat had gone? - Yes.

10633. How many men did it take to get that collapsible boat off the house? - I could not tell you the number; there were seven or eight on the top deck and two or three down below receiving it.

10634. Where did you get the planks from to put against the house to get the collapsible boat down? - Where they came from I cannot say, but they were there ready.

10635. Were they planks or masts or oars out of some of the other boats? - That I did not take much notice of, whether they were masts or what. I think they were the planks that held the awnings on the other boats.

10636. You mean the fore-and-aft? - Yes.

10637. You had two fore-and-afters and put them there? - Yes.

10638. Was anybody hurt? - No.

10639. Had you any difficulty in sliding that boat off the house? - We put the bow of it on the planks and let it slide down.

Mr. Cotter: With your permission, my Lord, could we have the model canted over?

The Commissioner: Certainly.

10640. (*Mr. Cotter - To the Witness.*) Will you show us how far she had a list? Say when to stop. (*The model was moved.*) - That will do.

10641. She had a list to port? - Yes.

10642. And the bow down that way? - Yes.

10643. It was a cant on that way and a list to port? - Yes.

10644. When you started to bring the Englehardt boat off the house? - Yes.

10645. Did you land it down to the deck next to the house or near the davit? - Right alongside to the house, the length of the planks; we put them half-way between the house and the davits.

10646. You would have to pull your falls over from the davits, loose your falls and drag them over and fix them on the boat? - Yes, we did that when we found we could not push it up the incline. We had to slacken the falls.

10647. Suppose you had got them on the davits, with the list she had on, could you have launched her? - We should have launched it. We should have got it out, swung the davits out first and then put the people in. It would have been a little difficult, but I think we could have managed it.

10648. With a ship with a list like that? - Yes.

10649. With a 70 feet drop? - Yes, because the weight in the boat would slide it along the side of the ship.

10650. The water was well up then, was it not? You might have been able to? - She had her nose pretty low down then.

10651. You could not get the forward end or afterend of the falls cut away? - I cut the afterend myself; I do not know about the forward. I shouted for them to be cut away and that the boat would float then, but I do not know whether they were cut or not. I know the afterend was cut.

10652. Was there anybody in there? - There was a lot scrambled into it then; when the sea came on to the deck they all scrambled into the boat.

10653. How many? Can you give us an idea? - I have no idea - practically full. The boat was practically full, when the sea came into it, and washed them all out.

10654. Washed everybody out? - Washed everybody out of the boat.

10655. Washed the boat away? - No, it left the boat there. I do not know where it went to then. We were washed out of it; that is all I know.

10656. Was there anybody around you when you were in the water? - Yes, and well I know it, because they tore my clothing away from me with struggling in the water.

10657. Can you give us any idea when you were picked up? Was it dawn or daylight, or dark? - When I was picked up by our lifeboat?

10658. By the collapsible? - It was a good while after daylight.

10659. So you must have been in the water say about two hours and a half? - A long time I know.

10660. When you got in the boat were there many men in that boat? - Yes. I suppose there would be 12 or 14 men in it.

10661. Were they passengers or crew? - Mixed up.

10662. Could you give us any idea how many of the crew? - I really could not say; I could not pick them all out at that time.

Can you give us any idea?

The Commissioner: He has told us there were 10 to 12 passengers. He has already said it: "I got on to the boat and was saved. We picked up a woman and a man; 10 or 12 were passengers."

10663. (*Mr. Cotter.*) How many were pulling when you got into the boat? - There was nobody pulling then because the boat was under sail when I got into it.

10664. Did they put out oars afterwards? - Yes, the officer asked for volunteers to row.

10665. Did you take an oar? - I did. There were three oars put out on the starboard side of the boat, and I took one on the port side.

10666. What condition were you in? - Were your feet or hands swollen? - My feet had burst my boots and my hands were all swollen up like *this (demonstrating)*.

10667. And you volunteered to take an oar? - Yes.

10668. And you took an oar? - Yes.

Examined by Sir ROBERT FINLAY.

10669. Only one question. Did you hear an order given in the alleyway about the watertight doors? - That was the first order I heard after I was woke by the shock.

10670. Just tell us what you heard? - Who gave it I do not know, but I heard an order in the alleyway outside our quarters to close all watertight doors.

10671. There are watertight doors in the alleyway? - Yes, lower down, further aft than our quarters are.

10672. And you heard that order given? - Yes.

(The Witness withdrew.)

CHARLES DONALD MACKAY, Sworn.

Examined by Mr. RAYMOND ASQUITH.

10673. Is your name Charles Donald Mackay? - Yes.

10674. You were a bathroom steward on the "Titanic"? - Yes.

10675. At the time the ship ran into the iceberg, were you in your quarters? - Yes.

10676. Were you playing cards? - I was playing bridge.

10677. Do you feel a shock? - Yes.

10678. Where were your quarters? - Amidships, practically amidships.

10679. Can you see this plan from there? Would it be *these (Pointing on the model.)*? - No,

further forward than that.

10680. Which deck? - E, the working alleyway.
10681. Was it near the first class dining saloon you were? - Yes.
10682. Just abaft of that? - Yes, the afterend of the dining saloon, first class.
10683. Somewhere about *there* (*Pointing.*)? - Yes.
10684. Did you feel the shock? - Yes.
10685. Was it severe? - No, not too severe.
10686. You just noticed it. What did you do when you felt it? Did you come out into the alleyway? - Yes.
10687. You are speaking now of the alleyway on E deck? - The ship's working alleyway.
10688. On E deck? - Yes.
10689. Did you meet anyone there? - I met quite a crowd.
10690. Were you told something about what had happened? - No, we were told nothing.
10691. What did you do next? - The first order I heard was from the Second Steward to close all watertight doors on F deck.
10692. To close the watertight doors on F deck? - That was the first order I heard given.
10693. How long after the accident was it you heard that order? - A matter of about a quarter of an hour.
10694. And did you go to F deck to obey that order? - No. The third class chief steward was sent for, for his men to do that order.
10695. Was that Mr. Kieran? - Yes.
10696. Did you see the Captain about this time? - No, I saw the Captain a matter of about 20 minutes after that.
10697. What did you see him do? - I saw him come down the working staircase and go along, I presume, to the Chief Engineer's room. About 10 minutes after that I saw him come back.
10698. You saw him come back, too? - Yes, and go up the same staircase.
10699. Shortly after that, did you get another order? - All hands were to be called and to get out of their quarters and proceed to the passenger decks.
10700. Who gave that order? - The second steward, Mr. Dodd.
10701. You said something about passengers? - The bedroom stewards were ordered to their passengers' rooms to tell passengers to get on warm clothing and proceed to the top deck, the boat deck.
10702. I think you were not a bedroom steward, you were a bathroom steward? - Yes.
10703. Does that mean that you had no particular passengers to look after? - We were told to get on the top deck and assist the passengers with their lifebelts.
10704. Did you take your own lifebelt? - No.
10705. What did you do? - I went to the top deck as we were ordered.
10706. What did you do when you got there? - Assisted passengers on with their lifebelts.
10707. When you say the top deck, I suppose you mean the boat deck? - Yes.
10708. Did you receive another order after that? - No, not then.
10709. When did you get your next order? - After we helped the passengers on with their lifebelts we were told to take our boat stations at our respective boats.
10710. Did you know what your boat station was? - Yes.
10711. What was it? - No. 3, starboard side.
10712. And did you go to No. 3? - Yes.
10713. Did you help to put people on board? - I did.
10714. Whom did you put on? - Women and children, and assisted one or two men.
10715. One or two men? - Yes.

10716. Why did you put men into the boat? - Because there were no other women there available to go, I suppose.

10717. The order was to put women and children in, was it not? - Quite right.

10718. When there were no women to go, you put in some men? - Yes.

10719. Can you say how many men you saw get into boat No. 3? - I cannot tell you.

10720. Can you give us any idea? - A matter of perhaps three or four; that is about all.

10721. After you had filled No. 3, I suppose that boat was lowered? - It was.

10722. What did you do next? - I helped to lower that boat.

10723. What did you do after it had been lowered? - Came along the line to No. 5.

10724. That was the next boat aft? - Yes.

10725. Did you help to fill and lower that? - No, pardon me, No. 7.

10726. You did not go to No. 5? - No. 7 went before No. 5.

10727. No. 7 went after No. 3? - Yes, to the best of my recollection.

10728. Did you put women and children into No. 7? - Yes.

10729. Any men into No. 7? - I believe so - a matter of one or two. I cannot state how many, for I do not know who were crew and who were passengers.

10730. After you had done that to No. 7 what did you do next? - I went back to No. 5.

10731. And did you do the same thing there? - No, I just watched the proceedings.

10732. What did you notice when you were watching the proceedings at No. 5? - She was filled up and lowered the same as the rest.

10733. Who were put into her? Could you see? - I could not say.

10734. Were they men or women? - Well, women, I suppose.

10735. Did you see? - Women, I said.

10736. You said "Women, I suppose." Did you see? - Well, when I say women, I mean to say women were the majority. I cannot say how many men there were lowered in that boat.

10737. Can you say whether any men passengers were put into that boat? - I cannot say. It is a hard job to tell a passenger from the crew when they are just simply called up out of their bed with simply an overcoat on.

10738. I am not blaming you. After you had looked on at the loading of No. 5, what did you do next? - I went along to No. 9.

10739. Did you help there? - The same proceedings took place.

10740. Did you help to put people into No. 9? - No, I watched proceedings.

10741. Did the same thing happen there? Women were put in if there were women? - All the women and children were put in first, and to fill up the boat men came after.

10742. Eventually did you get to No. 11? - I did.

10743. The first boat you mentioned was No. 3? - Quite right.

10744. Had you been to No. 1 before that? - No. 1 was on the davits.

10745. Did you see who were in it? - Nobody.

10746. What happened next? Did you watch what was done to No. 1? - No, No. 1 was on the davits when I left No. 7. After that I cannot say. I cannot tell you when No. 1 was lowered.

10747. No. 1 was on the davits when No. 3 was being lowered? - Yes, to the best of my recollection.

10748. And there was no one in No. 1 at all? - No; no one stationed by it even.

10749. The order of events was that No. 3 was lowered first? - Yes.

10750. And then No. 7? - Yes, and then No. 5, and then No. 9, to the best of my ability.

10751. And No. 1 was still on the davits when No. 7 was being lowered? - To the best of my ability, yes.

10752. I understood you to say you did not see anyone put into No. 1 and cannot give any

evidence about it? - No, no evidence at all.

10753. You eventually went to No. 11.? Describe what happened with regard to that? - No. 11 was lowered to A deck.

10754. First of all, were crew put into it on the boat deck? - No.

10755. No one put into it? - No.

10756. It was lowered to A deck? - It was lowered to A deck empty.

10757. Did you go down to A deck yourself? - No, the first order I heard given was, Mr. Wheat, the second assistant-steward, had an order from Mr. Murdoch to take charge of that boat.

10758. That was on the boat deck? - Yes. Steward Wilson and myself were ordered by Mr. Murdoch to collect all the women we could and take to that A deck, which we did.

10759. Did you collect women on the boat deck? - Yes, and we took them down the companion to A deck.

10760. About how many do you think you collected? - A matter of about 40 on A deck, we collected.

10761. On A deck? - Yes.

10762. But you told me you collected some from the boat deck? - Yes, I said a matter of about 40 on the boat deck.

10763. Which do you mean, the boat deck or the A deck? - The boat deck. We had our orders from the boat deck to collect all the women we possibly could.

10764. And you collected about 40 on the boat deck and took them down? - Yes.

10765. (*The Commissioner.*) And took them down to A deck? - Yes.

10766. (*Mr. Raymond Asquith.*) Did you collect any more on A deck? - Yes.

10767. How many more, about? - I cannot say; we collected a few more. I cannot tell you within two or three.

10768. I do not expect you to, but can you say roughly? - I can give you a rough estimate of what the boat carried.

10769. That is what I want to know? - That is counting men, women, and children, 74 to 78, counting nine children.

10770. (*The Commissioner.*) This is No. 11? - Yes.

10771. It took away 70 to 80, you say? - No, 74 to 78, counting nine children - not all adults.

10772. (*Mr. Raymond Asquith.*) You spoke of collecting some people on A deck itself? - Yes.

10773. When you say that, do you mean that you collected people who were already on A deck, or that you went to other parts of the ship and collected them there? - After we brought the people down from the boat deck that we collected, we filled up the boat from the A deck with passengers that were there.

10774-75. With the passengers that were already on A deck? - Yes.

10776. And you did not collect any others from other parts of the ship? - No.

10777. Can you say how many of that 74 or 78 that were in your boat were crew? - Yes, I could give you exactly - five stewards and one fireman rowing; the assistant second steward at the helm, two sailors, one forward and one aft.

10778. (*The Commissioner.*) Is that eight altogether? - No, that makes nine.

10779. (*Mr. Raymond Asquith.*) Nine, counting yourself? - I said five stewards, one fireman, two sailors (one forward and one aft), and the assistant second steward at the helm.

10780. (*The Commissioner.*) Then there were six stewards? - Well, one is the boss of the department; I hardly call him a steward.

10781. (*Mr. Raymond Asquith.*) Do you know the names of the sailors that were in the boat? - I could not tell you; I have not the slightest idea.

10782. Or of any other members of the crew that were in the boat? - Let me see. Yes, William

Wilton was one.

10783. He was a steward? - Yes. Macmicken. [A. McMicken.]

10784. What was he? - A steward. Tessenger, [A. Thessinger.] Mr. Wheat and myself. That is all I can answer for. I cannot answer for the others because they were new men on the ship.

10785. Was the last name you mentioned a steward, too? - Mr. Wheat was the assistant.

10786. I thought you mentioned another name? - Tessenger. He was a bedroom steward on E deck. The other men were strangers to me; I cannot think of their names.

10787. (*The Commissioner.*) Macmicken, Tessenger, and who else? - Wilton, Macmicken, Tessenger, Mr. Wheat, and myself. They were the only men I can remember. The fireman's name I do not know; the two sailors' names I do not know, and the other stewards I do not know, because they were strangers to the ship. They never came from the "Olympic" to the "Titanic" with us.

10788-10789. (*Mr. Raymond Asquith.*) That means, including yourself, there were ten members of the crew in this boat? - Nine, do you not make it?

10790. I thought I made it ten, but it does not matter? - Five stewards, one fireman, two sailors, and the assistant second steward at the helm.

10791. But you have not counted yourself? - Yes, I am counting myself as one of the five.

10792. That makes nine. You have told us there were also nine children? - There were 74 to 78, counting nine children ranging up to six years of age.

10793. Were all the rest women, or were there some male passengers? - There were two second class ladies, one second class gent, one first class lady, and the rest were all third class ladies.

10794. The rest were all third class ladies? - Yes.

10795. How do you come to know that? - Well, I do know; I cannot tell you why, but I do know. They were all third class people bar the four I have mentioned, bar the crew which was nine.

10796. You mean you could distinguish the first from the third, and that you counted them? - I cannot distinguish altogether, but I know when I got on board the "Carpathia" I found out they were third class.

10797. That is what I wanted to know. What did you do when you got into the boat in the water with people in it? Did you row away from the ship? - No, we had a bit of difficulty in getting away.

10798. What difficulty did you have? - The after fall would not run clear in the first place - it took three men to get the stern of her away from the flush of the water running from the ship's side.

10799. After you got free, did you row away from the ship? - Yes.

10800. How far away? - To the best of my ability a quarter of a mile.

10801. Were you within sight when the ship went down? - We watched all proceedings.

10802. Did you see a light while you were in the boat? - A supposed light do you mean?

10803. Well, I do not know whether it was a supposed light or not. Did you see what you thought was a light? - Yes, we thought there was a ship's stern light.

10804. Was it a white light or a coloured light? - It was a reddish light.

10805. And you thought it was the stern light of a ship? - Yes.

10806. Could you say in which direction it was with regard to the "Titanic", whether it was on the port or the starboard side of the "Titanic"? - Well, when I say it was the stern light of a ship, I should suppose she was going the same way as ourselves.

10807. On which side of the "Titanic" was it? - Starboard.

10808. On the starboard side; and you thought it was the stern light of a ship going the same

way as yourself in advance of you? - Yes.

10809. And did you row towards that light? - For a matter of about two hours as hard as we could row.

10810. And did you lose sight of it in the end? - Yes.

Examined by Mr. SCANLAN.

10811. Who was in charge of No. 11? - Mr. Wheat, the assistant second steward.

10812. Were all nine of you able to row? - Yes.

10813. And you found that nine of you could manage this boat, even with that very full load of passengers? - Yes.

10814. Had your boat a lamp? - No.

10815. Did you look for it? - Yes.

10816. Had she got a compass? - No.

10817. Did you look for it? - Yes.

10817a. You are quite sure it had not? - Yes.

10818. How long have you been going to sea? - 17 years the 7th of last May.

10819. I suppose you have experience of a number of lines? - Yes.

10820. Have you had training in the managing of lifeboats? - Yes.

10821. Where? - The Royal Mail Company, the Union Castle Company.

10822. And what others? - The American Line and the White Star.

10823. Is that training given to stewards and stokers and firemen as well as to sailors? - It is given to all hands in the ship.

10824. Does it go the length of getting you into the boats and rowing you round the harbour? - Yes.

10825. Is that frequently done? - Well, in one or two companies, yes, out of the four I have been in.

10826. What are the one or two in which it is frequently done? - The Royal Mail Company, the Union Castle, and the Union before the Union and Castle were amalgamated.

10827. How often? - The day before sailing, and the day of sailing.

10828. And on those vessels is it also the practice to have during the voyage a boat muster or a fire muster? - On a seven weeks' voyage fire and boat muster takes place at the end of each week; fire muster on the Saturday, boat stations on the Sunday at the muster.

10829. On boats crossing the Atlantic, is there a boat muster each week? - One each end - not for the boats to be lowered in the water.

10830. I mean, calling the men on the boat deck and showing them their stations? - Yes.

10831. I call that a boat muster. Do you agree with me there? - Yes, a boat muster; that is quite right.

10832. Had you got a boat station? - Yes.

10833. What was it? - No. 3.

Examined by Mr. HARBINSON.

10834. I did not catch whether you picked anybody up after the "Titanic" went down? - No.

10835. You did not see anybody? - We could not have picked up anybody if we had seen them.

10836. The boat was so full? - Yes.

10837. You did not see anybody near you? - Nobody at all.

Examined by Mr. HOLMES.

10838. Are you quite certain about the order in which these boats were lowered, Nos. 3, 5 and 7? - I have told you to the best of my ability; I am open to contradiction.

10839. Do you know a man named Jewell? - No.

10840. He has told us that No. 7 was the first boat in the water on the starboard side? - I beg to differ.

10841. At all events you are satisfied that 5 and 3 were in the water before No 1? - Yes.

10842. When No. 11 was lowered, was No 13 still on the davits? - No; No. 13 was being lowered when we were on the water's edge.

10843. About the same time? - About the same time.

10844. And before you were lowered, did you get any order from the officer on deck what you were to do? - In what way do you mean?

10845. What you were to do when you got into the water? - No orders at all.

Examined by Mr. COTTER.

10846. When you got the boat lowered how far did you pull from the ship's side before you stopped? - A matter of about a quarter of a mile.

10847. Can you give us any idea of the time which elapsed between the lowering of No. 11 boat and when the ship struck? - No; I will not make any stated time, for I do not know.

10848. You cannot give us any idea at all? - I will not attempt to, because I do not know.

10849. Did you see the ship sink? - Yes.

10850. Did you row back again? - No.

10851. You simply rowed away? - We did not row at all; we stood off about a quarter of a mile. From the time we left the ship to the time she sank we were a quarter of a mile away watching all proceedings.

10852. How many women were in that boat? Can you give us any idea? - Well, I say there were 74 to 78.

10853. Women? - No, all told.

10854. I mean how many women? - Well, I will allow you to abstract it; there were nine crew and one second class passenger.

10855. A second class gentleman? - Yes.

10856. That is 10? - Yes.

10857. That makes 64 passengers? - Yes, counting nine children; I do not know what they were.

10858. Can you tell us in what order your boat reached the "Carpathia" the following morning? Were you the first or the last? - Now you have got me guessing. I should say we were the last but three or four in.

10859. Were there any complaints in your boat before you got to the "Carpathia"? - Yes.

10860. Can you tell us what the complaints were? - Yes, they complained about being crushed up so much, and they could not sit down properly, and other people complained because they had to stand all night.

10861. Any complaint against the conduct of the men? - Yes.

10862. What? - Because we smoked.

Examined by Sir ROBERT FINLAY.

10863. You were told to collect the women. That order was given to you on the boat deck? - Yes.

10864. Where did you collect the women and children from? - All round the boat deck.

10865. They were on the boat deck already? - Yes.

10866. Then you collected them there and took them down to A deck? - We collected all we possibly could. That would amount to, say 40. I cannot be right to perhaps five or seven.

10867. Who helped you to do that? - A man by the name of Wilton.

(The Witness withdrew.)

The Solicitor-General: What we propose to do, with your Lordship's concurrence, is this. There are two witnesses that one or other of my friends would like to have in the box, and they both give, so far as we can judge, important evidence, a man named Wheat and the Quartermaster Wynn. Then when we have called those two, as far as we can see at present, we shall have exhausted this class of evidence so far as regards survivors who came across in the "Lapwing." [Lapland] I have made inquiries from my friends representing different interests, and as far as I can understand, they none of them suggest that any of the others who have come across in the "Lapwing" [Lapland] would be helpful. Then you will have the officers and other gentlemen later. I am leaving out of my reckoning at the moment any further witnesses who deal with boat No. 1. As your Lordship knows, there is a reason for dealing with that separately, and we are arranging to take that tomorrow. I hope it will be possible to deal with these two quite shortly.

JOSEPH THOMAS WHEAT, Sworn.

Examined by the SOLICITOR-GENERAL.

10868. Is your name Joseph Thomas Wheat? - Yes.

10869. Were you assistant Second Steward? - Yes, assistant Second Steward.

The Commissioner: Does that mean a second class steward?

10870. (*The Solicitor-General - To the Witness.*) Does that mean a second class steward or not? - No.

10871. Just tell me who your superiors are in your own department? - The Chief Steward, the Second Steward, and the Purser.

10872. And you would come fourth, as it were? - Well, after the pursers; there are a number of them, quite a number of pursers abroad.

10873. You mean the purser rating; I see. Putting aside the purser rating, you have the chief steward and the second steward? - Yes.

10874. Was the chief steward saved? - No.

10875. Was the second steward saved? - No.

10876. At the time when this accident happened were you in your bunk? - No, just about to turn in.

10877. You were just going to turn in? - Yes.

10878. Did you hear the collision? - Yes, I heard a noise.

10879. As you judged it at the time, what did you think it was? - Well, I thought she had cast one of her propeller blades. It sounded to me like that.

10880. Have you been on a ship where that has happened? - Yes.

10881. And you thought it was that? - Yes, I thought it was the same thing.

10882. We must find out where your room was? - On F deck down by the Turkish baths.
10883. Is it the port or starboard side? - Port side.
10884. I see "Turkish Bath Attendants" and I see "Second Steward" marked. Those are on the side of the ship? - Yes, on the outside.
10885. Then I see on the inside, "Two assistant second stewards"? - Yes.
10886. That is your room? - Yes.
10887. You had a mate in your room with you? - Yes.
10888. Was he in the room with you at the time? - Yes, he was in his bunk.
10889. You roused him, I think, did you not? - Yes.
10890. Did he get up and find out what was the matter? - Yes. I asked him if he had heard any noise, and he said "No."
10891. What deck did you go to? - To E deck.
10892. That would be the deck immediately above you? - Yes.
10893. And what did you learn when you got to E deck? - Well, I met the night watchman. I think his name was Johnson. He told me she was making water badly forward.
10894. Was that man Johnson saved? - Yes.
10895. I think we have had him here as a witness; he is a Scotsman, is he not? - Yes.
10896. You met Johnson? - Yes.
10897. And he told you she was making water forward? - Yes.
10898. Did you go forward yourself? - Yes, I went forward myself.
10899. On the E deck? - Yes, forward on E deck.
10900. And what did you find when you went forward on the E deck? - I went down to the Post Office room, which is down on G. You will find a stairway leading from E down to the Post Office and baggage room.
10901. I want to trace this because I understand this is only a few minutes after the accident? - Ten minutes or a quarter of an hour.
10902. You were on E deck. You go forward? - Yes.
10903. And you go down as low as G deck? - Yes.
10904. Now will you tell me again which is the stairway by which you go down from E deck? - The first stairway leads down to the squash racquet court and then continues on down to the Post Office and baggage room.
10905. Is the stairway immediately aft of the squash racquet court? - No, forward of the squash racquet court.
10906. I thought forward of the squash racquet court was a bunker head? - When you go down to the squash racquet court you turn to the right to get to the squash racquet court.
10907. Is it the stairway which, when you get to G deck brings you close to the Post Office? - Yes.
10908. You went down that stairway? - Yes.
10909. And you think it was about ten minutes or a quarter of an hour after you had felt the collision? - About that, I should think.
10910. Now will you tell us what you found when you got down to G deck? - I saw the mail men dragging bags of mail up, which I took to be the registered mail. The water was already on that deck.
10911. It was already on G deck? - Yes.
10912. Did you get down to the actual level of G deck? - Yes, I was on G deck.
10913. You were standing there? - Yes.
10914. Was there water where you were standing? - No, it was just making up the stairs then, just making G deck.

10915. You mean coming up from below, the Orlop deck, to G? - Yes.

10916. Is there a stairway which goes down again from G deck to the deck below? - Yes, but that is behind those stairs. You turn round again to get down the stairs.

10917. I want you to tell us where you saw the water coming up as you say just making G deck? - It was almost flush with G deck when I got on it.

10918. Do you mean where this stairway is which leads down? - Yes.

The Solicitor-General: Your Lordship has that, no doubt.

The Commissioner: I have. This means that the water in this part of the boat had risen above the Orlop deck.

10919. (*The Solicitor-General.*) So I follow, at that part. Your Lordship observes this is the compartment of the ship which is immediately in front of the No. 6 section. No. 6 boiler section is the compartment next aft. (*To the Witness.*) Did you spend long enough there to see whether the water was rising rapidly or slowly? - Yes, it was rising rapidly.

10920. Did the water actually reach the deck you were standing on, G deck, while you were there? - Yes, it was just on G deck.

10921. Just reaching it? - Yes; it was over G deck before I left; it covered G deck.

10922. Then what did you do? Where did you go? - I went upstairs to E deck again and went down to F deck to close the bulkhead doors on F deck by the Turkish baths. There are two bulkhead doors there.

10923. And did you close those? - Yes.

10924. Did you do that alone, or did somebody help you? - I closed the inside one myself, and then to close the other we had to go on top and turn that one with a key. Mr. Dodd and Crosby, the Turkish bath attendant, helped me.

10925. Is Mr. Dodd the second steward? - Yes.

10926. Now we will first identify the two doors. They are on F deck, are they not? - Yes.

10927. I see just in line with the Turkish baths on my plan two watertight doors marked. One is a watertight door which is nearly amidships and the other is a watertight door more on the starboard side? - Well, they are both on the starboard side.

10928. Yes, they are; quite right. Which was the one you closed first? - The inside one.

10929. The one nearer amidships? - Yes.

10930. And that one you closed unaided? - Yes.

10931. Then did you pass at once to the other one which is on the outside? - Yes.

10932. And that one you were helped to close? - That was closed from E deck.

10933. It had to be closed from the deck above? - Yes, they are closed with a key.

10934. Did you go up to the deck above and help to close it? - Yes.

10935. Now at the time when you closed the first of those watertight doors on F deck, the one that you closed unaided, was there any water on F deck as far as you saw? - No.

10936. You told us you thought it was about 10 minutes or a quarter of an hour before you went down and saw the water rising? - Yes.

10937. Could you give us some idea, how long after that was, or should you say that you closed these watertight doors by the Turkish baths? - I do not suppose it would be more than five or six minutes.

10938. Then you were a few minutes down looking at the water? - Yes.

10939. When you say you closed these doors, do you mean you did this out of your own idea? - Yes.

10940. Or had an order been given? - No, I did it on my own.

10941. As far as you know up to that time, had any order been given about closing watertight doors? - No. I heard none.

10942. What was the next thing after that? - After the bulkhead doors I proceeded up the stairs on to C deck. I had to pass D first, and before I got to C, Mr. McElroy was looking over the banisters.

10943. Is Mr. McElroy the purser? - Yes. He saw me coming and told me to get the men up and get all lifebelts and all passengers.

10944. What do you mean by getting the men up? - Most of them were down below at the time.

10945. By the men, do you mean the crew? - Yes, our own department.

10946. You would be one of the superiors responsible for a lot of the stewards? - Yes.

10947. You were to get them up? - Yes.

10948. Did you pass the word round? - Yes.

10949. You went to the stewards' quarters? - Yes.

10950. And gave these orders? - Yes.

10951. And did the stewards turn out? - Yes, they were nearly all out when I got down there.

10952. They were nearly all out already? - Yes.

10953. What was the next thing? - They were all round the decks getting the lifebelts on the passengers, and getting warm clothing on them, which took, I should think, about half an hour. Then we got the word to pass all women and children on to A deck on the port side.

10954. I want to get it in order. At some time you returned to your own room, did you not? - Yes, that may have been before I went to the glory holes.

10955. Try and get it in order for me, because I think you saw some water when you went to your own room? - That was later on.

10956. Very well, tell it us in the right order. - It was, I should think, about ten minutes or a quarter to 1 when I got the order from Mr. McElroy again to get all the men to the boats - to their stations.

10956a. That is, all your stewards? - Yes.

10957. Did you pass that order along? - Yes, for as many men as I could see there; and then I went down below again and went down to my own quarters. I think you will find there were about six or eight rooms down our quarters, the Turkish bath attendants.

10958. There is a cluster of rooms on F deck there? - Yes. I went and saw if all the people were out of those rooms first, and as I was coming up there was water running down off E deck on to F deck, down our section.

10959. Water running down off E deck to F deck? - Yes.

10960. That is, from the higher to the lower? - Yes, it had come from E deck and was running down on to F.

10961. Can you tell us where it was you found this water falling from E deck to F deck? - It was running down the stairway.

10962. Is that the stairway near your quarters? - Yes, the only stairway down there.

10963. (*The Commissioner.*) In great quantities? - No, not very much.

The Solicitor-General: Let us be sure I have the stairway which you are speaking of.

The Commissioner: Is he saying there was water running from D to E deck?

The Solicitor-General: No, my Lord, he has not said so yet; and I do not think he says so at all.

The Commissioner: From E to F?

The Solicitor-General: Yes. Your Lordship has the plan of E deck and F deck.

The Commissioner: I have.

The Solicitor-General: Will your Lordship look at the plan of F deck at the place where his own quarters were. It is the room marked "Assistant Second Steward." Now, next to that, immediately level with that is a stairway.

The Commissioner: Yes, going up to E deck.

10964. (*The Solicitor-General.*) If you trace it on the corresponding plan of E deck you see it again. (*To the Witness.*) Was that stairway which is opposite your quarters where the water was coming down? - Yes.

The Commissioner: Then it was coming down from E deck towards F deck down the stairway?

The Solicitor-General: Yes.

The Commissioner: But not in quantities?

10965. (*The Solicitor-General.*) I want to see what he says. (*To the Witness.*) Was there a stream of water, or was it merely trickling? - It was more than trickling, and it was not exactly a stream. It was more than trickling, though.

10966. Was it continuing to fall? - Yes.

10967. When you were there? - Yes.

10968. (*The Commissioner.*) What time was this? - I should think it would be about a quarter or ten minutes to 1.

10969. A little more than an hour after the collision? - Yes, about an hour, I should think.

10970. (*The Solicitor-General.*) Supposing the watertight doors in F deck had been shut, as you shut the two you know about, this water could not have come back along F deck, could it? - No.

10971. But, of course, there are no watertight doors in E deck? - There is one right forward on E deck alleyway.

10972. There is one? - Yes.

10973. But the bulkheads as a whole do not go up to E deck? - No.

Sir Robert Finlay: I think two bulkheads do go up to E deck.

10974. (*The Solicitor-General.*) In a sense you are right, and in a sense, I am right. What I mean is you cannot, on E deck, shut the door. I said the bulkheads did not come up to E deck. What I meant was, the top of the bulkhead is the floor of E deck, level with E deck? - You mean of the F deck bulkheads?

10975. I want you to help us about the water. You saw water that was apparently coming from E deck and falling down the stairway into F? - Yes.

10976. But you did not find water backing along F deck? - No.

10977. There are watertight doors on F deck, and you had shut two of them yourself? - Yes, I thought the water had come up the stairway leading down to the Post Office, and then ran along E deck, and then down on to F.

10978. And, of course, if the watertight doors on F deck forward of that had not been closed then water could have made its way along F deck, and would not have had to mount the E deck, and then return to F deck? - Yes, it would.

The Commissioner: Is the suggested explanation that F deck, forward of the watertight doors which he had shut were by this time full of water, and that the water had risen up to E deck? Is that the idea?

The Solicitor-General: That is the idea, my Lord.

The Witness: No, my Lord; in the section forward of the bulkheads where I shut the doors, I do not think there was water there at all.

10979. Then we are agreed. Where did the water come from, that you saw falling down the stairway between E deck and F deck? - I think that had come from the Post Office stairway.

10980. (*The Solicitor-General.*) That is right forward? - Yes, and there is no bulkhead between the stairway and those stairs on E deck.

10981. I want to follow your idea; I think I do. You had already seen water in the stairway by the Post Office? - Yes.

10982. And that is on G deck? - Yes.

10983. And is there a stairway which mounts from that place near the Squash Racquet Court up to F deck, and from there up to E deck? - Yes.

10984. And assuming that the water rose high enough, is there anything there to prevent it from rising as high as E deck? - No.

10985. But supposing that the water rose there as far as F deck, it could not run aft on F deck, because you had closed the watertight doors? - It would come up the stairway. But the watertight doors are not near the Post Office.

10986. I know they are not? - The watertight doors are further aft.

10987. I quite follow? - There is nothing to stop the water from coming up to F deck.

[There was no question 10988.]

10989. What I want to see is why it did not come along F deck? - Because the bulkheads were there.

10990. Because of the bulkheads, and because the watertight doors in the bulkheads were shut? - Yes, but there are no bulkheads forward by the post office.

10991. No, but there is a bulkhead between the place where the post office is and where your quarters are? - Yes, there are two bulkheads.

The Solicitor-General: I think your Lordship's suggestion is the one the witness means to make.

The Commissioner: What is that?

The Solicitor-General: That the water did rise in that stairway till it got to E deck, and that it then passed aft and fell into F deck.

The Witness: Yes.

The Commissioner: That is what he means?

10992. (*The Solicitor-General.*) Yes. (*To the Witness.*) You saw this water coming down from E to F. Were you there long enough to be able to tell us whether it was increasing in flow, or whether it was coming the same as it started? - No, I did not wait to see.

10993. You were only there a minute or two, I suppose? - Yes.

10994. Did you find any people in the quarters you had gone to search, or had they all left? - They had all left.

10995. They had all turned out? - Yes.

10996. And did you return then to E deck? - Yes, to the working alleyway.

10997. And did you go up this stairway, down which this water was coming? - No, I went further aft than that.

10998. You went further aft and then went up another stairway? - Yes. I came up the stairs out of my room; water was coming down there, but that was different from F deck, and then went through the emergency door on to E deck, the working alleyway. You will find "Emergency Door" right at the top of the stairs.

10999. We do. Was that emergency door open or closed? - Open.

11000. So that you did, if I follow you rightly, mount the stairs down which this water was coming? - Oh, yes.

11001. Then, when you got to E deck, the top of these stairs, you could tell whether the water was coming along E deck or not? - Yes.

11002. Was it? - It was coming from forward.

11003. From forward, along E deck? - Yes.

11004. Was it coming along that working alleyway? - No.

11005. Then where was it coming? - From the starboard side. The working alleyway was quite dry.

11006. (*The Commissioner.*) Was there a list by this time? - No, I did not notice any.

11007. (*The Solicitor-General.*) I want to trace that water. You saw it coming from forward, aft? - Yes.

11007a. The passage way which runs across? - Yes.

11008. Along, not the working alleyway, but the other alleyway, that is, on the starboard side? - Yes.

11009. And then, in order to fall down those stairs, it would have to turn a corner, would it not? - Yes.

11010. The passage way which runs across? - Yes.

11011. And then fall down those stairs? - Yes.

11012. When you got up to E deck was there a continuous stream of water doing that? - Yes, but it was not very much.

11013. (*The Commissioner.*) Give me an idea of the quantity, because I do not know what "very much" means? - Well, it would cover the stairs; just enough to cover them.

11014. Do you mean to say half of an inch or something like that? - Yes, something like that.

11015. And was it going down the stairs quickly, or merely trickling down? - No, it was running rather quickly.

11016. (*The Solicitor-General.*) You came up those stairs? - Yes.

11017. Give us an idea in this way; you must have met something? - Yes.

11018. Did it go over the tops of your boots? - Not over the tops of my boots; over my instep.

The Commissioner: Where was he when the water came over his boots?

The Solicitor-General: He mounts up the stairs down which the water is coming.

The Commissioner: Yes.

11019. (*The Solicitor-General - To the Witness.*) Is that where the water reached up to your instep? - Yes.

11020. (*The Commissioner.*) Not up the stairs? - Coming up the stairs, yes.

11021. That is a good deal more than 1/2 of an inch; do you mean to say that the water on the stairs trickling down or coming down the stairs was so deep that it reached up to the top of your boots? - No, I did not say that.

11022. I thought you said it came over your instep? - It had run from the top of the stairs over the tops of my boots.

11023. (*The Solicitor-General.*) Do not use that word instep, because different people mean different things by it. Take the ordinary heel of an ordinary boot. You were probably wearing heels? - Yes.

11024. Would it come to the top of the heel? - About the top of the heel of my boot.

The Commissioner: I am sorry to trouble you, but when you have finished asking questions, will you explain to me what you understand his evidence to mean, with a pointer on that plan.

The Solicitor-General: Yes, my Lord; I will do my best. I think I can do it up to this point now, if your Lordship desires.

The Commissioner: Well, it will assist me if you will do that, if you will take the pointer and point me out on the plan the locality of the watertight doors that were closed, and then show me in what direction he means to indicate the water was coming.

The Solicitor-General: I see here marked on the plan "Squash Racquet," and your Lordship sees there is a stair (*pointing to the plan on the wall*).

The Commissioner: Tell me what deck you are pointing to.

11025. (*The Solicitor-General.*) I will. Your Lordship sees there is a stairway indicated by a number of ticks. I am now putting the end of this pointer on the level of the Orlop deck. As I follow the witness, that is the lowest deck to which he went in his description. He says he saw

water rising in *this* compartment at *that* point up those stairs. (*To the Witness.*) Is that right? - Yes.

The Commissioner: Climbing up those stairs?

11026. (*The Solicitor-General.*) Mounting up those stairs. He had come to it, so he says, from his room, by coming down a couple of flights of stairs down *here*. He says the water was rising as he stood there, and that it reached as far as G deck. (*To the Witness.*) Is that right? - Yes.

The Solicitor-General: That is to say it ran up to *that* point while he was standing there?

The Commissioner: What deck is that?

The Solicitor-General: That is G deck.

The Commissioner: That is the deck above the Orlop deck?

The Solicitor-General: Yes. Then he says he went on his own motion aft in order to shut two watertight doors which are on F deck, that is to say, which shut off this space. The watertight doors, as I follow, are somewhere back *here*.

The Commissioner: Which is the bulkhead in which they are placed?

The Solicitor-General: I think it is this bulkhead, and I think it will be found, if my friends are following on this plan, that *that* is the place.

11027. (*The Commissioner - To the Witness.*) Can you follow this plan? - I cannot see where the bulkheads are. (*The position was indicated to the Witness.*)? - Yes, I think it will be *there*.

11028. (*The Solicitor-General.*) There is the first class entrance immediately after? - Yes, it is just forward of the first class entrance.

11029. Then he came back along F deck to the point where the pointer is now, and the thing he shuts is a thing which in this diagram is marked with a thick black line. He shuts two of them, and then he says after that there were these orders given.

The Commissioner: Where does that bulkhead stop?

The Solicitor-General: That is the top of it, so that the floor above him, as your Lordship sees, is E deck, and the floor on which he would be standing when he shuts the doors is F deck.

The Commissioner: Yes.

The Solicitor-General: Then he says after some orders he returned to his own quarters, which are the other side of the ship; and when he got to his own quarters, which are on F deck, he found that water was falling down the stairway, which led from E deck to F deck. Perhaps the witness will tell me whereabouts the stairway would be.

The Commissioner: I do not quite understand where that water came from that was coming down stairs. How did it get up?

The Solicitor-General: It was coming from E deck. What I understand the witness to have said is, that he thinks that if the water, which he had observed mounting from the Orlop deck to G deck, continued to mount up that staircase *there* up to F deck, and then up to E deck, there would be nothing to prevent it running along E deck and falling down the stairway which led to F deck.

The Commissioner: I see. Then the forward part of the ship, forward of the bulkhead in which he closed the watertight doors, must have been full of water at that time. Is that so, Sir John?

11030. (*The Solicitor-General - To the Witness.*) Would that be so, do you think? - There is another partition between the mail room and the bulkheads that I closed. That has no bulkhead doors at all; it is just plain.

The Commissioner: Take D bulkhead, marked on the F deck. If you trace that D bulkhead upwards towards the port side of the ship, you come to a watertight door.

The Solicitor-General: Yes, my Lord.

The Commissioner: Was that shut or open?

The Solicitor-General: I do not know at all. I do not know whether the witness can tell.

The Commissioner: If that was shut, then, as I understand, water would not get into the space

between E and F on that deck; but if it was open, then the water would come into both those spaces.

The Solicitor-General: Might I just ask Mr. Wheat to look at the plan?

11031. (*The Commissioner.*) Then it would come into the space between D and E, and then mount and get on to E deck and begin trickling down the stairs? (*To the Witness.*) Had she ever a list to starboard, as far as you know? - No, my Lord.

The Attorney-General: There has been no evidence of that yet.

The Commissioner: Because I do not understand the alleyway on the port side being dry.

11032. (*The Solicitor-General.*) I might ask him this to clear it up. (*To the Witness.*) You have evidently the design of the thing in your head. As far as you know, supposing that water began to rise in that stairway which you spoke of near the mail room, is there anything to stop it from rising from the Orlop deck to G, from G to F, and from F to E? - No.

11033. It is merely a question of whether there is sufficient water to rise? - Yes.

11034. Is there any watertight door that could be shut to prevent that? - No.

11035. So, as far as the stairway is concerned, it is open for the water to rise. Is there anything which would prevent water, if it got into the stairway on F deck from running aft on the F deck? - Yes, there is an iron bulkhead there.

11036. (*The Commissioner.*) Is that the bulkhead in which there are no doors? - Yes. We have no doors. I do not know whether there are any doors down below, but there are none in our department.

11037. (*The Solicitor-General.*) None on F deck? - No.

11038. So that it is a continuous partition at that point? - Yes, as far as our deck is concerned.

The Commissioner: I do not know, Sir Robert, whether you could explain it.

Sir Robert Finlay: I understand that what the witness suggests is that the water rose forward of this bulkhead D till it got to the level of E deck. It could not get through this bulkhead, therefore it rose vertically till it got to E deck, and then ran along E deck and then down.

The Commissioner: I understand that, but does not it follow from that, that all the part of the ship which was forward of the point where the water was rising was full of water?

Sir Robert Finlay: Not necessarily all, my Lord; it is highly probable.

The Commissioner: I do not see what part of it could not be full.

Sir Robert Finlay: What I mean is, if the water was coming in forward of this D bulkhead, getting into that division, it would rise.

The Commissioner: As I suggest?

Sir Robert Finlay: Yes, and then over the top of the bulkhead, along E, and down the staircase.

The Commissioner: And that is what I understand him to mean.

Sir Robert Finlay: That is my impression.

The Commissioner: Whether it is right or not, I do not know. I think you are right in a way. I mean, it does not follow that the forward compartments were necessarily full, although no doubt they would be if the vessel was holed at that part, Sir.

Sir Robert Finlay: Exactly.

The Commissioner: If she had had a tear right along, opening those parts, those parts would be full as well.

Sir Robert Finlay: They would be full on their own account, so to speak. I think the evidence does show she was ripped up; at least it suggests so far, that there was a rip up on the starboard side for a very considerable way.

The Commissioner: Yes, and right from forward, along.

Sir Robert Finlay: From forward. The same thing would in all probability have been going on in the forward compartments.

The Commissioner: Yes.

Sir Robert Finlay: What the witness describes would have taken place even if this compartment only had been open.

The Commissioner: Yes, I think I understand it now.

11039. (*The Solicitor-General - To the Witness.*) Have you a copy of the plan before you? - Yes.

11040. Look at the plan of F deck for a moment, will you? - Yes.

11041. Will you look where "Squash Racquet Court" is marked? - Yes.

11042. Now, I think the stairway which you are talking about is a stairway on the starboard side of that squash racquet court? - Yes, the starboard side.

11043. Now, what I would like you to explain, if you will, is this: Imagine yourself on F deck, standing on F deck at that point. Is there any watertight door at that level? - No.

11044. At that place? - No.

11045. It is a solid bulkhead without any openings in it? - There is an opening for the stairway to go down.

11046. Apart from the stairway? - There is nothing else.

11047. Just look at the plan for a moment, because I cannot help seeing in that line, just a little on the port side "W.T.D."

The Commissioner: That is the one I was asking about.

11048. (*The Solicitor-General.*) That is what I want to follow - on the port side of the squash racquet court? - That would be in the third class; either the third class or one of the fidleys.

11049. It is marked in our plan as being between the squash racquet court and the place marked "Linen"? - There is no bulkhead door down the squash racquet court.

11050. You know all about it, and we want to know about it? - There is no bulkhead door there.

11051. "W.T.D." is marked *here (pointing on the plan)*? - That must be the other side of the bulkhead. There is nothing down there.

The Solicitor-General: Sir Robert has suggested to me on the large plan what appears to be the true explanation. I am still speaking of bulkhead D, as shown on the plan of deck F. If one carries one's eye along that bulkhead, from starboard to port side, it runs for a distance straight across the ship, and then it takes a right-angled turn and runs a little to the rear of the squash racquet court.

The Commissioner: Yes, then it turns back again.

The Solicitor-General: It turns back again, and it turns back again under the stairs.

The Commissioner: It does.

The Solicitor-General: That is to say, those stairs indicated close to the word "Squash" are really stairs which start from the F level and mount up to the E level, so that the bulkhead runs under those stairs at the side.

Sir Robert Finlay: At the side?

The Solicitor-General: At the side and then under them.

Sir Robert Finlay: Immediately aft of the stairs.

The Solicitor-General: Immediately aft of them, and then takes a turn under them when those stairs have reached the next deck.

Sir Robert Finlay: Yes, that is to say, on the port side of the stairs?

The Solicitor-General: Then, still tracing out the bulkhead, immediately following that there is a watertight door shown, which Sir Robert thinks must have been shut, and I gather it is a watertight door which would normally separate the third class from the first class?

The Witness: No.

The Commissioner: You notice there is a watertight door also in the bulkhead that starts from C?

The Solicitor-General: There is, my Lord, in the same line, according to this plan.

The Commissioner: Therefore you have a watertight door which, if opened, would have let the water into the space between C and D, and you have another watertight door which if opened would have let the water into the space between D and E?

The Solicitor-General: Yes. Where this theory breaks down is, that the witness does not take the view that there is a watertight door there.

The Witness: Do you mean down by the Squash Racquet Court?

11052. Yes? - There is no watertight door there.

The Commissioner: Which is right, the witness or the plan?

11053. (*The Solicitor-General.*) We can only take the witness for the moment. (*To the Witness.*) Supposing you were coming up by those stairs from G deck round the side of the Squash Racquet Court, mounting up; you know those stairs which are immediately on the after side of the Squash Racquet Court, you see them there on the plan on F? - Yes.

11054. Supposing that you had got on F deck there, not up the stairs but on F deck - let me show you where I mean (*indicating the position on the small plan.*)

Sir Robert Finlay: My Lord, we have a larger plan here. I do not know whether your Lordship would like to look at it.

The Commissioner: I think I should. (*Sir Robert Finlay handed the plan and explained it to the Commissioner.*)

The Attorney-General: Is your Lordship satisfied?

The Commissioner: I think I know where the bulkhead door is. There is a door in the bulkhead at the bottom of the ship. There is none in the Orlop deck. The bulkhead as it rises into the Orlop deck has no doorway. When the bulkhead rises on to G deck it has no doorway in it at all; but when it rises on to F deck it has this doorway which you find in the plan in the D bulkhead by the linen room.

The Attorney-General: Between the linen room and the squash racquet court on the port side.

The Commissioner: Yes. Now that is the first open passage that there is in that bulkhead, after of course you leave the automatic door in the bottom of the ship. The door at the bottom of the ship would have been closed when the button was pressed?

The Attorney-General: Certainly.

The Commissioner: And you would have had then, with this particular bulkhead, a complete wall from the bottom of the ship, until you come to that watertight door which is by the linen closet?

The Attorney-General: Yes.

The Commissioner: And if that was shut - we do not know yet whether it was shut or not - we would have to get the water over the top of the bulkhead?

Sir Robert Finlay: That is it.

The Commissioner: In order that the water should find its way to the place where he saw it trickling down?

The Attorney-General: That is right.

11055. (*The Solicitor-General - To the Witness.*) You were a first class steward? - Yes.

11056. You had nothing to do with the third class? - No.

11057. Forward of this bulkhead, my Lord has been speaking about, it is third class, is it not, on the port side? - On A deck?

11058. On F deck? - I do not know of any door.

11059. I am not asking about any door. I say forward of the bulkhead it is third class? - Yes.

11060. Then you know nothing about that? - No.

11061. Your business is aft of that? - Yes.

11062. Whether there is a watertight door there or not, was there at that time when you were there any opening there? - No.

11063. You are sure of that? - Yes.

The Solicitor-General: I think your Lordship will find the watertight door shut from the third class side.

The Commissioner: If there was no opening there it means the door was shut.

11064. (*The Solicitor-General.*) Yes, it is the same thing. (*To the Witness.*) When you got up on to E deck did you see anything of any third class passengers? - There were a few there, five or six, I should say.

11065. Where were they coming from? - They were making from forward aft.

11066. Were they men? - Yes.

11067. Were they carrying their baggage with them? - They were carrying and dragging boxes and bags.

11068. Were they making their way aft towards the top deck? - Towards aft.

11069. Tell us shortly where you went? - From E deck up on to B deck up the service stairs.

11070. Tell us what happened there? - There I met Mr. Latimer on the B deck.

11071. He is your chief - the Chief Steward? - Yes, and he had his big coat on with a lifebelt over it and I told him to take his big coat off and put the lifebelt under it or his big coat would be no use to him. Then I went along forward and up the forward stairway up on to the boat deck and there I saw they were just filling No. 9 boat, starboard.

The Solicitor-General: I do not think we have heard anything about No. 9.

The Commissioner: I think this will be a convenient time to adjourn.

(The Witness withdrew.)

The Attorney-General: With reference to Monday there is a question which has arisen.

The Commissioner: It would be better if we sat on Monday unless it is inconvenient to you. My convenience is entirely your convenience. It does not matter to me, but I thought Commander Lyon, who desires to be somewhere else, could go to keep his other appointment and read the evidence that is given on Monday, afterwards. Is there any objection?

The Attorney-General: I see no objection.

Sir Robert-Finlay: I see no objection.

The Commissioner: I thought not. The reason why I want to sit on Monday is, I am afraid if we do not use such time as we have at present we shall find ourselves in an awkward position later on. I do not propose to sit on Saturday.

The Attorney-General: Then as I understand, what your Lordship proposes to do is to adjourn tomorrow evening till Monday?

The Commissioner: Yes, till Monday morning. Is that convenient to you?

The Attorney-General: Certainly I understand it is convenient to everybody.

The Commissioner: That will do, Mr. Scanlan, will it?

Mr. Scanlan: Yes, my Lord.

The Attorney-General: I think it will be desirable to have this made clear. I understand that none of the parties represented would object to Commander Lyon being absent on Monday and reading the evidence.

The Commissioner: I do not know.

The Attorney-General: I know your Lordship's view, but I do not want a question to arise.

The Commissioner: These gentlemen are sitting with me as assessors, and my present feeling is that I could go on without any of them, but I do not choose to. One of them has to go away for an appointment which is of some importance, and it occurs to me it would be far better for us to go on and let that gentleman read the evidence afterwards. Is there any objection?

Sir Robert Finlay: Not the slightest, my Lord.

Mr. Scanlan: I can say for myself, and I think for my colleagues here that none of us do object.

The Commissioner: I take it nobody objects .

The Attorney-General: No.

Sir Robert Finlay: By common consent, my Lord.

The Attorney-General: Your Lordship will remember on the occasion that Sir Robert Finlay applied that the cross examination of Hendrickson should be taken on Friday morning; and I suppose tomorrow morning we can go on with him the first thing?

Sir Robert Finlay: Or this witness might be finished.

The Commissioner: I think it would be convenient to finish this witness.

The Attorney-General: Yes.

The Commissioner: And then recall Hendrickson, and let Sir Robert examine him.

Sir Robert Finlay: Very well, My Lord.

(Adjourned until tomorrow, 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Friday, 17th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TENTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.) MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.) MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.) MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

The Commissioner: Mr. Attorney, I am reported to have made some observations last evening - and I have no doubt I am accurately reported - with reference to the Assessors who sit with me, and who are of such great assistance to me. What I said appears to be open to misconstruction. I did not mean to convey that the Assessors were not a necessary and a most proper part of the Tribunal; all that I intended to convey was that I thought that I could, when occasion required, proceed without the whole of them being here.

The Attorney-General: Yes, I understood your Lordship's reference to be in consequence of the necessary absence on public duty of Commander Lyon.

The Commissioner: Of Commander Lyon, who desired to be away on Monday.

The Attorney-General: I think it would be better subject to your Lordship's view, that we should proceed at once to the recall of Hendrickson.

The Commissioner: Very well.

The Attorney-General: It would be better than going on with the witness we had yesterday in the box.

The Commissioner: You know better than I do.

Mr. Duke: If your Lordship pleases. As Hendrickson is to be recalled, I ask your Lordship's leave, on behalf of Sir Cosmo and Lady Duff-Gordon, to appear here to ask some questions of Hendrickson with regard to his evidence as it affected them.

The Commissioner: I think that is right, Mr. Attorney?

The Attorney-General: I have no objection.

The Commissioner: Apparently the evidence may be taken as casting some sort of reflection on those people.

The Attorney-General: It will probably be convenient, as my friend Mr. Duke is here, that we should decide what should be done with regard to the evidence directed to this point. Your Lordship will remember there were seven of the crew in the boat, including Hendrickson. We have them here. Your Lordship will remember that there were two ladies in the boat and three male passengers, including Sir Cosmo and Lady Duff-Gordon. In regard to the crew, we have all the seven here. It may or may not be necessary to call them, but they shall be in attendance, and I propose certainly to call - I state this for the information of my friend - so that he may know what I am going to do - to call the man who was in charge, Symons or Simmons, after Hendrickson; and then there was another able seaman on the boat whom I will call, and one of the firemen. Then there are some other firemen, trimmers, and, if necessary, we will call them. That would exhaust the crew. But as my friend Mr. Duke is appearing, of course, he is in a much better position to know what Sir Cosmo and Lady Duff-Gordon will say than we are, as we have had no communication with them and no proof, and it would be better, I suggest, although I do not mean in the slightest degree to insist upon it, that my friend should call them and that we should ask any questions that may occur to us in order to elucidate the point at issue, instead of our calling them. I do not really care which of us does it, only he has the material and we have not.

Mr. Duke: May I say to your Lordship with regard to that, that before Sir Cosmo and Lady

Duff-Gordon returned they communicated with the Board of Trade that they would be present to give such evidence as was required; but they did not arrive in London, I think, until Tuesday. Their proofs were taken either Wednesday or yesterday - I think yesterday - and I saw my friend as we came in this morning, and I mentioned to him that I have proofs here; and if the Court thinks that the more desirable course is that I should hand to the Law Officers those proofs, and the Law Officers should examine them, I am content to do that. I am, of course, aware of the contents of the proofs, and I am ready to examine them if your Lordship thinks fit.

The Attorney-General: I have really no choice in the matter. I am quite ready to call them and follow the course that has been pursued here by calling them, and putting such questions to them as may be necessary for the purpose of elucidating the subject matter of this portion of the Inquiry if your Lordship thinks that that is the more convenient course.

The Commissioner: I think it would be more regular if you call them, Mr. Attorney.

The Attorney-General: As your Lordship pleases.

The Commissioner: And make them witnesses in connection with the Inquiry.

The Attorney-General: Certainly.

The Commissioner: If during the evidence anything should come out which appears to throw discredit upon either the lady or the gentleman, then I will allow Mr. Duke to ask them any questions which he thinks fit.

Mr. Duke: If your Lordship pleases.

The Commissioner: And see if it can be cleared up.

The Attorney-General: I shall be obliged if my friend will supply me with a copy of the proofs.

Mr. Duke: I will at once.

The Attorney-General: My friend will understand that I am making no complaints of our not having had any proofs from Sir Cosmo and Lady Duff-Gordon.

Mr. Duke: I am much obliged to my friend. I perfectly understood it, only I wanted to make it clear that Sir Cosmo and Lady Duff-Gordon desired to be present and give evidence.

The Commissioner: I think the examination of Hendrickson by you was complete?

The Attorney-General: Yes, not only by us, but also by all those who represented the various interests.

The Commissioner: Yes.

The Attorney-General: Except the representatives of the White Star Line.

The Commissioner: Yes; Sir Robert Finlay applied for a postponement.

The Attorney-General: The evidence is at pages 109 to 116, and Sir Robert applied, as your Lordship quite correctly says, at first to defer it till the morning, and then, on the next morning, we agreed it should be deferred till this morning. If your Lordship would like the particular passages which bear upon this part of the Enquiry, you will find them at page 112, beginning at Question 4994. That is the beginning of the reference to Sir Cosmo and Lady Duff-Gordon. That continues for the whole of page 113, and then there are some further passages on page 115.

Mr. Duke: There is a little at the top of page 113, I think, Mr. Attorney?

The Attorney-General: That is only as to names, is it not?

Mr. Duke: Perhaps that is so.

The Attorney-General: I agree. I have noticed that, but that only gives the names of the persons who were in the boat.

Mr. Duke: I was referring to 5065 in particular.

The Attorney-General: Yes, quite right.

The Commissioner: Page 113?

The Attorney-General: Yes, my Lord. There is nothing very material there; you have already got it, but 5065 is the question my friend, Mr. Duke, referred to. It ends at 5070. It is only just a

few questions, and I think if you read 5065, it is the only one which is of importance on this. Then if you will look at page 114 about Question 5132, and I think they continue to about 5170. Then on page 115, Question 5187, begins the reference to the money - that goes to 5190. There are just those four questions by Mr. Edwards. Then it is taken up again later in the examination by Mr. Lewis from the beginning; at Question 5192 it begins. It continues to Question 5219, and that is the end of it. Your Lordship will observe you put a series of questions from 5198 to 5212, which summarised the position as regards the money.

The Commissioner: Now, where is Hendrickson?

CHARLES HENDRICKSON, Recalled.

The Commissioner: Now, Mr. Laing.

Mr. Laing: I have only one Question I want to ask him.

Examined by Mr. LAING.

11072. When your boat No. 1 was lowered into the water did you see any other steamers' lights near? - No.

11073. Nothing at all? - No, I saw a light while I was on board the "Titanic."

11074. Before she was lowered, you mean? - Yes.

11075. What light did you see? - I saw a bright light.

11076. What did you take it to be? - A ship, five or six miles ahead of us.

11077. I think you have told us when the officer told you to lower away he told you to keep near the ship and come back if called on? - Yes.

11078. Did you hear any calling? - No.

11079. Was there anybody using the megaphone on board? - I could not say; I do not know.

Examined by Mr. DUKE.

11080. The boat was what is called a dinghy, was not she? - Yes, an accident or emergency boat.

11081. Are you a seaman? - No, a fireman.

11082. Perhaps you are not able to express any opinion as to whether she was the sort of boat that was ever intended to navigate in the Atlantic? - I do not know; I do not understand a boat.

11083. Were you there when the lifeboats put off? - Yes.

11084. You saw them put off. I mean the lifeboats on the starboard forward quarter? - No, not the starboard, the port side.

11085. I am speaking of the lifeboats on the starboard side forward? - I saw one or two, that is all.

11086. Did you see the boat that was launched next before the dinghy was lowered? - I never took that notice.

11087. Were you there at the time? - I was there at the bridge then - the fore end.

11088. Was it Mr. Murdoch that was giving orders as to the boats? - I do not know.

11089. Did you know Mr. Murdoch? - I did not know him. The only officer I saw there was the officer who fired the rockets.

11090. Did not you see the officer who was giving the orders as to the boats? - I saw him, but I did not recognise him; I did not see his features.

11091. Was that because of the darkness? - Yes.

11092. Did you hear what he said? - He told me after we got into the boat and were lowering down: "Come back if you are called upon."

11093. Is that the first you know about it? - About what?

11094. About the lowering of the boat - the manning of the boat and the lowering of her? Is that the first you know? - No, it is not the first. When I got round the boat, I was at the boatswain end at the same time the officer was firing his rockets. After the officer finished firing the rockets he sung out, "How many seamen are there in the boat?"

11095. At that time were there men in this dinghy? - Yes, two seamen.

11096. You say the officer asked how many seamen there were? - In the boat. They answered, "Two."

11097. Did he then order in some firemen, or was it subsequently? - He called out, first of all, were there any more seamen there, and he got no reply, and he said, "Six firemen jump in that boat."

11098. And did the six firemen jump into the boat? - Five, I found out after.

11099. Were you one of the five? - Yes.

11100. Did you hear what he said about ladies or passengers? - He called out was there any more ladies about, and got no answer, and then gave the order to lower away.

11101. But before that had you seen the lady you now know as Lady Duff-Gordon? - Not at the time.

11102. Not at the time? - No.

11103. Had you seen her at all until you were in the boat and were rowing? - Not to take notice.

11104. Did you become aware of the circumstances under which she was in the boat at all? - No.

11105. Was the first you knew about her that she was in the boat when you were rowing? - The first time I saw the lady was in the boat.

11106. The first time you knew of her being there? - Yes.

11107. And you did not hear anything of the conversation which led to her going into the boat? - No.

11108. You were standing by. Had you become aware that she had refused to leave her husband and refused to leave the ship in either of the lifeboats that had been lowered on that side of the ship at that end? - No, I do not know.

11109. You did not know about that? Did you hear what the officer said when the boat had been lowered and was afloat? - The officer called out and said: "Stand by and come back if called."

11110. Now, stop a minute. Did he first say, "Who is the seaman who is there?" - Oh, yes. He called his name.

11111. Was it Simmons or Symons? - I do not know whether it was Symons or Simmons.

11112. We will call him Simmons. Did Simmons say - Simmons, the look-out? - I did not know his capacity at all.

11113. I am asking you what he said to the officer? - The officer told him to take command of the boat.

11114. Did the officer say to him, "Now you take command of this boat. These men are under your orders, and see they obey you"? - Yes, I remember that.

11115. And did he then say to him, "Follow the other boats"? - I never heard that.

11116. "Row as hard as you can for about 200 yards, to get away from the ship"? - No, I never heard that.

11117. Just think it over? - I do not remember it, Sir.

11118. You would not say he did not say it? - No, I would not say he did not say it, but I do not remember him saying it.

11119. Did the boat, in fact, stand by at 150 or 200 yards? - We were just pulling around there about that distance.

11120. Just let us see what was done. Was this what was done, that you did pull as hard as you could for some considerable time? - For a time, yes.

11121. Did you then rest a bit? - Yes.

11122. Did you then pull again? - We kept on resting and pulling.

11123. At the time the "Titanic" went down had you rested and pulled, rested and pulled, several times? - Yes.

11124. And all that time had you been pulling away from the ship in the direction the other boats had gone? - Yes, we were pulling about, and just keeping watch of them at the same time.

11125. By the time the "Titanic" went down were you many hundreds of yards from the ship? - I could not say.

11126. Have you any judgment at all about distances at sea? - As I said before, somewhere about 200 yards.

11127. But you pulled in the first instance what you considered 200 yards, did you not, with a strong pull to get away from the ship? - Yes, but we were not pulling right straight away all the time. We were pulling away, and going along a little bit, and coming back again.

11128. I suggest you were pulling in the direction the other boats had gone and pulling away from the "Titanic"? - We were pulling away, yes.

11129. Up to the time the vessel sank. When the vessel sank she left the sea in darkness at the point where you had been able to see her lights? - Yes.

11130. And was all you were able to see of the "Titanic" the outline of the figure as the stern rose in the air and the boat went down? - Yes.

11131. Can you tell the Court whereabouts you were sitting in the boat? - In the bow.

11132. That would have been, as near as possible, to Horswill, who was keeping the look-out? - Yes.

11133. Simmons was in the stern of the boat? - Yes.

11134. And he was steering? - He was steering.

11135. And was Simmons there in charge of the boat and doing his duty in a very seaman-like way the whole of that night? - Yes.

11136. And in absolute command? - Yes.

11137. I understand you to say that you came to the conclusion the boat ought to have gone back? - Yes.

11138. When did you come to that conclusion? - At the time when she sank and we heard the cries. After we heard the cries, I sang out in the boat, "It is up to us to go back and pick up anyone in the boat."

11139. You thought that then? - Yes.

11140. When did you first tell anybody that from the time you were on board the "Carpathia"? I am not speaking of the time you were in the boat; I will deal with that presently. From the time you got on board the "Carpathia" until the present time, when did you first tell anybody that, while you were in the boat, you thought the boat ought to go back? - I told the Court here last week.

11141. Was that the first time you have told anybody? - The first time to my knowledge.

11142. Now, I understand your present impression to be that the boat was prevented from going back by the action of Sir Cosmo Duff-Gordon? - Yes, they protested against going back.

11143. When did you first make that statement to anybody? - Last Thursday.

11144. Did somebody take your proof of what happened on board this boat? - I could not say.

11145. Did not anybody take down a statement from you in writing of what you were able to say here to throw light upon the matter? - I never said anything about Sir Duff-Gordon at all. I made a statement which I gave at Plymouth, just the workings of the boat, what I knew went on on board the boat.

The Attorney-General: He made a deposition.

11146. (*Mr. Duke.*) I follow. (*To the Witness.*) You have told the Court that you said "It is up to us to go back"? - Yes.

11147. To whom did you say it? - Well, to the men who were in the boat.

11148. The men that were in the boat. Some of them were your own comrades on board the ship? - Yes, of course.

11149. You know the name of every one of them, do you not? - Pretty well now, yes.

11150. Tell me to what man or to what person in that boat did you at that time say, "It is up to us to go back"? - I never said it to anyone personally.

11151. Not to anyone personally? - Not personally, no; I called out.

The Commissioner: He did not speak individually, but he spoke to all of them.

The Attorney-General: I have the deposition. I will ask my friend if he has seen it.

Mr. Duke: No, I have not seen it.

The Attorney-General: I notice he says this upon the point you are now cross-examining to: "I proposed pulling in to pick up any who should be in the water after the ship sunk, but the passengers objected, and it was not done. We left the ship about 1. 30 a.m., remaining near other boats until the 'Carpathia' came up." That is what he says about it in the depositions.

The Commissioner: When was the deposition sworn?

The Attorney-General: On the 25th. I am not sure whether it is the 25th or 28th April, on his return in the "Lapwing." [Lapland]

11152. (*Mr. Duke - To the Witness.*) You had forgotten that? - Yes.

11153. Is not your memory pretty good? - It is not so bad, I think.

11154. Have you been a good deal badgered about this business from first to last? - What do you mean, badgered?

11155. Bothered about it; asked questions about it by all sorts of people? - Yes, everybody asked questions about the turn out and everything.

11156. Before the time you made that deposition had you said to anybody that Sir Cosmo Duff-Gordon prevented that boat being put back? - Not to my knowledge, not before that time.

11157. From that time forward, or at any time until you named Sir Cosmo Duff-Gordon in Court here last week, had you suggested that it was Sir Cosmo Duff-Gordon who prevented that boat going back? - No, not to my knowledge; I had no cause to.

11158. Now, I was asking you what man in the boat you could name - or was intending to ask you - as a man who heard you, to your knowledge, say, "It is up to us to go back"? - I think Taylor was the nearest man to me in the boat.

11159. Was he on the same seat with you? - I think he was sitting alongside Sir Duff-Gordon.

11160. Did Taylor say anything to you? - Nothing at all; no one said anything.

11161. No one? - No one at all.

11162. No one said anything? - No.

11163. Do you mean that nobody said anything in answer to your suggestion? - He said it would be dangerous to go back; we should get swamped.

11164. Who? - Sir Duff-Gordon and Lady Duff-Gordon.

11165. To you? - I do not know whether it was to me. It was when I put this proposition to go back.

11166. The man you put the proposition to was Simmons? - No, any one at all; I called out for everyone to hear.

11167. The man to decide whether the boat should go back was Simmons, was it not? - Yes, he was the man in charge of the boat.

11168. Had everybody on that boat been perfectly obedient to his orders up to that time? - Yes.

11169. Was everybody on that boat perfectly obedient to his orders from that time? - Yes.

11170. Did you in Simmons' hearing so that effect could be given to anything you said, suggest so that Simmons could hear it, that you wanted that boat to go back? - I do not know whether he heard it or not.

11171. What was the use of suggesting it to anybody else, Hendrickson? - Well, I do not know.

11172. Was this a momentary impulse of yours, or had you thought about it? - No, it came across me after I heard those cries.

11173. You heard cries, and you say you said, so that somebody could hear, "It is up to us to go back"? - Yes.

11174. Did you have any conversation with Taylor? - No.

11175. Taylor was sitting alongside of you? - He was sitting on the next thwart to me alongside Sir Duff-Gordon.

11176. Who was the man alongside of you? - No one alongside of me.

11177. You were sitting on a seat alone? - I was sitting on a seat alone.

11178. Taylor was the next member of the crew to you? - Yes.

11179. Horswill was the seaman immediately ahead of you? - Yes.

11180. Do you think he heard you? - I do not know.

11181. He was a seaman and had more to do with the management of the boat than you? - I had nothing to do with the management of the boat at all.

11182. Simmons had all to do and Horswill had something to do with the management of the boat? - I suppose so.

11183. The two seamen were in charge. Do you suggest you said, so that either of these two seamen could hear you, that you considered this boat ought to go back? - They should have heard me.

11184. Had you any sort of indication that Horswill heard you - the man close by? - I could not say whether he heard me or not.

11185. You could not tell? - No.

11186. If you thought the boat, in the name of humanity, ought to go back, why did not you say so to Horswill? - I did not want to tell one man personally; I called out.

11187. Did any seaman reply? - I never heard any.

11188. Did any fireman reply? - I never heard any replies at all about going back after that.

11189. Now, I suggest to you, that you are quite right in that answer, and that nobody addressed any observation to you upon the question whether the boat should go back. Is that the truth? - Certainly, it is the truth.

11190. That nobody said anything to you about the boat going back? - No.

11191. Nothing? - No.

11192. Then why do you say that Sir Cosmo Duff-Gordon prevented the boat going back? - I thought you were talking about the crew.

The Attorney-General: He said that before.

Mr. Duke: I am aware, but I am cross-examining; I want to deal fairly.

The Witness: You were referring to the crew.

11193. Well, go back to the others. None of the crew said anything? - No, I got no answer, only from Sir Cosmo and Lady Duff-Gordon.

11194. Now I will take you with regard to that. Did you consider whether they were right or wrong in the course which you suggest they said ought to be taken? - It would be right in one way and wrong in another, on account of ladies being in the boat.

11195. Did you consider whether they were right or wrong, because a serious imputation is put upon them? - I should say they were wrong.

11196. You think they were wrong? - Yes.

11197. Did you always think that? - What do you mean, "always"?

11198. From the time when, as you say, you wanted to go back and take the boat back, down to the time when you got to the "Carpathia" and onwards, were you always of opinion that they had done wrong in not taking the boat back? - I had other things in my mind as well as that. I never had that in my mind all the time.

11199. Were you on the best possible terms with Sir Cosmo and Lady Duff-Gordon on board the "Carpathia"? - Yes.

11200. Was the first time, so far as you know, that Sir Cosmo spoke to you, the time when the boat was alongside the "Carpathia," and there was some difficulty in getting up the rope ladder? - Yes, there was a little difficulty.

11201. Had Sir Cosmo ever spoken to you before that? - Yes.

11202. Where? - In the boat, he asked me if I wanted a smoke, and he gave me a cigar in the boat.

11203. That is one thing. What else had he said to you in the boat? - I do not remember him saying anything to me. He said he would get our names and send a wire home to our families if he could.

11204. But that was not said personally to you? - No.

11205. Was that your first personal conversation with him when the boat was alongside the "Carpathia" and there was some difficulty about getting up? - There was not any conversation, only we were trying to get this chair.

11206. A chair was being slung down to get the ladies up? - Yes, the boat was rocking about.

11207. That was the first time you spoke personally to Sir Cosmo Duff-Gordon? - Yes.

11208. Who was it on board the boat who had some conversation with you about his making a present to the crew? - First of all Collins come down to me and said, "Sir Duff-Gordon wants our names."

11209. Was that when you were on board the "Carpathia"? - Yes.

11210. That is the first time you heard of it? - Yes.

11211. I will come back to what you said about it. I want to find out when you were in conversation with him. You were in conversation with him while the boat was alongside the "Carpathia"? - No, it was not a conversation at all.

11212. Well, did you take charge of his coat so as to help him to get up the ladder? - No.

11213. Did not you? - No.

11214. And give him his coat on deck? - No.

11215. On deck did Sir Cosmo say to you, either then or shortly afterwards, "Now I am going to make a present of £5 each to the men who were in the boat to make good the loss of their kit"? - No.

11216. Did he ask you to get a list of the men? - No.

11217. Did you get the list? - Yes.

11218. And is it in your own handwriting? - Yes, I made the list out, but he never asked me to make it out.

11219. And did you bring it to Sir Cosmo Duff-Gordon? - Yes.

11220. Before the men left the "Carpathia" these cheques were written, and you got yours? -

Yes.

11221. Were you all photographed together by one of the passengers of the "Carpathia," you in your lifebelt? - Yes.

11222. Did not you believe at that time that you and everybody else on board that boat had done their duty? - Well, we did it to a certain extent.

11223. Now stop. Did not you believe when you were photographed together in a group, you and another, I think, in your lifebelts, that you and everybody in that boat had done your duty? - No, Sir.

11224. You did not? - No.

11225. Before you left the "Carpathia" did you and the other members of the small boat's crew write your names on Lady Duff-Gordon's lifebelt? - Yes.

11226. As a memento? - Yes.

11227. And you parted with the Duff-Gordon's in terms of respect? - Yes. We were asked to put our names on it, and we did it.

11228. Was the boat, at the time you got in her, rather crowded at the sides with oars and boat masts and things of that kind? - Yes; they were all on one side.

11229. There were oars, and were there boat masts. They are spoken of as poles? - Oars and a mast and a boat hook, I think.

11230. Which were stowed on one side, and which occupied a space? - Yes.

11231. And made the position of the passengers and members of the crew rather cramped, did it not? - Well, it did for a time until we got them out.

11232. Did you ever throw them overboard or get rid of them out of the way? - No.

11233. Were not they there stowed alongside the whole time, so that there was barely room for two people to sit abreast on the seats where the two people were sitting? - They certainly took up a space at the side of the boat. We had the oars out and then there was a little more room.

11234. Were not the people in the boat crowded by reason of the mode in which the seats had been packed while the boats were on the davits? - I could not say that.

11235. You did not notice that? - No.

11236. Tell me, with regard to the "Titanic" and Lady Duff-Gordon, from the time you first left off rowing, that is when you had got what was considered a proper distance from the vessel, to the time the "Titanic" went down, was Lady Duff-Gordon practically all the time violently seasick? - Not then; she was after.

11237. From the time you left off rowing in the first instance until very near the time you came in sight of the "Carpathia," was she violently seasick, and was she lying along upon the oars which were occupying the side of the boat where she was? - Yes, she was.

11238. Was not that her condition at the time the "Titanic" went down? - I could not say.

11239. I suggest to you, Mr. Hendrickson, that your statement that she took part in any conversation about the boat is a complete error? - That is what the lady said, what I am telling you; I am telling you the truth.

11240. How far off was she from you? - I reckon about 200 yards.

11241. I am not speaking of the ship, I am speaking of the lady. There were several seats between you and her? - I was in one seat here, and a gentleman was in *this* seat, and she was in the next one.

11242. She was in the second seat from you towards the stern of the boat? - Yes.

11243. Lying down - in a reclining position. She had her head down upon those oars and tackle? - Yes.

11244. I put it to you that at that time, the time the ship went down, she not only was not conducting conversation with anybody, but she was not in a condition to conduct conversation? -

She was talking to her husband at intervals.

11245. I put it to you that her conversation to her husband was considerably after that time? - No; she got up now and again and lifted her head up.

11246. Was not the only communication which passed between her and her husband at that time the efforts the husband made to comfort his wife and to try and help her in her condition? - Yes.

11247. It was so? - Yes, when I saw them.

11248. Did that go on for a very long time when the boat was afloat? - For some time after the "Titanic" went down.

11249. Now, do you suggest it was in the intervals of these attempts of the husband to comfort his wife and relieve her from the trouble she was in - that physical trouble - that the conversation took place? - Yes.

11250. You say that? - Yes.

11251. You think that Lady Duff-Gordon heard you suggest that the boat should go back to the ship? - I could not say; I never said she heard me. I do not know who heard me.

11252. If she heard you, Horswill must have heard you? - She must have heard me to answer me.

11253. Let us see. She was on the second seat from you? - Yes.

11254. If she heard you Horswill must have heard you? - I do not know.

11255. The seaman who was alongside Sir Cosmo Duff-Gordon must have heard you? - He should have heard me, yes.

11256. The person who was alongside Lady Duff-Gordon should have heard you? - Yes, they should have heard me.

11257. Did you say anything so that Simmons could hear you? - I could not say whether he heard me or not.

11258. Did you consider at that time whether Simmons heard you or not? - No.

11259. What? - No.

11260. How was that? If you seriously, as you say, thought as a matter of humanity Simmons ought to take this boat back, how was it you did not consider whether Simmons heard you or not? - If he heard me he should have given me an answer.

11261. You think if he had heard you he would have given you an answer? - I do not know whether he would; he *should*, I said.

11262. Did you think he did? - No.

11263. You thought he did not. Why did you not repeat what you had to say, if you ever said it, so that it should go to the ears of the one man who could give effect to it? - It was up to the others, as well as me, to pass the word along if they heard me.

11264. Do you mean there was a little conversation between you and some other people about you as to whether it was up to you to go back? - No little conversation at all. I had no conversation. I called out, as I told you before.

11265. No talk? - No.

11266. None of the men about you replied? - No, no one at all.

11267. Are you sure now that any of the men about you heard? - They must have heard, they were there.

11268. Horswill must have heard? - They must all have heard, I should think.

11269. None of them made a reply? - None of them; none of the men.

11270. Simmons never had an opportunity of forming a judgment on your opinion that he ought to go back? - He had plenty of time. He should not wait for anyone's opinion, the man in charge.

11271. You say now Simmons ought to have seen for himself that he ought to go back? - Of course, he did.

11272. And whether you communicated with him or not you do not know? - No, I do not.

11273. Could you see one another's faces in the boat at the time? - No.

11274. No? - No.

11275. Did you know Sir Cosmo Duff-Gordon from any other member of the party in the boat at that time? - No.

11276. Had you ever heard his voice up to then? - Yes.

11277. Where? - When he said about one man take command of the boat.

11278. Who said, "One man take command of the boat"? - Duff-Gordon.

11279. But the officer who dispatched the boat had given an order to them? - Sir Cosmo repeated it after.

11280. And you heard his voice? - Yes.

11281. Were there two Americans on board? - I knew there were men.

11282. Mr. [Abraham] Salomon and Mr. [Charles E.] Stengel? - I do not know their names.

11283. Have you any idea whether Stengel was in a position to hear this statement of yours, if you made it? - They should have heard it.

11284. Everybody in the boat should have heard? - If they were not deaf.

11285. Assume for a moment that Horswill did not hear and that Simmons did not hear, do you think you are mistaken in supposing that you shouted out that you ought to have gone back? - I am not mistaken at all.

11286. Supposing that Horswill did not hear it; assume for a moment that Horswill is here and that he heard nothing of the kind; how would you account for that? - I do not know; they were thinking of something else; they were too excited perhaps.

11287. Were you all very excited? - No; there was not any excitement.

11288. Was Horswill excited? - No; not that I knew of.

11289. If Horswill is here and did not hear a word from you on this subject, how would you account for that fact? - I do not know.

Mr. Duke: You cannot tell.

Re-examined by the ATTORNEY-GENERAL.

11290. The only matter upon which I want you to give us a little further explanation is how you were sitting in the boat, if you can? - I was sitting with my back to the bows.

11291. Well, you start from the bows; who was right ahead in the bow? - Horswill, I think.

11292. That is right. Was there anybody beside him, or was he sitting beside the bow? - There was another man; I think Collins was at the side of him.

11293. I think he was a fireman? - Yes.

11294. At any rate, he was one of the crew. Who was sitting in the next thwart? - I was sitting in that thwart.

11295. Was anybody next to you? - Taylor, I think, and Sir Cosmo Duff-Gordon were in the next thwart.

11296. With you? - No, I was alone on this thwart.

11297. That is what I want to get. You were alone; then in the next thwart, Taylor a fireman, and Sir Cosmo Duff-Gordon? - Yes.

11298. Then in the next one? - I do not know who was in the next one. Lady Duff-Gordon, I know. I do not know who the other was.

11299. Do you mean another lady, or was it a man? - I could not say.

11300. Who was in the stern? - There was a man at the tiller, the coxswain, Simmons, that is all I know. It was dark, I could not see. I did not take notice when daylight came in.

11301. (*The Commissioner.*) When you were here last you suggested that something had been said in the boat before you reached the "Carpathia" about money? - No; the gentleman said he was giving us a present after he said he would send a wire home if he could.

11302. That was before you got on board the "Carpathia"? - Yes, we did not hear a word at all about any money until we got this a day or two before we got to New York. He said he would give us a present. He never said a word about money.

(The Witness withdrew.)

GEORGE SYMONS, Sworn.

Examined by the ATTORNEY-GENERAL.

11303. Is your name Symons or Simmons? - Symons.

11304. And have you been at sea for nearly nine years? - Yes.

11305. You are an able seaman? - Yes.

11306. Have you crossed the Atlantic between England and New York many times? - Yes.

11307. How many times? - I say roughly about 58 to 60; I could not exactly say the correct number.

11308. As an able seaman? - Yes.

11309. And have you also acted as a look-out man? - Yes.

11310. (*The Attorney-General.*) Your Lordship will remember he comes into the story as look-out man also. (*To the Witness.*) I will ask you first of all about the look-out. On board this vessel, the "Titanic," you went to the crow's-nest? - Yes.

11311. When it was your duty to go on the look-out? - Yes, when it was my watch.

11312. What other vessels have you been in, liners, crossing between New York and England? - I was in the "Oceanic" for four years and four months, and three years of that I did on the look-out.

11314. And you were actually acting as look-out with Jewell on the "Titanic," I think, from 8 to 10? - Yes.

11315. You were relieved at 10 o'clock, the last watch really before she struck? - Yes.

11316. Whilst you were on the "Oceanic" did you at any time see icebergs? - Yes, once or twice.

11317. At night? - No, not at night, only in the daytime; but we have had orders before to keep a look-out for them in the night in the "Oceanic."

11318. Did you use glasses, binoculars? - Yes.

11319. Special glasses for night, were they? - No; they were an ordinary pair of glasses.

11320. Were they kept in a box in the crow's-nest? - In the "Oceanic" they were kept in a canvas bag.

11321. In the crow's-nest? - In the crow's-nest.

11322. For your use or the use of your mate on the look-out? - Yes.

11323. And you did find them useful? - Yes; very useful.

11324. Were there any on the "Titanic"? - No, none whatever. After we left Southampton and got clear of the Nab Lightship I went up to the officers' mess-room and asked for glasses. I asked Mr. Lightoller, and he went into another officers' room, which I presume was Mr. Murdoch's, and he came out and said, "Symons, there are none." With that I went back and told my mates.

11325. Was there a place for them in the "Titanic"? - Yes, a box in the port after corner.

11326. Of the crow's-nest? - Yes.

11327. Did you join the "Titanic" at Southampton? - Yes.

11328. After you left Queenstown, which, as we know, was 11th April, did you see the boat list up? - Yes, I saw a boat list after we got away from Queenstown, either on the Thursday night or the Friday morning early.

11329. Did you find it in the forecandle? - On the door of the forecandle, at the top of the companionway.

11330. Were there two boat lists posted? - There was one in the forecandle, what they call the emergency boat list, and also on the forecandle door was a general boat list, on which I found my name was assigned to No. 1.

11331. That is an emergency boat? - Yes, an emergency boat on the starboard side.

11332. You looked through the list? Did you notice how many seamen were assigned to the lifeboats? - Yes; there was not one but what had two seamen, and some had an officer. Whether there was more than that I could not say, but I know there was not one with less than two seamen.

11333. No one had less than two seamen, and to some of them there were two seamen and an officer. Is that right? - Yes.

11334. You know Sunday, the night of the 14th April; do you remember getting special orders from the bridge? - Yes; we had special orders about 9.30.

11335. 9.30 that night? - Yes.

11336. Through the telephone? - Through the telephone.

11337. Do you know from whom? - No, I could not say.

11338. From some officer on the bridge? - From some officer on the bridge.

11339. Can you tell me what he said? - "Keep a sharp look-out for small ice and bergs till daylight, and pass the word along." That was the order received by Jewell and me; we both heard it through the 'phone.

11340. Had you noticed anything to lead you to think you might meet icebergs before you got that message? - Yes; just a small conversation, I think, about 9 o'clock. My mate turned round from time to time and said, "It is very cold here." I said, "Yes; by the smell of it there is ice about." He asked me why, and I said, "As a rule you can smell the ice before you get to it."

11341. You thought you could? - Yes.

11342. Did you notice the temperature? - No, I could not tell you anything about the temperature. We were in the crow's-nest.

11343. You were relieved at 10 o'clock at night, and you went below? - Yes.

11344. And was the word passed along? - Yes, it was passed along at 10 o'clock by me and Jewell.

11345. You were relieved, I think, by Fleet and Lee? - Yes.

11346. Then did you go below and turn in? - Yes, I went below and turned in.

11347. What awakened you? - What awakened me was a grinding sound on her bottom. I thought at first she had lost her anchor and chain, and it was running along her bottom. I would not get up. The others got up, but I would not get up as I thought there was nothing the matter.

11348. You did get up eventually? - Yes; Hogg came down to me and told me I had better get up.

11349. Was he another look-out? - Yes, he was another look-out man.

11350. Hogg and Evans? - Yes.

11351. Hogg told you you had better get up and you started dressing, did you? - Yes.

11352. Whilst you were dressing was an order given? - There was an order came to the

forecastle door by the boatswain to "Stand by, as you may be wanted at any moment."

11353. Was that to you only, or to all hands? - To the hands in general who were in the fore-castle.

11354. "All hands stand by"? - Yes, "You may be wanted at any moment."

11355. You heard afterwards what the time was? - Yes, I did not know the time then.

11356. What time was this? - By the time I got on deck it must have been about one bell, a quarter to twelve.

11357. That was after you had this order from the boatswain? - Yes.

11358. Then you went on deck. Did you notice ice on the fore well? - No, I did not go to see the ice.

11359. What did you do when you got on deck? - I came on deck and I went into the mess room in the course of ordinary events to see if there was any coffee. From there I heard the water coming in to No. 1 hold. I looked down No. 1 hold, and hardly had I looked down there when the order came for "All hands on the boat deck."

11360. You said you looked down No. 1 hold. Before you got that order, "All hands on the boat deck," had you seen any water? - Yes, water coming in No. 1.

11361. Water in No. 1? - Yes.

11362. Much? - Yes, coming in a pretty good rush.

11363. (*The Commissioner.*) I thought you said you heard it? - I heard it first, and then I went and saw it through the gratings, the hatch gratings, as the tarpaulins were off.

11364. (*The Attorney - General.*) Let us understand what it means. The tarpaulins were off? - Yes.

11365. There is a grating there? - Yes, there are gratings there.

11366. Were not the hatches on? - No, there were no hatches on at that place.

11367. (*The Commissioner.*) What deck were you on when you saw the water through the grating? - I suppose you would call that the main deck - on the same deck as the forewell deck.

11368. Is it the same deck as that on which the long alleyway is? - No.

11369. Is it the one above it? - Yes.

11370. Were you looking down No. 1 hatch? - Yes, I was looking down No. 1 hatch through the grating when I saw the water.

11371. (*The Attorney - General.*) I think it must be two decks above, my Lord. I will ask him. (*To the Witness.*) It is under the fore-castle deck you were? - Yes, under the fore-castle.

11372. Then, did you have to go down two decks to get to the deck under the alleyway? - Yes; you would go down the stairs and then down a small flight of steps again.

The Attorney-General: What is called the shelter deck C is where he was, and your Lordship sees he has to get to deck E to the alleyway.

The Commissioner: On deck C?

11373. (*The Attorney - General.*) Yes, just under the fore-castle deck. He is looking down No. 1 hatch. (*To the Witness.*) You saw through the gratings; the tarpaulin was off and the hatches were off? - Yes.

11374. There was nothing on the grating between? - There was nothing on the grating at that place then. Whether there were hatches at the fore end or after-end I could not say, but this was about amidships of the hatch.

11375. Could you see from which side the water was coming in? - No, you could not exactly see because the water was nearly up to the coamings of the lower hatch.

11376. (*The Commissioner.*) You mean nearly up to the coaming of the hatch on the deck? - Yes.

11377. (*The Attorney-General.*) Let us be clear about this. You were standing on the deck

below the fore-castle deck, which is deck C? - Yes. As you stand on the C deck you look down through the gratings, and on the hatch below that is where the water was lapping around the tarpaulins and the hatch cover.

11378. There is a hatch with a grating over which you saw, from which the tarpaulin had been removed? - Yes.

11379. Then how far below that would it be before you got to the coamings of what you call the next hatch? - I could not exactly say the distance.

11380. How many decks would it be? - It would be on the next deck.

11381. That makes it quite plain. Tell us as nearly as you can how many decks would you have had to go down to get to the water which was just touching, or just close to, the coamings? - The coamings of the hatch. You would only have to take the gratings off and there was the next coaming to meet you.

11382. How many decks would you have had to go down? - I could not say how many decks you have to go down to the steerage; but the coamings is the next hatch down below the one on C deck, the one we were standing on.

The Attorney-General: Your Lordship follows. The effect of that would be that the water would be up to D deck. It was coming into the coamings of the hatchway, which would be above D deck.

The Commissioner: No, I do not understand that.

The Attorney-General: Well, I did not think he meant that, but it is what he said just now.

11383. (*The Commissioner - To the Witness.*) Now, listen to me. There was a hatch upon the deck on which you were standing? - Yes.

11384. And that you supposed to be C deck? - Yes.

11385. Now, the hatchways were removed? - Yes, all the blind hatches were removed.

11386. And the tarpaulins were off? - Yes.

11387. And there was nothing but a grid or grating, through which you looked? - Yes.

11388. Now, this hatchway goes right down to the bottom of the ship? - Yes.

11389. There were coamings round the hatchway where you were standing? - Yes.

11390. Where would the next coamings be, down below? - I should think myself -

11391. Would it not be on the next deck? - I think myself a good two decks below, because there is a wide space from that upper coaming to the lower coamings.

11392. That may make a difference. Now, can you show me in the Court, without telling me what the number of feet are, how far below you, when you were looking through the grating, the coamings were where you saw the water? Just show me. Give me an idea. - I should think myself, from *that* deck *there* down to where *that* gentleman is sitting.

11393. Do you mean from the top; *this* roof that we see over *this*? - Yes, *this* platform.

11394. Down to the floor? - Yes, it may have been a little lower.

11395. That would mean two decks lower. The distance between the deck you were standing on and the next deck would be about how much - half *that* high? - About halfway, Sir.

The Commissioner: Then that would point to this, that it was two decks down?

The Attorney-General: Yes. I thought it was more from what he said.

The Commissioner: Well, it may be.

The Attorney-General: I will tell your Lordship why I thought so. If you look at the plan I should have taken it from the section to be between F and G decks, because, according to the plan, that is the first indication of coamings.

Mr. Laing: That is so.

The Commissioner: Very well; that is right, probably.

The Attorney-General: There is something like a coaming if you look at C, and then the next

one is G.

11396. (*The Commissioner - to the Witness.*) Will you come round here? (*The Witness explained the plan to the Commissioner.*)

The Commissioner: He tells me, looking at this plan, he thinks that the water he saw was by the coaming on G deck.

The Attorney-General: Yes; I thought that is what he must mean.

The Commissioner: That would be about 25 feet below it, or something like that.

The Attorney-General: Your Lordship will remember - I do not know whether you noticed it on the "Olympic" - there was the same thing there. They go through various decks without coamings.

The Commissioner: Yes, until you go to this deck G.

The Attorney-General: Yes. That makes it right.

11397. (*The Commissioner - to the Witness.*) Now will you tell me how far below the top of the watertight bulkhead was this water at that time? - This water at that time, I should think roughly, was about a foot around the coamings, running around the coamings. What I want to know is, how far below the top of the watertight bulkhead would it be at the time?

Mr. Laing: 16 feet 3 inches.

The Attorney-General: Which bulkhead is that?

The Commissioner: The Admiral tells me it would be about 16 feet below the top of the bulkhead; so you see that the water he saw would have to rise, assuming the doors to be closed, 16 feet before it would break over the top of the bulkhead. Is there any watertight bulkhead, Mr. Laing, above deck E?

The Attorney-General: That is just what I am asking, my Lord. According to the plan it looks as if it reaches D in this particular bulkhead. It looks as if the bulkhead B reaches *this* particular place, that is, this particular bulkhead reaches deck D. I am just asking the question.

The Commissioner: I see the thick dark line which stops at the bottom of deck E, and then I see the line extending upwards, but it does not look to me as if it was intended to indicate a continuation of the bulkhead.

The Attorney-General: My friend, Mr. Laing, ought to be able to tell us; but it looks from the plan as if it does. Mr. Wilding will tell your Lordship at once. (*Mr. Wilding explained the plan to the Attorney-General.*)

The Attorney-General: It is right; it does go to D, my Lord; it is shown on this section. It does reach D.

The Commissioner: The collision bulkhead A does not go higher than the floor of deck E, does it?

The Attorney-General: I understand it does; it is stepped forward. *This* one is stepped aft.

The Commissioner: It is not shown on the plan.

The Attorney-General: No, my Lord; but I think this one is on my plan. It is stepped aft from G deck to D deck. Both A and B reach D deck.

The Commissioner: Mr. Wilding, will you come round here? (*Mr. Wilding explained the plan to the Commissioner.*)

The Commissioner - to the Attorney-General: Will you look at this plan? I have marked in red pencil how high the bulkheads extend. (*The plan was handed to the Attorney-General.*)

The Attorney-General: Yes, my Lord, that is right. A is stepped forward to D deck, B is stepped aft to D deck.

The Commissioner: The water that he saw would be about 5 feet above the external waterline?

11398. (*The Attorney-General - To the Witness.*) You saw this water below the coamings? Is that below the coamings on which there are hatchway covers? - Below the coamings is where the

hatches come on, and also the cover.

11399. That makes it quite plain that it is G deck. As I understand you, you did not have much time to look at it? - No, I had just time to see the water come in when the order came, "All hands on the boat deck."

11400. You say you saw water coming in; will you help us about that? Was it coming in fast? - Yes, coming in at what I call a moderate pace.

11401. Could you see where it was coming in from? - No, you could only discern by the look of it that it was rising from the starboard side.

11402. (*The Commissioner.*) I suppose the hatch covers and the tarpaulins were not on the hatchway of deck G? - Yes; the hatch cover was there, all covered up and battened down.

11403. How could you see the water? - I did not know it was coming in over this hatch.

11404. Through the hatch covers? - I could not see whether it was making its way through the hatch cover, but it was running over the hatch, and it looked as if it was mostly coming up the far end of the starboard side - the foremost corner.

11405. (*The Attorney-General.*) The hatchway in G deck was covered up in the ordinary way by the tarpaulin and hatches? - Yes.

11406. And battened down? - Yes, it was battened down.

11407. Did you see water over that hatchway? - No, it was not over.

11408. Where did you see it? - All round the coamings.

11409. They would be on the deck? - Yes.

11410. Raised on G deck? - Yes.

11411. Do you mean you saw the water round the coamings there? - Yes.

11412. Did you see any water on the tarpaulin? - I never took that much notice of the water on the tarpaulin. The only thing I noticed was the water coming round the coamings of the hatch.

11413. And I think you said from the starboard side particularly? - Yes, it looked as if it was coming from the starboard side in that corner, the foremost end.

The Commissioner: I took down from you that the water was nearly up to the coamings on deck G; that is inaccurate.

The Attorney-General: I am not sure that it is, with great respect.

The Commissioner: Nearly up to the coamings. He says it was running round the coamings.

11414. (*The Attorney-General.*) Yes, I think I know what he means. (*To the Witness.*) The coamings are above the deck, and the hatchways rest upon them in *that* way? - Yes.

11415. Explain in your own way. Will you explain to my Lord what you mean by saying that it was nearly up to the coamings? - Take that box, for instance; *there* is the hatch in the centre, and all round the hatch you would come to the bulkheads, which I suppose you would call watertight bulkheads, and all around there was a foot, or it may be a little more or less, space between, allowing for the battens to go over the hatches; that is where the water was, right round the hatch.

The Commissioner: What he means, I think, is this, that the water he saw was nearly to the top of the coamings.

The Attorney-General: Yes.

The Commissioner: He means he saw it outside nearly to the top.

11416. (*The Attorney-General - To the Witness.*) After that you say as you looked at it you got an order to go on to the boat deck? - Yes.

11417. When you got on to the boat deck, what order did you get then? - The order I got on the boat deck from Mr. Murdoch, and also the boatswain was, they gave an order to uncover the boats and get the falls out. I assisted generally in the boats on the starboard fore end, 3, 5, and 7.

11418. Before you go on telling us what happened then, can you give us any idea what time it

was when you noticed this water reaching nearly to the coamings of the hatch? - I should think, roughly estimating it, it would be about five minutes to twelve, because, as I was on my way to the deck, so they struck eight bells in the crow's-nest.

11419. When you got up there you told us you assisted to get 3, 5, and 7 ready on the starboard side? - Yes.

11420. Was No. 1 ready? - No. 1 was already swung out.

11421. That is the emergency boat? - Yes.

11422. It is always carried swung out, is it not? - Oh, yes.

11423. By the time you got to the boat deck had the seamen nearly all arrived on the boat deck? - Yes, I think they were pretty well all there.

11424. Had they gone to the boats on the starboard side? - They went to their respective stations, I believe, port and starboard side.

11425. Who was in charge of the starboard side? - Mr. Murdoch.

11426. Was there any difficulty, speaking generally, so far as you could see, in getting out these boats on the starboard side? - None whatever; they never worked better or more comfortably. I have never seen them work better in any ship I have been in.

11427. I did not catch that. I think you said you had never seen them work better on any other ship you had been in. Is that right? - Yes.

11428. Were there passengers on the deck when you arrived there? - Yes.

11429. Had they their lifebelts on? - Yes.

11430. Did they crowd round the boats at all? - No; they all kept good order; they kept back to give the men working room.

11431. Was there an order? - Yes, there was one order when we were at boat No. 3. Two or three men of some description, whether stewards or passengers I do not know, were asked to keep back to give the men room to work.

11432. And they did? - Yes.

11433. Were the boats lowered to the deck rail? - After we got all the covers out, the orders were given by Mr. Murdoch to start swinging them out. We started No. 5 first, and then we came back to 3, and then to 7.

11434. Five first, then 3, then forward again, and then? - that is aft? - Yes, that is the next one.

11435. Did you assist in putting passengers in any one of the boats? - I assisted in putting passengers in No. 5 and No. 3, and also assisted to lower No. 3 with the boatswain -

11436. Were you acting all this time under the instructions of Mr. Murdoch? - Under the instructions of Mr. Murdoch and the boatswain.

11437. What is the Boatswain's name? - Nichols.

11438. Were the passengers that you put into the boats men, women, or children? - Women and children. That was the order, and they were put in.

11439. That was the order you got from Mr. Murdoch? - That was the order, "Women and children first."

11440. Can you tell us when you began to help getting the boats out, was there any list of the vessel? - Oh, yes, there was a slight list, if anything in our favour, to starboard.

11441. (*The Attorney - General.*) Your Lordship asked the question yesterday about the list to starboard. We have heard from one man who says he saw it distinctly from the ship. We have heard of a list to starboard from a witness on the ship, but this witness says that he noticed a list to starboard at the first. (*To the Witness.*) Whilst you were on the ship did you see any list to port? - I never took particular notice of a list to port. The only way I know she had a list to starboard was when we were lowering away we were clear of everything. When we were being lowered away ourselves we were clear of everything.

11441a. (*The Commissioner.*) The list to starboard helped you? - Yes; it was all in our favour.

11442. (*The Attorney-General.*) You might have cleared away everything without a list, might not you? - Yes; but if she had had a list to port it would have made it difficult.

11443. Yes. Nobody said she had a list to port at that time. Now tell us about the emergency boat, No. 1.

The Commissioner: I suppose you will have some theory to explain the great list to port that there was, according to the evidence, on this ship before she went down?

11444. (*The Attorney-General.*) Yes. It is said the water came in on the starboard side, and so it requires some explanation. (*To the Witness.*) Speaking of boats 3, 5, and 7, did you see seamen placed in these boats under the order of Mr. Murdoch? - Yes, under the orders of Mr. Murdoch. They were given an order to get in, to get the plugs ready, to see everything was right in the boat, and told to stay there and take the women and children.

11445. Three lifeboats had been lowered away, 3, 5, and 7; were they lowered before you went to No. 1? - No, after we got the three boats out I went and assisted Wynn in clearing away one of the guys on B deck.

11446. Of what? - Of No. 1 boat. From there I went back to the boat deck and assisted generally in putting the passengers in Nos. 3 and 5.

11447. That was the first you had to do with No. 1? - Yes.

11448. You had already cleared away one of the guys? - Yes.

11449. And you went back again and helped to get out the boats 3 and 5? - Yes.

11450. And then after that what did you do? - After I went back on the boat deck we had orders to put the women and children in. I assisted generally, and they lowered down. I do not know whether 5 or 7 went first; I could not say for certain. I was at No. 5; whether No. 7 went before it I could not say. When we got No. 5 away I went back to No. 3 and assisted there generally, and then I helped to lower the forward end of No. 3 along with the Boatswain.

11451. Then you saw 7, 5 and 3 lowered and away? - Yes, they were away when I went to No. 1.

11452. Then you went to No. 1, and did Mr. Murdoch speak to you then? - No, we did not go to No. 1; we were ordered to No. 1.

11453. And then you went? - We went to No. 1, and Mr. Murdoch asked who was assigned to that boat. I said I was, and he said, "Are you a sailor?" I said "Yes." He said, "Jump in and see the plug is in." After that he asked if there were any more sailors. Horswill replied, "I am assigned to that boat." He said, "Jump in." He next gave an order for five firemen to jump in, because there were no passengers around the deck at that time. Other members of the crew were assisting in getting the cover off of the surf boat lying under the emergency boat, if she had been in her place, if she was swung in.

11454. That is the collapsible, we call it? - As he gave orders I saw two ladies come running out of the foremost end of the top saloon deck, running towards the boat, and from there they asked Mr. Murdoch if they could get into that boat, and Mr. Murdoch said, "Yes; jump in." And then, after that, I saw three gentlemen come running up, and they asked if they could get into the boat, and he said, "Yes; jump in." Mr. Murdoch then looked around for more, and there was nobody in sight, only just the remaining members of the crew. He then gave an order to lower away. On the way down, just as we started lowering, he asked who was in charge of the boat. I replied, "Symons, the look-out." He replied, "Symons, take charge of that boat; make all those under you obey you; make them do what you tell them." I replied, "All right." When we were lowered down, just below B deck, we got hung up by a wire guy. I told them on the boat deck to stop lowering. They stopped lowering almost immediately. Then they asked me what the trouble was, and I said we were hung up by a wire guy. Someone came down on the next deck and

chopped it away, and from there we proceeded to the water without a mishap and released the boat very satisfactorily.

11455. There was plenty of room in your boat? - Oh, yes.

11456. For a good number of passengers besides those you were taking away? - What do you mean?

11457. I mean there was plenty of room in your boat for more than you were carrying? - Yes; but the order was, "Lower away," and you had to obey orders.

11458. I am not making any complaint against you; I want to get the fact.

11459. (*The Commissioner.*) I want to be sure about this. Was there plenty of room in the boat for more persons when Mr. Murdoch ordered the boat to be lowered away? - Yes.

11460. Now why did he order the boat to be lowered away while it was not full? - Because, I suppose, he had looked around the deck for other people, as well as I did myself, and there was not another passenger in sight, only just the remainder of the crew getting the surf boat ready.

11461. I do not understand. What time was this? - I could not tell the time; I do not know.

11462. How long before the ship foundered? - Well, I should think myself if I say it was within half an hour I should not be far out. It may have been less.

11463. Half an hour is a long time? - Yes, it may have been less.

11464. Was there no time to find women and children to put into the boat? - I saw Mr. Murdoch running around there. I could not tell why he gave the order. I could not criticize an officer. He gave the order to lower away, and I had to obey orders. It is not a seaman's place to criticize an officer in that case.

11465. I am not asking you to criticize anybody; I am asking you to help me to find out, if I can, why Mr. Murdoch ordered this boat to be lowered into the sea when it was more than half empty? - That I could not tell you; that was his own discretion, I suppose; it was not for me to say anything to him.

11466. How soon after the two ladies had got into the boat, and the three men passengers, did Mr. Murdoch give the order to lower? - I should say, roughly, about three or four minutes.

11467. Three or four minutes after the three men passengers and two ladies got in the order was given to lower that boat? - Yes.

11467a. (*The Attorney-General.*) Was there any list to port at the time this boat was lowered? - The list was to starboard at the time the boat was lowered. That was everything in our favour going down. It was not much; it was very slight.

The Commissioner: The list was still to starboard?

11468. (*The Attorney-General.*) Yes. (*To the Witness.*) Before you left the boat deck had you noticed any rockets being fired from the bridge? - Yes, the rockets were going up simultaneously every minute, minute intervals, and that steamer's light was in sight, about a point and a half on the port bow, roughly between five and ten miles away, when they fired the rockets, and they were also working the starboard and port Morse lights.

11469. This was all, of course, before you left? - Yes, before we left.

11470. Whilst you were still on the boat deck? - Yes.

11471. Was this going on on the bridge? - This was on the bridge.

11472. Working the port and starboard Morse light? - Yes.

11473. Could you see the light? - Yes, plain.

11474. The light of a steamer, I understood you to say, or a vessel? - Well, a vessel, one white light.

11475. Where was it? - About a point and a half on the port bow as the ship was standing then.

11476. On the port bow? - On the port bow.

11477. How far distant did it appear? - Between five and ten miles.

11478. And after you put off in No. 1 boat did you still see this light? - Yes. I took the light to be that of a cod-bankman - or fishing vessel.

11479. You did not see any sidelights? - No sidelights whatever.

The Commissioner: Will you ask him when he first saw the white light?

11480. (*The Attorney-General.*) Yes. (*To the Witness.*) When did you first see the white light of which you have spoken? - After No. 3 boat was away.

11481. (*The Commissioner.*) Yes, but what time of night would that be? - That would be in the early part of the morning.

11482. What time? - That I could not say, because I did not know the time at the time. I should think myself it would be about one o'clock; it may have been a little after - between one and half-past.

11483. That would be about an hour before the vessel foundered? - Roughly.

11484. (*The Attorney-General.*) At any rate it was before you went to work on the boat deck at No. 1 boat? - It was after No. 3 boat was away that I saw the light.

11485. It was after that that you went to No. 1 boat to work? - Yes.

11486. Could you detect at all whether there was any more signaling about? Could you see if there was any vessel Morse signaling to you? - No.

11487. All you could see was your vessel Morse signaling to some other? - Yes.

11488. Do you remember getting an order from Mr. Murdoch to stand off a little way when the boat was lowered? - Yes, my orders were to pull away from the ship, not too far, and to stand by if I was called back.

11489. That we have not had from you yet. That is what I wanted. That is quite right. Your Lordship will see the importance of it all. You have it in mind. Question 5011 is what Hendrickson said about this He was cross-examined about it. That substantially agrees, I think, with what Hendrickson says. I will read you what he says: "We were told to stand off a little way and come back when called." That is right? - That is what Mr. Murdoch gave me.

11490. Now, at the time you left that No. 1 boat, was the fore-castle head of the "Titanic" under water? - After we got away the fore-castle head, the first lot of ports - that would be C deck under the fore-castle head, I think. What deck would you call that? That lot of ports *there (pointing on the model.)* was just awash under her name.

11491. That is at the top, just under the fore-castle head? - No; *these here (pointing on the model.)*

11492. It is the second row, really? - Yes, the second row.

11493. The first row under the well deck? - Yes, that is right.

11494. That was after you had got away in your boat? - After we got into the water.

11495. (*The Commissioner.*) And how far aft were those lights below the water? - They were just coming awash then.

11496. How far aft? Just turn to the model; take note of the ship and tell me how far aft those lights were under water? - Certainly the foremost ones were more submerged, if anything, than the after ones.

The Commissioner: Of course they were.

11497. (*The Attorney-General.*) Perhaps I may put it in a different form. Had it reached the mast? - No.

11498. Not as far aft as that? - No; not quite so far as the mast.

11499. Then you pulled away? - Yes.

11500. And did you see the "Titanic" go down? - Yes, I watched her.

11501. Now just tell us about that? - After I left the ship I gave the order to pull away. We were pulling very hard; we were pulling very steady; a moderate pull. After I gave that order we

pulled away I should say about 200 yards, and I told them to lay on their oars, and just a little while after that, after I saw that the ship was doomed, I gave the order to pull a little further and so escape the suction.

11502. Now, just one moment. Just tell us why you say "after I saw the ship was doomed" you pulled away 200 yards? What was it that you saw that made you think that? - Because her fore-castle head was well under water then. Her lights had all disappeared then. You could see her starboard sidelight, which was still burning, was not so very far from the water, and her stern was well up in the air.

11503. When you say all her lights went out, do you mean right away astern too? - No, just her foremost lights had disappeared, and her starboard sidelight left burning was the only light, barring the masthead light, on that side of the bridge that I could see.

11504. Then you saw her with her stern out? - Yes.

11505. Will you give us an idea what angle was her stern as far as you could see? How did it look to you; was it all up? - More like *that* with a cant. (*Describing.*) I do not know what position you would call it altogether.

11506. Was it out of water? - Yes.

11507. Did you see her keel? - No, you could not see her keel.

11508. (*The Commissioner.*) Could you see the propellers? - You could just see the propellers.

11509. (*The Attorney-General.*) You could see the propellers? - Yes.

11510. Then when you saw her like *that*, what was the next thing that happened? - Being the master of the situation, I used my own discretion. I said nothing to anybody about the ship being doomed, in my opinion. I pulled a little further away to escape, if there was any suction. A little while after that we pulled a little way and lay on the oars again. The other boats were around us by that time, and some were pulling further away from us. I stood and watched it till I heard two sharp explosions in the ship. What they were I could not say. Then she suddenly took a top cant, her stern came well out of the water then.

11511. A top cant? - You know what I mean to say, she took a heavy cant and her bow went down clear.

11512. Head downwards? - Head down, and that is the time when I saw her lights go out, all her lights. The next thing I saw was her poop. As she went down like *that* so her poop righted itself and I thought to myself, "The poop is going to float." It could not have been more than two or three minutes after that that her poop went up as straight as anything; there was a sound like steady thunder as you hear on an ordinary night at a distance, and soon she disappeared from view.

11513. Let us see if we quite understand what you are saying about it. Suppose *that* is the stem and *that* is the stern. (*Describing.*) You saw her first of all with her stem downward? - Yes.

11514. I understand you to say you saw her stem downwards? - Yes.

11515. Did you see her head going well down? - Her head was going well down.

11516. And you saw her stern out of the water like *that*? (*Describing.*) - Yes, her stern was well out of the water.

11517. I understand you to say that at one period you saw her stern right itself? - It righted itself without the bow; in my estimation she must have broken in half.

11518. Can you form any idea from what part of the vessel it was that she appeared to right herself? - I should think myself it was abaft the after expansion plate.

11519. (*The Commissioner.*) Where is that? - That is the expansion plate. They have two expansion plates.

The Commissioner: Show it to me on that wooden model.

11520. (*The Attorney-General - To the Witness.*) Can you tell us where it was; which one you

mean? - The one furthest aft.

11521. Where was it? - I should say it would be about abeam of the after funnel, or a little forward.

11522. About *there*? - Yes.

The Attorney-General: I do not know whether your Lordship saw on the "Olympic" what he means by the expansion plate; it is noticeable on the deck.

The Commissioner: I understand that.

11523. (*The Attorney-General.*) Then you saw her right herself - *this* part of her? - Yes; I saw the poop right itself.

11524. And then it went up? - Yes; then it went up and disappeared from view.

11525. And then went right down? - Yes.

11526. When you saw the "Titanic" go down did you hear any cries from the people that went down with the boat? - Yes.

11527. Did you try to rescue them? - I thought at the time, being master of the situation, it was not safe in any case to go back at that time.

11528. Do I understand from that, then, that your answer is that you did not try? - Not at that time; not as soon as the ship disappeared.

11529. Let us understand that. You heard cries? - Yes.

11530. And cries which you knew were of persons in distress? - Quite so.

11531. Gone down with the vessel? - Yes.

11532. Many, I suppose? - Yes, a decent few it sounded like.

11533. And you had plenty of room in your boat? - Yes.

11534. If you could have reached any one of those persons you could have saved the life of that person? - Yes, but I thought at the time, by using my own discretion, that it was not safe in any way to have gone back to that ship as she disappeared.

11535. But, apart from going back to the ship, you could have gone back, could you not, some way to pick up persons, without going into the seething mass of people? - The thing is those people, I suppose, would be together when they go down.

11536. But they do not all stop together? - No, that is true. They do not stop together as a rule.

11537. You were there with ample room? - Yes; we had room say for another eight or a dozen more in the boat. I do not know what the boat's complement is.

11538. The boat's complement is 40, and you had 12? - If there were 40 in that boat there would not be room.

11539. What? - I think myself if there were 40 in that boat practically when the sea rose in the morning it would not be safe.

11540. The sea did not rise. If the sea had risen I daresay it might have been so; but we are speaking of a calm night. The sea was quite calm at this time. You quite understood you were to be ready to go back if called? - That is right.

11541. Do you tell my Lord that you determined, without consultation with anybody, that you would not go back? - I determined by my own wish, as I was master of the situation, to go back when I thought that most of the danger was over.

11542. What? - I used my own discretion, as being master of the situation at the time, that it was not safe to have gone back at that time until everything was over.

11543. (*The Commissioner.*) I want to know why? What was it that you were afraid of? - I was not afraid of anything; I was only afraid of endangering the lives of the people I had in the boat.

11544. How? What was the danger? The ship had gone to the bottom. She was no longer a danger. What were you afraid of? - At that time the ship had only just disappeared.

11545. Never mind, it had disappeared, and had gone down to the bottom, two miles down, or

something like that. What were you afraid of? - I was afraid of the swarming.

11546. Of what? - Of the swarming of the people - swamping the boat.

11547. That is it, that is what you were afraid of. You were afraid there were too many people in the water? - Yes.

11548. And that your boat would be swamped? - Yes.

The Commissioner: I am not satisfied at all.

11549. (*The Attorney - General.*) Now, I want to know a little more about that. Was the question raised about your going back to the people who were shrieking at this time? - None whatever.

11550. Do you mean to tell my Lord that nobody ever mentioned, amongst the people that you had in that boat, going back to try to save some of the people who were in the water drowning? - I never heard anybody of any description, passengers or crew, say anything as regards going back. Had there been anything said I was almost sure to have heard it.

11551. You mean nothing was said, either by you or anybody? - I used my own discretion.

11552. You have told us that several times. I understand that you used your discretion, and that you were master of the situation; we have got those phrases. What I am asking you about now is whether at that time you heard anything said by anybody on the boat about going back? - None whatever.

11553. Either by you or by any of the crew? - No.

11554. Or by any of the passengers? - No.

11555. Then, if I understand correctly what you say, your story to my Lord is; the vessel had gone down; there were the people in the water shrieking for help; you were in the boat with plenty of room; nobody ever mentioned going back; nobody ever said a word about it; you just simply lay on your oars. Is that the story you want my Lord to believe? - Yes, that is the story.

11556. (*The Commissioner.*) You told me that there were what you called "a pretty good few" - I think that was your expression - "in the water"? - Yes.

11557. Calling for help? - Yes.

11558. Could you see them? - No.

11559. Then you could not tell whether there was a swarm round your boat? - No, Sir; I was only going by the cries.

11560. Did not you think it was worthwhile trying to get near one or two of them. You could hear them, you know? - Yes, you could hear them.

The Commissioner: However, you did not do it.

11561. (*The Attorney - General.*) Did you ever go back to try to pick up any of these people? - Yes, after we rowed a little way, as we were going for this self same light of my first story, we stopped; we laid on our oars. Then I gave the order to pull back, and told the men in the boat we would pull back to the other boats. I was going my way back then as near as I possibly could to the scene of the disaster after we met the other boat. I strained my ears to hear whether I could hear anybody, any person whatever making a cry.

11562. (*The Commissioner.*) And you heard no one? - I heard no one.

11563. They were all drowned by that time; is not that so? - I could not say that, Sir, because there were some picked up in a boat out of the water before daylight, according to the other story. Of course, I cannot say about other people.

11564. (*The Attorney - General.*) Did you know Sir Cosmo Duff-Gordon before he got into that boat? - No, Sir.

11565. Did you know Hendrickson? - I did not know Hendrickson then. I knew nobody only Oswald.

11566. Did you hear anybody in the boat say that you ought to go back to try and save some of

the people? - No.

11567. Did you hear anybody talking in the boat at all at this time? - No.

11568. You were all silent? - We were all doing our work. They were saying nothing. I heard no conversation whatever.

11569. From the passengers or anybody else? - No.

11570. What part of the boat were you in? - I was in the stern.

11571. Close to the passengers? - There was a lady and a gentleman sitting in front of me. I was standing up in the stern.

11572. Where were the other passengers? - From what I could see in the morning when we came to get the daylight, there was one lady sitting on the other side, the fore side, by the fireman that was pulling. There was one of the fireman pulling at the starboard oar; and there was a lady sitting on the foreside of him, and the gentleman was sitting like on the other side, on the port side further forward.

11573. Did you hear one of the passengers say that it would be too dangerous to go back? - No, Sir; I heard nothing.

11574. That you might get swamped? - No, I heard nothing.

11575. That was your view, that it was too dangerous to go back, because you might get swamped? - Yes.

11576. That is what you thought? - That was my own view, yes.

11577. Did you hear anybody express that same view? - No.

11578. Then, or at any time? - No.

11579. At any time? - No.

11580. Since. Have you discussed it since? - No.

11581. Have you never heard anybody say since that it was too dangerous to go back, that you might get swamped? - No. The first thing that I have seen about that was when I arrived in England on Saturday and I read Hendrickson's evidence in the papers.

11582. Who showed it to you? - I bought the paper myself and read it.

11583. I want to understand. You bought a paper, and then were you seen by somebody? - I was not seen by nobody. I was travelling in the train by myself.

11584. Have you been seen by any solicitors in the case? - What do you mean, Sir?

11585. Has any lawyer seen you about your evidence? - I have given evidence in two or three places.

11586. I would just like to understand what you mean about making a statement. Were you asked to make a statement to somebody representing Sir Cosmo and Lady Duff-Gordon? - Well, I was asked to make a statement, and I just simply told the truth.

Mr. Duke: I wish you would emphasise the latter part of that - "on behalf of Sir Cosmo and Lady Duff-Gordon." He was asked to make a statement, but not so far as I am aware on behalf of Sir Cosmo Duff-Gordon - if you would not mind eliciting whether he says that or not.

11587. (*The Attorney-General.*) I will ask him again. Were you asked to make a statement by somebody on behalf of Sir Cosmo and Lady Duff-Gordon? - Yes, they did say they were representing Sir Cosmo Duff-Gordon.

11588. When was that? - It may have been Tuesday night or it may have been Wednesday night. Tuesday night I believe.

11589. You mean last Tuesday? - Yes.

11590. (*The Commissioner.*) Where was it? - At Weymouth.

11591. (*The Attorney - General.*) When did you arrive - Saturday night? - At Weymouth.

11592. When did you arrive home from America? - On Saturday morning at half-past seven at Liverpool.

11593. Where did you go to from Liverpool? - To Weymouth direct.
11594. Do you live at Weymouth? - Yes, that is my home.
11595. Had Sir Cosmo Duff-Gordon your address at Weymouth then? - That I could not say.
11596. Do you know how he got into communication with you at Weymouth, or somebody on his behalf? - I could not say.
11597. When you were at Weymouth did someone on behalf of Sir Cosmo and Lady Duff-Gordon get into communication with you? - Yes, they came down to see me.
11598. When did you get to Weymouth? - On Saturday evening.
11599. When was it that somebody came to see you on their behalf? - It must have been on Tuesday evening.
11600. Was that the first time that somebody had been to see you since your return to this country? - Yes.
11601. Was it a gentleman? - I beg pardon.
11602. Was it a gentleman - a man - who came to see you? - It was a gentleman.
11603. Two men? - A gentleman.
11604. Then you made a statement to him? - Yes, just a statement.
11605. (*The Commissioner.*) Did you know that he was coming? Had they written to you to say he was coming? - I just knew that there was a gentleman coming, but I did not know who he was.
11606. How did you know that there was a gentleman coming? - How did I know? - the message was brought to my house that somebody was coming to see me.
11607. Who brought the message? - By telephone.
11608. Where from? - That I could not say.
11609. Was it from somewhere in Weymouth? - Oh, yes; the message came through to Weymouth.
11610. Was the message from somebody in Weymouth? - No, Sir, that I could not say, because the man brought -
11611. How long before the gentleman came did you get this telephone message? - In the afternoon, Sir.
11612. How long before he came did you get the message? How long after the message did the gentleman turn up? - About six hours, I suppose.
11613. Six hours? - It may have been that.
11614. Did you ask through the telephone who he was? - I never had nothing to do with the telephone whatsoever.
11615. Who had? - The man brought me the message.
11616. Where from? - From a place in the town. That I could not tell you, I do not know.
11617. Who is the man? - That I could not tell you, Sir. Perhaps my parents might. I was not in at the time.
11618. (*The Attorney-General.*) When was it that you had the telephone message. Was it on the Tuesday? - It must have been on the Tuesday, yes.
11619. The message was given to your parents then? - Yes, the message was left with my parents.
11620. Had you communicated with Sir Cosmo and Lady Duff-Gordon since your return? - No, I communicated with no one.
11621. Had you ever given them your address? - Not as I know of. They asked me for my name aboard the ship, with one of the firemen. I cannot say for certain whether at the time I gave the address or not. I gave my name, but I think it was only my name.
11622. You do not know how they knew you were at Weymouth? - No, that I do not know.

11623. Do you know how they knew that you had arrived home? - No, I do not.

11624. No idea? - No.

11625. (*The Commissioner.*) Do you happen to know the name of the gentleman who came to see you? - No, I do not.

11626. You never asked him his name? - I never asked the gentleman's name.

11627. Have you ever seen him since? - No.

11628. (*The Attorney - General.*) How long was he with you? - I suppose, roughly, it might have been an hour, or it might have been a little more.

11629. (*The Commissioner.*) He took down what you said, I suppose in writing? - That I could not say, Sir, what he was doing of.

11630. (*The Attorney - General.*) Was he writing when you were there? - He just wrote down a little, but what he was doing of I could not say; I never said much, I just simply stated the truth, and that is all.

The Commissioner: I understand, Mr. Duke, you have heard nothing of all this?

Mr. Duke: I have just been inquiring, my Lord.

The Commissioner: You have heard nothing of it?

Mr. Duke: No, my Lord, I have not, but I have been inquiring, and I think presently I may be able to give your Lordship some information about it.

11631. (*The Attorney - General.*) Did you sign any statement at this interview? - Yes, I signed my name.

11632. What happened to the statement? - That I cannot say.

11633. Was it taken away by this gentleman? - Yes.

The Attorney-General: I call for it. Have you got it, Mr. Duke?

Mr. Duke: No, I have not got it, Mr. Attorney. I am making every inquiry I can. I think I know something about what happened about this now. I have been making inquiries.

11634. (*The Commissioner.*) It was not, I suppose, a newspaper gentleman? - That I could not say, Sir.

11635. (*The Attorney - General.*) Were you asked whether you were master of the situation? - Oh, yes, Sir; I was asked that.

11636. That is what the gentleman said to you? - Yes.

11637. The gentleman asked you, were you master of the situation, and I suppose you said "Yes"? - Certainly, Sir.

11638. Were you asked whether you exercised your discretion? - How do you mean "exercised my discretion"?

11639. That was your expression today; it is not mine. Did that gentleman say to you, "Did you exercise your discretion"? - Is that for me to say in the Court here?

11640. I am asking you? - I know you are asking me, but is that for me to say?

11641. Whether the gentleman asked you that? - Whether the gentleman asked me that?

11642. Why should you be so shy about it? - I am not shy at all about it.

11643. Why do you want the protection of the Court? Why don't you answer the question? - You put the question to me, and I told you - the master of the situation.

11644. Just follow what I am putting to you. You say a gentleman was there with you? - Yes.

11645. And he put questions to you? - Yes.

11646. I am asking you, did he put this question to you: "Did you exercise your discretion as to whether you should go back or not"? - I told him "Yes."

11647. *The Commissioner:* Then he did ask you the question, and you said "Yes"? - Yes.

11648. (*The Attorney - General.*) Did the gentleman tell you that you ought not to say anything about this? - The gentleman said nothing whatsoever to me, Sir.

11649. I do not quite understand why you should have objected to answering the question I put to you? - I think myself, Sir, like this. I do not know who the gentleman was, neither did I altogether at that time, and it was in my own private home; and I think myself it was not a case to put before the Court.

11650. Do not drop your voice - you thought it was not a case to put before the Court? - Not that question you put then.

11651. But why not? - I have answered it now, so that it has gone.

11652. I would like to understand why it is that you think that question ought not to be put to you. What is your objection to it? - I think myself, Sir, that what you do in your own private life is no business of no one. That is what I think, and that is a sailor's view of it.

11653. So that you thought that this conversation between you and this gentleman representing Sir Cosmo and Lady Duff-Gordon ought to be treated as private? - It was no business of nobody's.

11654. Neither of the Court's nor of anybody else? - Not in that regard, no, because there was nothing more than I just simply stated the outline of the thing.

11655. Did he ask you whether you had read Hendrickson's story to the Court? - No, Sir.

11656. Did he ask you whether you had heard anything about what Hendrickson had said to the Court? - No, Sir, not as I am aware of.

11657. What? - No, I knew what Hendrickson had said then.

11658. I am asking you what he put to you. Did he mention Hendrickson? - No.

11659. (*The Commissioner.*) Did you mention Hendrickson? - No, Sir.

11660. Now, just think. You had read Hendrickson's story? - Yes.

11661. And it was a very important story? - Yes.

11662. And this gentleman came to talk to you about Sir Cosmo and Lady Duff-Gordon who had been mentioned in Hendrickson's story? - Yes.

11663. Do you mean to tell me that neither you nor he mentioned Hendrickson's name at all? - Not Hendrickson's name - no, Sir.

11664. What do you mean by that. Did he mention somebody else's name? - I simply said that it was pretty good evidence what that man gave last week. No name was mentioned whatever.

The Commissioner: What is the meaning of that?

11665. (*The Attorney - General.*) "It was pretty good evidence what that man gave last week." Did you mean by "that man" Hendrickson? - Yes, I suppose that is what I meant.

11666. You did not mention his name? - No.

11667. But they knew to whom you referred? - I take it so.

11668. And you knew they had come to see you about that? - No, not about that question.

11669. Think. Do you mean to say you did not know that this gentleman had come to see you because of what had been said by Hendrickson to this Court? Is that what you are telling my Lord? - What do you mean, Sir, putting it that way? I do not quite follow what you mean?

11670. Do not you? - No.

11671. Let me try and put it to you again. Did not you know that this gentleman had come to see you because of what Hendrickson had said to this Court about what had happened in No. 1 boat? - I suppose that is what he did come there for, for protection, I suppose, to hear my story, and I gave him the brief outlines.

11672. You knew he had come because of what was suggested against Sir Cosmo and Lady Duff-Gordon? - I believe that is what it was for.

11673. Did not he tell you so? - He told me he was representing Sir Cosmo Duff-Gordon.

11674. And did not he tell you he had come to see you about the story of this man Hendrickson, or of some man? - No; he just simply came and asked if I would give a brief

outline of the story, and I gave it.

11675. A brief outline of the story? - Yes.

11676. How long did it take you to give that brief outline? - Just over an hour, I suppose.

11677. He put questions to you? - No - he may have put one or two now and then.

11678. You told me about the exercise of your discretion and your being master of the situation. Those you have told me about? - Yes.

11679. Did you say anything to him about having received any money from Sir Cosmo Duff-Gordon? Do speak up. - I was just thinking whether I said anything. I will not tell a lie.

The Commissioner: Do speak a little louder, please.

The Attorney-General: That does not want much thinking about, whether you had any money from Sir Cosmo Duff-Gordon.

Mr. Duke: You asked him whether he told the gentleman that he had received the money.

11680. (*The Attorney - General.*) I say it does not want much thinking about to recollect that you had the money. - That is right enough, but I am just thinking whether I mentioned it or not to the man. It is no use my telling you a lie. I was just thinking whether I said it.

11681. (*The Commissioner.*) Now think, and tell us what the answer is? - Yes, I did tell him. I told him that at the time it was given me it was a surprise.

11682. A surprise? - Yes, it was a great surprise to me when I received it.

11683. (*The Attorney - General.*) That is what you told him? - Yes.

11684. How much did you have? - Is that a question to submit, Sir?

11685. (*The Commissioner.*) Yes? - £5.

11686. (*The Attorney - General.*) Have you had any more since? - No, none whatever.

11687. That is all you have had altogether? - That is all I have had.

11688. When did you have that? - About a day - it may have been two - before we arrived in New York on the "Carpathia."

11689. I understood you to say to my Lord just now that that came upon you as a surprise? - Yes, quite a surprise packet.

11690. You mean you had never heard of any present? - No, Sir, I heard of nothing.

11691. From Sir Cosmo Duff-Gordon? - No, Sir, I heard nothing.

11692. Either a present or a gift of money? - I only know I heard that they took my name, and I understood from the other fireman they were to send a wire to our parents.

11693. They were to send a wire to your parents? - That is what the other fireman said. Of course, I did not know the fireman's name at the time.

11694. Did you hear Sir Cosmo Duff-Gordon say anything at all in the boat? - No, Sir; I heard Sir Cosmo say nothing.

11695. How many hours were you in the boat before you were picked up by the "Carpathia"? - It must have been five or more.

11696. Did you hear any of the crew say anything? - No, Sir; they only gave a bit of a cheer when they sighted the "Carpathia" first.

11697. Are we to understand from you that during the whole time you were in the boat nothing was ever said until a cheer was raised when you saw the "Carpathia"? - There may have been a conversation among themselves, but I heard nothing.

11698. You did not hear it? - No. They may have been speaking among themselves.

11699. There may have been conversation going on without your hearing it? Is that what you mean? - Yes.

11700. Were not you surprised that nobody suggested that you should go back to pick up the people who were drowning? - Yes, I was rather surprised.

11701. You were rather surprised? - Yes.

11702. Were you looking towards the "Titanic"? Were you facing towards the "Titanic" or away from her when you were rowing? - How do you mean?

11703. When you were steering in the boat? - When I was steering away from the boat my back was turned. I was watching the "Titanic."

11704. Then, when you stopped and lay on your oars were you facing the "Titanic" then? - The boat was not. The boat was pulling away, but I myself was facing the "Titanic." I was watching the ship.

11705. When you heard the cries were you facing the vessel - or, rather, facing the place where the "Titanic" had been? - No, Sir; our stern was to the place then.

11706. Your back was turned? - Yes, we were a good way away at that time.

11707. And the other people would be looking towards the place? - The people that was rowing would be, Sir.

11708. That would be Sir Cosmo Duff-Gordon; he would be facing you? - I could not say. I could not see. You could not discern the people in the dark.

11709. You could not tell which way he was facing? - No.

11710. I would just like to understand the end of your story about this. You continued rowing and resting, as I understand, laying on the oars - that is the crew in the boat? - Yes.

11711. Until you sighted the "Carpathia"? - No. After we continued rowing, as I have said, we came back again. I stated that just now.

11712. Did you row towards the light that you had mentioned? - We were rowing for the light. The light was bearing roughly on our port beam when we were rowing away from the ship.

11713. And did you row towards it? - Yes, Sir, rowing after it.

11714. But it disappeared? - Yes.

11715. Did you appear to be catching it up at all? - No. I thought my own self she was gradually going away from us.

11716. Do you remember what time you were picked up by the "Carpathia"? - That I could not say.

11717. It was, of course, after daybreak? - Yes, a good time after daybreak.

11718. I see you gave evidence in America? - Yes, and there is one mistake there that I should like to correct.

11719. I think, your Lordship, you have that before you. I will hand it up. (*The copy was handed to the Commissioner.*) What is the mistake that you want to correct? - There is one mistake that was made there - that I rowed back, I think the Consul said, and saw the wreckage, but it should have been "I saw nothing."

11720. You may perhaps be referring to something else. You mean the deposition you made in America? - Yes, first of all before the British Consul.

11721. I suppose this is what you are referring to, My Lord, I am now referring to his deposition made on 2nd May, 1912. The only passages I find which refer to this at all are these, and I think they contain the part he now wants to correct. It is quite short. It begins: "Shortly after I had got on the boat deck I noticed rockets being fired at very frequent intervals from the bridge, Morse signals being used; and at about 12.30 I saw about one point on the port bow distant some five or six miles a light which I took to be the stern light of a cod bank fisherman." That is right? - That is right.

11722. "And after we had put off from No. 1 boat I saw this light still bearing in much the same direction and at about the same distance away. I saw no red or green lights at all at this time. At this time the fore-castle-head of the "Titanic" was all awash; and when we were about a quarter of a mile off I heard two sharp explosions following each other rapidly. The "Titanic" seemed to me to split in two, the head disappearing completely, and the poop coming up and

seeming to right itself for a moment, the lights all went suddenly out, and she seemed to take an upturn plunge, standing up on end, and with a roar she disappeared. We felt no effect of suction through her sinking at the point where we were, about a quarter of a mile away." Now, listen to this, which I think is the only passage which relates to what happened when you were in the boat. "After waiting for a little we rowed back to where we thought the "Titanic" had disappeared, and it was difficult in the darkness to determine the spot, and we had no light in the boat, and we found nothing except some floating wreckage"? - That is where the mistake is - that "floating wreckage."

11723. What is it you want to correct? - "I saw nothing." That is all.

11724. You saw nothing? - That is right, Sir.

The Commissioner: There is no reference here to any cries or to there being any people in the neighbourhood.

The Attorney-General: There is no reference, my Lord, of any kind to it. That is all the reference there is to what happened except the description of the sinking of the "Titanic" and the wreckage, which he now says is a mistake.

The Commissioner: The "floating wreckage"?

The Attorney-General: Yes, I think, my Lord, this might be put in. I will put it in.

11725. (*The Commissioner - To the Witness.*) There is one point, you know, that I want to ask you. You said that you were surprised that no one in the boat suggested that you should go to the assistance of these drowning people. Do you remember saying that to me just now? - Yes.

11726. That you were surprised? - I expected fully for someone to say something about it?

11727. That seemed reasonable? - Yes, that seemed reasonable, Sir.

11728. But you would not have thought it was reasonable if they had said it? - Not at that time, no Sir.

The Attorney-General: I am not going to read it now - it may be necessary to refer to it afterwards, but he has given evidence in America before the Committee. I think I handed that up, did not I?

The Commissioner: No, you have not handed me anything up.

11729. (*The Attorney-General.*) This is it (*The document was handed in.*) That is his testimony given before Senator Perkins. (*To the Witness.*) I just want you to hear what you said there. Listen to this. Is this right? "(Q.) What boat did you go from the ship in? - (A.) No. 1. (Q.) Who was in command of her? - (A.) I was. (Q.) How many passengers did you have on her? - (A.) From 14 to 20"? - Yes; that is what I thought I had there at the time, in the dark.

11730. (*The Commissioner.*) But you were not in the dark when you were sitting in this Court giving evidence? - No, Sir, not at that time.

11731. Then why did you say that you had from 14 to 20 passengers when you had only five? - I think, if I am speaking right, Senator Bourne asked how many was in the boat all told.

11732. (*The Attorney-General.*) I think, my Lord, if you read on that is all right. If you read on a little you will see he asked the question quite correctly, and evidently you misunderstood it? - That is right, Sir.

11733. He is asked: "How many passengers did you have on her?" I suppose he meant passengers in the boat. " (A.) From 14 to 20. (Q.) Were they passengers or crew? - (A.) They were passengers. At first they put in seven of the crew. There was seven men ordered in, two seamen and five firemen. They were ordered in by Mr. Murdoch. (Q.) How many did this boat carry? - (A.) I could not say for certain. It was one of the small accident boats. (Q.) After she got into the water would she take any more? - (A.) She would have taken more. (Q.) How many did you have, all told? - (A.) I would not say for certain. It was 14 or 20. Then we were ordered away. (Q.) You did not return to the ship again? - (A.) Yes, we came back after the ship was

gone and we saw nothing." It still leaves it rather in doubt, I think, that is all there is about the numbers. (*To the Witness.*) Do you mean to say that the 14 or 20 that you said was meant to include everybody in the boat? - Yes, everybody.

The Attorney-General: But you knew you were only twelve, all told?

The Commissioner: It does not strike me that that is what it means. The question is put: "How many passengers did you have on her?" and the answer is: "From 14 to 20. (Q.) Were they passengers or crew? - (A.) They were passengers. At first they put in seven of the crew. There were seven men ordered in, two seamen and five firemen. They were ordered in by Mr. Murdoch. (Q.) How many did this boat carry? - (A.) I could not say for certain. It was one of the small accident boats. (Q.) After she got into the water would she take any more? - (A.) She would have taken more. (Q.) How many did you have all told?" Of course that may mean crew and passengers, but it does not read as if it did.

The Attorney-General: Certainly; the earlier questions do not.

11734. *The Commissioner:* "(A.) I would not say for certain. It was 14 or 20. Then we were ordered away." But anyway you must have known perfectly well when you gave this evidence that the number in that boat of yours was 12 and no more. Why did you say 14 or 20? - How do you mean, Sir, at that time?

11735. Yes. In America before the Court there. You must then have known quite well how many there were in your boat? - Yes, Sir, speaking in that way.

11736. Why did you tell them in America that there were 14 to 20 people in the boat when you knew as a fact that there were only 12? - I think myself, Sir, that the mistake I made then was through the way they muddle us about there.

The Commissioner: There does not seem much muddling about that.

11737. (*The Attorney-General.*) You were asked a very plain question: "How many passengers did you have in her? - (A.) From 14 to 20. (Q.) Were they passengers or crew? and your answer is, "They were passengers." - There must have been a mistake there, because I distinctly told Senator Bourne, or whatever his name was, the people that were in the boat.

11738. We have got exactly what you said; it was taken down in shorthand. "At first they put in seven of the crew." Did you know the names of the other passengers? - No.

11739. Did you know the names of any of the passengers? - No, Sir, none whatever.

11740. When you were in America? - In America, yes, because I knew the gentleman then Sir Cosmo Duff-Gordon.

11741. But did you know anybody else? - No.

11742. I notice that there is nothing in your statement here or in the deposition to show that Mr. Murdoch had given you the order to go a short way off and stand by and come back when called? - No, there is nothing in the evidence.

11743. You never said that before? - I never said that before.

11744. Not till I asked you today? - Not till you asked me today. You put the question to me in a proper manner, whereas in America they did not, in that way of speaking.

11745. Did you tell the gentleman who saw you at Weymouth that that order had been given? - Yes, Sir.

The Commissioner: Is there anything in this American evidence about the money?

11746. (*The Attorney-General.*) I am going to ask him about that. There are two further things that I want to ask him, but I may as well put that to him first. Did you say anything in America about having received the £5? - Nothing whatever, and I was not asked, or asked to make a statement previously, of what was given in the boat.

11747. I may take it that nothing was said about it at all? - That is right, Sir.

11748. Just listen to what you said in America. This is just at the bottom of page 40 and the top

of page 41 where you stopped just now, my Lord. "(Q.) You did not return to the ship again? - Yes, we came back after the ship was gone, and we saw nothing. (Q.) Did you rescue anyone that was in the water? - No, Sir; we saw nothing when we came back. (Q.) Was there any confusion or excitement among the passengers? - No, Sir; nothing whatever; it was just the same as if it was an everyday affair. (Q.) Was there any rush to get into either one of these boats? - (A.) No, Sir, I never saw it. I never saw any rush whatsoever. (Q.) Did you hear any cries of people in the water? - (A.) Oh, yes, Sir; I heard the cries. (Q.) Did you say your boat could take more? Did you make any effort to get them? - Yes, we came back, but when we came back we did not see anybody nor hear anybody. (Q.) Then, what did you do after that? - (A.) After we rowed around, we rowed around and picked up mwith another boat, and both stuck together; one boat with a lot of people." I have called your attention to that. You see you were asked these very questions which we have been putting to you today, first, whether you heard cries of people in the water. You remember that? - Yes.

11749. Then you were asked whether you made any effort to get there, that is the people from whom you heard the cries? - Yes.

11750. It is pointed out to you that you had said your boat could take more? - Yes, I did say so.

11751. Your answer to that is, "Yes, we came back, but when we came back we did not see anybody nor hear anybody."? - That is quite right.

11752. Why did not you tell him what you have told us today, that you heard the cries, but in the exercise of your discretion and as master of the situation you had determined not to go back because you thought you might be swamped? Why did not you tell them that? - My idea of the whole concern was that they had us in three at a time in America - that you have not got there I expect - to get us through as quick as possible. He was putting his questions as quick as he possibly could to get us through - three of us; that was Hogg, Perkis, and myself.

11753. You realise that this does not give quite a true account, does it, as I read it to you? - No, not the same as I have given here.

11754. It leaves out altogether this important matter about whether or not you should go back to save these people? - Yes, that is left out.

11755. Nothing was said about that at all? - Nothing was said to me about that whatever.

11756. I do not quite understand, you know, why you suggest that you were muddled about it there. The Senator put this question to you: "Did you make any effort to get them?" and your answer is, "Yes, we came back, but when we came back we did not see anybody nor hear anybody." - That was the question that he put to me when I said that answer. I told him what I had done, which I do not expect is in that evidence. I told him what I had done - that we were rowing away and we came back again and turned round to pick up the other boats.

11757. You told him nothing about having determined not to go back in the exercise of your discretion? - No, I told him nothing of that.

11758. Why did not you when he asked you whether you took any steps to get the people back, tell him that part of the story; it is the most important part, is it not? - Yes, Sir, an important part.

11759. A thing which must have impressed itself on your memory? - Quite so, Sir.

11760. You have thought about it a good deal since? - Yes.

11761. You have realised that if you had gone back you might have saved a good many people? - Quite so.

11762. (*The Commissioner.*) And there is this question put to you at the end: "Is there any other incident that you wish to state that would be of interest to the public"? - No, Sir, not that I know of.

Examined by Mr. SCANLAN.

11763. I think you stated to Sir Rufus Isaacs that you had not given your address to Sir Cosmo Duff-Gordon? - I stated to you, Sir, that I did not give it to him on the ship.

11764. But you said, did not you, that Sir Cosmo Duff-Gordon was to send a telegram to your relatives? - That is as far as I understood from the fireman.

11765. So that Sir Cosmo Duff-Gordon had got both the name and address of you and of every other member of the crew? - He must have it if he gave it.

Mr. Scanlan: That was the paper that was produced by his counsel today.

Mr. Duke: You are quite mistaken, Mr. Scanlan.

11766. (*Mr. Scanlan.*) When did you first learn that one of your passengers in this boat was Sir Cosmo Duff-Gordon? - About two days after we were rescued.

11767. Do you mean to say you did not know during the time you were in the emergency boat? - Quite so; neither did I know till two days after we were rescued who the gentleman was.

11768. I suppose you knew that the "Titanic" had over 1,300 passengers? - Oh, yes. I do not know exactly the number, of course.

11769. And 892 of a crew - that altogether you had on board over 2,200 people? - I do not know the exact numbers, of course.

11770. Did you realise that you had not lifeboat accommodation for half the people you had on board? - Yes.

11771. You knew that? - Yes.

11772. Whilst you were assisting to lower and fill with passengers the other boats, Nos. 3, 5, and 7, you observed, did you not, each boat got a full complement of passengers? - She had a full complement to lower from the davits.

11773. Was yours the only boat that was lowered from that side without a full number of passengers? - That I could not say.

11774. Had you seen any of the other boats being lowered into the water with plenty of spare accommodation for passengers? - No, Sir; I did not see no more.

11775. Your boat corresponds exactly to the boat on the opposite side - to emergency boat No. 2? - Yes.

11776. Do you know that No. 2 boat took off 23 to 25 passengers, chiefly women. Did you know that? - No, Sir; I did not know that.

11777. At the time the emergency boat No. 1 was being lowered the position of the ship had not become very dangerous, had it? - No, not very dangerous.

11778. It would have been quite a simple matter to have kept No. 1 boat on the davits slung ready for taking on passengers until a search was made throughout the ship for passengers? - Well, yes, we could have done that.

11779. I beg your pardon? - Yes, that could have been done.

11780. Can you explain to my Lord how it is that this order was given for your boat to go away with only five passengers? - I cannot say, Sir.

11781. Was there any person directing operations on the boat deck besides Mr. Murdoch? - Mr. Murdoch and the boatswain.

11782. Who is the boatswain? - Nichols.

11783. Has he been saved? - No, Sir.

11784. Did you see Mr. Ismay? - No, Sir.

11785. On the deck at that time? - No, Sir.

11786. Did you know him? - Yes; I knew him by being on the "Oceanic" with him.

11787. Is it your evidence that there were no passengers, either male or female, on the deck? - I saw none.

11788. Did you see any person at all, passengers or crew? - The crew was there working at the surf boat, the collapsible boat as the gentleman said.

11789. Were not there people crowding aft of the boat - passengers? - What do you mean, "crowding aft."?

11790. Were not there a number of people aft of the emergency boat? - That I could not see from there. Those three boats there were gone.

11791. Knowing that you had not got accommodation for all the passengers you must have known and realised that there were plenty of passengers left behind in the ship, the "Titanic"? - Yes.

11792. Did the crew you had got into No. 1 prove sufficient to enable you to row this No. 1 boat? - Yes.

11793. The sea was calm? - Yes.

11794. And the night was calm? - Yes.

11795. The conditions could not have been more favourable for rescuing people? - No.

11796. (The Commissioner.) What seaboard had you in this boat? - That I could not give a satisfactory answer to.

The Commissioner: But you ought to have known that before making up your mind that there was a danger from swamping?

11797. (Mr. Scanlan.) Is it your evidence that you rowed away in obedience to the order from the officer to a distance of 150 to 200 yards? - No, it was a quarter of a mile. That is the distance I rowed.

11798. The evidence of Hendrickson is that you rowed away to a distance of 150 to 200 yards. Do you contradict that? - Yes; we rowed away to roughly about a quarter of a mile.

11799. If it is stated by Lady Duff-Gordon that you watched the boat go down from a distance of 200 yards, are you going to contradict that? - It was more than that, Sir.

11800. What was the order you had got from Mr. Murdoch? - To row away from the ship and to stand by to be called back.

11801. If you had gone away a quarter of a mile you could not have heard any call to come back? - No, Sir. When we rowed away at first we were not a quarter of a mile away. That was when the ship went down.

11802. Before the ship went down, when you were standing by to obey any order you might get from Mr. Murdoch, or the Captain, what distance was it? - Then we were about 200 yards.

11803. I put it to you that you remained stationary at a distance of 200 yards and watched the "Titanic" go down? - No, Sir, we were going further away all the time she was going down.

11804. And that while you were within 200 yards of the "Titanic" the people were screaming for help in the water, and that the cries were heard by you and everybody else in the boat? - Yes.

11805. 200 yards? - No, Sir, over a quarter of a mile.

11806. There would have been no difficulty whatever in rowing back a quarter of a mile? - Well no.

11807. Were any of your passengers seasick? - That I could not see, Sir.

11808. (The Commissioner.) Did you look? Was Lady Duff-Gordon seasick? - Lady Duff-Gordon I could not see; you could only just discern them. The only conversation that I caught once was Sir Cosmo Duff-Gordon trying to cheer Lady Duff-Gordon up. That was the only conversation - some words he spoke to her, and that was nearly at the break of daylight.

11809. (Mr. Scanlan.) You heard no complaint during the night that any of the passengers were seasick? - No, Sir, I heard no complaint whatever.

11810. Do you know that Hendrickson was sitting at the bow of this emergency boat? - He was in the bow.

11811-2. Was Hendrickson next to Sir Cosmo Duff-Gordon - the next seat to him? - That I could not say for certain.

11813. Do you know where Sir Cosmo Duff-Gordon was? - I should think from what I saw in the morning that he was about the second seat from forward.

11814. So that Hendrickson would be considerably nearer to Sir Cosmo Duff-Gordon than you were? - Oh! Yes, Sir, nearer.

11815. I suppose there was a good deal of conversation in the lifeboat? - If there was any conversation it was unknown to me. I never heard nothing.

11816. I mean in the lifeboat, this emergency boat? - There may have been conversation between themselves.

11817. So that it is possible that Hendrickson may have said, "We should go back and try to rescue these people who are crying"? - Yes. He may have said it, but I never heard it.

11818. And Sir Cosmo Duff-Gordon may have said, "It is not possible for us to go back"? - That I cannot say. He may have said it.

11819. When you say that you were surprised that no one asked you to go back, did you mean passengers? - Anybody, Sir.

11820. You expected - ? - Someone to say something.

11821. Some of the passengers? - I cannot say the passengers - anybody.

11822. Did you attribute to cowardice the fact that your passengers did not all ask you to go back? - No, Sir. I never had a thought in my head of cowardice.

11823. Looking back on this whole incident, and considering that you had a boat practically empty, with only five passengers, and accommodation for fifteen or twenty more, was it not cowardice that prevented the passengers and the crew from going back? - No, I cannot see that.

11824. Can you give any other account? Can you account for it in any other way except by the exercise of what you are pleased to call your discretion? - That is right, Sir. That is the only thing I can see.

11825. You admit it was cowardly? - No, I do not admit it was cowardly.

11826. Is not a seaman, when the passengers in his boat are in danger, expected to run risks in order to save life? - Quite so.

The Commissioner: This is mere argument, Mr. Scanlan.

Mr. Scanlan: I shall not press it further, my Lord.

The Commissioner: Have a little mercy on the man.

11827. (*Mr. Scanlan.*) There is one point about your boat I want to ask you. Did you find this emergency boat properly equipped? - No, Sir; it never had no compass and no lamp in it.

11828. Was it deficient in any other respect? - I think - I will not say for certain - there were no biscuits in the boat.

11829. Did you find that binocular glasses were useful, especially at night on the look-out? - Yes.

Examined by Mr. CLEMENT EDWARDS.

11830. How was this £5 paid to you? - What do you mean, Sir.

Mr. Edwards: It is a simple question.

11831. (*The Commissioner.*) It is a very simple question. What shape did you get it in? - Just in a form, Sir - a sheet of paper.

11832. (*The Solicitor-General.*) A cheque? - No, not a cheque.

11833. (*Mr. Clement Edwards.*) A £5 note? - No, a sheet of paper.

11834. It was an order? - Yes; an order.

11835. An order upon whom? - That I could not tell you, I have not studied it that much.
11836. Have you still got it? - No, Sir, not here.
11837. Have you got it at home? - Yes, it is at home.
11838. (*The Commissioner.*) Have not you changed it? - No, Sir. I have not got quite to that yet. I have a shot in the locker left.
11839. (*Mr. Clement Edwards.*) You are a pretty thrifty sort of man, are you? - Well, yes.
11840. Do you ever pay any money into the bank at all? - What do you mean? Is that a question to put? That is my own private affairs. I do not think that is right. That is not right, Sir.
11841. I see. Have you got a banking account? - It is not right for me to answer that.
11842. Have you paid any money into that banking account recently? - That is not for me to answer.
- The Commissioner:* You want his passbook, you know.
11843. (*Mr. Clement Edwards.*) What have you done with this order? - It is at home, Sir.
11844. That is not paid in yet? - No, Sir; I still have that paper.
11845. What is the order for? - £5.
11846. Do you swear that? - Yes, by Heaven above, or God above, as you say.
11847. (*The Commissioner.*) Five pounds or five dollars? - Five pounds, Sir.
11848. (*Mr. Clement Edwards.*) Did you get any money from anybody else? - No, Sir, none whatever.
11849. Do you know who the other passengers were? - No, Sir.
11850. Have you seen them since? - Seen them once on the "Carpathia," and that is all.
11851. You did not take the trouble to find out who they were? - No, they were of no interest to me.
11852. Was one of the ladies Mrs. Astor? - No.
11853. You are sure of that? - Yes, positive.
11854. You know Mrs. Astor independently, do you? - I saw her once before on the "Oceanic."
11855. You said that you did not see Mr. Ismay? - No.
11856. Were you about No. 3 boat when she was lowered? - Yes.
11857. Could Mr. Ismay have been giving directions to that boat without you seeing him? - The only man that was giving -
11858. Will you answer my question, please? - What did you say? Say it again.
11859. Could Mr. Ismay have been giving directions for the lowering of No. 3 boat if you were there without you seeing him? - I did not hear anybody giving any orders.
11860. Will you answer my question, please? - I can only say he may have been there or he may not have been there. That is all I can say to that.
- The Commissioner:* And it is a very good answer.
11861. (*Mr. Clement Edwards.*) We have heard something about a photograph. Were you taken in a photograph on the "Carpathia"? - Yes, I was took in several photographs this last month. It's quite nice to know you are so big.
11862. Were you taken in a photograph with the passengers and crew of your boat? - Yes, Sir.
11863. Have you got that photograph? - No, Sir; I have seen nothing of it.
11864. At whose request was it taken? - That I could not say.
11865. Who asked you to go into the picture? - The passengers that was around the "Carpathia" at the time.
11866. The particular passengers on this boat? - No, I did not know none of them.
11867. Did Lady Duff-Gordon ask you? - No, Sir, she never asked. We were all there together.
11868. Did Sir Cosmo Duff-Gordon ask you? - No, Sir.
11869. Did you write your name on a lifebelt? - Yes.

11870. At whose request? - At Lady Duff-Gordon's.

11871. When was that done? - It may have been a day or a couple of days before we got into New York.

11872. You told the learned Attorney-General that you thought in your discretion it would be dangerous to go back until everything was over? - No, not everything was over.

11873. That is what you said. - I mean to say my evidence was in that respect till I thought everything was safe for the boat to go back.

Examined by Mr. HOLMES.

11874. Did you realise when your boat No. 1 was lowered into the water that the "Titanic" was sinking? - No, Sir, not at that time.

11875. When did you first realise that? - When we got away from the ship.

11876. How soon after you got away? - About five minutes I suppose.

11877. You told us she had a list to starboard? - Yes, at that time.

11878. Did you actually see that by the deck? - The only way you could tell was by the lowering of the boat.

11879. You only judge she had it because of the way the boat went down? - If she had had a list to port the boat would have hung over her deck.

Examined by Mr. LEWIS.

11880. You really expected an order to return to the ship at some time? - Yes, I expected to go back with my passengers and land them aboard the ship again.

11881. And you knew when the ship sank you could not get an order from the ship? - No.

11882. You were either taking passengers off the ship or rescuing passengers after you were asked to be in readiness? - I do not know what that order was. The order that was given was to stand off and wait orders.

11883. What is the length of the boat you were in? - That I could not say.

11884. If Hendrickson had spoken loudly would you have heard? - I should think so.

11885. You have no reason to doubt Hendrickson's statement? - No reason to doubt it whatever. Had he spoken loud I was bound to hear.

11886. Do you know a fireman named Taylor? - No - I only just knew their names afterwards. I did not know none of them.

11887. You do not know where he was sitting? - No, not properly.

11888. And whether he was sitting alongside Lady Duff-Gordon and heard Hendrickson? - That I cannot say.

11889. If he heard Hendrickson it is possible you would have heard? - I should think so; if he heard him I suppose I ought to have heard him.

11890. If he said that a suggestion was made by someone, you would not doubt his statement, would you? - No. You cannot doubt his statement, because I cannot say whether he said it or whether he did not.

11891. (*The Commissioner.*) Or whether it is truthful or not? - Or whether it is truthful or not.

11892. (*Mr. Lewis.*) If he said he was opposed by a lady passenger, you would not doubt that would you? - You cannot doubt a man's word till you find out for certain.

11893. Or if he says a man passenger said it was dangerous? - Then you cannot doubt that.

11894. You would not doubt that? - No.

11895. And the lady may have said she was afraid of the boat being swamped? - She may have

said it, yes.

11896. You said you went back to the wreckage after the ship sank? - Yes.

11897. (*The Commissioner.*) He went back and saw nothing? - Saw nothing.

The Commissioner: Not to any wreckage.

11898. (*Mr. Lewis.*) The wreckage was mentioned in the American evidence. You went, at any rate, to the scene of the wreck? - As soon as possible.

11899. How long do you think it took you to get back to what you thought was the spot? - Half an hour or more; three-quarters of an hour nearly.

11900. Was there any conversation of any sort at the time of the sinking of the boat? - I never heard nothing.

11901. Nothing whatever? - No. If they were speaking between themselves, I was not hearing. I never heard nothing.

11902. I understand you to say that Sir Cosmo Duff-Gordon was quieting Lady Duff-Gordon? - Yes; once I heard that.

11903. Calming her? - Yes.

11904. Soothing her. Did he speak to her? - Yes, he spoke to the lady.

11905. You heard that? - That was at daylight, at the break of day; that was when the "Carpathia's" lights were in sight.

11906. If I were to suggest to you that immediately after the sinking of the boat, a few minutes afterwards, you gave the order to pull away, and that you did not pull to the scene of the wreckage, would I be speaking an untruth? - Yes, you would.

The Commissioner: You are not assisting me in the least by these questions.

Mr. Lewis: Not in the least? I believe, my Lord, you will have evidence -

The Commissioner: That may be, but I am thinking about the assistance that you are affording to the Court, and in my opinion, at present you are affording the Court none.

11907. (*Mr. Lewis.*) I am very sorry, my Lord, that you should think so. Personally, I think I am. (*To the Witness.*) You expected the people in that boat to say something? - Yes, you would expect to hear something of some description.

11908. What did you expect them to say? - You expect -

The Commissioner: I will not allow such questions to be put - "What did you expect them to say." How can it assist me in any way?

Mr. Lewis: Because I want to know -

The Commissioner: You may ask him about facts - what he saw, what he did, what he said, what other people did and what other people said, but you must not ask this man about his expectations.

Mr. Lewis: I want to know, my Lord, whether he thought that the people in the boat would suggest going back.

The Commissioner: He has told us already that he was surprised they did not suggest it.

11909. (*Mr. Lewis.*) You have heard that all the other boats picked up passengers out of the water? - I heard it in the morning.

11910. Without any danger? - Yes, but how long was it afterwards?

The Commissioner: Don't you ask questions or we shall never get through.

11911. (*Mr. Lewis.*) And are you still of the opinion, after hearing that, that it would have been dangerous to your boat? - Yes.

11912. You do not think you could have saved a few? - Not at that time.

(After a short adjournment.)

Mr. Duke: I made a statement to your Lordship this morning with regard to an interview which was had by some gentleman, whose identity at that moment I was not aware of, with the witness. As I made that statement, and as I now know the facts, I should like, if I may at some time, to tell your Lordship what I would have said then if I had been aware of it when your Lordship mentioned it to me, which will make clear what the position is, and, if need be, I will call the people who were concerned.

The Commissioner: I do not quite understand what it is you wanted to say.

Mr. Duke: It is very little, my Lord; it is this: Sir Cosmo and Lady Duff-Gordon were at sea; they were on their way from America to this country. Their solicitor, Mr. Tweedie, had no instructions except a cable message to inform the Board of Trade that they desired to attend at any Inquiry which might be held. He complied with those instructions. A member of their family, a connection of theirs, communicated with a firm of solicitors, and that firm of solicitors supposed they would act for Sir Cosmo and Lady Duff-Gordon, and thought it was the proper thing to try to ascertain, in view of Hendrickson's statement, what the other members of the crew said about this matter. One of those gentlemen saw the witness, and I have now the witness's statement here, which I am quite ready to hand to the Attorney-General. But that firm did not in fact act; and Mr. Tweedie, although he became aware that the interview had taken place, had no sort of connection with it, and Sir Cosmo Duff-Gordon had no sort of connection with it at the time it took place. If there is any question which is desired to be raised about it I will deal with it.

The Commissioner: Well, I think it would be better if you hand to the Attorney-General the statement that was taken down by this gentleman.

Mr. Duke: If your Lordship pleases, and if my friend thinks fit to enquire of me anything which will put him in a position to examine or cross-examine, of course I am at his disposal.

Mr. Laing: I have a few questions to ask of the witness, but I will follow my friend Mr. Duke.

Mr. Duke: I understand my friend intends to deal with totally different matters from those that I have to deal with.

The Commissioner: Quite.

Examined by Mr. DUKE.

11913. Just answer me two or three questions. First of all, with regard to the sending off of this boat. So far as you are aware did anybody interfere with Mr. Murdoch's discretion as to the sending off of that boat? - No; I saw nobody interfere.

11914. Did the boat come along in its order to be sent off? Was it sent off when it was reached in its order, along the ship's side? - Yes.

11915. The boats, I suppose, were floated so that they would go astern? - Yes.

11916. And this was the forward boat? - Yes, this was the last boat forward.

11917. And below it was the surf boat, either below or outside? - That was inboard, the surf boat.

11918. The surf boat was inboard? - Yes.

11919. Would she have been swung from the same falls? - Yes.

11920. When she came to be floated? - Yes.

11921. Would that have anything to do with using despatch in getting off this boat or not? - Very likely, to get the falls up again for the other boat.

11922. They would have been wanted for the surf boat if she was wanted? - Yes.

11923. How long were you there during the getting out of that boat, getting her ready and getting her to the sea level and getting her afloat before she was actually afloat? - Do you mean the emergency boat?

11924. The emergency boat? - From the time we were there till she was afloat was about ten minutes.

11925. You think about ten minutes? - Yes.

11926. During the whole of that time was there anybody in communication with Mr. Murdoch, except the members of the crew under his orders? - Nobody except the members that were there that he was giving his orders to.

11927. Were you there for any length of time before that, before this boat was taken in hand? - No, we were working our way down through the line.

11928. Were you under Mr. Murdoch's orders while that was being done? - Yes, under his sole orders.

11929. Did anybody, so far as you are aware, during the whole of that time interfere at all with Mr. Murdoch's exercise of his duties? - No, I saw nobody interfere with him all the time he was in my sight.

11930. Now, a suggestion has been made, I do not know on what authority, that Mr. Ismay interfered in some way with regard to the launching of these boats. Did you see any interference by Mr. Ismay? - Nothing whatever.

11931. You knew Mr. Ismay by sight? - Yes.

11932. Was he there at all while these boats were being launched? - I never saw anything of him.

11933. So far as Sir Cosmo Duff-Gordon is concerned, did you see anything of him while the lifeboats were being launched? - No.

11934. Did you see what took place, or how it was that Lady Duff-Gordon was not one of the ladies who were put into one of the lifeboats? - I could not say.

11935. You did not see anything of it? - No.

11936. The first you saw was they presented themselves for this boat? - Yes.

11937. Now, with regard to the boat, you were a seaman? - Yes.

11938. Was she the sort of boat which would be adapted for navigating in the Atlantic? - I should not think she was, in any weather. She is there for saving life, being a lifeboat for any accident.

11939. For use in case of accident? - Yes.

11940. How far were you from land at this time? - I could not say; I should think by my own estimation about 1,300 miles from New York.

11941. You say it was dark on board the ship? - It was not very dark on board the ship, it was dark when we were going down the side.

11942. Was it dark, or light in the boat? - It was dark, very dark.

11943. You had no lamp? - No lamp whatever.

11944. Do you know how it was that the oars, and perhaps boat masts, or whatever they were - the tackle that was there - had been stowed in the sides against the thwarts? - They were stowed to the side.

11945. Would they in ordinary circumstances have been cleared out if the boat had been intended to be launched for a number of people? - No, I have always seen them kept in them before.

11946. They are kept there? - Yes.

11947. But did they occupy a good deal of what would have been sitting accommodation in the cross-seats? - Yes.

11948. Now with regard to the distance which you got from the "Titanic," how far away were you according to your judgment when the "Titanic" went down? - About a quarter of a mile; it may have been a little more.

11949. Are you pretty confident as to whether you were a quarter of a mile or not? - Oh yes, I am pretty confident of the distance.

11950. How long would it have taken you to row back? - It would have taken a good twenty-five minutes to half an hour to have got back to that ship, under the conditions, with four oars. There were only four oars there for pulling - four pulling places.

11951. There were four pulling places? - Yes, two each side.

11952. From first to last till the time you had made up your mind, did anybody try in any way to interfere with your judgment? - Nobody whatever.

11953. Now, it is suggested by gentlemen who were not there that you were afraid to go back. What do you say about it? - I was not afraid to go back - not in the least - no fear whatever. The only thing I knew was it was not safe to go back at the time.

11954. Were you clear in your own mind about that? - Yes.

11955. Had Sir Cosmo Duff-Gordon, or anybody else in the boat, anything to do with your making up your mind about that? - No, nothing whatever.

11956. Did you take the responsibility for it then? - Yes.

11957. And I understand you take it now? - I take it now.

11958. I daresay it is a good deal easier to talk about cowardice here than it is to make up your mind in a position like that? - That is right. Some of those people that talk like that should have been there.

11959. We will not discuss it, because they might not have got back. Now with regard to the money, when was the first time you heard any suggestion that anybody would get anything from Sir Cosmo Duff-Gordon? - About the second day before we got into New York.

11960. Even among yourselves, the men who had been in the boat, as far as you were concerned had you heard from them? - Nothing.

11961. That Sir Cosmo had said something? - Nothing.

11962. You had had your name taken by somebody? - Yes.

11963. Who was it? - By one of the firemen. I found out afterwards that Hendrickson was there.

11964. Hendrickson and another fireman, you think, were there together, and one of them took your name? - Yes, Horswill and myself both came together.

11965. That is the other seaman? - Yes; we had to stay in the boat around the bow till some of the other boats came alongside.

11966. Were you in communication with Hendrickson and the other men who formed the crew of the boat while you were on board the "Carpathia"? - Just once or twice.

11967. Were they there? Were they on board the "Carpathia"? - Yes.

11968. Did they come back in the same ship with you to England? - No.

11969. While they were there on board the "Carpathia," did either Hendrickson or any other man who was there suggest that you did wrong in the decision you came to not to go back at that time? - No.

11970. No one? - No one.

11971. When was the first time you ever heard a suggestion that you had been guilty of cowardice in not going back in that welter of people? - When I read the paper in Liverpool on Saturday.

11972. You had made your deposition in New York while you were there? - Yes.

11973. And you had attended before the Sub-Committee of the Senate? - Yes.

The Attorney-General: That was earlier; April, I think it was.

Mr. Duke: I am much obliged. (*To the Witness.*) You had attended before the Sub-Committee and made a deposition before the British Consul?

The Attorney-General: Yes, the 2nd May.

11974. (*Mr. Duke - To the Witness.*) I do not know what the suggestion is about that money, but tell me this, while you were in New York were the newspapers full of scandalous stories about people who had been on board this boat, and whose lives had been saved? - Yes, also scandalous reports about myself.

11975. Was there any truth in them? - No, none whatever.

11976. Was this story about Sir Cosmo Duff-Gordon the only story that was set on foot about the people on board the ship? - That is all, Sir, the cowardice and the money. It was the only story that was in the papers.

11977. Was there a suggestion at that time that an American millionaire had bribed the crew to take him away, and that Mr. Ismay was a party to it? - Yes.

The Commissioner: I do not know that you need go into that.

Mr. Duke: These suggestions were made in cross-examinations by learned Counsel; they go through the country, and are read by all sorts of people, and there seems to be no remedy.

Mr. Clement Edwards: I was the Counsel who put the questions with regard to the money. I then had no knowledge whatever of similar statements having been made concerning this man in America.

Mr. Duke: Perhaps we shall find out why somebody suggested it.

The Commissioner: I know nothing about these things.

11978. (*Mr. Duke - To the Witness.*) I will ask you one other question about this matter. Were you aware of any inducement held out by anybody to take any particular person in that boat? - No, none whatever. I simply obeyed my orders.

11979. And was there any inducement to you to do anything which you did while you were in the boat? - No.

11980. What became of the lifeboats when they got to the "Carpathia," were they taken on board? - Some were, and there were one or two set adrift.

11981. Was this boat you were in, the dinghy, set adrift? - No, she was put on board.

11982. She was put on board? - Yes.

Examined by Mr. LAING.

11983. While you were on the look-out, up to 10 o'clock, what sort of a night was it? - Pretty clear, Sir, a fine night, rather hazy; if anything a little hazy on the horizon, but nothing to speak of.

11984. Would you describe it as a very clear night? - Yes.

11985. With stars? - Yes.

11986. With regard to what you said about binoculars, would you rather trust your eye for picking up anything than a binocular? - Well, it is all according to what you were picking up.

11987. If you were on the look-out on a fine, clear night would you rather trust to the eye than a binocular to pick up anything? - Yes. You use your own eyes as regards the picking up anything, but you want the glasses then to make certain of that object.

11988. You mean when you have picked up something with your naked eye, you like to examine it with the glasses? - That is right.

11989. I suppose your duty as a look-out man is directly you pick up anything with the naked eye to report it and then examine it with glasses? - No, as a rule you examine it before you report.

11990. Would not you report something before you took time to examine it if you had already picked it up? - It is all according to the weather you are in. You may have a beautiful clear day or

night when you see these things a long time before they see them on the bridge. In hazy weather it does not matter, because whatever you see coming through the gloom, you report it at once.

11991. On a clear night do you mean you do not report? - Yes, but you make sure before you report because you see such a long way.

11992. You see such a long way with the naked eye, do you mean? - Yes, you can see a long way with the naked eye.

11993. When are the glasses useful to you? In foggy weather or hazy weather? - In hazy weather, in making the land, and also if you have an order to look out for bergs or derelicts, they are very handy. Also on a clear night if you are going west with stars falling, they are handy to pick up the difference between a star and a light.

11994. As a rule, do I understand you prefer to trust to your naked eye to begin with? - Well, yes, you trust your naked eye.

11995. With regard to Mr. Murdoch, was he loading and lowering all the boats on the starboard side you saw go? - Yes, all the ones I saw go.

11996. Did you hear any order given about a gangway? - No, I never heard any order about a gangway.

11997. You know what I mean by a gangway? - Yes, I know what you mean.

11998. You heard nothing about that? - No.

11999. Did he tell you to lie off a short way? - Yes.

12000. And come back when called on? - Yes.

12001. Did you hear anyone with a megaphone on the "Titanic" after you got down to the sea? - No one whatever.

12002. Is this your first shipwreck? - My first one.

Re-examined by the ATTORNEY-GENERAL.

12003. Do you know Mr. Lowe, the fifth officer? - I only knew him personally this trip.

12004. Was he close to the emergency boat No. 1? - I never saw him at all that night.

The Attorney-General: I have read the statement. I have no objection to my friend putting it in if he thinks it desirable.

Mr. Duke: I merely produced it for the information of the Board of Trade or the Law Officers.

The Attorney-General: I have only been very hurriedly through it, but I think I am right in saying that you do not mention in that statement that you had been ordered to pull away, to stand by, and to come back when you were called?

The Witness: No, in a statement like that you would not give it; you would give it to the proper people.

12005. It is not in it? - No, it is not in it.

12006. Did you hear an order given for the emergency boat to remain within hail of the ship? - No; the only order I heard given is what I have said.

12007. It is suggested that Mr. Lowe, the fifth officer, gave this order three times in a loud and distinct voice. Do you say you did not hear it? - I neither heard it, nor did I see Mr. Lowe. The only officer I saw was Mr. Murdoch.

(The Witness withdrew.)

JAMES TAYLOR, Sworn.

Examined by the SOLICITOR-GENERAL.

12008. Is your name James Taylor? - Yes.
12009. Were you a fireman on the "Titanic"? - Yes.
12010. Were you one of the people who were in this boat No. 1? - Well, I think that was the number.
12011. The starboard emergency boat? - Yes.
12012. (*The Solicitor-General.*) I propose to go straight to that, my Lord. (*To the Witness.*) Was Symons, the man who has just been giving evidence, in charge of that boat? - Yes.
12013. Who was it ordered you into the boat? - An officer.
12014. Could you tell me who he was? - No, I do not know.
12015. You do not know which one, but one of the officers? - Yes.
12016. And when he ordered you in, did you get in? - Yes.
12017. When you got into the boat, were there any passengers in it? - Yes.
12018. Already? - Yes.
12019. What passengers were in it? - I do not know.
12020. Were they ladies or gentlemen? - Well, I did not know when I got into it, but I saw who were in it after we got away.
12021. We know the boat was lowered to the water, and we know there were two ladies in it and three gentlemen passengers? - Yes.
12022. Is that right? - Yes.
12023. Where were you sitting in the boat when it was got down to the water? - Amidships.
12024. Do you know a leading fireman named Hendrickson? - Yes.
12025. He was in this boat, was he not? - Yes.
12026. Where was he sitting? - Behind me.
12027. Do you mean the next thwart behind you? - Yes, forward of the boat.
12028. Near the bows of the boat? - Yes.
12029. Were you pulling an oar? - Yes.
12030. Was there anybody else on the same thwart as you? - Yes, a gentleman passenger.
12031. You would not know at the time, but do you know now who it was? - No.
12032. Do you know now it was Sir Cosmo Duff-Gordon? - I understand it is that gentleman now, but I did not know it at the time.
12033. You understand now it was that gentleman who was sitting beside you? - I understand now.
- I think Sir Cosmo is here now.
- Mr. Duke:* Yes, he is here. (*Sir Cosmo Duff-Gordon stood up in Court.*)
- The Witness:* That is the gentleman who sat alongside of me.
12034. You and he were sitting on the same thwart? - Yes.
12035. And, as I understand, Hendrickson was on the thwarts immediately behind your back, on the thwarts next nearest to the bow? - Yes.
12036. Lady Duff-Gordon was in the boat; where was she sitting? - I could not tell you. There were two lady passengers, and I did not know which was Lady Duff-Gordon out of the two, and I do not know now.
12037. Was one of the lady passengers near you? - There was one next to me on the next seat, aft of me.
12038. Nearer the stern of the boat? - Yes.
12039. Where was the other lady sitting? - She was sitting right aft from what I can understand.
12040. But you say you do not know which was which? - No.

12041. Did you hear any order given to this boat No. 1 and to the man in charge as to what he was to do? - He was told by the officer, when we left the ship, to go a distance away from the vessel and stand by for readiness. That was by an officer, I do not know who he was. I do not know what his rating was or who he was. "And mind that the crew of the boat do as you tell them"; they were the officer's words when we left the ship.

12042. The officer gave the order that the boat was to go to a distance. Did he say about how far? Did he mention the distance? - I think it was 100 yards, if I am not mistaken; I think so.

12043. I will just put to you what we have been told already about it. Is this right, that Symons was told to stand off a little way and come back when called? - Yes.

12044. Hendrickson said that. Then what was done in the boat; where did the boat go - how far off? - Well, about that distance.

12045. About 100 yards? - Yes. Then we pulled a little further to save suction.

12046. We will come to that. But first of all you pulled off about 100 yards and then you lay on your oars? - Yes.

12047. How far away were you from the ship, do you think, when the ship went down? - About 150 yards to 200 yards.

12048. Then you had pulled a little further away by that time? - Yes.

12049. Would it be right to say that you were quite a quarter of a mile away? - Well, I do not know.

12050. What do you think? - The same as I say, 150 to 200 yards.

12051. Did you, or did you not, hear any suggestion made that the boat should return to the place where the "Titanic" had sunk? - There was a suggestion of going back.

12052. There was? - But who made it, I do not know.

12053. First of all, there was a suggestion. Do you know whether it was a man or woman who suggested it? - No.

12054. You do not know who suggested it? - No.

12055. Did you hear it suggested? - It was suggested.

12056. Now, when that suggestion was made, just tell us yourself, in your own way, what happened and who said anything? - I do not know who said it.

12057. Just tell us what you do remember. What did you hear? - The suggestion was made, there was a talk in the boat of going back, and there was a lady passenger who talked of the boat being swamped if we went back.

12058. A lady passenger talked of the boat being swamped if you went back? - Yes, and two other gentlemen in the boat replied to the same question, "We shall be swamped if we go back. It would be dangerous to go."

12059. (*The Commissioner.*) When you say two other gentlemen, you mean two passengers? - Two gentlemen in the boat.

12060. Two of the passengers? - Yes.

The Commissioner: Who was the other lady, Sir John?

12061. (*The Solicitor-General.*) That lady was Lady Duff-Gordon's companion or secretary, my Lord. I think her name was Miss Francatelli. (*To the Witness.*) You did not know the names of either of those two ladies, but can you tell me this? You say one of the ladies said if you went back you would be swamped. Was that the lady who was sitting on the next thwart to you, or was it the lady who was in the stern of the boat that said it? - I do not know which it was now. I heard the remark.

12062. Now the gentleman you now know as Sir Cosmo Duff-Gordon was sitting on the same thwart with you? - Yes.

12063. Did he take any part in this conversation? - No.

12064. When the lady, whichever the lady was, said you would be swamped if you went back, was there anything more said by anybody? - No one said anything else.

12065. But you say two of the gentlemen passengers agreed with the lady? - They said it would be very dangerous.

12066. What did you think yourself? - It would be dangerous.

12067. You thought it would be. Now, what order was given or what was done at this time, or just after? - An order was given to row away.

12068. Who gave that order? - The coxswain - to row away on our oars.

12069. "Row away on your oars." That would be Symons said that? - Yes.

12070. How long was that after the suggestion had been made about going back? - Well, I could not say.

12071. Well, did anything happen in the interval? - No.

12072. And did you row away? - On my oar, Sir.

12073. That means row away from where the ship had sunk? - No, it means row away with your oar.

12074. You mean "go on rowing"? - Yes.

12075. In what direction did you row? - I could not tell you.

12076. Of course it would be the coxswain who was steering, but did you or did you not follow the suggestion to return to the place where the ship had sunk? - I was willing with anyone else.

12077. Yes, but what happened to the boat? - Which boat?

12078. The boat you were in? - Nothing.

12079. An order was given to go on rowing? - Yes.

12080. So you moved your boat? - Yes.

12081. And this was after the suggestion that the boat should return? - Yes.

12082. Now, did it return, or did it go further away? - I cannot tell you. It was after the ship had gone.

12083. I think we can probably find it out in this way. When the "Titanic" sank, did you hear the cries of people in the water? - Yes.

12084. Did you hear them clearly? - No.

12085. Loudly? - No.

12086. Could not you hear them clearly? - No.

12087. What do you mean? - Well, it was not a clear sound.

12088. There was no doubt about the cries, was there? - No, no doubt about the cries.

12089. Could everybody in your boat hear them? - Yes.

12090. Were those cries going on when there was the talk in the boat as to whether you should go back? Just think. Were those cries going on when there was talk in the boat as to whether you should go back? - I could not say.

12091. Just think a minute? - No, I cannot remember.

12092. You have told me that the suggestion about going back was just after the "Titanic" sank? - Yes.

12093. Did not you hear the cries directly after the "Titanic" sank? - Yes.

12094. Now try again. Were those cries going on at the time of the talk as to whether you should go back? - I could not say.

12095. Well, what do you think? - Well, I cannot remember.

12096. Where did the cries come from? - From some direction, Sir. They seemed to come from everywhere, in my version, from the state I was in when I was in that boat.

12097. I think we understand that. But when the suggestion was made to row back, did not you understand that to mean to row back to where the cries were? - No, we had orders to row away

on our oars - not to row back.

12098. No; just listen a moment. I am not asking you about your orders. You have told us there was a suggestion made in your hearing that your boat should row back? - There was a suggestion by someone to go back.

12099. To go back where? - Ah!

12100. What? - Well, what I understand from my own estimation, it was back there, where the wreckage was.

12101. (*The Commissioner.*) To save life? - Well, I should understand that, Sir.

12102. (*The Solicitor-General.*) What were you to go back for? - That was all, to save life.

12103. Was that to go back to where the cries were? - I suppose so.

The Commissioner: It is quite clear.

12104. (*The Solicitor-General - To the Witness.*) When that happened I want to know did the boat go back to where the cries were, or did the boat go further away? - No, it stopped where it was for a long time.

12105. You said that the order given to you and the others was to go on rowing? - We did go on rowing.

12106. Now did you go on rowing towards the cries or away from the cries? - I could not tell you. I did not know in which direction we were going. I did not know where we were going, north, south, east or west.

12107. I am not asking you about the points of the compass. Just think a minute. You say you could hear the cries? - From everywhere, from my own version.

12108. Is what you tell me that you really do not know whether your boat did go back to the cries and where the boat had sunk or whether it did not? - I know the boat had sunk.

12109. Do you tell me you do not know whether your boat went back to where the "Titanic" had sunk? - No.

12110. You do not know? - No.

12111. Then what was the decision arrived at in your boat. You know you have told us you heard there was talk, a discussion, as to whether you should go back? - Yes.

12112. And you have said that one of the ladies said it was too dangerous and that you would be swamped, and you have said that two of the men passengers - ? - I did not say it was dangerous to the ladies; I did not say the lady said it was dangerous; I said the lady was frightened of being swamped.

12113. That is right, and you said two of the men passengers agreed with her and said so? - Well, they said it was dangerous; they thought we would be swamped.

12114. Did you go back into the danger, or not? - No, Sir.

12115. As far as you know did your boat ever get within reach of any one of the drowning people? - No.

12116. How much room was there in this boat, do you think; how many people could you have taken in? - About 25 to 30.

12117. Do you mean 25 to 30 in addition to those who were in it already? - Yes.

12118. I think it is right to ask you: Since you landed in this country have you been interviewed by somebody who said he came on behalf of Sir Cosmo Duff-Gordon? - Yes.

12119. Did you give him a statement, or not? - Yes.

12120. Did he write down what you said? - Yes.

12121. Did you sign it? - Yes. I thought I was signing a receipt for the money I received.

12122. You thought you were signing a receipt for the money you received? - Yes.

12123. Is that money which you received when the gentleman saw you on behalf of Sir Cosmo Duff-Gordon - ? - Sir?

12124. Was that receipt for money which you got when the gentleman saw you? - I got no receipt whatever.

12125. Was the receipt you thought you were signing a receipt for money which you got when the gentleman saw you? Is that right? - Well, that is what I understood.

12126. Did he give you any money? - Yes.

12127. What was it? - Seven shillings.

12128. Was that supposed to be for the time you had lost? - For my day's expenses.

12129. Did he come down to see you, or had you gone to see him? - I went up to see him.

12130. (*The Commissioner.*) Where were you, and where was he? - "The White Star," Trafalgar Chambers.

12131. In London? - No, in Southampton.

12132. You were there, and did he come to you? - He was there before I got there.

12133. (*The Solicitor-General.*) We do not want there to be any mistake. I may have suggested it to you. Did you know on whose behalf he came? - I asked him.

12134. And what did he tell you? - He told me he was there from London on behalf of Sir Duff-Gordon.

12135. And did you tell him what you have told us here in this Court today? - The same, Sir.

Examined by Mr. SCANLAN.

12136. Was there any mention made, while you were in the small boat, of a present that you and the other members of the crew were to get? - No.

12137. Are you sure? - Quite sure.

12138. When someone said something about going back, was that a member of the crew? - I do not know.

12139. Well, you say that those who objected were passengers. Is that so? - It was a lady.

12140. And two gentlemen? - There were two gentlemen, yes.

12141. They objected. I take it no member of the crew objected to go back? - No.

12142. No member of the crew objected? - No.

12143. And you say that for yourself you were willing to go back? - Yes.

12144. Did you say to anyone that you were willing to go back? - Yes, not in the boat.

12145. When? - Not in the boat, I never said I was willing to go back to anyone in the boat.

12146. When did you say it? - Say what?

12147. That you were willing to go back? - To a gentleman in the White Star office, or in the "White Star," Trafalgar Chambers, Southampton.

12148. Did you have any conversation with the gentleman who was sitting on the same seat with you, about those poor people who were drowning about a couple of hundred yards from you? - No.

12149. Did he express any opinion as to whether or not you should go back? - No.

12150. Not a word? - No.

Examined by Mr. HARBINSON.

12151. Was it immediately the "Titanic" disappeared that the suggestion was made that you should go back? - I do not know.

12152. You do not know whether or not she had gone at the time? - No.

12153. Beyond this suggestion, was there any further discussion in the boat about going back? - No.

12154. Did any person beyond the lady make any observation? - There were a couple of gentlemen said it would be very dangerous, and they were afraid it would swamp us.

12155. Is that all the conversation? - Yes.

12156. Although during the whole of this time you could hear these cries? - Yes.

12157. And was it after the lady spoke and the gentleman said it would be dangerous, that you proceeded to row away on your oars? - Yes, that is right.

12158. How long did these cries last? - Well, I could not say.

12159. And during the whole time that you heard them were you rowing on your oars? - No, not all the time.

12160. Who told you to cease rowing? - Our coxswain.

12161. How long did you continue to row on your oars? - Well, from my own estimation - well, I cannot say the time properly.

12162. But there was no further conversation about going back to where the "Titanic" had been? - No.

Examined by Mr. LEWIS.

12163. Was it on Tuesday you saw the agent of Sir Cosmo Duff-Gordon? - Yes.

12164. Who sent you to Trafalgar Chambers? - Mr. Blake. Mr. Greenham came, the shipmaster, the superintendent engineer of the White Star Line.

12165. Have you seen anyone else? - Yes, I saw a man the day before in the Chambers, too.

12166. Who was that? - I do not know his name. I did not ask who he was.

12167. Have you seen anyone since? - No, only the man I have just mentioned, the day after.

12168. On the Tuesday? - Yes.

12169. On the day before did they say what they wanted you for? - They wanted me to give a statement.

12170. Did not they say who it was for - who they wanted the statement for? - No.

Examined by Mr. COTTER.

12171. Where were you when the ship struck? - In my bunk, asleep.

12172. What did you do after the ship had struck? - I went up on deck.

12173. Upon the boat deck? - No, the well deck.

12174. What did you do afterwards? - Stood there, and waited to see what we could see and hear.

12175. Did you get an order to go to the boat deck? - Yes.

12176. Who gave that order? - A leading fireman.

12177. When you got to the boat deck, was No. 1 boat swung out ready for launching? - Yes, the boat was swung out; it always is swung out.

12178. Was No. 3 swung out ready for launching? - I do not know.

12179. You do not know? - Not No. 3.

12180. Do you know where No. 3 boat is situated? - No.

12181. Had you a boat at all? - Yes.

12182. What was the number of your boat? - No. 5.

12183. Do not you know No. 3 is situated next to No. 5? - No.

12184. How did you know where No. 5 was? - Because I was told where it was as I was going there.

12185. Did you see any women round No. 5 boat? - Yes.

12186. What was the order when you got to No. 5 boat? - The order was nothing when we got there.

12187. The order was nothing? - Not when we got there.

12188. What did you see? - I saw a lot of ladies in the boat, and a lot of ladies getting in the boat, and children.

12189. Was there any officer there? - Yes.

12190. Did you know the officer? - No.

12191. Have you seen Mr. Lowe, the officer, since the disaster? - I might have seen him, but I do not know him by name. I might know him by sight.

12192. (*Mr. Cotter.*) Will Mr. Lowe kindly stand up? (*Mr. Lowe stood up in Court.*) Do you know that gentleman? - Yes.

12193. Did you see him on the night of the disaster on deck? - No, not that I know of.

12194. Why did not you go into your own boat? - Because I was ordered away.

12195. Who ordered you away? - An officer.

12196. Do you know the officer? - No.

12197. Did he order you to go to any other boat? - No, not that same officer.

12198. Did anybody else order you? - An officer ordered me to go and get No. 1 emergency boat ready.

12199. You do not know that officer, I suppose? - No.

12200. How do you know it was an officer at all? - Well, by his clothes.

12201. Can you tell the rank of an officer by the stripes on his arm? - I think this gentleman was in an overcoat. I took him to be an officer by the badge on his cap. There was a white star on there. I took him to be an officer.

12202. When you got to No. 1 boat, were there many women round it? - No.

12203. How long after you went to No. 5 was it that you went to No. 1? - I could not say the time.

12204. You could not say the time? - No.

12205. Can you give us any idea? - No, I cannot.

12206. Were all the other boats out. Just look at that model. Were those other three forward boats out, and gone before No. 1 boat? - Yes.

12207. They had all gone. No. 1 was the last boat at the forward end of the ship? - At the forward end of that ship.

12208. That was the last boat? - On that side.

12209. Which boat went before No. 1 then? - No. 5 went first.

12210. Which one went before No. 1? - An after one.

12211. That was No. 7 boat? - Yes.

12212. Did you see the first of those four boats go? - Yes.

12213. Which boat went first? - My own boat, No. 5.

12214. What went next? - The next one to that, *this one (pointing on the model.)*

12215. No. 3? Where were you when No. 3 was launched? - Alongside of it.

12216. Do you know Mr. Ismay? - No.

12217. Did you hear any gentleman, not in uniform, but in an ordinary suit, giving orders, or helping the women and children to get into No. 3? - No.

12218. Have you ever taken any part in any boat drill? - No.

12219. Never in your life? - Oh, yes.

12220. Where? - In the Union Castle Company.
12221. Did you ever see a boat's crew consisting of six firemen and one sailor? - No.
12222. So that when six firemen and one sailor got into that, you thought it was a peculiar proceeding? - They were ordered into it.
12223. They were ordered into it? - Yes.
12224. Now, when you got to the water did you hear anything said by any officer from the boat deck through a megaphone? - No.
12225. You heard nothing at all? - No.
12226. When you rowed away, by morning when you sighted the "Carpathia," did you hear any conversation in the boat? - When we rowed for the "Carpathia"?
12227. When you sighted the "Carpathia," did you hear any conversation in the boat? - No.
12228. If Sir Cosmo Duff-Gordon had spoken to anyone, would you have heard him? - I expect so, I was sitting alongside of him.
12229. Did you hear him say this: "He would make us a little present for this, and send a wire privately to our homes to let them know we were all right"? - Yes.
12230. You did hear that? - Yes.
12231. So you did hear a conversation? - Yes.
12232. Who did he say that to? - He said that to me.
12233. To you? - Yes.
12234. (*The Commissioner.*) Now tell me again what it was he said to you in the boat, you know? - In the boat?
12235. Yes; not on the "Carpathia," but in the boat. What did he say? - He said to me he would write to our homes and our wives, and let them know that we were safe.
12236. Well, what else? - That was all he said to me. That is all I heard of the conversation.
12237. Did you hear him say anything about giving a present to anyone? - No.
12238. Then you should be careful how you answer, you know.
- The Witness:* That is the only present I understood - this message to our homes.
12239. (*Mr. Cotter.*) Did you hear him make this statement; I will put the question to you again: "He would make us a little present for this, and send a wire privately to our homes to let them know we were all right"? - No, that is not right. He said he would send a wire home; that is all I know; but as for any present I know nothing about it.
12240. Did you hear any other gentleman make a statement? - No.
12241. In the boat? - No.
12242. Did you receive any present when you got on the "Carpathia"? - Yes.
12243. What did you receive? - £5.
- The Commissioner:* They each got £5.
12244. (*Mr. Cotter - To the Witness.*) Was any statement made to you when you got the £5? - No; he only said, "This is a little present from me." That was the only time a present was mentioned that I heard. That was three or four days afterwards.
12245. When you were rowing to the "Carpathia," what sort of a sea was on? - A calm sea.
12246. Very calm? - What I should call calm, yes.
12247. Did the boat rock at all? - Not a great lot.
12248. Did she rock; did she roll? - No.
12249. Was there anybody seasick in the boat? - Yes.
12250. Who was seasick? - Lady Duff-Gordon.
12251. How do you know it was Lady Duff-Gordon; you have told us you do not know her? - I told that gentleman there (*pointing.*) that I was told afterwards that it was Lady Duff-Gordon.
12252. You were told afterwards it was? - Yes, I told that gentleman there.

12253. Was that the lady who objected to the boat going back? - The lady that spoke of its being swamped.

12254. Was that the lady? - Yes.

Examined by MR. DUKE.

12255. This is Lady Duff-Gordon sitting here. Perhaps you do not know. That is the lady. Is that the one? - I think so.

12256. You could see nobody's faces in the boat, could you? - No, it was quite dark.

12257. You could not see this gentleman (*pointing to Sir Cosmo Duff-Gordon.*) could you? - Not like I can now.

12258. (*The Commissioner.*) Did he offer you a cigar? - Not me.

The Commissioner: Did you light your cigar?

Mr. Duke: He says "not me," my Lord.

12259. (*The Commissioner.*) Did you smoke? - Did I smoke? Yes.

12260. On the boat? - Yes, in the boat.

12261. And did the other men, the other members of the crew, smoke? - Some of them did.

12262. Where did you get your matches from? - Off of one of the crew.

12263. Did Sir Cosmo Duff-Gordon smoke? - I do not know, I cannot remember.

12264. (*Mr. Duke.*) You were out a great many hours during that night, of course? - Till about a quarter to six, I think it was.

12265. Till about a quarter to six in the morning, and it was an intensely cold night? - Yes.

12266. And during a considerable part of the night were various inmates of the boat lying down in the bottom of the boat to get shelter from the cold? - Yes.

12267. Both crew and passengers; is that so? - I could not say whether it was both.

12268. Various people lying in the bottom of the boat? - No, not various; only just one or two.

12269. Did you see where Lady Duff-Gordon, this lady who is sitting here, was seated while you were alongside Sir Cosmo? - I did not understand it was Lady Duff-Gordon at the time, but I think it was the lady who sat just in front of me on the next thwart in the afterpart of the boat.

12270. Just aft of you? - Yes.

12271. You were looking aft, of course, as you were rowing, and you think she was sitting on the next thwart? - Yes.

12272. Did you have any conversation with her? - No, Sir.

12273. What makes you say she was the lady who spoke? - I am not saying she was the lady who spoke.

12274. You are not? - No, I say I am given to understand from information afterwards that that was the lady.

12275. What I want to know is whether you tell the Court that the lady who was sitting on the thwart next to you was the lady who said something about the boat being swamped? - Yes.

12276. Are you sure of that? - Yes.

12277. Quite sure of that? - Yes.

12278. And that it was not the lady further along? - Yes.

12279. Now, was not that lady, who was on the thwart in front of you as you sat, seasick during most of the time after the men first lay on their oars? - She was seasick a little of the time in the boat.

12280. Was not she seasick at the time the "Titanic" went down? - Yes.

12281. And lying over - ? - On the gunwale of the boat.

12282. Was that the time at which you suggest this conversation took place? - I could not tell

you.

12283. You do not know? - No.

12284. Have you a distinct recollection about it at all? - No, I have not.

12285. When did anybody first suggest to you that anybody on board that boat had prevented the boat being taken back towards the place where the "Titanic" was? - I do not know when that suggestion was made.

12286. Has the suggestion been made by somebody? - To me?

12287. Well, has it been made to your knowledge? - It was made as I know of, by my knowledge.

12287a. Up to that time had you considered at all what took place in the boat that night?

The Attorney-General: He does not say the suggestion was made.

Mr. Duke: He says it was made. He said "it was made by my knowledge."

The Attorney-General: He did not mean what you mean.

Mr. Duke: I did not object to my friend cross-examining this witness when he called him, but I am trying to be regular.

The Attorney-General: I am only suggesting there was a misunderstanding between you.

Mr. Duke: I am much obliged, Mr. Attorney.

The Attorney-General: I will clear it up when it comes to my turn, if you will not.

12287b. (*Mr. Duke - To the Witness.*) I understood you to say, but you will tell me if I am right, that at some time or other you understood that somebody was suggesting that the people in the boat had not done their duty. Was that so? - No.

12288. Not at any time? - No.

12289. Now when did the question first arise of whether there had been any conversation in this boat about going back; that is, when did it first arise as far as you are concerned? - My version of it is this. I do not know whether you are talking about the crew, or the full boat. Are you talking about the full contents of the boat, or only just the crew?

12290. Well, you tell me in your way what the answer is? - You put it about men refusing to do their duty.

12291. Do not think I am suggesting it for a moment. What I wanted to know was whether you heard that somebody had suggested it? - There was a suggestion in the boat about going back by someone, who, I do not know.

12292. And then there was a reply by someone? - There was a reply by a lady about swamping us.

12293. And you say you think it was the lady who was sitting in the thwart in front of you? - And I heard a gentleman say it would be very dangerous to go back, and the other one replied to him it would be very dangerous to go back, we would get the boat swamped.

12294. Were they sitting in front of you? - Right in front of me.

12295. Do you know there were two passengers, neither of whom was Sir Cosmo, sitting between you and Symons, men passengers? - No; Sir Gordon was alongside of me.

12296. But from somewhere in front of you two passengers said it would be dangerous, and they thought the boat would be swamped? - Yes.

12297. That was not Sir Cosmo Duff-Gordon? - No.

12298. I want to ask you about this matter of money. Did you hear a conversation as you were coming towards the "Carpathia" about the men having lost everything they had? - Only their clothes.

12299. Yes; but was somebody saying the men had lost their kit, and it would not be replaced, as you were nearing the "Carpathia"? - Not that I know of.

12300. You did not hear it? - No.

12301. Then it is no use my asking you about it. Was there anything said on the "Carpathia" that the £5 apiece was intended to enable the men who had been sent in the same boat with Sir Cosmo and his wife, to replace their kit? - Not that I know of.

12302. You did not hear that? - No.

Examined by Mr. LAING.

12303. Just one question. When you were ordered into this boat, how long did you stay before you were lowered away? - We stayed a little while, I could not say what time it was, not properly.

12304. Were there any passengers on that deck that you could see when you were lowered away? - Not near that boat.

(The Witness withdrew.)

The Attorney-General: I am going to call another witness who was in the bow of the boat, but Captain Barr is here of the "Caronia." I think the questions to put to him are only two, and I would like to call him to let him go. He wants to get back. I hardly think it is necessary to call him; but I will tell your Lordship what the point is.

The Commissioner: Tell me what it is he is going to say.

The Attorney-General: Your Lordship will remember when I opened the case I told you that from the "Caronia" there was a wireless message sent to the "Titanic" at 9 o'clock in the morning, warning Captain Smith of ice.

The Commissioner: Yes.

The Attorney-General: And there was an acknowledgment by Captain Smith, somewhere about a quarter to ten that morning on April 14th, of the receipt of the Marconigram. I will just read those two, and that is all I need do, I think; and I will give your Lordship the latitude and longitude in which he was. We can work it out afterwards for ourselves.

JAMES CLAYTON BARR, Sworn.

Examined by the ATTORNEY-GENERAL.

The Commissioner: Just read those to him.

12305. *(The Attorney-General - To the Witness.)* You are master of the Cunard steamship "Caronia"? - Yes.

12306. You had left New York on April 10th of this year for Liverpool? - Yes.

12307. On that morning of the 14th of April, that is, on the Sunday morning, do you remember sending this Marconigram to the "Titanic"; "West-bound steamers report bergs, growlers and field ice in 42 N. from 49 to 51 W."? - Yes, I remember sending it.

12308. That is sent, I see from your note, at nine o'clock in the morning. That is ship's time, I suppose? - Yes, ship's time.

12309. And did you receive a reply at 9.44 a.m., your ship's time? - Yes, as per that statement.

12310. The reply is: "Thanks for message and information. Have had variable weather throughout - Smith"? - That is true.

12311. Can you give us the latitude and longitude of your ship when you sent this Marconigram?

The Commissioner: I thought I had got it.

12312. (*The Attorney - General.*) No, that is what he says the west-bound steamers had reported to him. (*To the Witness.*) What I wanted was to get your position. We can work out for ourselves where you were? - I could not give you that position from memory. It is not usual to take the position on sending a message.

12313. But do you know about where you were? - Well, no, I could not even tell you about where I was then. He did not give me his, you know.

12314. (*The Commissioner.*) Can you give us the New York time? - I could not tell you without referring to the Log Book.

12315. Have you a Log? - I have not the Log here.

12315A. (*The Attorney - General.*) Will you send it to us? - I can do that, certainly.

12316. Will you do that and tell us as nearly as you can; it is only for the purpose of seeing where you were when you sent that Marconigram. Will you send it to us and we will work it out and produce to the Court what your position was? - Yes.

12317. (*The Commissioner.*) At 9 a.m., it was sent; was that ships time? - Yes.

12318. And 9.44, the answer; was that ships' time? - Yes, my ships' time - the time it was received.

Mr. Scanlan: I have nothing to ask this witness on the evidence he has given. I am submitting to your Lordship whether I would be in order to examine him on some general matters that have been brought up in this Inquiry as to look-out and lifeboats and manning. I submit the matter for your Lordship.

The Commissioner: I am not going to shut it out, but I think, as this gentleman is in a hurry to get away, you might forgive him, and let him go.

Mr. Scanlan: Yes, my Lord.

(The Witness withdrew.)

ALBERT EDWARD JAMES HORSWILL, Sworn.

Examined by the ATTORNEY-GENERAL.

The Commissioner: Where was this man in the boat?

The Attorney-General: He was right in the bow, my Lord; he is the other seaman.

The Commissioner: How many of the men from this boat have we had? We have had three.

The Attorney-General: Yes.

The Commissioner: This is the fourth?

12319. (*The Attorney - General.*) So far, we have had Hendrickson, Symons, and Taylor. Now you are going to have the other seaman, who was in the bow. (*To the Witness.*) Are you an able seaman? - Yes.

12320. Were you on board the "Titanic"? - Yes.

12321. (*The Attorney - General.*) I want to go straight to the point, my Lord. (*To the Witness.*) Do you remember being ordered into the emergency boat on the starboard side? - Yes.

12322. Who ordered you to get into the boat? - The First Officer, Mr. Murdoch.

12323. Do you know Mr. Lowe? - Yes.

12324. The Fifth Officer? - Yes.

12325. Was he about at the time? - I did not see him.

12326. Then you were ordered into the boat, and did you get in? - Yes.

12327. Were there any passengers in when you got into the boat? - No, nobody at all.

12328. After you had got in, five passengers were in your boat and you were seven crew all

told? - Yes.

12329. That is right. Now there was plenty of room in the boat for others? - Yes.

12330. Do you remember what the orders were that were given to the boat when she was lowered? - Yes.

12331. Will you tell me what they were? - To lower the boat and lay off the ship.

12332. And come back when called? - Yes.

12333. Let me put it to you as we have had it. Was the boat told to stand off a little way and come back when called? - That is right.

12334. Did you proceed to row a little way off? - Yes.

12335. Where were you sitting? - In the bow of the boat.

12336. Did you see the "Titanic" go down? - No.

12337. Was your back to it? - No, I never saw it go down at all.

12338. Did you hear cries? - Yes.

12339. And when you heard cries you knew that they were cries from persons who had gone down in the "Titanic"? - Yes, I heard them, but I did not know whether they were from the other boats or from the ship.

12340-1. You did not know? - No.

12342. But you heard cries which you knew came from people in the water who were screaming for help? - Yes.

12343. Were you rowing? - Yes.

12344. Right in the bow? - Yes.

12345. So all except the coxswain would have their backs to you in the boat? - We were all facing the coxswain; those pulling were facing the coxswain.

12346. Then they would all have their backs to you except the coxswain. Do you remember how far you had rowed before the "Titanic" went down - before you heard the cries? - No, I could not say the exact time.

12347. Nor the exact distance, perhaps? - No.

12348. When you heard the cries did you hear anything said as to whether you were to go back or not? - No, nothing at all said.

12349. Do you mean from first to last nothing was said? - From first to last.

12350. Did you hear anybody suggest that you should go back to the people who were crying for help? - No.

12351. Do you mean that not one of you said anything about it? - No one suggested it at all. I never heard anybody suggest anything.

12352. Did you hear anybody say that if you did you might get swamped? - No, I did not hear anything at all, no suggestion whatever. I never heard any conversation at all.

12353. Did you hear anybody give any reason why you should not go back and pick up the people who were drowning? - No.

12354. Did you hear any conversation at all about it? - No.

12355. Was anything said by anybody? - I could not say.

12356. I only want to understand what you mean. It may be that you do not remember. Is that what you mean? - I do not remember anybody saying anything about it.

12357. You told me just now you did not see the "Titanic" go down? - No.

12358. Were you looking towards the "Titanic," or away from her? - I was looking to the coxswain. I had to obey the orders of the coxswain of the boat, and I did not have time to do anything but pull my oar.

12359. I do not quite understand what you mean. You heard the cries of the people who were in the water? - Yes.

12360. And were you rowing at the time? - Yes.

12361. Do you mean that no notice was taken of the cries by anybody on board? - I could not say; I had to obey the orders of the coxswain of the boat.

12362. I am not asking that; I understand that, of course, you would do what you were told by the man in charge of the boat? - That is right.

12363. I am not asking you about that; I want to know what happened? - We saw a light on the port bow of the ship, and we went to pull towards the light.

The Commissioner: That is the white light, I understand?

12364. (*The Attorney - General.*) Yes, my Lord. (*To the Witness.*) Was anybody sitting on the thwart close to you? - No, I was on the thwart by myself.

12365. As far as you were concerned you were talking to nobody? - No, I had conversation with nobody at all.

12366. And you heard nothing at all, is that right? - That is right.

Examined by Mr. SCANLAN.

12367. It would have been quite a safe thing to have gone back? - Yes.

12368. And taken in some people? - Yes, it would have been.

The Commissioner: Did you hear that question and answer, Mr. Attorney?

The Attorney-General: I do not think I did.

The Commissioner: He was asked whether it would have been quite safe to go to the rescue of these people and he said it would.

12369. (*Mr. Scanlan - To the Witness.*) Did it not occur to you that the proper thing to do under those circumstances was to row back? - It would have been the proper thing to do, but I had to obey the orders of the coxswain of the boat, so it was no good my suggesting anything at all.

12370. Had the coxswain on your boat said "Oh, we must not go back"? - There was no conversation. I never heard any orders from the coxswain at all.

12371. You must have been greatly touched when you heard those poor creatures screaming for help? - Yes.

12372. Did you suppress your feelings and say not a word to anybody? - Yes, that is right. I hardly knew what I was doing at the time, and I did not suggest anything at all.

12373. You had two ladies and three gentlemen in the boat? - That is right, Sir.

12374. Is this your evidence, that they also suppressed their feelings, and said nothing? - That is right. I did not hear them say anything.

12375. Did it not occur to you that it was really an inhuman thing to leave those people to perish when you could have gone to their assistance and rescued some of them? - It was inhuman.

12376. It was an inhuman thing? - Yes.

12377. Did you feel it to be so at the time? - I did feel it, Sir.

12378. Why did not you say something to those passengers? - I had to obey the orders of the coxswain of the boat. I was in the boat just the same as they were.

The Commissioner: You will not get him away from that, you know.

Examined by Mr. HARBINSON.

12379. You said you saw lights on the port side? - Yes.

12380. When did you see those lights first? - I saw lights when I was clearing away the port emergency boat.

12381. Before you launched your boat? - Yes.
12382. Did you hear any order given to those in your boat about standing by? - Yes, stand by the ship after we had lowered.
12383. Did you hear Mr. Murdoch give that order? - Yes.
12384. You saw those lights before you were lowered? - Yes.
12385. Was there any conversation about the lights, as to what they might be? - No.
12386. Did you get any orders to row towards those lights? - No.
12387. How did you know you rowed towards them? - Because I looked round.
12388. And saw you were rowing in that direction? - Yes.
12389. From the time your boat was lowered did you commence to row towards those lights? - No, we pulled a little away from the ship and then stopped.
12390. How long did you stop? - I should say about a quarter of an hour.
12391. And then did you commence to row towards the lights? - Yes.
12392. Was that before the "Titanic" went down? - Yes, before the "Titanic" went down.
12393. So that when the "Titanic" went down you were actually rowing towards those lights? - Yes.
- And disobeying the orders that were given you?

Examined by Mr. EDWARDS.

12394. How long had this boat been ready to be lowered before it was in fact lowered? - The boat is always supposed to be ready, the emergency boats are.
12395. I will put in this way. How soon was this boat lowered after the last person got into it? - About five minutes after the last person got in.
12396. Do you know who the last person was? - No.
12397. Was it a lady or a gentleman? - I could not say.
12398. Did you see them going in? - Yes, I saw them getting into the boat.
12399. How long had you been in the boat before they got in? - A very few minutes; about five minutes.
12400. Who gave the orders to lower away? - Mr. Murdoch, the First Officer.
12401. How do you know that it was Mr. Murdoch? - We have been together long enough, we ought to know each other.
12402. You say it was Mr. Murdoch? - Yes.
12403. Was he the officer who gave the instructions about standing by? - Yes.
12404. As I understand, you were right up the front end of the boat? - Yes, right in the bow of the boat.
12405. In what position in relation to where you were was Hendrickson? - He was abaft me.
12406. With his back towards you? - Yes, back towards me.
12407. So I suppose it would have been possible for Hendrickson to have said something to somebody still further abaft without your hearing? - That is right, Sir.
12408. Did you see anybody seasick in your boat? - Yes.
12409. Who? - A lady.
12410. Where was she sitting? - The starboard side of the boat.
12411. Was she sitting alone? - I think there was another man pulling an oar alongside of her.
12412. How far away was that from you? - A very short distance, about two or three thwarts.
12413. Did you hear this lady say anything? - No.
12414. Nothing at all? Now, have you had a present? - Yes, I had a present given to me two days after we got on board the "Carpathia."

12415. When did you first hear anything about the present? - I did not know anything about that until they sent for me.

12416. Who sent for you? - Some gentleman.

12417. Who was that gentleman? - Mr. Duff-Gordon, I think.

12418. Has anyone seen you take a statement on behalf of Sir Duff-Gordon? - No.

12419. Nobody at all? - No.

Examined by Mr. HOLMES.

12420. Did you see whether there were any passengers, male or female, left on the deck when your boat was lowered? - I could not see any passengers at all before we got lowered.

12421. There were none there? - There were none there.

Examined by Mr. COTTER.

12422. Just one question. How long was it from the time the ship struck until your boat was lowered? - It is impossible for me to say.

12423. Can you give us no idea at all? - No.

12424. What was the number of your boat? - No. 1.

12425. Where were you when the ship struck? - In my bunk, asleep.

12426. What did you do when you got out of your bunk? - Dressed myself, and the boatswain came and said he did not want all hands on deck. Two or three seconds after he came and ordered us all up on deck and told us to clear away the boats.

12427. How long did it take to clear away the boats? - Ten minutes.

12428. How long did it take to clear the boats? - We cleared away the port side first and then were ordered across to the starboard side.

12429. Did you go straight to No. 1 boat then? - No. I was ordered to the port emergency boat. I was ordered to put the lantern in the boat and a chronometer. I did that and came out again, and I was sent to the starboard boats. Then I was ordered into No. 1 boat.

12430. How many of the starboard boats were out when you got to No. 1 boat? - Before we got lowered?

12431. When you got round to No. 1 boat, how many of the starboard boats were swung out then? - About three or four were swung out. No. 1 boat was always swung out and No. 2.

12432. Was No. 3 swung out? - No.

12433. Where was it? - No. 3 boat was not swung out.

12434. Are you sure No. 3 boat was not swung out? - I was not there.

The Commissioner: Mr. Cotter, you are always disappointing my hopes. You begin by saying, "Just one question," and then you never keep your word.

12435. (*Mr. Cotter - To the Witness.*) When you were lowered to the water, was there any order given through the megaphone? - No, we had our orders before we started to lower.

12436. You were in the bow? - Yes.

12437. You would be looking towards the coxswain? - Yes.

12438. So that Hendrickson would have his back to you? - That is right.

12439. How far was Sir Duff-Gordon sitting from you? - I forget whether it was the second or the third thwart - the second thwart from me.

12440. And you could not hear any conversation? - No, no conversation at all.

Examined by Mr. LEWIS.

12441. You said you did not see the ship sink? - No.

12442. Did you hear anyone mention that she had sunk? - We heard a bit of an explosion and we thought she had gone then.

12443. "We thought"? - Yes.

12444. Did you say anything about that you thought it had gone down? - We never saw the ship go down. We thought she had gone down when we heard the explosions.

12445. Did you say anything to anyone about the explosions? - No.

12446. And no one said anything to you? - No.

12447. Do not you think it is rather strange that you did not say, "the ship has gone down," or "has it gone down"? - I did not say it, but I thought it myself, from my own feelings. I do not remember much at all about it. I only know that I heard explosions.

Sir Robert Finlay: I have nothing to ask.

(The Witness withdrew.)

The Attorney-General: We have other members of the crew here, but I think it would be better to call Sir Cosmo Duff-Gordon straight away.

The Commissioner: If Mr. Duke wants them they can be called.

The Attorney-General: I have them, and if they are required I will put them in the box.

Mr. Duke: I may say that if Mr. Attorney finds in any statement anything which needs explaining by Sir Cosmo, it will be put to him, and if not I shall assume they make no statement reflecting upon either Sir Cosmo or Lady Duff-Gordon.

Sir COSMO DUFF-GORDON, Sworn.

Examined by the ATTORNEY-GENERAL.

12448. Were you a passenger on board the "Titanic" on this voyage? - Yes.

12449. On the night of the disaster were you asleep at the time of the collision? - Yes.

12450. What woke you? - My wife woke me.

12451. Was that about a quarter to 12? - I think so.

12452. Just after the impact with the iceberg? - Yes.

12453. Did you get up? - Not at first.

12454. Did you hear that there had been a collision with an iceberg? - No. As soon as I got up I went out on the deck, and there saw two or three men, who said we were supposed to have run into an iceberg, but it was all right. I went the other side, and could see nothing.

12455. Was there any escaping steam at the time? - Well, the next time I went up it was dreadful - the noise.

12456. How long after was it you went up again? - I went up to the boat deck afterwards, and the noise there was perfectly indescribable.

12457. Do you mean from blowing off the steam? - Yes, from blowing off the steam.

12458. Did you notice whether the vessel had any list at all? - I did not, but the men I spoke to told me that there was.

12459. A list to starboard? - A list to starboard.

12460. Another passenger, do you mean? - Yes, another passenger; it was Colonel Astor.

12461. Who went down with the vessel? - Yes.

12462. Was she at that time down by the head? - He said so, I did not notice it; I am not

accustomed so much.

12463. Did you then go back and tell your wife to dress? - Yes.

12464. Did you remain there while she dressed, or did you go up again? - I went up again later.

12465. Did you see whether anything was being done with the boats? - Yes, I saw men stripping the lifeboat.

12466. Did you go down to your cabin again? - I went down again then and I told her, and I began to dress myself.

12467. When you came up before you were not fully dressed? - No, not at all dressed.

12468. Had you heard at that time what the Captain's orders were? - No.

12469. Did the steward come to the cabin and tell you anything? - The steward came and said, "The Captain's orders are that the ladies are to put on lifebelts."

12470. And where were they to go? - To go up to the boat deck.

12471. Was Miss Francatelli accompanying your wife and you on this voyage? - Yes.

12472. Was she your wife's secretary? - Yes.

12473. Did they come up on the boat deck to you? - Miss Francatelli joined us in the cabin just at that time. We went up to the boat deck together.

12474. To which side of the boat deck did you go? - To starboard.

12475. Did you see lifeboats being lowered? - Yes, when we got up one was being either filled or lowered - the furthest aft of *those* three - (*pointing on the model.*) We came out of the gymnasium door.

12476. That is boat No. 7? - Yes, I suppose so.

12477. You mean the third one from the emergency boat in front? - Yes.

12478. Did you see whether there were men or women in that boat? - They were only putting women in.

12479. You saw it being lowered? - I think it was just being filled as we got there, and it was lowered almost immediately.

12480. With women and, I suppose, some crew? - Very few.

12481. Did you see any other lifeboat lowered? - I saw two other lifeboats lowered.

12482. Which were they? - The next two forward.

12483. Five and three? - Yes.

12484. Were they filled with women and children? - The first one was No. 3 was partially filled with women, and then filled up with men when they could find no other women.

12485. That is boat No. 3? - Yes.

12486. Did you see how many women and children were in the boat? - No, I did not.

12487. What were your wife and Miss Francatelli doing during this time? - They were standing with me, they had refused to go.

12488. They had refused to go into the boat? - My wife had refused to leave me and go in the boats, and consequently we stood against the deck house while the boats were going.

12489. That means your wife and Miss Francatelli were asked to go into one of the lifeboats? - They were asked two or three times to go.

12490. But, as it meant going without you, you mean your wife would not go? - Exactly.

12491. Were there many people about on this deck at this time? - Yes, quite a lot.

12492. Did anybody attempt to force your wife to one of the lifeboats? - Yes, I think in No. 3 some men got hold of her and tried to pull her away.

12493. And she would not go? - No.

12494. Was the part of the deck where you were standing at this time when you saw the third lifeboat go down, clear or full of passengers? - Do you mean fore or aft?

12495. I mean by the time you saw the third boat lowered away? - When the third boat had

been lowered I think everybody had disappeared.

12496. Were they firing rockets at that time? - Yes, they had just begun while they were lowering No. 3 lifeboat.

12497. Was there any conversation between you and your wife as to what you should do? - No, owing to the noise I think; but she said to me: "Ought not we to do something?"

12498. What did you say? - I said: "No, we have got to wait for orders."

12499. Then did you hear any orders given with reference to No. 1 boat.

12500. Yes, an officer - I do not know who he was - ordered -

12501. An officer? - Yes, I think it was the same officer who had been doing the other boats. We had followed them along. He said: "Man the emergency boat," and he said so to a number of, I think, firemen or some of the crew, some eight or ten of them who were standing there. I then spoke to him and I said "May we get into the boat?" and he said "Yes, I wish you would" or "Very glad if you would" or some expression like that. There were no passengers at all near us then. He put the ladies in and helped me in myself and we were joined by two Americans who came running along the deck. I think he then told two other or three other of the firemen that they might just as well get in, and then he put one man - I did not know his name until lately - in charge of the boat, Symons.

12502. Then did you hear an order given by the officer to the men in charge of the boat? - I heard him put the man in charge of the boat.

12503. Did you hear the order that he gave him? - Well; I do not quite think it was that order, no.

12504. What is the order that you heard him give? - My impression was that we were to follow the other boats and to row as fast as we could for the first 200 yards. That was the idea I have always had.

12505. I understand you to say you did not hear this order that that boat was to stand off a little way and come back when called? - It is quite likely I should not have heard it. I had other things to attend to; I mean, I was looking after my wife and one thing and another. It was quite natural.

12506. Where were you sitting in the boat? - I was sitting in No. 2 from the bows.

12507. No. 2 thwart? - Yes.

12508. And where was your wife sitting? - No. 3 on the starboard side.

12509. And Miss Francatelli? - In the stern.

12510. When the boat was lowered, did you think that the "Titanic" was in danger? - I thought it was in a very grave condition, yes.

12511. I do not know whether you can tell us, had she any list at this time? - I did not think it was a very great list, but we got down easily. The boat did not touch the side of the ship at all.

12512. You say you did not think there was any great list; but which side was the list? - In any case it would have been to our side if it was at all.

12513. To the starboard side? - Yes.

12514. But you are not sure there was any? - I was not very much noticing.

12515. The men got into the boat, and you noticed, I suppose, that there was room for more passengers in that boat? - There would have been more room if the oars and masts had been thrown away.

12516. I do not quite understand what you mean by that. You suggest there was not room for more people? - Of course there was room for more people, but we should have had to put away the oars and mast and sail, I think, and some boat hooks, and a lot of things that were lying alongside of us. There was only room for two on each side.

12517. Are you accustomed to boats? - Sufficiently.

12518. No one has suggested hitherto that there was not room? - I do not suggest it. I suggest it

wanted rearrangement, otherwise we should have sat in the stern together.

12519. Can you give us any explanation why it was that this boat was lowered away with so few people in it when there were so many people left on the ship, which was in danger? - There were no people visible, I am quite sure of that, when I got into the boat.

12520. (*The Commissioner.*) But there were many people close at hand? - I do not know; there was no one visible certainly.

12521. (*The Attorney - General.*) There were many of the crew, were not there, on the ship close at hand at the time? - No, I think they filled up the boat with what crew there was there.

12522. Do you mean that after you and the crew had gone into the boat, there was nobody left but the officer? - The officer then told two more men, I think, to get in. I think he said, "You fellows," or "You boys may as well go," and those two got in, and whatever crew he kept with him lowered us.

12523. You had noticed that other boats had been filled with as many as they could possibly carry? - I presume so; I had not noticed very much; but there were no more to go. I am trying to say there were no more on that particular part, on that side of the deck anyway, there were no more in view.

12524. I want to understand what your view was about this, if I can. Did you think there was nobody left on the ship at this time? - Oh, no, but I certainly thought all the women had got off. I had seen all the women in my part, and I knew in other parts of the ship they were lowering boats. They are divided into four distinct portions for lowering there.

12525. You mean you knew they were lowering on the port side also? - Well, I did not know anything; I never moved except between the door of the gymnasium and the bridge.

12526. When you got into the boat and the men started rowing away from the vessel, as we know they did, how far do you think that your boat had got before the "Titanic" went down? - Well, I have always said 1,000 yards when telling anybody, but it is true I have only one eye and I am, therefore, presumed not to be a judge of distance, but I think it still.

12527. At any rate you are not able to form any accurate estimate of the distance, I understand? - Well, no, it got diminished in size very greatly as we moved away, and we had been rowing a long time.

12528. Did you notice this when they were rowing away? Did they continue rowing without stopping for what you consider a thousand yards' distance? - No, I think they rowed for 200 yards or so, and stopped; and then they rowed on again, I daresay, another 100 or 200 yards, and stopped again, and so on.

12529. According to the account we have had, it was certainly somewhere about that time, whatever the distance was, that the "Titanic" went down? - Yes.

12530. Did you hear the cries? - Yes, I heard the explosion first, and I heard, I will not say the cries, but a wail - one confused sound.

12531. We do not want unnecessarily to prolong the discussion of it, but they were the cries of people who were drowning? - Yes.

12532. There is no doubt about that? - Yes, I think so without doubt.

12533. Did it occur to you that with the room in your boat, if you could get to these people you could save some? - It is difficult to say what occurred to me. Again, I was minding my wife, and we were rather in an abnormal condition, you know. There were many things to think about, but of course it quite well occurred to one that people in the water could be saved by a boat, yes.

12534. And that there was room in your boat; that they could have got into your boat and been saved? - Yes, it is possible.

12535. And did you hear a suggestion made that you should go back, that your boat should go back to the place whence the cries came? - No, I did not.

12536. Do you mean that you never heard that at all? - I heard no suggestion of going back.

12537. Was any notice taken of those cries in your boat? - I think the men began to row away again immediately.

12538. Did they get any orders to do that? - That I could not say.

12539. That would seem rather strange, would it not? - No.

12540. (*The Commissioner.*) To row away from the cries? - To row - I do not know which way they were rowing, but I think they began to row; in my opinion it was to stop the sound.

12541. (*The Attorney - General.*) I think you said - correct it if you did not mean it - they were rowing away from the "Titanic" and then they rested, and then they rowed away some further distance? - They went on rowing, yes.

12542. And then I understand the "Titanic" went down, and I understand you to say they continued to row away. Do you mean by that they merely went on pulling? - They went on rowing.

12543. You do not know where? - I had been watching the "Titanic," of course, to the last moment, and after that, of course, one did not know where it had been.

12544. You do not mean to suggest they rowed back to the cries? - Oh no, I do not suggest that for a moment.

12545. They continued rowing away from the place where the "Titanic" had gone down, did not they? - I do not know. As soon as the "Titanic" had gone down of course one lost all idea of where she had been.

12546. At any rate, we shall be satisfied with this, that you knew they were not rowing towards the cries? - I did not think about it I must confess, I do not know which way they were rowing.

12547. Did not you think about whether or not your boat would be able to save any of the people who were in the water? - I do not know; it might have been possible, but it would have been very difficult to get back, the distance we were, and in the darkness, to find anything.

12548. What I want to understand is this, you said just now you did not think about it - did you mean that you did not think about whether or not your boat could save some of the people that were in the water? - I was not thinking about it. At that time I was attending to my wife, as I think I said just now. We had had rather a serious evening, you know.

12549. Did you hear one of the ladies say anything about the danger of being swamped if you went back? - No, I did not.

12550. Nothing of that kind? - No, I did not.

12551. Did you hear any discussion at all about being swamped? - No, I did not hear the subject raised; the subject was not raised, I think.

12552. Are we to understand that as far as you were concerned no notice was taken in your boat of these cries that came from the drowning people? - No.

12553. No conversation about it? - No, I think there was no conversation.

12554. No suggestion by you or by anybody else? - No.

12555. No question raised as to whether you ought to return or not? - No.

12556. And, if I follow you correctly, no thought entered into your mind that you ought to go back and try to save some of these people? - I do not think it would have been possible, for one thing.

12557. Would you mind answering. I want to follow your view? - What was the question?

12558. I understood from what you said, and correct it if it is wrong, that no thought entered into your mind at that time that you ought to go back and try to save some of these people? - No, I suppose not.

12559. (*The Commissioner.*) The last witness told us that in his opinion it would have been quite safe to have gone back. What do you say to that? - I do not know, my Lord, whether it

would have been safe. I do not know. I think it would have been hardly possible.

12560. (*The Attorney-General.*) Why not possible? - I do not know which way we should have gone.

12561. (*The Commissioner.*) When I say "gone back," I mean go towards where the cries came from. - I do not know about that; I could not speculate.

12562. (*The Attorney - General.*) These cries continued for some time, did they not? - I said the men began to row very soon after the cries were first heard.

12563. But the cries continued for some time? - Yes, I believe they did.

12564. As the men proceeded to row away did the cries sound fainter? - Oh, you could not hear the sound at all when the men were rowing.

12565. Does that mean that in your boat they were not rowing when you heard the cries? - The moment the "Titanic" sank, of course everything stopped. There was a dead silence.

12566. And then you of course did hear the cries? - Yes, then we did.

12567. You mean you continued to hear the cries until the men started rowing again? - Yes, which was very soon, immediately, almost.

12568. We have heard from two witnesses that a suggestion was made that your boat should go back to try to save some of the people? - Yes.

12569. You have been in Court when at least one of them said it. I am not sure whether you heard Hendrickson? - Yes.

12570. What do you say about that? - I can only say I did not hear any suggestion, that is all I can say.

12571. And you know it has been further said that one of the ladies, identified by the last witness as your wife, was afraid to go back because she thought you would be swamped? - I heard that.

12572. And that, you see, was heard by a witness who was sitting on the same thwart as you were? - Yes.

12573. Did you hear your wife say that? - No.

12574. Or any lady? - No.

12575. Or any person? - No.

12576. Do you mean that it might have happened but that you do not remember anything about it, or do you mean that it did not take place? - In my opinion it did not take place.

12577. Do you mean it is not true what the men are saying? - It comes to that, of course.

12578. That they are wrong in their view? - I think so.

12579. Did you hear either of the other men say that if they did go back it would be dangerous because you would be swamped? - No, I did not.

12580. Nothing of the kind? - I do not think there was any conversation of the sort, or talk about it.

12581. We have heard what they have said, but so far as you are concerned, as I understand your statement, nothing was done at all? - No.

12582. You know now, do you not, that you might have saved a good many if you had gone back? - I do not know that.

12583. You know that your boat would have carried a good many more? - Yes, I know that is so, but it is not a lifeboat, you must remember; there are no air-tanks.

12584. I must ask you about the money. Had you made any promise of a present to the men in the boat? - Yes, I did.

12585. Will you tell us about that? - I will. If I may, I will tell you what happened.

12586. Yes? - There was a man sitting next to me, and of course in the dark I could see nothing of him. I never did see him, and I do not know yet who he is. I suppose it would be some time

when they rested on their oars, 20 minutes or half an hour after the "Titanic" had sunk, a man said to me, "I suppose you have lost everything" and I said "Of course." He says "But you can get some more," and I said "Yes." "Well," he said, "we have lost all our kit and the company won't give us any more, and what is more our pay stops from tonight. All they will do is to send us back to London." So I said to them: "You fellows need not worry about that; I will give you a fiver each to start a new kit." That is the whole of that £5 note story.

12587. That was in the boat? - In the boat. I said it to one of them and I do not know yet which.

12588. And when you got on the "Carpathia"? - When I got on the "Carpathia" there was a little hitch in getting one of the men up the ladder, and I saw Hendrickson. It was Hendrickson that I saw distinctly, when he brought my coat, which I had thrown in the bottom of the boat. He brought it up after me, and I asked him to get the men's names, and that list, in my belief, is his writing. It is merely a list of the names, and I think it is in Hendrickson's writing.

12589. Did you know either of the other two male passengers? - No, I did not know them, not till the next day.

12590. They were Americans? - Yes.

12591. Did you say anything to the Captain of the "Carpathia" of your intention to give that money to the men? - Yes; I went to see him one afternoon and told him I had promised the crew of my boat a £5 note each, and he said, "It is quite unnecessary." I laughed and said, "I promised it; so I have got to give it them."

(The Witness withdrew.)

(Adjourned to Monday next at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Monday, 20th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

ELEVENTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

- MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.
- MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)
- MR. A. CLEMENT EDWARDS. M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)
- MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)
- MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)
- MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

Sir COSMO DUFF-GORDON, Continued.

Further examined by the ATTORNEY-GENERAL.

12592. (*The Attorney-General.*) There are two questions I want to put to Sir Cosmo. (*To the Witness.*) I notice from what you said in your evidence (I am referring to question 12586, my Lord), that there was this conversation between you and the men, or one of the men, that you would give them a present of £5 each, and that was made, as I follow from what you have told us, quite early in the history of this boat. I want to ask you just a little about the time; I want to follow quite clearly when it was. Was it before or after the boat had gone back to try to pick up people? - I did not know about the boat going back.

The Commissioner: What is the going back you are referring to?

12593. (*The Attorney-General.*) Your Lordship remembers Symons' evidence, I will refer you to it. I will put a question to him which I think will bring it to your Lordship's mind. (*To the Witness.*) According to you then the boat never went back? - No, I do not know where we were rowing about to.

12594. When I say went back - it never went to try to pick up some of the people who might be drowning from the "Titanic"? - No, I did not know of it.

The Commissioner: Where is Symons' evidence?

The Attorney-General: I will tell your Lordship the effect of his evidence. What he said was they did not go back when they heard the cries, but they rowed away, but that some time after they did go back. And then your Lordship put a question to him "But then the cries had ceased," and he said "Yes."

The Commissioner: I remember that. That did not seem to me to be a going back that was of the least importance.

12595. (*The Attorney-General.*) No, but that is what he did. Your Lordship will remember I cross-examined him upon his statements in America where he was asked whether he did go back when he heard the cries and when he said yes. I pointed out then that that was very different from the evidence he had given here and he admitted that it was. It is question 11561, page 258, where I put to him the question, "Did you ever go back to try to pick up any of these people." He said, "Yes, after we rowed a little way, as we were going for this self-same light of my first story, we stopped; we laid on our oars. Then I gave the order to pull back, and told the men in

the boat we would pull back to the other boats." Did you hear that? - To pull back to the other boats? Do you mean that he said so?

12596. Yes. - I did not hear him.

12597. An order given by him to the men that were rowing? - I did not hear the order, no.

12598. "I was going my way back then as near as I possibly could to the scene of the disaster after we met the other boat. I strained my ears to hear whether I could hear anybody, any person whatever making a cry. (*The Commissioner.*) And you heard no one? - (A.) I heard no one. (Q.) They were all drowned by that time; is not that so? - (A.) I could not say that, sir, because there were some picked up in a boat out of the water before daylight, according to the other story. Of course, I cannot say about other people." Then your Lordship will remember at the end, I put to him very definitely what he had said in America. That is at page 262. The particular passage bearing upon this is at page 263, Question 11749 - "Then you were asked whether you made any effort to get there, that is the people from whom you heard the cries? - (A.) Yes. (Q.) It is pointed out to you that you had said your boat could take more? - (A.) Yes, I did say so." I am putting to him that what his answer was in America. "Your answer to that is, "Yes, we came back, but when we came back we did not see anybody nor hear anybody." - (A.) That is quite right." Then I put to him: "Why did not you tell him what you have told us today, that you heard the cries, but in the exercise of your discretion and as master of the situation you had determined not to go back because you thought you might be swamped? Why did not you tell them that? - (A.) My idea of the whole concern was that they had us in three at a time in America - that you have not got there, I expect - to get us through as quick as possible." He says he agrees that is not the same account as is given here; he left that out. That is the point I was on. (*To the Witness.*) What I want to know is whether you can assist us upon that at all. Did you know any effort was made to pick up people who might be drowning? - No, I did not.

12599. So far as you were concerned there was no attempt of any kind to pick up drowning people? - No; I did not know that the idea had arisen to go back at all.

12600. Of course if Symons is giving a correct account it would appear that orders were given there which you do not recollect? - Yes.

12601. Because he told the men to pull -

Mr. Duke: He says he did not hear it, not that he does not recollect it.

The Attorney-General: We will hear what he says about it. If my friend is drawing a distinction between what he did not hear and what he did not recollect, it is a little fine for me. (*To the Witness.*) I suggest to you if a man is speaking and you are there and he is giving orders to the men who are rowing in the boat there was no difficulty in your hearing; but it made no impression on your mind and you do not recollect it? - Yes, I do not; I did not hear it.

Examined by Mr. SCANLAN.

12602. Did you hear the order given when other boats on the starboard side were being lowered that women and children were to be first? - I do not know whether I heard the order, but I knew it was the orders.

12603. And that only women and children were getting in in any large numbers? - In much greater numbers, yes - few men.

12604. I suppose from the conversation amongst the passengers and the conversation you had had with officers you had become aware that the lifeboats did not offer accommodation for more than half the passengers and crew? - No, I did not know anything about it. I had not spoken to any officer or to passengers on that subject.

12605. That rule with regard to women and children was observed with regard to all the boats

launched from the starboard side that you saw launched? - Yes, the three forward ones.

12606. With the exception of the one boat in which you left yourself? - No, the boat before that had, I think, a few women in, and they filled up with men passengers.

12607. But the boat in which you left was clearly an exception to that rule? - No, no exception at all. The woman who had been present had all gone in the three lifeboats.

12608. Could you see from your position on the starboard side how many women were on the port side? - No, I could see nothing at all of the port side.

12609. So that as far as your knowledge went at the time there might have been a large number of women on the port side waiting for boat accommodation in the lifeboats? - It is possible, of course.

12610. I think you asked the officer on the boat deck if he would allow you to go away in this No. 1 boat? - I said to him, "Can we go there," I think.

12611. Of course, the ladies were invited to go? - The ladies were not invited to go. The ladies had been invited to go to two or three previous boats and they refused to go absolutely. Then all the ladies had embarked, every one that was visible, and I found myself suddenly in front, this boat being manned by some stokers.

12612. That request of yours applied, of course, only to yourself? - I did not consider it a request at all; I merely saw an empty boat, and I had two ladies with me, and I said, "May we go in that boat?"

12613. Could you see from your position on the boat deck at No. 1 whether the after boats on the starboard side had all been lowered? - No, I could not see; I could only see that section. (*pointing to the model.*)

12614. Could you see from that position close to No. 1 whether there were passengers along the boat deck at the afterend of it? - No; my impression was that there were no passengers as far as I could see.

12615. You said, in giving your evidence on Friday, that all the women in your part of the ship had gone? - Yes.

12616. Did you mean the women who were first class passengers? - I did not know what class passengers they were. There were a certain number of women outside the gymnasium door, and they had all been taken off. I do not know what class they were in the least.

12617. You did not even know whether there were other women on the boat deck on the opposite side or further aft who were waiting for accommodation in the boats? - No, I knew nothing of that sort.

12618. Under those circumstances, you asked permission for yourself to go in?

The Commissioner: That is not quite accurate. He asked if he might go. Perhaps that is only a distinction without a difference.

Mr. Scanlan: I see that, my Lord. (*To the Witness.*) Do you recollect who was the officer in charge at the launching of lifeboat No. 1? - I did not know till, I think, two days ago.

Mr. Duke: It was not a lifeboat, Mr. Scanlan; it was the emergency boat.

Mr. Scanlan: We have known it since this Enquiry commenced as a lifeboat.

The Attorney-General: No.

Mr. Duke: If my friend insists for his own purposes in calling this boat by a wrong name, I can only protest against it.

The Commissioner: I think Mr. Scanlan has been very fair so far, and I do not think he is unfair at the present.

12618. (*Mr. Scanlan - To the Witness.*) With regard to this emergency boat, if Mr. Duke prefers you know now, do you, the name of the officer who was in charge when it was being manned? - Yes, I believe so.

12619. Who is he? - I think it is the fifth officer.

12620. Is that Mr. Lowe? - Yes, I think it is.

If Mr. Lowe is in Court perhaps he will be willing to be identified?

The Commissioner: Is Mr. Lowe here?

The Attorney-General: He will be here; I do not know whether he is here at the moment.

(*Mr. Lowe stood up in the Court.*)

12621. (*Mr. Scanlan - To the Witness.*) Is that the officer? - I could not say; it was dark. I did not know it was he. I said I was told so two days ago.

12622. Of your own knowledge you do not know? - Of my own knowledge I can say nothing.

12623. Just as your party was about to embark on that boat did you hear the officer say, "Are you ready, Lady Gordon?"? - No.

12624. Did you have any conversation with the officer? - Nothing, except what I told you.

12625. Did he know who you were? - Not the least - at least, I do not know whether he knew me; I did not know him.

12626. I suppose most of the officers would know you? - No, not one of them.

12627. You are a frequent traveler? - I have never been across the Atlantic in that way before in my life.

12628. Did you see Mr. Ismay on the boat deck? - No, I did not.

12629. Did you know him? - No.

12630. So that you would not be able to recognise him? - Yes, I should have been then, because I had seen him at dinner that night.

12631. Did you see the captain that night? - Yes; it was the only time I did see him, I think.

12632. (*The Commissioner.*) Was the captain dining with Mr. Ismay? - No, my Lord; Mr. Ismay was dining alone with Dr. McLaughlin. [O'Loughlin]

12633. Is that right Mr. Ismay was dining alone? - Alone with Dr. McLaughlin. [O'Loughlin]

19634. I mean with one other man? - Yes.

12635. He was not giving a dinner party? - No, he was dining quite alone with Dr. McLaughlin [O'Loughlin]. I was three or four tables off.

The reason why I ask that question is that I have had sent to me by some lady, who says that her husband was drowned in this calamity, what is called a "menu" of a dinner given, as it is alleged, by Mr. Bruce Ismay. What it has to do with this Inquiry I am quite at a loss to know, but I do not believe myself that it is a menu of any dinner he gave at all.

The Attorney-General: At a later stage we shall call Mr. Bruce Ismay before your Lordship.

12636. (*The Commissioner.*) It is quite possible, I believe that this thing which was published in some French paper was a list of the dishes that could be had. It is a very common thing on board a ship to publish each day a list of dishes from which you can select? - Yes.

12637. However, you say Mr. Bruce Ismay was not giving any dinner? - None.

12638. Certainly not to the captain? - No, he was alone.

12639. (*Mr. Scanlan.*) Now, did you see the captain at dinner that night? - I do not know, I saw him just after dinner just outside.

12640. (*Mr. Scanlan.*) May I ask this question, my Lord. (*To the Witness.*) Was the captain in uniform when you saw him? - Yes.

12641. Or in evening dress? Was he in uniform or evening dress? - I think he was in evening uniform.

12642. Has your attention been called to what purports to be an article written and signed by Lady Duff-Gordon in the "Daily News" for April 20th? - I have seen it, I think; yes - at least, I have not seen that in the English papers; I saw one in the American papers.

12643. Have you seen an article by her in the "New York American"? - Yes, it was not by her,

but I have seen what you mean.

12644. Do you know whether or not this is authentic? - If you tell me what it is about I could answer better.

12645. I will hand it to you. It is in the second column. (*Handing a paper to the Witness.*) It appears to be signed at the bottom you will observe. It is a single column article by Lady Duff-Gordon.

The Commissioner: What is the purport of it, Mr. Scanlan?

Mr. Scanlan: There are a good many things in it.

The Commissioner: Have they any bearing on this Enquiry?

Mr. Scanlan: Yes, considerable.

The Commissioner: Because you know the whole of this incident to my mind has only a small bearing on this Enquiry and I do not want too much time spent over it.

Mr. Scanlan: I quite see that, my Lord.

The Commissioner: Can you tell me what this article is?

Mr. Scanlan: There are statements in it as to icebergs having been pointed out before the collision occurred to Lady Duff-Gordon by officers on board the "Titanic."

The Commissioner: I think that is quite relevant.

Mr. Duke: I may tell Mr. Scanlan I am going to ask your Lordship's leave to call Lady Duff-Gordon whether anybody else calls her or not.

The Commissioner: I think it is not necessary. Of course, if you want it done, Mr. Duke.

Mr. Duke: Most urgently, both Sir Cosmo and Lady Duff-Gordon think it is essential it should be done.

The Commissioner: Very well, then it shall be done.

The Attorney-General: I had already communicated with my friend Mr. Duke about it and I told him what my view of it was; but of course my friend said he desired Lady Duff-Gordon called and there is an end of it. We shall call her. My friend is quite entitled to ask that.

The Commissioner: If she wants to go into the witness-box, she must go.

Mr. Duke: The position in which she is put by some of the insinuations is intolerable to a woman who believes that she has done all she should have done under the circumstances.

The Commissioner: I have not heard that she did anything that was at all different from what any other lady would do.

Mr. Scanlan: I respectfully disclaim any intention of making any insinuation.

Mr. Duke: We shall see.

Mr. Scanlan: (*To the Witness.*) Is it your evidence that while the cries of the drowning -

The Commissioner: No; do not let us depart from this point which I said might be relevant. (*To the Witness.*) Is it the fact that Lady Duff-Gordon had icebergs pointed out to her by officers of the ship before the calamity as far as you know? - No; it was not the case, my Lord.

12646. Did she ever write anything to that effect? - So far as I know Lady Duff-Gordon wrote nothing whatever in America.

Mr. Scanlan: I do not wish to press this any further.

Mr. Duke: I think your Lordship ought to know about this. I have looked at it. This is a column of matter in large type purporting to be signed by Lady Duff-Gordon, and said to be a series of statements by Lady Duff-Gordon.

The Commissioner: Tell me Mr. Duke does the lady repudiate having written it.

Mr. Duke: Absolutely, my Lord.

12647. (*Mr. Scanlan - To the Witness.*) Is it your evidence that while the cries of the drowning people were heard after the "Titanic" sank there was no conversation whatever between you and your fellow passengers or between you and the members of the crew? - I said that after the

"Titanic" sank there was a dead silence.

12648. When the people were crying out for help were you all mute in the boat? - I think as soon as that occurred the men began to row at once.

12649. (*The Commissioner.*) And, as I understand, to row away from the cries? - I presume so, my Lord; I did not know which way.

12650. (*Mr. Scanlan.*) You made a suggestion in your evidence as a reason for not taking more people in the boat that there would have been more room if the oars and sails had been put away? - Yes.

12651. As a practical man you knew that it would be very easy to put the oars and sails away and take in people? - As a practical man, I must say I did not think anything about it.

The Commissioner: This does not help you much. It is admitted there was plenty of room in the boat for more people.

The Witness: I did not know it at the time, my Lord. I admitted that I know now that there was.

The Attorney-General: If that is the effect of Sir Cosmo's evidence up to now, it is news to me; it is news to me to hear Sir Cosmo say he did not think there was any room. I thought his evidence showed that there was some.

The Commissioner: I certainly understood so.

Examined by Mr. HARBINSON.

12653. Had you, during the course of that voyage after you left Queenstown, been in conversation at all with Mr. Ismay? - No, I had never spoken to him in my life.

12654. Do you know, after the impact, if any general alarm was sounded to give the passengers warning? - I believe not; I did not hear it.

12655. You did not hear it? - No; I heard nothing.

12656. Did you know that a message had been received from the "Carpathia"? - No.

12657. You did not hear so? - No.

12658. Saying she was coming to the aid of the "Titanic"? - No.

12659. Do I rightly understand you to say that 20 minutes after you got into the boat, that is after the boat had been launched -

The Commissioner: Have we heard of any message from the "Carpathia" received by the "Titanic" to the effect that the "Carpathia" was coming to the "Titanic's" aid?

The Attorney-General: I think you will hear something; but I do not think you have. We have had some messages. Yes, my Lord, there is one. I remember one of those read out by my friend the Solicitor-General when we were taking the Marconi operator. It is page 213. There is nothing definite. I think the particular passage you want is this question, 9459, page 211: "I have got down here 'Titanic' still calling C.Q.D., is answered by the 'Carpathia,' and says: Struck iceberg; come to our assistance," sends the position." That is the first. Then later on you get "The 'Carpathia' sends to the 'Titanic.'" We have got the whole series of messages, your Lordship will remember, but I do not think there is a definite message saying the 'Carpathia' is coming to the assistance of the "Titanic."

The Commissioner: I do not remember it.

The Attorney-General: I think your Lordship will hear about it.

Sir Robert Finlay: It is later, but I think it is after the "Titanic" sunk.

Mr. Duke: That is so.

The Attorney-General: I am not sure that you have that at all.

Sir Robert Finlay: Yes, on page 214, but it is quite immaterial, because it was after the ship had gone down.

12660. (*Mr. Harbinson - To the Witness.*) Did I rightly understand you on Friday to say that about 20 minutes after the "Titanic" sank, while you were in the boat, was the time when the conversation with reference to the presents took place? - Something of that sort; 20 minutes or half an hour, I should fancy.

12661. That was while those scenes, which we have heard described so often to us, took place and harrowing cries could be distinctly heard by you? - Oh, no.

The Commissioner: Why do you assume that?

Mr. Harbinson: I will put it in the form of a question, Was it?

The Commissioner: There is no evidence to that effect. It is very irregular to assume facts that are not proved.

Mr. Harbinson: At question 12586 Sir Cosmo Duff-Gordon says: "I suppose it would be some time when they rested on their oars, 20 minutes or half an hour after the 'Titanic' had sunk, a man said to me, 'I suppose you have lost everything.'" "

The Commissioner: Yes, but consider the gloss you put upon the thing. You say that this conversation was taking place while the cries were still being heard. Now where is the statement to that effect?

Mr. Harbinson: It is in evidence that they heard the cries 20 minutes after the "Titanic" sank. There is evidence that the cries lasted for an hour and a half, and if they did they were audible 20 minutes afterwards.

The Commissioner: Where is that?

Mr. Harbinson: One of the witnesses on Friday.

The Commissioner: I am talking about this witness. Your duty is to assist me.

Mr. Harbinson: Yes, I am anxious to do so.

The Commissioner: Not to try to make out a case for this class or that class or another class, but to assist me in arriving at the truth; and you do not do it by trying to make out a case against one person or another; it does not help me a bit.

12662. (*Mr. Harbinson.*) I understand, my Lord. (*To the Witness.*) Did you hear the cries 20 minutes after the "Titanic" sank? -No, I cannot tell you at all about that.

12663. You cannot remember? - I do not think anything like that.

12664. You do not? - I do not think so; I cannot say. The men were rowing a great deal.

12665. Did you tell them to row to drown the cries? - No.

Mr. Duke: I appeal to your Lordship with regard to that question, and that class of question. The learned gentleman asks Sir Cosmo Duff-Gordon, "Did you appeal to them to row to drown the cries?" The ordinary rule of practice, as I understand, is that unless you have evidence which will warrant a gross imputation you do not make it by a question.

The Commissioner: Yes, but the ordinary rules of practice do not always apply. Perhaps they ought to, but they do not.

Mr. Duke: I am aware your Lordship has not the same control here which a judge in Court would have. At any rate, among members of the Bar it is usual to observe that rule.

The Commissioner: I will do my best to see the thing is fairly put.

Mr. Duke: I am obliged to your Lordship.

12666. (*Mr. Harbinson - To the Witness.*) Was not this rather an exceptional time, 20 minutes after the "Titanic" sank, to make suggestions in the boat about giving away £5 notes? - No, I think not. I think it was a most natural time. Everything was quiet; the men had stopped rowing the men were quite quiet lying on their oars doing nothing for some time, and then the ship having gone I think it was a natural enough remark for a man to make to me, "I suppose you have lost everything?"

12667. Would it not have been more in harmony with the traditions of seamanship that that

should have been the time that you should have suggested to the sailors to have gone and tried if they could rescue any one? - I have said that I did not consider the possibility - or rather I should put it the possibility of being able to help anybody never occurred to me at all.

12668. That is to say would I accurately state your position if I summed it up in this way, that you considered when you were safe yourselves that all the others might perish? - No, that is not quite the way to put it.

The Commissioner: Do you think a question of that kind is fair to this witness. The witness's position is bad enough. Do you think it is fair to put a question of that kind to him? I do not.

12669. (*Mr. Harbinson.*) If your Lordship says so I will not pursue it any further. (*To the Witness.*) Did you hear any lady in the boat make any protest against the boat going back? - No.

12670. There were only two ladies in the boat, of course? - Yes.

12671. Had you any conversation with Lady Duff-Gordon? - I spoke to her several times.

12672. About the time had you any conversation with Lady Duff-Gordon with reference to an attempt to rescue any other people? - I have said that the question did not arise in the boat.

12673. What was the nature of the conversation you had with Lady Duff-Gordon? - Simply hoping she was a little better, and so on. I was merely talking to her in a quiet way like that, saying nothing that I could possibly remember or repeat.

12674. Did you see the lights in the ship that we have heard so much about? - We followed what we thought to be a fishing boat or a sailing boat for a considerable time at starting.

12675. Were you following those lights at the time the "Titanic" sank? - I think we were. We were going in that direction.

12676. Did you hear, on Friday, Horswill say that at the time the "Titanic" sank you were rowing towards those lights? - I did not hear him say so, but -

12677. Would you think it would be true if he did? - I should think quite likely.

12678. Had you heard the officer who was in control at the time No. 1 emergency boat was lowered give instructions that the boat should remain within a certain distance of the sinking liner? - No, I did not hear that. I said so, I think.

12679. Would it be right to say that from the moment you got into the emergency boat the boat proceeded away from the "Titanic" and in the direction of those lights? - I cannot say that. You see, it was pitch dark; when I say pitch dark there were stars, but it was complete darkness, and I did not know which way we were rowing.

12680. Did you hear any instructions given in the boat as to the direction which this boat should take? - In what boat?

12681. The emergency boat? - Did I hear it in the emergency boat?

12682. Yes? - No, I heard no instructions at all. By whom?

12683. By any person? - In the boat?

12684. Yes? - No.

12685. Did you hear any suggestions made? - What about?

12686. By any members of the crew or any of the passengers in the emergency boat to the coxswain as to the direction the boat should take? - No, I do not think I did. There was one man, one of the passengers called out two or three times, "Let us go that way," "let us go the other;" but I do not think any notice was taken of it.

12687. "Let us go that way and let us go the other"? - I heard him through the night.

12688. Now we have it that a suggestion was actually made in the boat after the boat was lowered as to the direction in which the boat should go? - No, I cannot say it was a suggestion. The man said "There is a light there; go after that." I think no attention was paid to him at all.

12689. Was this a suggestion made by the man in the bow of the boat? - No, it was not; he was not in the bow of the boat.

12690. Where was the man sitting who made the suggestion? - The man who kept calling out those things?

12691. Yes, as to the direction that the boat should go? - Where was he sitting?

12692. Yes? - He was sitting two seats in front of me, he was sitting in the seat nearest the stern with his back to the stern; he was sitting facing.

12693. With his back to the stern? - Yes.

12694. Was that the man who was steering? - No.

12695. With his back to the stern? - He was sitting in the seat.

12696. With his back to the stern? - Yes.

12697. Was any reply made to that man when it was suggested going in a particular direction? - No, I think no notice was taken.

12698. Did you hear anything said? - No.

12699. You said nothing? - No. I said nothing. How do mean, I said nothing?

12700. Did you give no answer? - It was going on all night; it was not once he said it.

12701. Was an instruction given or did you hear anything said shortly after the "Titanic" went down? - No, I do not think anything was said then.

12702. Was it an answer to this suggestion of his as to the direction in which the boat should go that you said "I will give you a fiver"? - I really do not understand your question. You must put it plainly.

12703. Yes, I will put it quite distinctly. An instruction, or rather an observation was made by someone, that the emergency boat should go in a particular direction. Is not that so? - That was going on all the later part of the night by this man, yes, continually.

12704. Before the "Titanic" went down? - No, no, no.

12705. After the "Titanic" went down? - Yes, I really do not know, it seemed to be most of the time. He called "Boat ahoy," and so on.

12706. The question I put to you is this: When you first heard this observation made with reference to the direction in which this emergency boat should go, was it then, 20 minutes after the "Titanic" sank, that you suggested that you would give them a fiver each? - No, I see what you mean now. No, it was not; not in any connection with it. The man calling out to go this way and that had no effect, I think on anybody, nor on this subject at all. It had nothing to do with it.

The Commissioner: If you will put your question plainly it would perhaps be understood better. Your question, as I understand it, really is this: "Did you promise a £5 note in order to induce the men in the boat to row away from the drowning people?" That is what you want to ask.

Mr. Harbinson: That is the effect of it.

The Commissioner: Well, why do you not put it in plain words.

Examined by Mr. CLEMENT EDWARDS.

12707. As I understand, your version of what took place on the boat deck is this; that you and Lady Duff-Gordon were standing there for some time; that there was an attempt made to induce Lady Duff-Gordon to get into one of the three lifeboats; that she refused, and that you saw those three lifeboats lowered. Will you explain why Symons, the captain of your boat, states that just before the boat was lowered the two ladies rushed from the saloon deck by themselves and asked if they could get into the boat, and that then you and the two other men passengers rushed and also asked if you could get in? - No, it is quite incorrect, the whole thing.

12708. It is incorrect? - Yes.

12709. Symons has made a mistake if you are right? - I did not know he had said that, but I daresay.

12710. This is what Symons said at question 11454, on the 10th day, at page 256: "As he gave orders I" - that is Symons - "saw two ladies come running out of the foremost end of the top saloon deck, running towards the boat, and from there they asked Mr. Murdoch if they could get into that boat, and Mr. Murdoch said 'Yes, jump in,' and then, after that, I saw three gentlemen come running up, and they asked if they could get into the boat, and he said, 'Yes, jump in.'" That is incorrect? - Yes, that is quite a wrong story altogether.

12711. When you were in the boat, when the "Titanic" had gone down, you were so absorbed in paying attention to your wife that you could not think whether you ought to go back to the drowning people or not? - Well, you may put it in that way.

12712. I do not want in the least bit to misrepresent you: I think that is the way in which you put it on Friday? - No; I do not think I put it like that, but I was naturally absorbed as you say.

12713. You were asked, "Did it occur to you that with the room in your boat, if you could get to these people you could save some?" - (A.) It is difficult to say what occurred to me. Again, I was minding my wife, and we were rather in an abnormal condition, you know. There were many things to think about."? - Yes.

12714. Does it occur to you that if it were perfectly natural, as you have said, to think of offering the sailors five pounds to replace their kit, it might have been equally natural, even though you were absorbed in your attentions to your wife, to think that there was some possibility of saving some of those poor people? - As I say, the possibility of being able to help I do not think occurred to anybody.

12715. Why do you suggest that it was more natural to think of offering men five pounds to replace their kit than to think of those screaming people who were drowning? - I do not suggest anything of the sort.

12716. Do you think it was natural then not to think of rescuing those people who were drowning? - It is a difficult question to answer if you put it like that. At the time I saw no possibility - I thought there was no possibility of doing so.

12717. I will put it. Do you still think that it was natural not to think about going back and saving some of those people? - I think it was still natural, but I concede that it would have been a very splendid thing if it could have been done.

12718. If it did not occur to you that you yourselves might go back with the few people in your boat, did it occur to you that you might have gone back to some of the other boats and put your passengers off so as to have had a free boat to do some rescuing? - No, it did not occur to me.

12719. That did not occur to you? - No.

12720. Did you come in sight of any of the other boats? - Not at that time, I think; one could hear them.

12721. What do you mean by that - you could hear them? - You could hear the oars moving all round us.

12722. Did you hail any other boat? - No, with the exception of what I said, that somebody said "Boat ahoy!" on many occasions.

12723. In your boat? - Yes.

12724. Is it not the fact that a man in charge of another boat hailed your boat? - No, not that I know of.

12725. Well, you know we have it here in evidence that the captain of one of the boats, No. 13, hailed your boat because he saw that there were very few people in it. You did not hear that hailing? - No, that is the first I have heard of it.

12726. Now, you have said that the first mention of this money was some 20 minutes or half an hour after the ship went down. Was it made to one or to two members of your boat's crew? - I made it to the lot of them, of course.

Can you explain why the man sitting alongside of you should come here and say that nothing was said about money until you got aboard the "Carpathia"?

The Commissioner: I do not think you can ask this gentleman to account for the motives which induced other witnesses to make statements; you cannot inquire into that.

12727. (*Mr. Clement Edwards.*) Do you think there can be any doubt that the man who sat immediately alongside you heard your offer of £5? Do you think there can be any doubt? - No, none, of course.

Examined by Mr. HOLMES.

12728. You have had some of the evidence of the witness Symons read out to you, in which reference was made to Mr. Murdoch. Did you see Mr. Murdoch on the deck that night? - I did not know any one of the officers by sight at all. I know none.

12729. Did you see the captain anywhere about when your boat was lowered? - No.

12730. After your boat had left the ship did you hear any orders given by megaphone? - No.

12731. Did you hear anything said about gangways as your boat was being lowered? - No, I heard nothing.

12732. Had you seen the people being put into boats No. 5 and No. 3? - I had not seen them, because I was leaning at the back of the crowd. I was leaning against the deckhouse, but I knew they were being put in.

12733. Was there some difficulty in getting them to go into the boat? - I could not see that.

12734. Could you see whether anyone had to be forced to go into the boat? - No, I could see none of them. I was standing right back.

12735. But so far as you could see there were no people left on that deck, in fact, at the time when you got into the boat? - No, except a few of the crew.

12736. The crew who were lowering the boat? - Yes.

Examined by Mr. COTTER.

12737. Have you seen the evidence of the witness Hendrickson? - Yes.

12738. When Hendrickson states that he suggested you should go back, did you hear that? - No.

12739. You did not hear him make that suggestion? - No.

12740. And he states that Lady Duff-Gordon objected to go back; is that true or untrue? - It is untrue. What do you mean? Will you say it again?

12741. He said he suggested that they should go back and try to save somebody? - Yes.

12742. And he also said that Lady Duff-Gordon objected and said the boat would be swamped, and he also stated that you upheld Lady Duff-Gordon's objection. Is that true or untrue? - It is not true.

12743. Do you know the man Taylor? - Yes.

12744. He sat next to you in the boat? - Apparently; I do not know that yet.

12745. He states he sat next to you in the boat? - Yes.

12746. And you had a conversation with him in the boat? - Did I?

12747. He said so? - I think I had a conversation with the man next to me. Taylor said he did not have a conversation of the sort with me.

12748. Taylor admits he had a conversation with you? - Here?

12749. Yes, here? - Oh, I was referring rather to this conversation about the £5 note.

12750. What I am trying to point out is this: Taylor was the man who sat next to you? - Was he?

12751. Yes? - I daresay I cannot say; it was pitch dark; I cannot say at all.

12752. He knew you, if you did not know him? - He said he did not, I remember.

12753. Yes, he said he knew you at the time. He did not know Lady Duff-Gordon until afterwards. She was pointed out to him, and now he knows her? - Oh!

He states he heard her say that the boat would be swamped if it went back.

The Commissioner: He said he did not know who it was.

Mr. Cotter: But later he did, my Lord.

The Commissioner: Then he gave two inconsistent answers, because I read here "was there anybody else on the same thwart as you? - (A.) Yes, a gentleman passenger. (Q.) You would not know at the time, but do you know now who it was? - (A.) No. (Q.) Do you know now it was Sir Cosmo Duff-Gordon? - (A.) I understand it is that gentleman now, but I did not think at the time." You should be careful not to assume that people said things when in fact they did not say them.

Mr. Cotter: I have it here, my Lord.

The Commissioner: Then will you read it.

Mr. Cotter: At page 272, question 12250, I asked, "Who was seasick" and the reply was "Lady Duff-Gordon."

The Commissioner: Yes.

Mr. Cotter: And I asked him then, "How do you know it was Lady Duff-Gordon; you have told us you do not know her? - (A.) I told that gentleman there (pointing) that I was told afterwards that it was Lady Duff-Gordon. (Q.) You were told afterwards it was? - (A.) Yes, I told that gentleman there. (Q.) Was that the lady who objected to the boat going back? - (A.) The lady that spoke of its being swamped. (Q.) Was that the lady? - (A.) Yes."

The Commissioner: Your statement to this witness was that he knew Sir Cosmo Duff-Gordon when he was in the boat, and he did not. He says he did not. I am talking about Taylor.

Mr. Cotter: Taylor knows now it was.

The Commissioner: Yes, but that is a very different thing from knowing it when he was in the boat.

12754. (*Mr. Cotter.*) When Taylor states that Lady Duff-Gordon made that statement it is untrue? - Yes.

Examined by Mr. LEWIS.

12755. You said in your evidence you were watching the "Titanic" until she sank, is that so? - Well, practically so, yes.

12756. And there was dead silence? - I cannot hear you.

12757. And there was dead silence when she went down? - There was silence when she went down, yes.

12758. Could you hear cries very distinctly? - No, not very distinctly.

12759. Might cries have lasted for an hour? - I do not think so at all.

12760. Were you close enough to hear anyone say there "My God, my God"? - No; that you have taken no doubt out of that story.

12761. This I take from the "Evening Herald"? - It is in the same story; I remember the words.

12762. I am not quite clear as to your answer to Mr. Cotter or Mr. Edwards as to the approach

of the lifeboats. Did you see the other boats or merely hear them rowing after the "Titanic" had sunk? - I said we heard boats round us.

12763. Could you hear them rowing? - You could hear a boat rowing, yes.

12764. Supposing anyone had hailed that boat, could you have heard? - That I cannot say.

The Commissioner: Could he have done what?

12765. (*Mr. Lewis.*) Could he have heard if anyone had hailed the boat? - I should think so.

12766. I understand you to say you did not hear anybody say, "We are full up" on your boat? - I have not heard that remark at all yet - about being full up.

12767. Did you hear any other remark, such as "Do not go near that boat, they might jump on ours"? - No, I do not think so. When was this? I do not know when you are talking about.

12768. I am talking about after the "Titanic" had gone down, and you were rowing about in your boat. I suggest you were approached by other boats? - We approached one other boat just before we sighted the "Carpathia." It was early morning. Before it was light we came up close to it. We saw it, and very naturally rowed towards it to keep company, so as not to be left, and there was a conversation between a man in our boat and one of the crew in their boat. He called out "Who have you got there," and he answered and said whom had he got there.

12769. You do not remember being hailed and asked if you had room in that boat for more? - No, no, no; we were not, certainly.

12770. And you do not remember anyone saying "Do not go near the boat they might jump on ours"? - No, I do not think so.

The Commissioner: Is this all out of some newspaper?

Mr. Lewis: No, my Lord.

Examined by Mr. DUKE.

Mr. Duke: I think there is no one else to cross-examine?

The Commissioner: No.

12771. (*Mr. Duke - To the Witness.*) I shall not ask you many questions, Sir Cosmo. I will ask you first of all with regard to those reports which were set on foot in America. Were there great numbers of them? - Yes, there were.

12772. And did you see many of them? - Yes.

12773. So far as you saw were they true or were they inventions? - They were all inventions.

12774. Did they report interviews with Lady Duff-Gordon? - Yes.

12775. Did you know whether they had taken place or not? - I knew they had not.

12776. You have been asked a great many questions today to which I think you have said that that was what was said in those papers? - Yes.

12777. Now I come back to the real matter. First of all, will you bring your mind as closely as you can to the time before the emergency boat was launched? - Yes.

12778. How many lifeboats were launched in your presence? - Three.

12779. Had Lady Duff-Gordon an offer and pressure put upon her to go in each of those boats? - In each or in two of them - I am not sure.

12780. Two you know of? - Two I remember perfectly.

12781. And did she refuse to go? - She absolutely refused.

12782. Had Miss Francatelli the offer to go in each of those boats? - Yes, on each occasion.

12783. Did she refuse? - Yes, I asked her to go.

12784. And did you press your wife to go? - No, I did not press her to go.

12785. A conversation took place between you and her? - Yes.

12786. Now it is suggested, you know - perhaps you do not know - that there was some

arrangement between the captain and Mr. Ismay and you by which a boat was to be put at your service. Is there a scrap of foundation for that? - No.

12787. Had you ever had any conversation with Mr. Ismay? - No.

12788. Down to the time this ship sank? - Never at all in my life, I have not.

12789. Had you any conversation with the captain? - Never.

12790. Was there any suggestion from you to anybody that either you or your wife or Miss Francatelli should be provided for in any boat up to the time you asked the officer of the boat if you might go in? - Never.

12791. Then it was suggested that Mrs. Astor was on board this boat. Is there any foundation for that at all in any way? - None.

12792. Did you know anything as to the boat in which Mrs. Astor had gone? - No, I did not.

12793. Just one question more with regard to all these matters. Was there anything in the nature of arrangement previous to your suggestion to the officer - might you go in that boat? - No, nothing.

12794. Now, with regard to the boat. At the time you got into it were you aware what amount of accommodation there was or was not in it? - No; I only knew that it was not a lifeboat, and we were bundled in over the side, and every available or visible seat was occupied, and I was unable to sit next my wife, which I wished to do. I could see nothing. It was quite dark on the deck, and it was quite dark in the boat, but I remember those oars alongside, which I could clearly see would have made the boat -

12795. Which occupied part of the thwarts? - I suppose the whole of the side seats. I did not know even that there were side seats.

12796. You do not suggest other than that there were additional places in that boat? - Oh, yes, there were.

12797. I daresay when the daylight came you were able to see what the boat could have done? - Yes.

12798. Now, with regard to an order given by the officer, will you tell me again as nearly as you can recall it what it was you heard the officer say to Symons with regard to the boat? - It was my impression - I am not very sure of it - I understood it was, "Follow the other boats and row fast for the first 200 yards."

12799. That was your impression? - That was my impression.

12800. Have you a distinct memory or not about that? - No, that is what I thought it was.

12801. When the boat had started from the ship's side it rowed sharply for some distance? - Yes.

12802. Then she rested? - Yes.

How many starts and rowings and restings were there as far as you can recall, or can you recall, before the "Titanic" went down?

12803. (*The Commissioner.*) Can you recall anything about it in this connection? - Yes, my Lord, I can recall that they stopped rowing several times and went on again, I daresay, five or six times, or four or five times.

12804. Did you count them? - Oh, no.

12805. (*Mr. Duke.*) If I were to ask you if you had a vivid recollection of any of the events during the period after the boat had been launched and you were floated, what would your answer be? - I should say, "No - nothing vivid." I do not think it is possible to have a vivid recollection under those circumstances.

12806. You told the Attorney-General what your impression was as to the distance you had reached from the ship? - Yes.

12807. Do you profess to be certain about it or not? - No, but I have been telling friends we

were about a thousand yards off; it was my impression then, and it is still, I suppose.

12808. I want to ask you a question about the period after the "Titanic" had sunk. From what quarter of the sea, as far as you could judge, were cries coming? Was there a distinct locality from which you could judge the cries were coming or not? - I think not.

12809. After the "Titanic" had sunk was there any object which would give you a mark or which would have given Symons a mark for rowing? - No, everything was dark. We had been watching that.

12810. The sea was dark? - The sea was dark.

12811. And it was dark in the boat? - Quite dark in the boat.

12812. Are you able to say if there was any definite direction of rowing during the first hour after the "Titanic" had gone down? - I do not think there was any definite order of rowing given at all. I did not hear.

12813. I did not mean by "direction" an order, but any definite direction? - No.

12814. That is an apparent destination? - No, I did not know of it.

12815. Up to the time when you had the conversation with the man who was beside you about his kit, had there been any suggestion from anybody as to what should be done with the boat? - No.

12816. Or whether she should row? - No, there was no suggestion at all.

12817. With regard to the sum of money you promised, have you told the Court the whole of the truth about that matter? - I told the whole incident on Friday.

The Commissioner: I should like you to ask him in what circumstances on board the "Carpathia" the money was given.

Mr. Duke: I am obliged to your Lordship, and I will deal with it. May I just complete this matter?

The Commissioner: Certainly.

12818. (*Mr. Duke.*) First of all with regard to the time you were in the boat, was anything going on at the time of the conversation with one of the men about his kit which had anything at all to do with the disposition of the boat? - No, all was silence.

12819. You have told the Court that you do not know and you do not say it was Taylor. Were you sitting on the same seat during the whole time? - I was, but the man next to me changed once in the middle of the row to the "Carpathia." It was a stiff row, and the man got up and changed. The man next to me got tired.

12820. And there was a change of men rowing? - Yes.

12821. Was it before or after that change, as far as you are able to tell us, that the conversation took place about kits? - Before.

12822. Now bring your mind to the time when the boat came to the side of the "Carpathia." At that time was there any one man in the boat whom you could have distinguished from any of the others? - No.

12823. How did it come about that you distinguished Hendrickson from any other man in the boat? - There was a hitch with one of the men getting up the ladder, and they had to send down a rope to pull him up, and the only man that was left in the boat with me was Hendrickson. I spoke to him then, and I said, "Are you the man who was sitting next to me?" I understood him to say, "Yes." I said, "All right," and he said "Yes," or something of that sort.

12824-5. And had you then a conversation in regard to getting the names, or was it subsequently? - I think it was as soon as we got on board.

12826. Did Hendrickson give you some assistance in getting on board the "Carpathia"? - Yes, he did.

12827. When you and he were both on board the "Carpathia" what next took place with regard

to money? - I said to him, "If you will get the men's names I will see that they get some money in a few days or give them a cheque shortly," or something of that sort.

12828. Did you say any more to him at that time? - No. Oh, do you mean later?

12829. No, I mean on that occasion about money. At the time when you and he were both on the deck together? - No.

12830. When was the next time you saw Hendrickson about the matter? - I saw him, I think, the next day. He came up and drew my attention to himself. I told him to. He had given me a list the same day.

12831. Did he give you a list the same day? - Yes, the same day.

12832. Some time on the same day as you went on board the "Carpathia" in the morning he brought you that list which I have handed in to my Lord? - Yes.

12833. Did he tell you which he was in the list? - Yes, I understood him to be Hendrickson.

12834. You told my Lord that he called attention to himself the next day, as you had bidden him do? - Yes.

12835. He touched his cap to you? - Yes.

12836. And did you have a conversation with him then about the matter? - No, I do not think so. I think I said, "I have not got this; I will see you tomorrow or the next day."

12837. Now, on your way to New York did you cause Miss Francatelli to write out a form of cheque for each of those persons whose name was in the list? - Yes.

12838. And did you sign those? - Yes.

12839. I think you had not a book of cheques? - No.

12840. And I think it is your common practice to draw cheques upon your bankers - Coutts, are they? - Yes.

12841. Upon notepaper? - Yes.

12842. Did Miss Francatelli write them? - Yes.

12843. Did she give them to you? - Yes.

12844. How did you get the men together? - I went on to the deck just by the smoking-room and saw Hendrickson down below, and beckoned him up and told him to get all the men together, and when they were up there I just gave them each their cheque, asking each fellow what his name was.

12845. Whereabouts on board the "Carpathia" was that? - That was on the deck just by the side of the smoking-room door.

12846. And was anything said as between you and those men when you were giving them each successively the cheque? - Yes. I said, "I am sorry I cannot give you money; but if you had it, you would probably spend it all in New York, so it is just as well it should be in a cheque which will enable you to start your kit again." That is all I said to them.

12847. Did anything more take place with regard to the giving of these cheques? - Well, when they were given, a friend of ours, a man we had met on board, came up and photographed the whole lot of us there, and I think one or two of the passengers snapshotted us.

12848. There were passengers with cameras? - Yes.

12849. And there was some snapshotting going on? - Yes. I think one was subsequently reproduced in a London paper in which Hendrickson happened to appear.

12850. Had he put on a lifebelt for the purpose of being photographed? - Yes, he had.

12851. It is suggested that Mrs. Astor was in that boat. There is the reproduction of the photograph, and does it show at the bottom that the group includes Mrs. J. J. Astor. Just look at it and see (*Handing photograph to Witness.*)? - Yes.

12852. (*Mr. Duke.*) It is in the Sphere, Mr. Attorney. (*To the Witness.*) It is quite a mistake, is it not. Who is the lady? - That is Miss Francatelli.

12853. That is the lady who is identified as Mrs. Astor. Now I want to go back to the time you were in the boat. You have told me of a man who was in the boat. I think you said a passenger who was constantly calling out while you were on the sea, "Boat ahoy, we ought to go this way, we ought to go that way." Do you know who he was? - Yes.

12854. Was he one of the other two men who had been passengers of the "Titanic"? - Yes.

12855. Did anybody take any notice of those exclamations of his? - No.

12856. Did they lead to any discussion either with Symons or Horswill or anybody else in the boat as far as you are aware? - No.

12857. Did they have any effect at all on the course the boat took? - Not the least.

12858. And from first to last from the time you and the other passengers were on board that boat, as far as you are aware, had anything that was said by any of you any effect on the direction taken by the boat? - No, nothing.

The Commissioner: Is there anything more, Mr. Duke?

12859. (*Mr. Duke.*) I think there is only one general question, my Lord. (*To the Witness.*) So far as you were concerned, Sir Cosmo, when did the first suggestion reach you that you had failed to do in that boat anything you could have done? - When I arrived at Fishguard last Monday night.

12860. And found that Hendrickson had made his statement? - Yes. I was met there.

Re-examined by the ATTORNEY-GENERAL.

12861. One matter I want to ask you about. You heard a passenger talking, giving directions in the boat? - Well, he was not giving directions, but he was saying, "Let us go here," and "Boat ahoy."

12862. Was there any conversation between him and you as to which way you should go? - No, there was only one remark I made to him.

12863. What was that? - To ask him to be quiet.

12864. Was that Mr. Stengel? - Is it necessary to say who?

12865. Well, it is necessary, if you can. I do not know why you should not, if you can tell us. Can you tell us? - I can, perfectly.

12866. Well, who was it? - Yes, it was he.

12867. I asked you because I see he has been examined in America, and I want to call your attention to this statement of his. I am reading from the 30th April, my Lord, at page 14 of the Enquiry before the Senate Commission. "Do you know who gave directions? - (A.) I think between Sir Duff-Gordon and myself we decided which way to go." That is what Mr. Stengel said? - I think it is wrong.

12868. What? - It is not the case. There was no question at all. I never spoke to the coxswain in any way to give him any directions.

The Attorney-General: That is all I want to ask you.

The Commissioner: Do you want to ask anything, Sir Robert?

Sir Robert Finlay: No, my Lord.

(*The Witness withdrew.*)

Mr. Duke: Lady Duff-Gordon is here, Mr. Attorney.

The Attorney-General: My friend wishes Lady Duff-Gordon to be called, and, of course, I will examine her. I propose to take her at once to the point at issue.

LADY DUFF-GORDON, Sworn.

Examined by the ATTORNEY-GENERAL.

12869. Lady Duff-Gordon, you will remember on the night of this disaster to the "Titanic," you were wakened, I think, by the collision? - I was.

12870. I only want you to tell me one thing before we get to the boat, had there been offers to you to go into any of the lifeboats? - Oh, yes, they came and tried to drag me away.

12871. You mean some of the sailors? - The sailors. I was holding my husband's arm. They were very anxious that I should go.

12872. And you refused to go? - Absolutely.

12873. Well, eventually you did go with your husband, as we know, in what has been called the emergency boat? - Yes, I did.

12874. Just tell us quite shortly - I do not want to go into it in any detail - but quite shortly, how it was you went into that boat. Do you remember? - Oh, quite well.

12875. Well, would you tell my Lord? - After the three boats had gone down, my husband, Miss Franks and myself were left standing on the deck. There were no other people on the deck at all visible and I had quite made up my mind that I was going to be drowned, and then suddenly we saw this little boat in front of us - *this little thing (Pointing on the model.)* - and we saw some sailors, and an officer apparently giving them orders and I said to my husband "Ought we not to be doing something?" He said, "Oh, we must wait for orders" and we stood there for quite some time while these men were fixing up things, and then my husband went forward and said, "Might we get into this boat?" and the officer said in a very polite way indeed "Oh certainly; do; I will be very pleased." Then somebody hitched me up from the deck and pitched me into the boat and then I think Miss Franks [Miss Laura Francatelli] was pitched in. It was not a case of getting in at all. We could not have got in, it was quite high. They pitched us up in this sort of way (*indicating*) into the boat and after we had been in a little while the boat was started to be lowered and one American gentleman got pitched in, and one American gentleman was pitched in while the boat was being lowered down.

12876. (*The Attorney-General.*) I think it is right to say that Mr. Stengel rather confirms that statement if your Lordship will remember. It is not right according to him that the three of them came running up as Symons said. He says he did come up afterwards and was rolled into the boat. (*To the Witness.*) Now you will remember when you got into the boat, and before the "Titanic" sank, did the men start rowing away from the "Titanic"? - Oh, the moment we touched the water the men began rowing.

12877. Had you heard any orders given? - Yes.

12878. Do you remember what they were? - As far as I can remember, it was to row quickly away from the boat for about 200 yards.

12879. "And come back if called upon"? - No.

12880. You did not hear that? - Oh, no.

12881. I do not quite understand? - I did not hear that.

12882. You did not hear it? - No.

12883. As far as you knew all they had to do was to row out 200 yards? - Yes.

12884. Then did the men commence doing that? - At once.

12885. And did you hear any conversation at all in the boat before the "Titanic" sank? - No.

12886. Did you understand the question I was putting to you? - No, I did not hear it. In our little boat?

12887. Yes? - No.

Mr. Duke: She said no.

12888. (*The Attorney-General.*) But I have her proof before me, and that is why I was not sure she understood the question? - I have no recollection

12889. Let me ask you again. I am speaking to you of before the "Titanic" sank. You understand? - Yes.

12890. What I am asking you is: Before she sank did you hear the men saying anything in the boat? - No.

12891. Did you hear anything said about suction? - Well, perhaps I may have heard it, but I was terribly sick, and I could not swear to it.

12892. What? - I was awfully sick; I do not think I could swear to it.

I am asking you about something which I understand you have said quite recently.

The Commissioner: Read it to her.

The Witness: Yes, will you, please?

12893. (*The Attorney-General.*) I am asking you about something which I only know from your statement to your solicitor. Did you hear a voice say, "Let us get away"? - Yes, I think so.

12894. Did you hear it said, "It is such an enormous boat; none of us know what the suction may be if she is a goner"? - Yes, I heard them speaking of the enormous boat. It was the word "suction" I was not sure of. I see what you mean.

12895. It is not what I mean, Lady Duff-Gordon. It is what you are said to have said to your solicitor? - Well, I may have said so.

12896. "Such an enormous boat"; that is referring to the "Titanic"? - Yes.

12897. "None of us know what the suction may be if she is a goner"? - That was, I am sure, long before the "Titanic" sank.

12898. That is what I was asking you? - Yes.

12899. I put it to you, but I do not think you appreciated the question? - No, I did not.

12900. It was before the "Titanic" sank? - Yes, it was before.

12901. Now after the "Titanic" sank you still continued to be seasick, I understand? - Yes, terribly.

12902. I only want to ask you one question about that. Tell me first of all do you recollect very well what happened when you were in the boat? - No.

12903. Your mind is hazy about it? - Very.

12904. There may have been some talk which you would not recollect, I suppose? - Well, I do not know.

12905. You think you might? - I think I would.

12906. I will put to you definitely what is said with reference to yourself. Did you hear after the "Titanic" had sunk the cries of the people who were drowning? - No; after the "Titanic" sank I never heard a cry.

12907. You never heard anything? - No, not after the "Titanic" sank.

12908. Did not you hear cries at all? - Yes, before she sank; terrible cries.

12909. Before she sank? - Yes.

12910. Did you see her sink? - I did.

12911. You mean you heard nothing at all after that? - My impression was that there was absolute silence.

12912. Were your men rowing? - Yes.

12913. What, all the time? - No, they began to row as soon as the boat went down.

12914. Did you hear a proposal made that you should go back to where the "Titanic" was sunk? - No.

12915. Did you hear any shouting in your boat. It would be better if you would attend to me? - I am listening.

12916. Did you hear anybody shout out in the boat that you ought to go back? - No.

12917. With the object of saving people who were in the "Titanic"? - No.

12918. You knew there were people in the "Titanic," did you not? - No, I did not think so; I do not think I was thinking anything about it.

12919. Did you say that it would be dangerous to go back, that you might get swamped? - No.

Mr. Scanlan: I have no question.

Mr. Harbinson: I do not wish to ask anything.

Examined by Mr. CLEMENT EDWARDS.

12920. There is one question. Have you seen in the London "Daily News" what purports to be an article specially written by yourself in America? - I have.

12921. Did you write such an article? - No.

12922. It is an entire invention from beginning to end? - Which article?

12923. The one in the "Daily News" which appeared on the 20th April? - Yes, it is rather inventive. A man wrote it from what he thought he heard me saying.

12924. (*The Commissioner.*) Do you mean to say that somebody came to interview you? - Oh, quantities of people came to interview me.

12925. But this particular man from the "Daily News"? - No, he did not; he was a friend having supper with us the night we arrived.

12926. (*Mr. Clement Edwards.*) Will you kindly look at that article (*Handing the same to the Witness.*)? - What am I supposed to say?

12927. If you will look at the heading of the second column on this side you will see that it is an article supposed to be specially written by you, and what purports to be your signature appears at the foot of the column.

12928. (*The Commissioner.*) Are you looking at it now, Lady Duff-Gordon, for the first time? - For the first time.

12929. Do you mean to say you have never seen the "Daily News" with that article in it up to today? - Never; this is the first time. The last little bit here is absolutely a story.

12930. (*Mr. Clement Edwards.*) Absolutely what? - A story.

12931. Then if your signature appears there it is a forgery, is it? - Oh, absolutely.

Mr. Duke: Do you mind letting me see that. (*The same was handed to the learned Counsel.*) I have never seen it till this moment.

12932. (*Mr. Clement Edwards.*) I want to use it for a moment (*The document was handed to Mr. Edwards.*) (*To the Witness.*) You say that a friend came and had supper with you, and you suggest he is responsible for what appears here? - I know he is.

12933. You know he is? - Oh, yes.

12934. Some of it may be true and some of it may be false? - Would you like me to tell you the story?

12935. I should like you to answer the question. Is this true that you watched several women and children and some men climb into the lifeboats, and did an officer say, "Lady Gordon, are you ready?" - It is not true that the officer spoke to me, but I did see women and children being handed into the lifeboats.

12936. Is it true that he said, "Lady Gordon, are you ready?" - It is untrue.

12937. Is this true: "I said to my husband, "Well, we might as well take a boat, although the trip will only be a little pleasure excursion until the morning"? - Quite untrue.

12938. That is untrue. Is it untrue that you said it was the captain's special boat, that five stokers got in and two Americans - Mr. Solomon, of New York, and Mr. Stengel, of Newark? - I do not remember saying that.

12939. It is true, is it not, that that number of persons did get in? - It was Mr. Solomon and Mr. Stengel and Miss Franks [Francatelli], my husband and myself. We were the passengers.

12940. "Besides those two passengers there were Sir Cosmo, myself, Miss Franks [Francatelli], an English girl." is it true you said that? - I think that might easily be.

12941. Is this true that you said this: "Numbers of men standing near by joked with us because we were going out on the ocean"? - No, that is not true.

12942. That is invention? - Absolutely.

12943. Is it true that you said that some of them said "The ship cannot sink," and that one of them said, "You will get your death of cold out there amid the ice." Is that true? - No, not true.

Is it true that you said you were slung off and cruised around for two hours, and it did not seem very cold? - Quite untrue.

12944. Is it true that you said "I suddenly clutched the sides of the lifeboat. I had seen the 'Titanic' give a curious shiver." That is invention, is it? - Yes, quite.

12945. Did you say "Everything could be clearly made out; there were no lights on the ship, save for a few lanterns"? - No.

12946. Is this true that you said this: "We watched her - we were 200 yards away - go down slowly, almost peacefully"? - No.

12947. Did you say then, "An awful silence seemed to hang over everything, and then from the water all about where the 'Titanic' had been arose a Bedlam of shrieks and cries"? - No, I never said that.

12948. That is entirely untrue? - Absolutely.

And is it true that you said this -

12949. (*The Commissioner.*) Who was this gentleman? - He was the editor of the "Sunday American." His name was Mr. Merrett.

12950. What is the "Sunday American"? - It is a newspaper.

12951. Is it published in London? - No.

12952. Where is it published? - In New York. I could tell you exactly how it came out if I were allowed to.

12953. (*Mr. Clement Edwards.*) Is this true that you said this: "Women and men were clinging to bits of wreckage in the icy water"? - No.

12954. "And it was at least an hour before the awful chorus of shrieks ceased, gradually dying into a moan of despair"? - No, I never said that.

12955. Did you say this: "I remember the very last cry; it was a man's voice calling loudly, 'My God, my God,' he cried monotonously, in a dull, hopeless way." That is untrue? - Absolutely untrue.

12956. "And we waited gloomily in the boats through the rest of the night, the stokers rowing as hard as they could to keep themselves warm"? - Quite untrue.

Mr. Duke: May I borrow that?

Mr. Clement Edwards: Yes. (*Handing the paper to the learned Counsel.*)

Examined by Mr. LEWIS.

12957. Do you write for any American papers at all? - Yes, the "Sunday American."

12958. Did you supply an article to the "Evening Herald"? - No.

Mr. Duke: I do not think Lady Duff-Gordon can hear; I cannot - whether "he" wrote or "she."

The Attorney-General: She.

12959. (*Mr. Lewis.*) Do you write in the "Evening Herald"? - No.

The Commissioner: Mr. Duke, do you wish to ask anything?

Mr. Duke: Yes, my Lord. I think Lady Duff-Gordon should explain about this article.

Examined by Mr. DUKE.

12960. When you were at New York you went to an hotel? - Yes.

12961. And that evening you had supper together with your husband? - Several people - six ladies.

12962. Did Mr. Merrett come there? - Yes.

12963. Was he a gentleman you had known? - A great friend of ours.

12964. Had you any idea of any publication of anything at that time? - Yes.

12965. What did he say to you? - After he had left us about half an hour he telephoned to me, and he said, "Mr. Hurst has just rung me up, and must have your story of the 'Titanic' wreck for tomorrow morning's newspaper." He said, "May I tell your story as I have heard it?"

12966. What did you say? - I said "Yes," and he tells me afterwards that he telephoned to their head office all he knew about it, and then a clever reporter put all that into words and it appeared next morning in the "New York American."

12967. Your friend told some clever American reporter what he had heard? - Yes.

12968. And then you were advertised as having written and signed this false article? - That is it.

12969. And was that published in various papers, did you find? - Oh, all over - everywhere.

12970. But you had not seen this in the "Daily News" till when? - Just now; here.

Mr. Duke: I think that is all I need ask.

The Attorney-General: I do not ask anything.

The Commissioner: Do you want to ask anything, Sir Robert?

Sir Robert Finlay: No, my Lord.

(The Witness withdrew.)

The Attorney-General: There are other members of the crew here, but I do not propose to call them. I understand my friend does not ask me to call them, and I do not suggest they would throw any light on the matter, or that anything they would say would contain any suggestion either against Sir Cosmo or Lady Duff-Gordon.

Mr. Duke: Upon that understanding that neither of the members of the crew corroborates either Hendrickson or Taylor upon that subject. I have nothing more to say.

The Attorney-General: No, I cannot do that; I will not do that.

Mr. Duke: Then I would rather my friend should call any witness he thinks will throw light upon it.

The Attorney-General: I can give no undertaking of that kind. I should have thought it was quite plain that I could not. I thought they would not be able to help us very much; I thought we had got the story.

The Commissioner: I do not think they will be able to help us at all, but still, in the circumstances, I think you must put them into the box.

The Attorney-General: Certainly, my Lord; they shall be called.

The Commissioner: I hope you will be able to take those witnesses quite shortly. They are put

into the box more for Mr. Duke.

The Attorney-General: Yes, my Lord. I will call Collins first.

The Commissioner: I do not know whether you desire the other two witnesses to be out of Court while Collins is examined.

The Attorney-General: I do not.

The Commissioner: If not, I think it would be convenient to have them in Court. Do you object, Mr. Duke?

Mr. Duke: No, my Lord, I concur, if I may say so.

The Attorney-General: All the other witnesses have been in Court whilst we have been enquiring into this part of the story.

The Commissioner: Very well.

SAMUEL COLLINS, Sworn.

Examined by Mr. BUTLER ASPINALL.

12971. Were you at the time of this disaster serving as a fireman on the "Titanic"? - Yes.

12972. Now you, in fact, got away, did you not, in the emergency boat on the starboard side? - That is quite right.

12973. I am going to take you straight to that. Did you help to lower that boat? - I helped to lower that boat - to get it ready to lower is not to lower it.

12974. And later on was it lowered? - It was lowered.

12975. And you got into it? - I was told to get into it.

12976. Who told you to get in? - Chief Officer Murdoch.

12977. Did you see some ladies get into that boat? - I did.

12978. How many? - Two, I think.

12979. That is right. Do you know how they came to get into it? - They were ordered by Chief Officer Murdoch.

12980. And did three male passengers get into that boat? - Two male passengers, I think.

12981. Do you know how they came to get into it? - Because they were ordered by Chief Officer Murdoch.

12982. When that boat was lowered to the water, did you hear any orders from that officer as to what was to be done with that boat? - I did.

12983. What were those orders? - Ordered by Chief Officer Murdoch to lay handy for further orders.

12984. Now was that boat then rowed away from the ship? - It was.

12985. How far do you think they rowed away? - I am not much of a judge of distance, but I will give you a slight idea - say, about 100 yards.

12986. We have been told that a man of the name of Symons was in charge of the boat. Is that right? - Yes.

12987. When you got the distance you have told us away from the ship, did you see that the "Titanic" was sinking, getting lower in the water? - We could not realise she was sinking, but we saw her going a bit further down by the head.

12988. After a time did you see her go down? - I saw her go down.

12989. After that did you hear any cries in the water from people? - Yes, I did.

12990. Was anything said by anybody about going back in the direction of those cries? - Nothing at all.

12991. Are you sure of that? - Nothing at all.

12992. Was the man Hendrickson in the boat? - Yes.

12993. Did Hendrickson mention or propose going back in the direction of those cries? - No, no one proposed it at all.

12994. Did Hendrickson say anything? - Not that I know of. He was close to me.

12995. That is just what I was going to ask; where were you sitting? - In the fore thwart of the boat.

12996. Which thwart was he in? - On the fore part of the fore thwart of the boat.

12997. If he had said anything in an ordinarily loud voice would you have heard it? - I would, certainly.

12998. Do you say he did not say anything? - I would have heard it if he had said anything.

12999. When the ship disappeared and you heard these cries, was nothing said at all by anybody in that boat? - Simply the word passed through the boat to pull for a short time to keep away from the suction.

13000. Who said that? - I could not tell you; it is impossible to say who said it, but we pulled for a short distance away to keep clear of the suction.

13001. Was it one of the passengers? - No, it was not one of the passengers, it was one of the crew.

13002. One member of the crew did mention the suction, did he? - Certainly, and it stands to reason there would be a great suction with a ship like that.

13003. What was done on the boat after this? - We pulled away a little bit from the ship when we saw her sinking, which was a thing I do not wish to explain to you; I do not wish to give anything at all to you of an idea of the ship sinking, but I wish to tell you we pulled a little away, and the coxswain of the boat brought the boat round. I being in the fore thwart of the boat could see that he steered the boat round, and we must have pulled in the direction of where the ship sank.

13004. How far? - It is impossible to tell you how far.

13005. Do you wish us to understand that the boat was pulled back in the direction of the drowning people? - Yes, right in the direction of where the ship sank.

13006. Did you get close to them? - We got until we came into contact with the boats that left the ship after we left.

13007. But I meant close to the people where the cries had been? - Yes, where the cries had come from.

13008. Is it your evidence that you went back to where the cries came from? - As far as I can tell you, to my idea.

13009. Were the cries still going on while you were rowing back? - They continued about 10 minutes, and we heard nothing afterwards.

13010. While rowing back towards the direction of the cries, is it your evidence that those cries went on for about 10 minutes? - That is it.

13011. According to your evidence, this boat did go back and try to save life? - Well, of course, we would have saved lives if we had come across any to save.

13012. Your evidence is that the boat went back with the object of trying to save life? - To do our level best.

13013. Is that accurate evidence? - That is quite right.

13014. You are sure about this story you are telling us? - I am quite sure- sure as that I took the oath on that Book.

The Commissioner: You have got a proof there, I suppose?

13015. (*Mr. Butler Aspinall.*) Yes, my Lord; but I do not think it helps me. (*To the Witness.*) Did you make a statement before an official when you came to this country? - I did.

13016. You did tell him (*I see it here*) "We felt a little suction, but we pulled hard with our oars." That was pulling away? - That is quite right.

13017. "We went to the spot whence came the cries, but discovered nothing"? - That is right; that is as near as I can tell you.

13018. And then you said that as your boat was not full you could have saved quite half a dozen more people? - That is quite right.

The Commissioner: That is substantially what he says now.

13019. (*Mr. Butler Aspinall - To the Witness.*) Did you see a light while you were in the boat? - Yes, we saw a light.

13020. What did you think it was, a vessel's light or a star? - To my idea - I am not much of a sailor, but I have been a fireman for practically all my life - I thought it looked like a stern light, but it might have been a masthead light. In the distance it looked like a stern light.

Examined by Mr. SCANLAN.

13021. When something was said about suction, how far were you from the "Titanic"? - About 100 yards, as near as I can tell you, but I have given you to understand that I am no judge of distances.

13022. How long had you stopped in that position at 100 yards distant from the "Titanic"? - That is another hard question to ask me, because at a time like that time seems so long. It may have been 10 minutes or a quarter of an hour.

13023. Could you give my Lord any notion of the length of time? - We lay on our oars broadside to the ship.

13024. At that time did you hear someone in the boat say, "There is danger here; we had better row away from here. This is a light boat, and there may be suction when the ship goes down; let us pull away"? - No, Sir.

13025. If a passenger, Mr. Stengel, stated to the American Enquiry that he said that, is it untrue? - It is untrue.

13026. Is not this the case, that you were close to the bow of this boat? - On the fore thwart of the boat.

13027. And that Mr. Stengel was in the stern? - They were all in the stern of the boat. There was me and another man in the front of the fore thwart, and there was a sailor on the look-out in front of the boat. I do not know their names.

13028. Is it not possible that this might have been said by a passenger? - I would have heard it if it had been said on account of being in a small boat.

13029. You do not remember one of the passengers saying anything like this? - No.

13030. He said that he made this statement, and then he says, "The other passengers agreed, and we pulled away from the 'Titanic'"? - That is wrong.

13031. Then he is asked - "(A.) I beg your pardon, it is wrong to a certain extent, but when the suction was on I know there was something passed, but who said it I cannot answer at all. We pulled away just for the time of the suction, and it was for a very short time.

13032. There was some conversation about suction? - Certainly.

13033. But you do not know whether it was by a passenger or by a member of the crew? - I think the majority of it was passed between the crew.

13034. But you could not say whether one of the passengers said it? - I could not say for certain.

Examined by Mr. CLEMENT EDWARDS.

13035. Did you hear anything said in the boat about money? - Nothing at all.

13036. When did you hear any talk about money? - When I carried the coat of a gentleman whose name I did not know up the ladder.

13037. Then it was not Hendrickson who carried the coat? - No, it was not.

13038. Was it you who got the names of the crew? - No, the gentleman asked me to get the names of the crew, but I went naturally enough, as I would do, and told the others who were in the boat, and Hendrickson took it into his own hand.

13039. But you were the man asked to get the names? - Yes.

13040. And up to that time you knew nothing at all about it? - Not until we received the envelope; we did not know what it was, and it came as a surprise to us.

13041. Did you hear any lady in the boat say anything about the danger of swamping? - Nothing at all.

13042. Did you hear No. 13 boat hail you? - We heard one boat, but I could not tell you what boat it was.

13043. What did you hear? - The only thing I heard was that Hendrickson shouted to that boat passing some name: "Are you all right?" and the order came back, "Yes," and we said "All right." We passed the word right through then: "Keep as close together as we possibly can."

13044. Right through where? - As many of the boats as were round about.

13045. You saw a number of boats? - Not a number, but two or three. Of course, that is a number.

13046. Do you remember the number of either of the boats that hailed you? - I could not see the numbers of the boats in the dark; in fact, I did not know the numbers of the boats at all.

13047. Did you hear anybody shout out the number of the boat? - No, I did not.

13048. Did you hear anybody shout from a boat asking you to take some of their passengers on board? - No, there was no such thing. That is the only thing that was passed, "Are you all right?" and we said, "Yes," and the order was passed then, "Are you all right?" and they said, "Yes." The order was to keep close together.

13049. You had a lot of room in your boat? - Not a lot of room; we had room for a few more.

13050. Did it occur to you that you ought to go back immediately and try to pick up some people? - We could not go back quicker than we did.

13051. How soon after the ship went down did you go back? - It is hard to tell the time we turned round; as soon as we thought we were clear of the suction, the boat turned round; the coxswain turned the boat round, and I am sure we were pulling that way until we came into contact with these boats. That was the first time we came into contact with the boats.

13052. From the time the ship went down to the time you got to where you thought the cries had come from, how long a time was it? - I daresay we were pulling that way for a long while.

13053. How long? - I daresay for fully an hour one way and the other. I am not a navigator. I could not tell you. I had no compass to tell us which way we were going, but that is as near as I can tell you.

Mr. Duke: I have no questions.

(The Witness withdrew.)

FREDERICK SHEATH, Sworn.

Examined by the SOLICITOR-GENERAL.

13054. Is your name Frederick Sheath? - Yes.
13055. Are you a trimmer? - Yes.
13056. Were you one of the people ordered into this emergency boat, No. 1? - Yes.
13057. Do you remember the boat being lowered to the water? - Yes.
13058. Did you hear any order given, as the boat was leaving the "Titanic," to Symons, who was in charge of the boat? - No.
13059. You did not hear it? - No.
13060. Where were you sitting in No. 1? - The after-mid.
13061. Were you rowing? - Yes.
13062. And the man called Symons was steering I think? - Yes.
13063. I want to see where you were. Was anybody else on the same thwart with you? - One lady, but I could not say who it was.
13064. Who was in front of you, next nearest the stern? - One gentleman whose name I do not know and Pusey, a fireman.
13065. And after that again in the stern of the boat? - There was a lady and a gentleman, and the coxswain Symons.
13066. You were on the second thwart from the stern? - Yes.
13067. Do you know who was behind you? - Only Taylor - that is all I know - a fireman.
13068. Taylor, who has given evidence here? There was another lady in the boat, was there not? - Yes.
13069. Where was the other lady? - Right aft.
13070. Do you mean nearer the stern than you? - Yes, right aft.
13071. This is what we want to know. When the "Titanic" went down did you hear any talk or discussion in the boat as to what should be done? - No.
13072. Nothing at all? - No.
13073. Did you hear any orders given by Symons? - No, only to pull away from the ship, that is all.
13074. You heard him say, "Pull away from the ship"? - Yes.
13075. Was the ship still floating then, or had the ship gone down then? - It was still floating, then, when we left.
13076. Still floating when he said that. Did you pull away from the ship? - Yes.
13077. I asked you if you remembered when the "Titanic" went down: Did you see it go down? - I saw it go down.
13078. When it went down what was your boat doing? Were you rowing, or resting on your oars? - We were resting on our oars.
13079. What I want to know is, after the "Titanic" went down, what was done by your boat then? - We pulled back again to the other boats.
13080. Did you hear any orders given as to what you should do? - I was not taking much notice of what he was saying; I was looking after myself.
13081. When the "Titanic" went down did you hear any cries? - Yes.
13082. Did the cries continue for some time? - Yes.
13083. You say your boat went back to the other boats? - Yes.
13084. Had these other boats left the "Titanic" before you or after you? - Some of them left before we did.
13085. Then they had not gone as far away from the "Titanic" as you had? - Well, we were all around; we all met one another. They must have gone as far away as we did.
13086. I just want to understand if you can help us. You say your boat went back. Do you mean it went back to where the "Titanic" had sunk? - I could not say where she sank; I am no

navigator.

13087. That is what you heard the last gentleman say? - No, I never.

13088. Were you not here? - No.

13089. Were you not here when the last man gave evidence? - No; I was outside the curtains having a smoke.

13090. You say you heard the cries, and they went on for some time. Did you get near to any of the cries? - I could not say about getting nearer any of the cries.

13091. You could not say? - No.

13092. You do not remember any more conversation than that? - No.

The Commissioner: Does anyone want to ask this witness any further question. Do you, Mr. Duke?

Mr. Duke: No.

(The Witness withdrew.)

ROBERT WILLIAM PUSEY, Sworn.

Examined by Mr. RAYMOND ASQUITH.

13093. Is your name Robert William Pusey? - Yes.

13094. Were you a fireman on the "Titanic"? - Yes.

13095. Were you in this emergency boat No. 1? - I was in that boat.

13096. Did you hear any orders given as to what you were to do when the boat was lowered? - Yes.

13097. What? - I heard the orders given to the coxswain to push off clear of the ship; that is all I heard, and the last words I heard the officer say - which one I could not tell you - was "See that the boat's crew do what you tell them."

13098. How far did you row away from the ship? - About 200 yards, I should say.

13099. Did you then stop? - Yes, we lay on our oars.

13100. Did you see the ship go down from that point? - Yes, but not very clearly.

13101. Where were you sitting in the boat? - I was next opposite Miss Frank. [Francatelli]

13102. Miss Francatelli? - I could not tell you her name.

13103. Which thwart was that on? - There was Symons, Miss Frank [Francatelli], a gentleman and myself, and the gentleman looking forward and I was looking aft - on the second thwart from aft that was.

13104. After the ship went down, did you hear any cries? - I did.

13105. How long did they continue? - I should say about a quarter of an hour or 20 minutes, something like that.

13106. While those cries went on were you standing still the whole time or did you begin to row again? - No, I believe we were lying on our oars.

13107. All the time the cries went on? - Yes, as far as I can recollect.

13108. Did anybody in the boat say anything about the cries? - Not in my estimation; I cannot bring it to recollection.

13109. Did anybody suggest that you should go back in the direction of the cries? - Not to my knowledge.

13110. Did you hear anything said at all about the cries? - I did not.

13111. Or about going back? - No.

13112. Did you remain stationary for about - I think you said - 20 minutes? - Near about 20 minutes, I should say; it may have been longer or it may have been shorter.

13113. What did you do then? - We cruised about after that, and then we saw this light, and we rowed for the light, and we came in contact with two more boats. They hailed us and asked if we had an officer on board, and we said, "No." They said, "Are you all right?" and we said, "Yes."

13114. When you began rowing you said that you rowed for the light? - Yes.

13115. You did not make any attempt to row back in the direction where you thought the "Titanic" had sunk? - I do not think we did.

Examined by Mr. SCANLAN.

13116. Did you hear any passengers say that the boat was a small one, and that there was danger in going back? - Nothing.

Examined by Mr. HARBINSON.

13117. Do you remember hearing anything said in the emergency boat about presents or about money? - Yes, I did.

13118. That is to say you do not remember any conversation about going back to where the cries were? - No.

13119. But you remember the conversation about the money? - Yes. I do, and I will explain to you how it came about too. Lady Gordon said to Miss Franks, "There is your beautiful nightdress gone," and I said, "Never mind about your nightdress madam, as long as you have got your life"; and then I heard someone forward at the fore end of me say - I said we had lost our kits and that our pay was stopped from the time she was a wreck - "We will give you a little to start a new kit." That was all I heard.

Examined by Mr. CLEMENT EDWARDS.

13120. When was this said? - After the "Titanic" was a wreck, after everything was quiet.

13121. How long would that be? - About 3 o'clock in the morning because we were rowing for the light when this was said.

13122. Had things become quiet before 3 o'clock? - Yes, we were rowing for this light half an hour or more.

13123. Just be careful for a moment will you and follow my question: How long after the "Titanic" went down did you first hear mention of this money? - I should say three quarters of an hour.

13124. Had the cries stopped then? - Yes.

13125. Had you hailed the other boats then? - Yes; they hailed us first and we answered them.

13126. Could you see what the numbers of the boats were that hailed you? - I could not say, and I do not know them; it was dark.

13127. Did either one of them ask you what room you had in your boat? - Nothing whatever; I never heard that mentioned.

13128. Were you asked at any time during the night before you got to the "Carpathia" if you had room in your boat? - Not to my knowledge.

13129. You had a lot of room in your boat? - I should say we had enough room for another dozen.

13130. Did you make any suggestion about going back to pick up the drowning? - No.
13131. Did it occur to you at all that you ought to go back? - No, it was not my place; I was not in charge of the boat; if that had been said I would certainly have gone back with the remainder.
13132. You were ready and willing to go back? - Quite willing.
13133. But you did not think it your place to suggest it? - No.
13134. Were you not surprised that somebody else did not suggest it? - Yes, I was.
13135. Did you express your surprise to any body? - No.
13136. Was there any suggestion made that you should go and join the other boats? - Yes.
13137. (*The Commissioner.*) I do not understand your frame of mind. You were surprised that no one made the suggestion that your boat should go back? - Yes.
13138. Then were you surprised that you did not make the suggestion? - No.
13139. Then you were surprised that no one else made the suggestion, but you were not surprised that you did not make it? - No.
13140. It is a curious state of mind? - We were half-dazed at the time, all of us on a job like that.
13141. (*Mr. Clement Edwards.*) Can you offer any explanation at all as to why your boat did not go back and try to pick up people? - Yes, she would have been swamped if she had gone back; that is my opinion about it.
13142. What reason have you for saying that you would have been swamped if you had gone back? - I hardly understand you.
13143. You say that if you had gone back you would have been swamped? - Yes.
13144. What reason have you for saying that you would have been swamped if you had gone back? - I meant to say that there were so many people in the water; you could hear that by the cries.
13145. Did anybody say in the boat that they were altogether? - No.
13146. Did anybody say it was dangerous? - No.
13147. Did anybody say that you might be swamped? - No.
13148. Does it not occur to you now that you might very well have gone back? - No.
13149. Wait until I have finished my question, will you? Does it not occur to you that you might very well have gone back with a good chance of picking up some stragglers outside the swarm? - Yes, right outside.
13150. Does it also occur to you that you might very well have gone to another boat and put your four or five passengers off into the other boat, and then gone back and helped to pick up some poor drowning people? - The boats could not take any more; they were full then.
13151. How do you know that? - We could see the people from the distance.
13152. What boats did you see that were so full that they could take no more? - I do not know the numbers, but you could see them all up round the gunwales of the boats.
13153. But you say that nobody in your boat hailed either of these other boats and asked if they could take some passengers on board? - No, that was not the hail at all. The hail was that they asked if we had an officer, and we said "No."
13154. It did not occur to you that you might have unloaded your passengers by getting some of the other boats to take some of your passengers, and then gone back with a practically empty boat to pick up some of the poor people in the water? - We did not do that.
13155. Did it occur to you? - No.

(The Witness withdrew.)

The Commissioner: That is all, is it not?

The Attorney-General: That is all.

The Commissioner: We have now finished with No. 1 boat.

The Attorney-General: We are going on now with the examination of Wheat, who was under examination. We have been through the boat list so far, but you have not had the evidence yet of five boats, 3, 8, 9, 10 and 16. We are going to call some evidence of those, and then we shall be in a position after that to give you a list together with a digest of the evidence with regard to each boat.

We are only going to call one or at most two from each of the boats.

The Witness Wheat was called.

The Solicitor-General: He appears to have selected this moment to leave, my Lord, but he is coming back again. I am sorry.

The Commissioner: Have you the number of the boat he was in?

The Solicitor-General: He was in boat No. 11. We wanted to call a stewardess, and I understand she is here and we can do it at once.

Mrs. ELIZABETH LEATHER, Sworn.

Examined by Mr. BUTLER ASPINALL.

13156. Were you serving as a first class stewardess on the "Titanic" on the occasion of this disaster? - Yes.

13157. Were you asleep, or rather, were you turned in at the time of the collision with the iceberg? - Yes.

13158. Did you get up? - Not for some time afterwards.

13159. When you speak of some time, do you mean in five minutes or half an hour, or what? - About half an hour or three-quarters.

13160. You thought there was no reason for getting up? - Yes.

13161. And your judgment is that in about half an hour or three-quarters of an hour you got up? - Yes.

13162. Would it be your business to look after some of the ladies in your part of the ship? - Certainly.

13163. And did you go to look after them? - They had already gone out of their rooms.

13164. By the time you got up you found they were all up? - Yes.

13165. Where did you go after you got up? - Up to B deck.

13166. Did you see any of your stewardesses about? - Yes, quite a number.

13167. Were the stewardesses, as far as you could see, all doing their duty? - Yes; they had blankets and ciderdowns to put round people.

13168. And as a class they were doing all they were being told to do were they? - Yes.

13169. Looking after the lady passengers? - Yes.

13170. You went to B deck; did you remain on B deck or did you go elsewhere? - I went down to the cabin again.

13171. To your cabin? - Yes.

13172. I do not want to go into this in great detail. You went to your own cabin and then later on did you go up? - Yes.

13173. To which deck? - To A deck.

13174. Were you after a time helped into No. 16 boat? - Yes.

13175. And you were ultimately taken on board the "Carpathia"? - Yes.

Examined by Mr. SCANLAN.

13176. Have you been for a considerable time a stewardess? - Yes.

13177. Is it the practice on liners to give each stewardess a boat station? - Yes.

13178. And at some time on the voyage are the stewardesses as well as the other hands called to their stations? - Only on sailing days; there is then a boat muster.

13179. But you had not that on the "Titanic"? - On the sailing day we all mustered in the companion to pass the doctor.

13180. You mean the day you left Southampton? - Yes.

13181. But were you told then what your boat station was? - No, we were supposed to look for it ourselves on the list.

13182. But you had not been told the station you would take on the boat? - No.

13183. After the collision you and all the other stewardesses were doing their duty in helping the people as much as possible? - Yes.

Examined by Mr. HARBINSON.

13184. Do you know if after the collision any general alarm was sounded on the "Titanic"? - I do not know.

Examined by Sir ROBERT FINLAY.

13185. Before your boat put off did you hear the question asked whether there were any more women and children? - Yes, and there were no more to be seen when we went off.

(The Witness withdrew.)

The Solicitor-General: We have this man Wheat here now.

JOSEPH THOMAS WHEAT, Sworn.

Further examined by the SOLICITOR-GENERAL.

13186. *(The Solicitor-General.)* You will remember, my Lord, he described what happened up to the time when he saw the water fall down the stairway from A deck to F deck, and he had just told us that he had gone up the stairway on his way to the upper deck. *(To the Witness.)* That is right, is it not? - Yes, Sir.

13187. I think you can tell us now [what] happened when you got to the boat deck? - When I arrived at No. 9 boat Mr. Murdoch was there with quite a number of our men passing women and children over from the port side into No. 9 boat.

13188. When you say "with a number of our men" does that mean with a number of stewards? - Yes; the victualling department.

13189. They were being put into No. 9 boat? - The starboard side.

13190. I think you had been getting your stewards up to their stations, had you not? - Yes, I

had just come up from down below after doing that.

13191. Did you hear the orders which Mr. Murdoch gave as to what you were to do? - Yes; he told me to take the rest of the boat's crew down on to the next deck as they had to send the people off A deck.

13192. This is a little important, and we must get it clear. The next deck would be A deck? - Yes.

13193. Who was it you were to take down to A deck? - Our own men.

13194. The stewards who were to go into different boats as crew? - Yes.

13195. Did you do that? - Yes. I took about 70 men down altogether, I think.

13196. Stewards? - Yes.

13197. When you got your men down to A deck just tell us what you did - how you arranged them? - When we got the men down to A deck, I lined them all up two deep round the boats, for fear there was a rush.

13198. Did that keep a clear space next to the boats? - Yes, about six feet from the bulwarks.

13199. Had you heard the order that women and children were to go forward first? - Yes, that was the general order right through - "women and children only."

13200. Having had your men up, as you say, two deep round the boats, what was done about the women and children? - First I told the men off to make sure that the plug in No. 11 was in tight, and then I told five or six men, I cannot tell which, to get into the boat to hand the women and children in. Then the order was passed to pass the women and children along. After the women and children were all passed in we filled her up with as many as the boat would possibly hold, and Mr. Murdoch, looking over the top, said, "You have got enough there."

13201. All this time were you keeping your line of stewards? - No; at that time I was standing with one foot on the rail and one foot on the bulwarks. We were passing women and children into the boat.

13202. You say you arranged your stewards to keep order with two lines; was that order kept after that? - Yes.

13203. And were people kept back? - Yes.

13204. Except the women and children? - Women and children only were allowed inside the line.

13205. That, I think, was No. 11? - Yes.

13206. Is No. 11 the boat in which you went away? - Yes.

13207. Who ordered you in? - Mr. Murdoch.

13208. We have already had some evidence about it from a witness named Mackay, so that one only wants it very shortly. When your boat was lowered, you say Mr. Murdoch gave the order. Was she full? - Yes, quite full she could not hold another soul.

13209. What were the proportions of women and children? - I counted them at daylight as best I could. There were fifty-one women, nine children, seven stewards, two sailors, one fireman, and myself.

13210. Then there were no men passengers in that boat at all? - Yes, there were three male passengers.

13211. I do not think you mentioned them? - No, I did not.

13212. How did the three male passengers come to be there? - I cannot say that.

13213. Was there good order kept in getting them into this boat, No. 11? - Yes, very good order.

13214. Then No. 11 in due course was picked up? - Yes.

Examined by Mr. SCANLAN.

13215. Your proper boat station was, I understand, No. 9? - No. 11.

13216. This boat No. 11 in which you went off, I understand, had not a lamp? - No, not to my knowledge.

13217. Nor a compass? - No.

13218. Had it provisions? - Well, I cannot say if there were any in the provision locker, because we did not look there.

13219. Had it water? - Yes.

Examined by Mr. HARBINSON.

13220. Could you tell me if on the "Titanic" there was any general system of organisation amongst the stewards as to what their duties would be in case of emergency or danger? - In regard to what?

13221. In case of danger - where their posts of duty would be in case of danger from fire or wreck? - Emergency doors, do you mean?

13222. No. Was there any system of organisation among the stewards? - No, only among the heads of the departments; it was left to them.

13223. There was no general system which had been established, was there, and positions allotted to the stewards in case of danger? - Yes, all the stewards were allotted to boats; every man had his boat.

13224. Do I understand that they were allotted to the boats in case of wreck? - Yes.

13225. Then there is no general system or instruction given to them as to taking charge of the different classes and the different sections of the passengers? - No, that is understood with regard to the first, second, and third; they are each in charge of their own departments.

13226. Is it after they have discharged the duty of looking after their own departments that they are supposed to start at the boats? - Yes.

13227. Not before? - No.

13228. Do you say that it was after the stewards had warned the different departments or classes that on this occasion they went up to the boat deck? - Yes, they did not get their orders until everybody had a lifebelt on to the best of their knowledge, and the people were all taken up to the boat deck.

13229. Did you hear instructions given to the stewards to see that all the people were taken up to the deck? - Yes, I heard that instruction given by Mr. McElroy about a quarter-past twelve, or round about that time; he sent us down to Mr. Harding to get lifebelts on the passengers and get them on deck.

Examined by Mr. CLEMENT EDWARDS.

13230. Whose duty was it to close the watertight doors on deck F? - They belonged to the Turkish bath man.

13231. You, in fact, closed them? - Yes.

13232. Did you get any orders to do that? - No.

13233 Had he had any orders, do you know? - Not that I know of. He may have had orders; I did not see him around until afterwards.

13234. You closed them entirely at your own discretion? - Yes.

Examined by Mr. HOLMES.

13235. Was your boat lowered empty from the boat deck to the A deck? - Yes, there was nobody in it.

13236. And it was filled from A deck? - Yes.

13237. The deck was quite open? - Yes; just as it is *there* (*Pointing on the plan.*).

13238. Further forward there are windows? - Yes, just as on the plans here.

13239. Did Mr. Murdoch come down on to A deck to give his orders? - No.

13240. He gave them from the boat deck? - Yes.

13241. Over the side? - Yes, we could hear him shouting over the side; he looked over the side when the boat was full and told us to lower her away.

Examined by Mr. COTTER.

13242. Did you go down to the gloryhole? - Yes, I went down twice.

13243. Did you see any water at all on A deck? - No.

13244. Did you see any water in the lower gloryhole? - Yes, but our men were not down there, and I had nothing to do with that.

13245. Is it not the rule to provide that there should be boat drills on the ship in each department so that the men may be mustered at the boats and know the stations allotted to them? - Yes.

13246. And they receive their orders as to what to do in case of emergency? - Yes.

13247. So many men on the boat and the rest as stand by men? - Yes.

13248. They receive their orders from the Chief Steward, the Second Steward, or yourself, and you receive your orders from the Captain? - Yes.

13249. If there had been proper boat drill in Southampton and the men had been properly organised do you not think that they could have saved a lot more people than they did? - That is a very hard thing to say; I do not think so under the circumstances.

13250. My reason for putting the question is that some of the boats went away not properly manned and with not a proper complement of passengers? - Yes.

13251. My suggestion to you is that if everybody had known their station and known their duty they could have manned those boats properly and got the proper number of passengers in them? - With regard to the boats on the starboard side Nos. 3, 5, 7 and 9, I have the idea that those men were away, provisioning the boats, because there were none of our men taken away in them.

13252. Is it not the fact that there are only two provision men to each boat and others to man the boat? - Yes.

13253. What system had they got there? - That the boats crews of 3, 5, 7 and 9 should provision the lifeboats.

13254. And not get into the boat? - They will get into the boats afterwards.

13255. If you were having boat drill and the order came from the bridge that you were all to get into your stations at the boats, how many of the stewards' department would get into the boat? - I suppose they would all do so if they all belonged to the boat's crew.

13256. Have you taken part in boat drill? - Yes.

13257. Is it not the fact that there are so many men for all the boats? - No, I have never seen it that way; I have seen the whole boat's crew get in if it was a case of taking the boat.

13258. What constitutes a boat's crew? - I should think about 25 of our men are allotted to a boat.

13259. How many sailors? - I do not know.

13260. How many firemen? - I never saw the firemen muster at the boats.

13261. Have you taken part in a drill when everybody has taken their share of the work with regard to the manning of the boats? - Not in this ship, I think.

13262. Have you done it anywhere else? - No, I cannot say I have - not manning the boat.

13263. That is why I asked you the question - that if there had been properly organised boat drill and the men knew their stations I suggest more people would have been saved? - The men did know their stations.

13264. Did you have any bulkhead door drill? - Yes.

13265. On what day? - On the Saturday morning we had fire drill and bulkhead door drill.

13266. Were all the bulkhead doors closed? - They were all closed.

13267. How do you account for the fact that when the ship came into collision with the iceberg they did not go and close the doors? - They would have to go by the orders.

13268. Is it not the fact that this drill is for the purpose, in case of emergency, of making them go to their stations? - They may have been at their stations; they may not have had the order, or they may have had the order.

13269. You did not hear the order given? - No.

13270. Surely the proper thing is to close the bulkhead doors first? - Yes, but that is just according to what the collision was - if they thought it was serious.

13271. I suggest to you that if they had closed the bulkhead doors the ship might have been afloat yet? - I do not think so.

(The Witness withdrew.)

Mrs. ANNIE ROBINSON, Sworn.

Examined by Mr. RAYMOND ASQUITH.

13272. You were a First Class Stewardess on the "Titanic," were you not? - Yes.

13273. And at the time the ship struck the iceberg I think you were in bed? - I was.

13274. Did you get up and dress? - I did.

13275. And did you afterwards go in the direction of the mail room? - Yes.

13276. What deck were you on? - E deck.

13277. When you got to the top of the stairs which lead down to the mail room what did you see? - I saw two mail-bags and a man's Gladstone bag, and on looking down the staircase I saw water within six steps of coming on to E deck.

13278. That would mean that it had gone up to the top of the mail room and into the compartment above that? - Certainly.

13279. Are the stairs you are speaking of the ones by the side of the squash racquets court? - Yes.

The Commissioner: I would like to follow this. I see the mail room on the plan.

Mr. Raymond Asquith: I think I can point it out to you, my Lord.

The Solicitor-General: Your Lordship will see that this confirms the theory of Wheat about the water rising to the top of E deck.

Mr. Raymond Asquith: That is the mail room; above that is the post office, and above that is the squash rackets court. It was at the stairs there that the water was seen; the witness says that the water came to within six steps of the top of those stairs (*Pointing on the cartoon*).

13280. (*The Commissioner - To the Witness.*) About what time was this? - About half an hour after she struck.

13281. After the collision? - After the collision about half an hour.

13282. (*Mr. Raymond Asquith.*) Did you see the Captain and Mr. Andrews about this time? - The mail man passed along first and he returned with Mr. McElroy and the Captain and they went in the direction of the mail room, but that was before.

13283. It was seeing the Captain and Mr. Andrews going to the mail room that made you go there? - I followed after they had come back.

The Commissioner: Are we to understand that at this time the mail room was covered with water?

13284. (*Mr. Raymond Asquith.*) Yes, and not only the mail room but the storey immediately above it, too. (*To the Witness.*) When you saw the water there I suppose you realised that things were rather serious? - I did.

13285. Did you go and look after your ladies? - I did.

13286. How many ladies were under your charge? - Seven ladies and one maid and a governess.

13287. Did you see other stewardesses doing the same thing, looking after their passengers? - The stewardess on my deck was doing exactly the same thing.

13288. Did you then go upstairs on to A deck? - I had to call a stewardess I had met on the boat on A deck.

13289. Were you told by a steward there to put on your coat and lifebelt? - Mr. Andrews told me first.

13290. Did Mr. Andrews tell you anything else? - Yes. Mr. Andrews told me to put my lifebelt on after I had been on E deck.

13291. Did he say something to you about blankets? - We had already got the blankets and the lifebelts out of the rooms which were unoccupied at the foot of the staircase. Mr. Andrews said to me, "put your lifebelt on and walk about and let the passengers see you." I said to him, "It looks rather mean," and he said, "No, put it on," and then after that he said to me, "Well, if you value your life put your belt on."

13292. Did you put your belt on and walk about in it? - I did.

13293. Did he say anything to you about Mr. Ismay? - No, Mr. Ismay's name was never mentioned in my hearing.

13294. So far as you know were all the ladies on E deck warned by the stewardesses whose business it was to look after them? - Yes, and they were all saved, too.

13295. You told us you were responsible for seven or eight ladies; were they all saved? - They were.

13296. Eventually you were put into boat number 11? - Yes.

The Solicitor-General: That is the one the last witness Wheat referred to.

13297. (*Mr. Raymond Asquith - To the Witness.*) I will not ask you about what happened in the boat, but there is one thing I should have asked you about what happened before; did you see the carpenter? - I did; he was the first man I saw. He came along when I was looking down at the water, and he had the lead line in his hand.

13298. Had he taken a sounding do you know? - I could not tell you that.

13299. Did he say anything to you? - No, the man looked absolutely bewildered, distracted. He did not speak.

13300. You think he looked alarmed? - He certainly was.

13301. When your boat left the ship was the band still playing? - It was.

13302. Can you remember at all what time it was when your boat left? - Well, I looked at my watch when the ship went down and it was twenty minutes to two. That was by altered time when we were in the boat, and I do not think we were in the boat more than three-quarters of an

hour.

13303. You left about three-quarters of an hour before the ship went down? - Yes.

Examined by Mr. SCANLAN.

13304. Can you state at what time it was when Mr. Andrews said to you, "if you value your life put your lifebelt on"? - It was about half an hour when I saw the water on the deck, and I should say it would be about a quarter of an hour after that.

13305. About three-quarters of an hour after the collision you mean? - Yes.

Examined by Mr. COTTER.

13306. Have you ever been in a collision before? - Yes.

13307. What ship was that? The "Lake Champlain"? - Yes.

13308. Also an iceberg? - Yes.

13309. So that you knew exactly what to do on this occasion? - Yes.

13310. And you did it? - Yes.

Examined by Sir ROBERT FINLAY.

13311. When was it you were told to put on the lifebelt? You said that it was three-quarters of an hour after something? - I said it was three-quarters of an hour after I felt the shock of the collision.

13312. Did the people get into the boat in an orderly way? - Yes.

13313. Did you hear the band playing? - Yes.

13314. Was it still playing when you left the ship? - Yes it was. It was playing when I went up to A deck to call the other stewardess, and when I left the ship it was still playing.

(The Witness withdrew.)

WALTER WYNN, Sworn.

Examined by Mr. BUTLER ASPINALL.

13315. Were you serving as Quartermaster on the "Titanic" at the time of this accident? - I was.

13316. And I believe you were saved in boat 9, were you not? - Yes.

13317. Were you off watch at the time of the striking? - Yes.

13318. I think you were asleep and you were awakened? - Yes.

13319. I believe you got up, dressed, and did you go to the boat deck after a time? - No.

13320. I do not want to take you through the whole story, I presume it is quite unnecessary;

after a time did you hear this, the Captain giving an order to you and another quartermaster, to go and get the two accident boats ready? - Yes.

13321. I want to omit the earlier part, you see. Did you obey that order? - Yes.

13322. After that did you go and help to clear away at various lifeboats? - Yes.

13323. After that did you meet the Sixth Officer Mr. Moody, who told you to go to your own boat? - Yes.

13324. Did you know your own boat? - No.

13325. Did you ascertain what was your own boat then? - No, not then.

13326. Did you go to a boat? - Mr. Moody told me to go to number nine boat and take charge of number nine.

13327. Whether that was your right boat or not, you do not know? - It was all ready swinging out on the davits and he told me to take charge of No. 9, as I did not know my own boat.

13328. Did you take charge of No. 9? - I got in and assisted the ladies in; and when we started to lower away the boatswain's mate got into the boat, and I handed charge over to him, and took an oar.

13329. That boat was lowered down to the water? - Yes.

13330. How many people were there in that boat? - Forty-two women, and I think about fourteen men.

13331. Were the men all passengers? - No.

13332. How were the men divided up? - There were about four stewards sitting in the bow and there were three seamen, and afterwards I heard one other man was a seaman that I did not know, and that made four.

13333. What were the rest? - They were men passengers.

13334. (*The Commissioner.*) That would be six passengers? - Yes.

13335. (*Mr. Butler Aspinall.*) Later on, were you saved and taken to the "Carpathia"? - I was.

13336. Before I get you on to the "Carpathia" I just want to ask you this one matter: While you were in the boat did you see any light or lights? - I did.

13337. What light or lights did you see? - I saw a red light first, and then the red light disappeared, and I saw a white one.

13338. What did you think the red light was? - I could not say; I put it down to a steamer.

13339. You thought it was the port light of a steamer? - Yes.

13340. How far away did you judge it to be? - About seven or eight miles.

13341. When you saw the white light did you ever see the white light at the same time as you were seeing the red light? Did you see them at the same time? - Yes, at first I did.

13342. (*The Commissioner.*) Then I do not understand it. I thought you first saw a red light, and then it disappeared, and then you saw a white light? - I saw the red and white, and then the red and white disappeared, and then I saw the white light remain.

13343. You saw both the red and the white light at the same time? - Yes.

13344. And then they both disappeared? - Yes; they both disappeared and left the white light.

13345. (*Mr. Butler Aspinall.*) That does not do, you see. You saw a red light? - Yes.

13346. And you saw a white light? - Yes.

13347. Did you think at that time that these were the two lights of a steamer? - I did.

13348. (*The Commissioner.*) About 7 or 8 miles away? - Yes.

13349. (*Mr. Butler Aspinall.*) After some little interval of time both those lights disappeared according to you? - Yes.

13350. After they disappeared, when next did you see any lights? - It went away, and then I saw the white light about 10 or 15 minutes afterwards again in the same direction.

13351. I think you mean this, do you not, that you assumed that the white light you saw on the

later occasion was the white light you had been seeing before? - Or it might have been a stern light.

Examined by Mr. SCANLAN.

13352. What are the duties of a Quartermaster? - To take the wheel and attend to the officers as a stand-by man, and when you have got the last trick of the wheel to go aft on the poop and stand by there during the whole watch, and in case of an accident, if a passenger falls overboard or attempts to commit suicide, to throw a lifebelt or a lifebuoy, and warn them on the bridge at once.

13353. With regard to this lifeboat number 9, had it its proper equipment? - We had no lamp and we had no compass.

13354. Had you oil? - No, we had no oil.

13355. Had you a sea anchor? - We had a sea anchor.

13356. And balers? - We had two balers.

13357. Of those two things you are certain that she had neither a compass nor a lamp? - No. I made sure in the morning at daylight.

13358. You have had a good deal of experience of the clearing of boats before starting on a voyage? - Yes.

13359. I want to ask you this; is it the usual practice to have those accessories in the lifeboat before you commence the voyage? - In some ships.

13360. Does the Superintendent of the Board of Trade usually examine the lifeboats? - Yes.

13361. Does he see whether or not the necessary equipment is in the lifeboat or available for it? - Sometimes you are told off to go with him, and if he asks for a certain thing you have to lift it out and show it to him.

13362. Have you had experience of a shipwreck before? - Yes.

13363. Was that in 1898? - Yes.

13364. What was the ship that was wrecked - The "Viendam," belonging to the Holland-America Line.

13365. You were at that time an A.B. on the "St. Louis"? - Yes.

13366. Did you from the "St. Louis" rescue the passengers on the "Viendam"? - Yes.

13367. I want you to tell my Lord what kind of sea you had at the time. - It had been a hard blow and we had a very heavy swell; first we were down underneath the bilge of the ship and then up, catching hold of the children and putting them into the boat.

13368. Will you explain to his Lordship how your lifeboats behaved in that sea? - They behaved splendidly.

The Commissioner: I cannot sit here to inquire into the circumstances of another wreck which happened twelve or fourteen years ago.

Mr. Scanlan: I have been contending that lifeboats can be successfully manned even in a heavy sea if there is a proper crew.

The Commissioner: Well ask him that question.

13369. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) In your experience can a lifeboat be kept afloat in a heavy sea if she is properly manned and provisioned? - Yes, as long as she is not overloaded with too many passengers.

What would you consider a sufficient crew for a lifeboat?

The Commissioner: Would not that depend on the size of the lifeboat?

13370. (*Mr. Scanlan - To the Witness.*) For a lifeboat of the size of the boats you had on the "Titanic"? - To go away to rescue any people from another ship in distress you want between

eight and ten men in the lifeboat.

13371. (*The Commissioner.*) I suppose if you put eight or ten men in the lifeboat to man it you could take fewer passengers? - You could take from 30 to 40.

13372. But I suppose if you only took a crew of three or four you could then take more passengers? - Oh, yes.

13373. (*Mr. Scanlan.*) Could three or four by any possibility manage a lifeboat in a heavy sea? - No.

13374. Do you know about the practice in regard to providing glasses for look-out men. Is it usual on other ships? - No. I do not think it is.

13375. For the man in the crow's-nest? - No.

13376. Were you on the "Oceanic"? - Yes.

13377. Were glasses provided there? - Yes.

13378. Is it usual to station look-out men in the ships you have experience of in the bows? - Yes.

13379. As well as in the crow's-nest? - Yes.

13380. (*The Commissioner.*) Always in foggy weather or hazy weather.

13381. (*Mr. Scanlan.*) Is it usual when there is ice about? - No.

Examined by Mr. ROCHE.

13382. The occasions you are speaking of when you like to have eight or ten men are when you are going away on an accident boat for some special service? - Yes, to the rescue.

13383. On this occasion, when the ship is being emptied as far as possible of passengers and other people, you had stewards on board your boat? - Yes.

13384. And firemen? - No.

13385. If you take eight or ten able seamen you will have, as my Lord has pointed out, so much less room for passengers and, of course, other persons, such as stewards or firemen? - Yes.

13386. For ordinary purposes, that is to say, for rowing a boat and so forth, the stewards and firemen take their turn at the oars with the other men? - Yes.

13387. And you find them quite competent for that purpose? - Yes, some of them.

Examined by Mr. LEWIS.

13388. How do you account for not knowing the number of your boat? - I had to go on duty on the morning of the 18th, and I went off to my station on the poop and we did not have any boat muster, and I did not take any notice on the list of the number of my boat. I did not go to the fore-castle to find out. The list was in the fore-castle.

13389. It is rather an important position for a quartermaster, is it not? - Yes.

13390. And you would be expected to know your number even more than an A.B., would you not? - No, not more.

13391. Is it customary for you to look at your boat list? - Yes.

13392. Do the other men ask your advice at all? You are of a higher rank than an A.B.? - Yes, but they do not ask any advice about anything.

13393. And you should make yourself acquainted with your boat number? - Yes, had I known.

13394. Did you immediately go on deck when you were wakened? - I went up on the fore-well deck and asked what was the matter. I saw a lot of men passengers there, and I saw the ice on the deck, and they pointed it out to me: "Look at that" they said. "We have just struck an iceberg." Then I went down below and woke my two mates up, and then I dressed and walked on the

bridge to await orders from the Captain.

13395. Did you have time to get your kit bag? - No, I took that up when I went down to get my knife.

13396. Did you place your kit bag in the boat? - I had two sets of underwear in my bag which I had never unpacked. I threw it into the first boat I came to when I was told to get into the boat.

13397. That was the boat you left in? - Yes.

13398. What happened to your kit bag?

The Commissioner: Does it matter what happened to the kit bag?

The Witness: I never saw it.

13399. (*Mr. Lewis.*) It would be a good size, would it not - a good long bag? - Not for the two sets of underwear I had.

13400. Is it not the fact that it was pitched off the "Carpathia" when the boat reached there? - That is right.

Examined by Sir ROBERT FINLAY.

13401. You have spoken about having eight or ten men for a lifeboat of a certain size, but I think you said that was for rescuing people from another ship? - Yes.

13402. That is a very different job from what it was this time? - Yes.

13403. There was no sea on? - No.

13404. Just one other question. You were asked whether a lifeboat properly manned could keep afloat all right even in a heavy sea? - Yes.

13405. The real difficulty in a heavy sea is getting the lifeboat down, is it not? - That is the real difficulty.

13406. And it is a nasty job if there is a heavy sea? - Yes.

13407. (*The Commissioner.*) Can you tell me - do not tell me unless you are able to tell me, but if you can tell me let me know - what was the carrying capacity of No. 9 lifeboat? - I really do not know.

(The Witness withdrew.)

(After a short adjournment.)

CHARLES HERBERT LIGHTOLLER, Sworn.

Examined by the SOLICITOR-GENERAL.

13408. You are Mr. Charles Herbert Lightoller, I think? - Yes.

13409. Were you Second Officer on the "Titanic"? - I was.

13410. I think you hold a Master's certificate? - Yes.

13411. You passed for Master in 1899? - About that - yes.
13412. And do you also hold an extra-Master's certificate? - Yes.
13413. Which you passed for in 1902? - Yes.
13414. How long have you been in the White Star Company's employ? - Nearly 12 1/2 years.
13415. That would be since about 1900? - January, 1900.
13416. Sailing with that Company across the Atlantic many times, is most of your experience in the North Atlantic? - Most, yes.
13417. We will just get from you first the names of the officers, because you will have occasion to refer to them from time to time. Of course, Captain Smith we know of; he was the Commander? - Yes.
13418. Then next in order comes the Chief Officer? - Yes.
13419. Who was that? - Mr. Wilde.
13420. Then the First Officer? - Mr. Murdoch.
13421. All those three I think were lost? - They were.
13422. Then you come next as Second Officer? - Yes.
13423. Who was the Third Officer? - Mr. Pitman.
13424. And the Fourth Officer? - Mr. Boxhall.
13425. And the fifth? - Mr. Lowe.
13426. And the sixth? - Mr. Moody.
13427. And I think there are a number of petty officers who come next - four of them? - Yes.
13428. Mr. Moody I think was not saved? - He was not.
13429. So it is Mr. Pitman, Mr. Boxhall, Mr. Lowe and yourself who were saved? - They are all the officers saved.
13430. One other thing I should have asked you about your position; I think you do hold the position of First Officer with the White Star? - Yes.
13431. But on this voyage you were Second Officer of the ship? - Yes.
13432. I will ask you the details later on, but I will ask you this now: Were you present at the trial trip of the "Titanic" at Belfast? - Yes.
13433. And I think, with the exception of Mr. Wilde, all the officers whose names you have mentioned were present on that trial trip? - Yes, they were.
13434. And Mr. Wilde joined the ship a little later? - Yes.
13435. Up to the time this vessel started her voyage from Southampton what was the greatest speed she had attained in practice? - That is from Belfast round to Southampton we averaged about 18 knots.
13436. That is the average. Do you know what was the greatest she had got to? - Perhaps 18 1/2' I do not think she got much higher than that.
13437. You left Southampton, as we know, on 10th April, and you went across to Cherbourg? - Yes.
13438. You got there on the evening of the same day? - Yes.
13439. And, I think, left Cherbourg about 9 o'clock on the 10th? - About that.
13440. And went to Queenstown? - Yes.
13441. When was it you left Queenstown? - About 2 p.m., as near as I can remember, on the following day.
13442. On the 11th? - Yes.
13443. Just give me, if you will, the arrangement about the watches between the Chief Officer, the First Officer, and yourself. I suppose you would count as the three Senior Officers? - Yes, exactly.
13444. How was that? - The Chief Officer had from 2 until 6 a.m. and p.m.; the Second Officer

13445. That is you? - Yes, myself. The Second Officer relieved the Chief at 6 o'clock and was on deck until 10 - 6 to 10 a.m., and p.m.. The First Officer was on deck from 10 to 2 a.m. and p.m.

13446. Then the junior officers would be divided into watches, I suppose, and would serve with one or other of the seniors? - They are divided into watches - 3 to 5 and 4 to 6, 4 hours on and 4 hours off, with a dog watch, that is, the watch from 4 to 8 p.m., is divided into what we call the dog watches, 4 to 6 and 6 to 8.

13447. We will go to Sunday, April 14th. Your first watch, the morning watch, would be from 6 to 10, as I follow you? - Yes.

13448. Then, having completed that watch, did you come to the bridge again about luncheon time? - Yes.

13449. Just tell us about it? - Lunch is at half-past 12. I relieve the First Officer, who has his lunch at half-past 12, and he comes on deck again about 1 o'clock or five minutes past; then I have mine.

13450. It really means that there is half an hour out of the First Officer's watch? - Yes.

13451. Now, on this day, the 14th of April, did you follow that course? - Yes.

13452. And relieved Mr. Murdoch from 12.30 to about 1? - Yes.

13453. Do you remember Captain Smith showing you something during that time? - Yes.

13454. Just tell us what it was? - Captain Smith came on the bridge during the time that I was relieving Mr. Murdoch. In his hands he had a wireless message, a Marconigram. He came across the bridge, and holding it in his hands told me to read it.

13455. He showed it to you, I suppose? - Yes, exactly; he held it out in his hand and showed it to me. The actual wording of the message I do not remember.

13456. Did you see whether it was about ice? - It had reference to ice.

13457. Do you remember between what meridians? - Yes, I particularly made a mental note of the meridians - 49 to 51.

13458. That would be 49 to 51 W.? - Exactly.

13459. We have the message. I will just find it and read it to you, and perhaps you will be able to tell me if that is right. Do you know from what ship the message came? - No, I cannot remember the ship.

The Solicitor-General: It is better to have it now.

Sir Robert Finlay: Yes, I think we had better have it, and the ship it came from.

The Solicitor-General: My recollection is that the Attorney-General read it in opening.

The Commissioner: What time was it?

13460. (*The Solicitor-General.*) So far, my Lord, he has said it was between 12.30 and one in the middle of the day. (*To the Witness.*) Can you fix at all as between those times? - About 12.45 as near as I can remember.

13461. Very well; about a quarter to 1? - Yes.

Mr. Laing: I have the wording of it.

The Solicitor-General: Will you hand it to me?

Mr. Laing: Yes.

13462. (*The Solicitor-General.*) I think this is the message, and perhaps I can read it to the gentleman and he will tell us if it sounds like it. (*To the Witness.*) We have independent evidence of a message being sent from the "Caronia." "West-bound steamers report bergs, growlers and field ice in 42 N. from 49 to 51 W.?" - I think that is the message that I referred to as near as I can remember.

The Solicitor-General: This witness says he was shown that about a quarter to 1, my Lord.

Your Lordship will find the evidence of Captain Barr, the captain of the "Caronia," who was interposed on Friday, on page 273 of the print. The question is 12307. The Attorney-General asked Captain Barr, "On the morning of the 14th of April, that is, on the Sunday morning, do you remember sending this Marconigram to the 'Titanic': 'Westbound steamers report bergs, growlers, and field ice in 42 N., from 49 to 51 W.?' - (A.) Yes, I remember sending it. (Q.) That is sent, I see from your note, at 9 o'clock in the morning." That is the time when the message was sent from the "Caronia."

The Commissioner: Does it go on to say that that message was acknowledged?

13463. (*The Solicitor-General.*) Yes, my Lord. Then the next question and answer is, "And did you receive a reply at 9.44 a.m. your ship's time? - (A.) Yes, as per that statement." (Q.) The reply is, "Thanks for message and information. Have had variable weather throughout - *Smith*?" (*To the Witness.*) Now the "Caronia" as we know was coming from New York to Europe and as you see there is the message. The acknowledgment is 9.44 a.m. "Caronia's" time. You had not heard anything about that before you went off your watch at 10 o'clock? - No.

13464. Can you help us: Would 9.44 a.m. Caronia's" time coming from New York be likely to be later than your 10 o'clock watch coming to an end? You see you went off duty at ten. - Yes.

13465. (*The Commissioner.*) Did Captain Smith tell you when he had received the Marconigram? - No, my Lord.

13466. (*The Solicitor-General.*) And the first you knew of it was when Captain Smith showed it you at about a quarter to one? - Yes.

13467. So far as your knowledge goes is that the first information as to ice which you had heard of as being received by the "Titanic"? - That is the first I have any recollection of.

13468. What time of day would it be that your ship's course would be set? - At noon.

13469. Would that be done by the Commander? - [No Answer.]

13470. Add anything if there is anything we ought to know. Is that the incident as it occurred then? - That is the whole of the incident, when the Commander came out and showed me the wireless, yes.

13471. And you told us you were relieving Mr. Murdoch while he was away at lunch. Did he come back? - Yes, when he came back I mentioned the ice to him.

13472. When you mentioned this message about the ice to Mr. Murdoch when he came back at 1 o'clock did you gather from Mr. Murdoch that it was news to him or did you gather from him that he had heard of it before? - That I really could not say, whether it was fresh news to him or not; I should judge that it would have been, but I really could not say from his expression - not from what I remember.

13473. Your impression is that it was news to him? - Probably.

13474. Then did you leave the bridge at that time? - Yes.

13475. And your watch of course would not return until six in the evening? - Exactly.

13476. (*The Commissioner.*) Can you tell me what the ship's course was at that time? - The compass course?

13477. Yes. - No, I cannot remember what it was.

13478. (*The Solicitor-General.*) You are able to tell us a little later in the day what it was? - The true course.

13479. Can you tell us the true course of the ship at this time? - No, I am afraid I cannot.

13480. Here was a message shown you which referred to ice in latitude 42 N? - Yes.

13481. Do you recollect, or can you help us at all, did that indication 42 N. indicate to you that it was near where you were likely to go? - It would, had I taken particular notice of the latitude, though as a matter of fact, latitude with regard to ice conveys so very little.

13482. Is that because it tends to set north or south? - North and south, yes.

13483. (*The Commissioner.*) I do not follow that? - We take very little notice of the latitude because it conveys very little. You cannot rely on latitude.

13484. (*The Solicitor-General.*) For ice? - Yes.

13485. (*The Solicitor-General.*) He answered that "because the ice tends to set north and south." (*To the Witness.*) Then do you attach more importance to the longitude? - Far more.

13486. I notice your recollection of the message is you recollect 49 and 51 W.? - Distinctly.

13487. That is longitude. Did you form any sort of impression at that time as to what time of day or night you were likely to reach the area indicated? - Not at that time.

13488. I know you worked it out, or helped to work it out later? - It was worked out.

13489. But you did not form any opinion at that time? - Not at that time.

13490. As far as you are concerned is there anything you deem important to tell us as between one o'clock and 6 o'clock when you came on duty? - No, I cannot remember anything of importance.

13491. (*The Commissioner.*) At the time this message was given to you by Captain Smith, how many hours steaming would you be away from the ice-field? - I did not calculate it at that time; later I told one of the junior officers to work out about what time we should reach the ice region, and he told me about 11 o'clock.

13492. At night? - This was after I came on deck again though, at 6 o'clock. I knew that we should not be in the vicinity of the ice before I came on deck again. I roughly ran that off in my mind.

13493. (*The Solicitor-General.*) That is what I meant? - Yes. I ran that roughly off in my mind - the matter of degrees.

13494. When you saw this message at a quarter to one you saw it was important but you thought the position could not be reached until your watch came round again? - I was sure of that.

13495. You came on duty again at 6 o'clock? - At 6 o'clock.

13496. In the afternoon. That would be to relieve Chief Officer Mr. Wilde, as I follow you? - Yes.

13497. Did he hand the ship over to you at 6 o'clock? - At 6 o'clock, yes.

13498. Can you tell us what was the course of the ship when she was handed over to you at 6? - I cannot remember the compass course. I know from calculations made afterwards that we were making S. 86 true.

13499. S. 86 W.? - Yes.

13500. That is within four degrees of due W true? - Yes.

The Commissioner: Give me that again.

The Solicitor-General: S. 86 W. true. That is only four degrees from due west.

The Commissioner: It is what I should call making a westerly course.

13501. (*The Solicitor-General.*) Yes, my Lord. I think I am right, and Sir Robert confirms me. The Quartermaster at the wheel who gave evidence, who was at the wheel at the time of the disaster, said he was steering by compass a course of N. 71 W., so presumably N. 71 W. is the same thing as what this gentleman speaks of as S. 86 W. true.

The Witness: Pretty nearly. The compass course is not the compass we go by. I believe by standard we were steering N. 73. 86 true I know it was, and I think that works out as 73 by compass, and 71 was the steering compass.

13502. Did you learn whether while you had been off duty during the afternoon any further information had reached the "Titanic" about ice? - Not that I remember.

13503. Of course, in the ordinary course, Mr. Wilde would pass on to you any information that was necessary to help you during your watch? - Yes.

13504. And you have told us what happened? - Yes.

13505. Now what did you notice about the speed of your vessel? - As far as I could tell, her speed was normal.

13506. Were they telegraphed at full speed ahead? - At full speed.

13507. (*The Commissioner.*) What do you mean by normal? - Full speed.

13508. What is full speed; can you give me how many knots? - We were steaming, as near as I can tell from what I remember of the revolutions - I believe they were 75 - and I think that works out at about 21 1/2 knots the ship was steaming.

13509. (*The Solicitor-General.*) Is it the regular course for a message to be sent to the engine room from time to time, and a report to be got as to how many revolutions she is making? - As a rule, at the end of the watch, the junior officer rings up the engine room and obtains the average revolutions for the preceding watch.

13510. And is that one of the matters that would be brought before your notice when you go on duty? - No, not necessarily. It is entered up in the logbook, and anyone who wishes to know can merely ask and the information is given him.

13511. When you say your recollection is that it was 75 revolutions, just help us. What is it you have in your mind? - I could not say where I got that from, but it is in my mind that it was about 75 revolutions.

13512. In the course of the voyage across the Atlantic, had the engines, as far as you know, exceeded 75 at any time? - On one occasion I have a recollection of one side turning 76, not necessarily both sides though.

13513. That would be one or other of the sets of reciprocating engines? - Port or starboard reciprocating, yes.

13514. Subject to that as far as you know, did she ever attain a greater number of revolutions than 75? - Not to my knowledge, and I think I should have heard of it if she had.

13515. And during your watch which extended from 6 till 10, did she maintain the same speed, as far as you know? - As far as I know.

13516. Then who would be on the bridge - is it one or two of the junior officers would be on the bridge with you? - Two junior officers on watch at all times.

13517. There would be a Quartermaster at the wheel? - And a stand-by Quartermaster.

13518. Another Quartermaster standing by? - Exactly.

13519. And there would be two look-out men in the crow's-nest? - At all times.

13520. What was the practice in the "Titanic" as far as this voyage is concerned about having a look-out man anywhere else? - In anything but clear weather we carry extra look-outs.

13521. But where do you put them? - If the weather is fine, that is to say if the sea allows it, we place them near the stem head; when the weather does not allow us placing them at the stem head, then probably on the bridge.

13522. And as far as your watch was concerned, 6 to 10 on the evening of April 14th, was there any look-out except the two men in the crow's-nest? - No.

13523. What was the weather? - Perfectly clear and fine.

13524. Had there been, as far as you remember, any occasion since she left Southampton to have extra look-out men? - Yes, and we had had them.

13525. And you had had them? - Yes.

13526. But at this time it was clear and fine? - Yes.

13527. Of course the sea was calm? - Comparatively smooth.

13528. Could you see the stars? - Perfectly clear. There was not a cloud in the sky.

13529. There was no moon, I think? - No moon.

13530. During your watch was any change made in the course? - Not to my recollection.

13531. Then when you had taken the ship over from Mr. Wilde and gathered this information, I think you gave some directions to one of the junior officers? - I directed the Sixth Officer to let me know at what time we should reach the vicinity of the ice. The junior officer reported to me, "About 11 o'clock."

13532. Do you recollect which of the junior officers it was? - Yes, Mr. Moody, the sixth.

13533. That would involve his making some calculations, of course? - Yes.

13534. Had this Marconigram about the ice with the meridians on it been put up; was it on any notice board, or anything of the sort? - That I could not say with any degree of certainty. Most probably, in fact very probably, almost certainly, it would be placed on the notice board for that purpose in the chart room.

13535. At any rate when you gave Mr. Moody those directions he had the material to work on? - Exactly.

13536. And he calculated and told you about 11 o'clock, you would be near the ice? - Yes.

13537. That is to say an hour after your watch finished? - Yes. I might say as a matter of fact I have come to the conclusion that Mr. Moody did not take the same Marconigram which Captain Smith had shown me on the bridge because on running it up just mentally, I came to the conclusion that we should be to the ice before 11 o'clock, by the Marconigram that I saw.

13538. (*The Commissioner.*) In your opinion when in point of fact would you have reached the vicinity of the ice? - I roughly figured out about half-past nine.

13539. Then had Moody made a mistake? - I should not say a mistake, only he probably had not noticed the 49° wireless; there may have been others, and he may have made his calculations from one of the other Marconigrams.

13540. Do you know which other Marconigrams he would have to work from? - No, my Lord. I have no distinct recollection of any other Marconigrams.

13541. Because it is suggested to me that there was no Marconigram which would indicate arrival at the ice-field at 11 o'clock? - Well, my Lord, as far as my recollection carries me, Mr. Moody told me 11, and I came to that conclusion that he had probably used some other Marconigram.

13542. It did not agree with your conclusion? - No.

13543. (*The Solicitor-General.*) Your Lordship will find in the print, at pages 12 and 13, when the Attorney-General was opening another Marconigram from the "Baltic." I would like to follow this a little. I think my Lord will agree. (*To the Witness.*) You have just said you came to the conclusion that Mr. Moody had been working on some message other than the one Captain Smith had shown you? - Exactly.

13544. When he came to you on your watch - of course, you are responsible up to 10 o'clock? - Yes.

13545. When he came to you on your watch and said you would get to the ice, as he calculated about 11, did you, as far as you remember, say anything to him about it? - No.

13546. It was important to you? - I quite see your point, and I had reasons for not doing so. As far as I remember he was busy - what on I cannot recollect, and I thought I would not bother him just at that time. He was busy with some calculations, probably stellar calculations or bearings, and I had run it up in my mind, and I was quite assured that we should be up to 49 degrees somewhere about half-past 9.

13547. Then you mean at that time when he said 11 o'clock you had already formed a very rough judgment that you would get to meridian 49 deg. by about half-past nine? - No, not till afterwards.

13548. Was it after he reported to you about his calculation, about 11 o'clock, that you checked it in your head? - Yes.

13549. (*The Commissioner.*) I have taken it down differently. I had understood from you that when Moody told you that you would reach this ice-field about 11 o'clock, you had already calculated in your own mind that you would get there about 9.30? - No, my Lord, I am sorry I conveyed a wrong impression.

13550. I have no doubt you are right, and I am wrong about it, but when did you come to the conclusion that you would get there as soon as 9.30? - I really could not tell you the exact time. It was some time about 7 or 8 o'clock, probably. I really cannot remember, but I know it was after Mr. Moody had given me this time of his.

13551. I do not know what time it was that Moody told you you would reach the ice at 11? - It was some time shortly after that I came on deck. I cannot remember the exact time.

13552. (*The Solicitor-General.*) When you got this time suggested to you, 11 o'clock, as I follow you, you made the calculation in your head? - Exactly.

13553. You did not make a calculation on paper? - None whatever.

13554. I daresay you can make the calculation back for us now. - When the "Titanic" did strike the iceberg it was in longitude 50° 14' W.

13555. So she had passed the 49th meridian and passed the 50th? - Exactly.

13556. If she struck the iceberg at 50° 14' W. at 11.40, 20 minutes to 12, given her speed, it is not difficult to say approximately when she passed the 49th meridian? - It works out somewhere about half-past 9.

13557. That is what I thought. Then, of course, that was very important for you, as you were on the bridge and in charge until 10 o'clock? - Yes.

13558. And being on the bridge, and in charge, would it be your responsibility to determine any question about reduction of speed? - If I thought it necessary I should advise the Commander.

13559. But you thought the weather was clear enough and you could see? - Perfectly clear.

13560. (*The Commissioner.*) What is a growler? - A growler is really the worst form of ice. It is a larger berg melted down, or I might say a solid body of ice which is lower down to the water and more difficult to see than field ice, pack ice, floe ice, or icebergs.

13561. You did not know but what there might be growlers there. They are not nearly so visible as an iceberg, are they? - No, naturally they will not be - that is, to distinguish them from icebergs with regard to size.

13562. A growler, I understand, is an iceberg which is very much submerged in the water and shows very little on the surface. Is that so? - Their relative amounts above water and below are naturally the same.

13563. Yes, they are; but an iceberg is a mountain of ice standing up out of the water? - Exactly.

13564. A growler is the same thing, but instead of standing high out of the water it stands a very little way out of the water; is that so? - Yes, that is so, my Lord.

13565. Now can you see a growler ahead of you nearly so well as you could see an iceberg? - No, my Lord.

13566. Now when you were in the vicinity of the ice, as you believed you were at 9.30 entering the dangerous field, did not it occur to you that you might run foul of a growler? - No, my Lord, I judged I should see it with sufficient distinctness to define it - any ice that was large enough to damage the ship.

13567. (*The Solicitor-General.*) 21 knots is about 700 yards a minute. Is your view that you could see a growler at a safe distance at nighttime going at that pace? - I judged that I could see a growler at a mile and a half, more probably two miles.

13568. (*The Commissioner.*) Is this leading to the suggestion that the look-out men are to

blame? - Not at all, my Lord. I must explain this if you will allow me.

The Commissioner: Perhaps I interrupted.

13569. (*The Solicitor-General.*) I am glad he should add it. (*To the Witness.*) Tell us what you were going to say? - In the event of meeting ice there are many things we look for. In the first place a slight breeze. Of course, the stronger the breeze the more visible will the ice be, or rather the breakers on the ice. Therefore at any time when there is a slight breeze you will always see at nighttime a phosphorescent line round a berg, growler, or whatever it may be; the slight swell which we invariably look for in the North Atlantic causes the same effect, the break on the base of the berg, so showing a phosphorescent glow. All bergs - all ice more or less have a crystallised side.

13570. It is white? - Yes; it has been crystallised through exposure and that in all cases will reflect a certain amount of light, what is termed ice-blink, and that ice-blink from a fairly large berg you will frequently see before the berg comes above the horizon.

13571. Now let me follow. Was there any breeze on this night? - When I left the deck at 10 o'clock there was a slight breeze - Oh, pardon me, no. I take that back. No it was calm, perfectly calm.

13572. And there was no breeze. Was there any? - As far as we could see from the bridge the sea was comparatively smooth. Not that we expected it to be smooth, because looking from the ship's bridge very frequently with quite a swell on the sea will appear just as smooth as a billiard table, perfectly smooth; you cannot detect the swell. The higher you are the more difficult it is to detect a slight swell.

13573. That means, then, does it not, that if you are on the bridge and you are relying on the fact that there may be a slight swell you really cannot tell from the bridge whether there is a swell or not - a slight swell? - We look at it rather the other way - that, though the sea may appear smooth, we pretty well know that there is a swell, though it may not be visible to the eye, nor yet have any effect on the ship. It is a most rare occurrence -

13574. You mean there nearly always is a swell in the North Atlantic? - This is the first time in my experience in the Atlantic in 24 years, and I have been going across the Atlantic nearly all the time, of seeing an absolutely flat sea.

13575. Do you agree from that experience that this was an occasion when it was an absolutely flat sea? - Absolutely flat.

13576. (*The Commissioner.*) Not in fact, but to all appearance? - In fact, my Lord.

The Solicitor-General: He means in fact, my Lord.

13577. (*The Commissioner.*) Do you mean there was no swell at all? - I mean to say that the sea was so absolutely flat that when we lowered the boats down we had to actually overhaul the tackles to unhook them, because there was not the slightest lift on the boat to allow for slacking, unhooked.

13578. (*The Solicitor-General.*) You have told me about the speed and about the direction. Now, there is a third thing. What about the temperature? - The temperature had fallen considerably. As a matter of fact I happen to know exactly how much because when I relieved Mr. Murdoch after dinner he made the remark to me that the temperature had dropped 4 degrees whilst I was away at dinner.

13579. This is when you are at dinner in the middle of your watch? - In the middle of my watch.

13580. He came and took your place? - Yes.

13581. Your watch is from 6 to 10? - Yes.

13582. What you have described hitherto, noticing the course and speed and giving directions to the junior officer and getting his calculations, did that happen before you went off to dinner? -

As far as I remember I asked for these calculations immediately after coming on deck. Yes, I think I am right in saying that I asked for these calculations immediately after coming on deck.

13583. That would be just after six o'clock? - Yes, I have got it, I think. I asked for the calculations immediately after coming on deck and they were given to me about half an hour or three-quarters of an hour afterwards. It is very difficult to remember.

The Solicitor-General: I quite follow, and you are helping us considerably.

13584. (*The Commissioner.*) Would that be about seven o'clock? - No, I do not think that fits in with the time I went to dinner.

13585. When did you go to dinner? - Dinner is at half-past six.

13586. Then it would be more like a quarter to eight? - No I did not go to dinner at half-past six my Lord. Mr. Murdoch goes to dinner at half-past six and relieves me, I think, at five past seven, and I relieved him, I think, at 7.35.

13587. (*The Solicitor-General.*) That means that Mr. Murdoch, the First Officer, would be taking your place for half an hour between seven and half-past? - Exactly.

13588. And after that you were in continuous charge, in fact, until ten o'clock? - Exactly.

13589. (*The Commissioner.*) And from 7 to half-past seven there was a fall of four degrees in the temperature? - Yes, my Lord.

13590. (*The Solicitor-General.*) Did you observe that at the time as something pretty sharp? - Yes, a pretty sharp drop. It had been going down previously to that before I left the deck.

13591. When did you notice the fall in the temperature beginning seriously? - Probably about half-past six.

13592. Very well; the fall in the temperature began at half-past six and a drop of four degrees between seven and half-past? - Yes.

13593. Did you notice what the actual temperature was a little later by the thermometer? - Yes, later on in the watch I think the Quartermaster two or three times told me what the temperature was in order that I might know when it got near to freezing point to send word to the engine room and the carpenter with regard to fresh water.

13594. Can you tell me what was the temperature which you were given and at what time? - When Mr. Murdoch mentioned it to me as far as I recollect it had fallen from 43 degrees to 39.

13595. This is Fahrenheit I suppose, is it not? - Yes; and then I sent word down to the carpenter about nine o'clock; it was then 33 degrees, and I sent word to the carpenter and to the engine room - for the carpenter to look after his fresh water; that is to say, he has to drain it off to prevent the pipes freezing - and to the engine room for them to take the necessary precautions for the winches.

13596. It is 33 degrees at nine o'clock. That is only one degree above freezing? - One degree, exactly.

13597. What did that circumstance, the serious drop in temperature, indicate to you as regards the probable presence of ice? - Nothing.

13598. You do not think it indicates anything? - Nothing whatever; you may have it any time in the year, summer and winter, going across the Atlantic. It is not quite so noticeable in winter because the air generally is cold.

13599. (*The Commissioner.*) That may be, but is it not the fact that when you are approaching large bodies of ice the temperature falls? - Never in my experience, my Lord.

13600. It does not go up I suppose? - Well, though it may seem strange, it is quite possible for it to go up if the ice happens to be floating in slightly warmer water, or if the wind were to come round from the southward. You will frequently be passing through a cold stream, and if the wind comes from the southward you will almost invariably look out for a fog, owing to the warm wind striking the cold water. The atmosphere may be comparatively warm. The moment the wind

comes back again to the northward you expect the weather to clear, and it will get very much colder, of course.

13601. (*The Solicitor-General.*) I have put together the facts you have given me. Have I got them right - that there is a drop of 10 degrees Fahrenheit in the course of two hours? You say it was 43 degrees when you went to dinner? - That is 7 o'clock.

13602. And it was 33 degrees when you sent the message to the carpenter? - About 9 o'clock; that is right.

13603. That is a drop of 10 degrees Fahrenheit in two hours? - Yes.

13604. And a continuous drop? - Yes.

13605. Does not that indicate anything at all as regards the probable presence of ice? - Absolutely no indication whatever.

13606. Then I may take it that that fact of the temperature did not in itself make you any more cautious? - Oh not the slightest.

13607. Well, it was now nine o'clock, and you had worked out in your head that you would probably get the 49 degrees meridian by half-past nine? - Just let me correct that. It must have been a few minutes before nine, because I remember the Commander came on the bridge at five minutes to nine, and I told him then that I had already sent word round, so it was perhaps ten minutes or a quarter to nine, as a matter of minutes.

13608. Then that is a drop of ten degrees in less than two hours? - Slightly less.

13609. (*The Commissioner.*) Did you draw his attention to the drop in the temperature? - Yes, my Lord.

13610. Was anything said between you and him about it? - Yes, my Lord.

13611. What was said? - The Commander when he came on the bridge remarked that it was cold, and naturally I agreed with him, and also I mentioned in the course of conversation that I had sent round - I think I told him the temperature, and I told him I had sent to the engine room and the carpenter, merely to indicate that the necessary duty had been done.

13612. Is that all that took place? - No, my Lord. We had a conversation with regard to the weather.

13613. But had you no conversation with regard to ice? - Well, I was coming to that, my Lord.

13614. (*The Solicitor-General.*) Had not you better tell us as accurately as you can what passed between him and you when he came on the bridge at five minutes to nine? - I will.

13615. If you please. - At five minutes to nine, when the Commander came on the bridge (*I will give it to you as near as I remember*) he remarked that it was cold, and as far as I remember I said, "Yes, it is very cold, Sir. In fact," I said, "it is only one degree above freezing. I have sent word down to the carpenter and rung up the engine room and told them that it is freezing or will be during the night." We then commenced to speak about the weather. He said, "There is not much wind." I said, "No, it is a flat calm as a matter of fact." He repeated it; he said, "A flat calm." I said, "Yes, quite flat, there is no wind." I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course, my reason was obvious; he knew I meant the water ripples breaking on the base of the berg.

13616. You said it was a pity there was not a breeze? - Yes, I said, "It is a pity there is not a breeze," and we went on to discuss the weather. He was then getting his eyesight, you know, and he said, "Yes, it seems quite clear," and I said, "Yes, it is perfectly clear." It was a beautiful night, there was not a cloud in the sky. The sea was apparently smooth, and there was no wind, but at that time you could see the stars rising and setting with absolute distinctness.

13617. On the horizon? - On the horizon. We then discussed the indications of ice. I remember saying, "In any case there will be a certain amount of reflected lights from the bergs." He said, "Oh, yes, there will be a certain amount of reflected light." I said, or he said; blue was said

between us - that even though the blue side of the berg was towards us, probably the outline, the white outline would give us sufficient warning, that we should be able to see it at a good distance, and, as far as we could see, we should be able to see it. Of course it was just with regard to that possibility of the blue side being towards us, and that if it did happen to be turned with the purely blue side towards us, there would still be the white outline.

13618. (*The Commissioner.*) Then you had both made up your minds at that time that you were about to encounter icebergs? - No, my Lord, not necessarily.

13619. It sounds very like it, you know? - No, not necessarily, my Lord.

13620. You were both talking about what those icebergs would show to you? - As a natural precaution. We knew we were in the vicinity of ice, and though you cross the Atlantic for years and have ice reported and never see it, and at other times it is not reported and you do see it, you nevertheless do take necessary precautions, all you can, to make perfectly sure that the weather is clear and that the officers understand the indications of ice and all that sort of thing. That is a necessary precaution that is always taken.

13621. (*The Solicitor-General.*) There are one or two things about that I should like to be clear about. I caught you saying that you or the Captain said it was a pity there was not a little breeze because it would have shown an iceberg? - Yes, it would have assisted.

13622. Then you both realised at the time, did you, that since it was a flat calm it would be more difficult to see the ice? - As far as the case of the berg was concerned, yes, it would be more difficult; naturally you would not see the water breaking on it if there were no wind; and so you would not have that to look for.

13623. Do you remember when the Captain was on the bridge with you, did you tell him that as you made it out you would get to the danger zone, to the ice region about half-past nine? - No.

13624. Was anything said about the time when you would get to it? - Not that I remember.

13625. Mr. Moody had made a calculation which he had reported to you and you thought his calculation gave the position too much west? - Yes.

13626. Did not you say anything about that to the Captain? - Oh, no.

13627. Had you had any further calculation made at all? - No.

13628. What was the basis upon which you were proceeding? Were you proceeding on the basis that you would expect to reach this region by half-past nine, or that you would not expect to reach it until 11 o'clock? - I was working on the half-past nine. I probably thought that Mr. Moody had based his calculation on the actual position of some berg or number of bergs.

13629. How long was the Captain on the bridge with you? You say he came on the bridge with you about five minutes to nine? - About 25 minutes or half an hour.

13630. If it was half an hour that would carry you to within five minutes of half-past nine? - Yes.

13631. And during that time whilst he was with you was there any discussion between you at all as to speed? - None.

13632. You were going full speed ahead at this time? - Yes.

13633. About 21 1/2 knots as you think? - Yes.

13634. And no question was raised between you as to speed at all? - No question at all.

13635. The Captain left you about 20 or 25 past 9, you say. Did he say where he was going to, or where he had been, and so on? - Yes. The Captain said, "If it becomes at all doubtful" - I think those are his words - "If it becomes at all doubtful let me know at once; I will be just inside."

13636. (*The Commissioner.*) If what becomes doubtful? - The general conditions, my Lord, I suppose he would mean - if it were at all doubtful about the distance I could see, principally.

13637. You were relying at this time exclusively upon the look-out; you were not taking any measures to reduce the speed? - None, my Lord.

13638. And therefore you were relying for safety entirely on the look-out? - Yes.

13639. Now tell me again what this observation of the Captain meant, because I do not understand it. - With regard to the word "doubtful"?

13640. Yes; what did he mean? - It is rather difficult to define. It means to say if I had any doubt at all in my mind.

13641. What about? - About the weather, about the distance I could see - principally those two conditions it would refer to. If there were the slightest degree of haze to arise, the slightest haze whatever, if that were to any degree noticeable, to immediately notify him.

13642. (*The Solicitor-General.*) I will take what you have just said. You said if the slightest degree of haze was to arise - that would be what was meant - you were to notify him? - Immediately; yes.

13643. And then did you understand, and do you represent, that if the slightest degree of haze arose it would at once become dangerous? - Well, it would render it more difficult to see the ice, though not necessarily dangerous. If we were coming on a large berg there might be a haze, as there frequently is in that position, where warm and cold streams are intermixing. You will very frequently get a little low-lying haze, smoke we call it, lying on the water perhaps a couple of feet.

13644. Do not misunderstand me. I am not suggesting that it would be necessarily dangerous in the sense that there would necessarily be an accident, but there would be a risk of danger, would not there? - If there was any haze?

13645. Yes? - Undoubtedly.

13646. The slightest haze? - The slightest haze would render the situation far more difficult.

13647. Far more dangerous? - Far more dangerous if there were ice.

13648. You told me that with those conditions of the weather you think that a growler might have been seen a mile and a half? - Yes.

13649. If you could see a low-lying growler in those conditions a mile and a half, how far off do you think you could see an iceberg? - A good sized iceberg?

13650. Yes. An iceberg big enough to throw ice upon your fore deck? - Well a matter of 50 feet.

13651. 50 feet? You mean an iceberg 50 feet out of the water? - Yes.

13652. How far off would you have seen an iceberg as big as that? - At least a mile and a half or two miles - that is more or less the minimum. You could very probably see it a far greater distance than that. If it were a very white berg, flat topped or the flat side towards you, under normal conditions you would probably see that berg 3 or 4 miles away.

13653. I think I must press you a little about this. The Captain leaves you and says, "If it becomes at all doubtful let me know at once"? - Yes.

13654. Surely that had reference to the risk of ice had it not? - Yes, undoubtedly; undoubtedly that was referring to ice.

13655. Just taxing your memory now, do not you think there was any further conversation between you and the Captain during that half hour, about the risk of ice and the presence of ice? - I have no doubt there was more conversation, most probably we were conversing the whole time the Commander was on the bridge, but the actual words I really cannot recall to my mind except what I have given you.

13656. What was the very first thing you did after the Captain went in about half-past nine? Did not you send a message to the crow's-nest? - Yes, I did.

13657. What was it? - To keep a sharp look out for ice, particularly small ice and growlers.

13658. That was half-past nine? - And I think I told them to pass that word on until daylight - to keep a sharp look out till daylight.

13659. Now did you send that message to the crow's-nest immediately after the conversation with the Captain? - Shortly afterwards I think it was.

13660. (*The Commissioner.*) It was only five minutes you know between the Captain leaving the bridge and your sending that message, if you have given the right times? - Yes, it was probably about that, my Lord, as near as I can remember.

13661. Now did you send that message in consequence of your conversation with the Captain? - No, I thought it was a necessary precaution. That is a message I always send along when approaching the vicinity of ice or a derelict, as the case may be. If I know we are approaching the vicinity of a derelict, I send the word along to let them know what to look out for. It is just the same with regard to a Lightship, say the Nantucket Lightship; I tell them to keep a sharp look out for the Nantucket Lightship to give them an idea what they are looking for.

13662. What time was it dark on this night? - I think about half-past six, between half-past six and seven.

13663. (*The Solicitor-General.*) Was this the first time during this watch, six to ten, when you had sent any message to the crow's-nest about any ice? - The first; yes.

13664. And was it the only time as far as you are concerned? - The only time.

13665. But as you have explained to us, it was a message you said they were to pass on to the men who relieved them? - Yes.

13666. Cannot you tell us at all whether that message was in any way caused by or suggested by the conversation you had with the Captain? - No, in no way whatever. It was not. I see your point, that having been talking with the Commander I should naturally take this precaution, but I may say that it was in no way suggested by the conversation with the Commander.

13667. Very well, I think you caused that message to be sent to the crow's-nest by one of the junior officers who was with you on the bridge? - Yes, Mr. Moody.

13668. Did you hear him send the message? - I did. I told him to repeat it.

13669. You heard him send it, and when he first sent it did he send it quite accurately? - No, not quite.

13670. And did you then make him repeat it accurately? - Yes.

13671. Now just tell the Court what was the difference, what was it you wanted to be right? - Well, I told Mr. Moody to ring up the crow's-nest and tell the look-outs to keep a sharp look out for ice, particularly small ice and growlers. Mr. Moody rang them up and I could hear quite distinctly what he was saying. He said, "Keep a sharp look out for ice, particularly small ice," or something like that, and I told him, I think, to ring up again and tell them to keep a sharp look out for ice particularly small ice and growlers. And he rang up the second time and gave the message correctly.

13672. Of course if there was no swell so that you could not at all rely on the breaking of the water against the edge of an iceberg or growler, it would be particularly hard to see would it not? - It would be more difficult if it was not of any size.

13673. Whereas an iceberg that is more out of the water, on a fine night you thought would probably show you some white side or white edge? - Yes.

13674. And on a fine night you would be able to see the whiteness? - Yes.

13675. Was that the reason you repeated the message about growlers? - Yes.

13676. Now we come to the last half-hour of your watch, from 9.30 to 10, I think. Just tell us what you were doing as regards ice, looking for ice during that time? - At 9.30 or about 9.30 I took up a position on the bridge where I could see distinctly - a view which cleared the back stays and stays and so on - right ahead, and there I remained during the remainder of my watch.

13677. Were you looking out? - Keeping a sharp look-out, as sharp as was possible.

13678. Looking out for ice? - Looking out for ice and watching the weather; watching the

conditions generally to see there was no haze which would rise that I should not notice, and, of course, keeping a sharp look out for ice as well.

13679. Were the conditions of the weather such that a haze might arise locally in one particular part of the field in front of you? - Then I should have seen it.

13680. You thought that might be so and you were looking out? - It could possibly have been so.

13681. Did that happen so during the rest of your watch? - No, it was perfectly clear.

13682. Were you using glasses? - Part of the time, yes.

13683. Do you in practice at night use glasses for the purpose of scanning the track you have to follow. Do you mean it was exceptional to use them? - I mean to say that on this occasion, knowing there were no lights round the icebergs, you would naturally have a pair of glasses in your hand, but where there are lights about you do not use glasses; you pick them up with your eyes first.

13684. Supposing anybody's duty is to look out for ice at night what is your view as to the usefulness of glasses? - With regard to picking up ice?

13685. Yes? - It is rather difficult to say. I never have picked up ice at nighttime with glasses, so it is really difficult for me to say.

13686. (*The Commissioner.*) What were you using them for on the bridge? - To assist me in keeping a look-out.

13687. Then you were using them; you were looking out for ice? - I was looking out for ice.

13688. And you were using the glasses? - Occasionally I would raise the glasses to my eyes and look ahead to see if I could see anything, using both glasses and my eyes.

13689. The question I understand is this: Do the glasses help you to detect ice? - Well I should naturally think so, my Lord.

The Solicitor-General: I am not quite certain whether you heard what the witness said.

The Commissioner: He says "I should think so."

The Solicitor-General: I meant before that; his previous answer.

The Commissioner: I understood him to say that he does not use glasses as a rule when he is on the bridge at night, but he did on this occasion.

The Solicitor-General: I am anxious we should have it quite fair to him of course. I understand the witness to say that as a matter of fact he never has picked up ice with the help of glasses; it has never been his experience to see ice through glasses; but I gather he was both using his eyes and using glasses.

The Witness: Exactly.

The Commissioner: Put it to him in your own way, because the impression on my mind at present is this, that in his opinion glasses are useful for the purpose of seeing ice. That is the impression on my mind.

13690. (*The Solicitor-General.*) You see, Mr. Lightoller, I want to get your own view. You will tell us candidly and fairly, I am sure. First of all, in your own experience, when you have used glasses, have you in fact found ice with the help of glasses? - Never. I have never seen ice through glasses first, never in my experience. Always whenever I have seen a berg I have seen it first with my eyes and then examined it through glasses.

The Solicitor-General: I think that is what he said.

13691. (*The Commissioner.*) You are quite right, and do you say the same thing of ships' lights? - There is no doubt about ships' lights. Personally I do not bother about glasses at all. I prefer to rely on my own eyes.

13692. (*The Commissioner.*) I am told that is right, and then if you want any detail you take the glasses up to examine the lights that you have already seen with the naked eye? - Exactly, my

Lord.

13693. (*The Solicitor-General.*) As I understand you, if it was a question of a light, you have no doubt at all that you would pick it up in the ordinary course with your eyes if you have good eyes before you would get your glasses on to it? - Yes.

13694. But in regard to icebergs, you do not feel so sure? - No.

13695. And on this occasion, during this half hour, you were, in fact, using sometimes your eyes and sometimes your glasses? - Yes, exactly.

13696. That brought you up to the end of your watch at 10 o'clock. Was the speed of the ship maintained up to that time? - As far as I know.

13697. I mean you gave no orders to stop it? - None whatever.

13698. Did the night continue clear and calm? - Perfectly calm, up to 10 o'clock, and clear.

13699. And so far as those conditions are concerned, was there any change up to the time you handed over the ship? - None whatever. If I might say one fact I have just remembered?

13700. Do? - Speaking about the Commander, with reference to ice, of course, there was a footnote on the night order book with regard to ice. The actual wording I cannot remember, but it is always customary. Naturally, every commander, in the night order book, issues his orders for the night, and the footnote had reference to keeping a sharp look out for ice. That is initialed by every officer.

13701. Who was it that took the ship over from you at 10 o'clock? - Mr. Murdoch.

13702. Mr. Murdoch, the First Officer: Just one further thing - You have spoken about the change in the temperature, and you have brought the change in the temperature down to 33 degrees at about 9 o'clock. Then you had another hour. Did you notice whether it went colder? - I did; 1 degree.

13703. That would be getting down to freezing point? - That was exactly freezing.

13704. 32 degrees. Do you remember what time you noticed it had got down to 32 degrees? - No, I could not say. Most probably it was about 10 minutes to 10, when the quartermaster took the temperature of the air and the water by thermometer.

13705. Is that the duty, in the ordinary course, of the Quartermaster at 10 minutes to 10? - Yes, every hour it is registered.

13706. At 10 minutes to the hour? - Yes - every two hours I should say.

13707. When you handed over the ship at the end of your watch to Mr. Murdoch, just tell us, as carefully and fully as you can, what was the report you made to Mr. Murdoch? What was it you passed along to him? - I should give him the course the ship was steering by standard compass. I mentioned the temperature - I think he mentioned the temperature first; he came on deck in his overcoat, and said, "It is pretty cold." I said, "Yes it is freezing." I said something about we might be up around the ice any time now, as far as I remember. I cannot remember the exact words, but suggested that we should be naturally round the ice. I passed the word on to him. Of course, I knew we were up to the 49 degrees by, roughly, half-past 9; that ice had been reported. He would know what I meant by that, you know - the Marconigram.

13708. I will tell you what I want to know. Did you say anything to him at 10 o'clock about a calculation having been made by the junior officer or anything of that sort? - I may have done; I really cannot recollect it now, I may have told him that Moody worked it out 11, or I may have told him half-past 9.

The Commissioner: You yourself knew the boat was already in the ice region at this time? - Yes.

13709. Did you tell Murdoch so? - Yes, my Lord, as I say when he came on deck.

13710. What did you say to him? - That we were up around the ice, or something to that effect; that we were within the region of where the ice had been reported. The actual words I cannot

remember; but I gave him to understand that we were within the region where ice had been reported.

13711. (*The Solicitor-General.*) During your watch and while Mr. Murdoch had been off duty you had caused this calculation to be made and Mr. Moody had given you 11 o'clock? - Yes.

13712. You thought half-past nine? - Yes.

13713. And here you had sent a message up to the crow's-nest asking them to keep a sharp look-out for ice, especially small ice and growlers? - Yes.

13714. You are handing the ship over at 10 o'clock to Mr. Murdoch who was on the bridge at the time of the accident. Now what I want to know is what was it you told him, as fully as you can, about ice? - I am very sorry, but my memory will not help; I cannot recollect word for word, merely that I gave Mr. Murdoch to understand that we were in the ice region; as to the actual words I said to him, I may have put it many ways - I cannot remember how I did.

13715. I follow you cannot give us the actual words, and your memory does not serve you to say whether you told him anything about your view that you had passed the meridian or Mr. Moody's view that you would not reach the position until 11 o'clock? - No, I really could not say.

13716. Did you say anything to him about your conversation with the Captain and the order the Captain had given? - Oh! Undoubtedly.

13717. You did? - Oh, undoubtedly.

13718. You would report to him that the Captain had been on the bridge? - Yes.

13719. As far as you remember did you report anything about orders as to speed? - No orders. No orders were passed on about speed.

13720. (*The Commissioner.*) Did you tell him what message you had sent to the crow's-nest? - Yes, I did.

13721. You told Mr. Murdoch that? - Yes, I told Mr. Murdoch I had already sent to the crow's-nest, the carpenter, and the engine room as to the temperature, and such things as that - naturally, in the ordinary course in handing over the ship everything I could think of.

13722. (*The Solicitor-General.*) We have to get at what is Mr. Murdoch's state of mind, with your help, because he is not here? - I quite see.

13723. The captain had said to you only half an hour or 35 minutes before that if it got at all doubtful you were to send for him, and that he would be close by? - Yes.

13724. Did you tell Mr. Murdoch of that message? - Oh, undoubtedly.

13725. The captain's room, I think, is just at the side of the bridge there? - On the side of the bridge, and the window facing right on to the bridge. The bridge is in clear view from his chart room.

13726. You have had great experience of the North Atlantic at all times of the year. Just tell me, when a liner is known to be approaching ice is it, or is it not in your experience usual to reduce speed? - I have never known speed to be reduced in any ship I have ever been in in the north Atlantic in clear weather, not on account of ice.

13727. Assuming that the weather is clear? - Clear.

13728. I think that is all you can tell us as far as your duties on the bridge are concerned. You had some duties to discharge before you turned in, had not you? - Yes, I have to go round the decks and see everything is all right; what we call "going round."

13729. There is nothing material there? - Nothing in reference to the case, no.

13730. Did you go to your room and turn in? - Yes.

13731. And had you turned in at the time of the impact, the collision? - Yes.

13732. I mean your light was out? - Yes, my light was out but I was still awake.

13733. You were still awake? - Yes.

13734. If you were awake you felt something, I suppose? Just describe to us what it was you felt? - It is best described as a jar and a grinding sound. There was a slight jar followed by this grinding sound. It struck me we had struck something and then thinking it over it was a feeling as if she may have hit something with her propellers, and on second thoughts I thought perhaps she had struck some obstruction with her propeller and stripped the blades off. There was a slight jar followed by the grinding - a slight bumping.

13735. (*The Commissioner.*) You could not tell from what direction the sound came? - No, my Lord. Naturally I thought it was from forward.

13736. I understand you to say you thought it was the propellers? - On second thoughts it flashed through my mind that possibly it was a piece of wreckage, or something - a piece of ice had been struck by a propeller blade, which might have given a similar feeling to the ship.

13737. (*The Solicitor-General.*) As to this grinding noise which you speak of which followed the slight shock, can you give us any help at all how long the grinding sound or sensation continued? - Well, I should say a matter of a couple of seconds, perhaps - a few seconds, very few.

13738. I understand it was not violent at all? - Oh, no, not at all.

13739. (*The Commissioner.*) You were lying down at the time? - Yes, my Lord. I had just switched the light out. I was going to sleep. I had switched the light out and turned over to go to sleep.

13740. (*The Solicitor-General.*) But you were awake? - I was awake.

13741. When this occurred your mind naturally searched for a probable cause? - Yes.

13742. Did you think of ice? - I did.

13743. Just tell us what you did, in order? - I lay there for a few moments, it might have been a few minutes, and then feeling the engines had stopped I got up.

13744. From where you were lying could you hear the ring of the telegraph? - No.

13745. So that you did not know of the order given to stop the engines? - No.

13746. But you felt that they had stopped? - I did.

13747. And you got up? - Yes.

13748. Did you go to the bridge? - Not exactly the bridge; I went out on deck. The bridge, you know, is on the same level.

13749. On to the boat deck? - On to the boat deck on the port side.

13750. Is your room on the port side? - My room is on the port side.

13751. What did you find was the condition of things? - Everything seemed normal.

13752. Was the ship going full speed ahead? - Oh, no, but I mean the conditions on the bridge.

13753. It was my fault. What did you find was the position of the ship? - I, first of all, looked forward to the bridge and everything seemed quiet there. I could see the First Officer standing on the footbridge keeping the look out. I then walked across to the side, and I saw the ship had slowed down, that is to say, was proceeding slowly through the water.

13754. This is all on the port side? - All on the port side.

13755. Did you see any iceberg? - No.

13756. Of course, if the iceberg passed the starboard side of the vessel, you were on the opposite side? - Yes.

13757. When you came out on deck was the ship already stopped or slowing down through the water? - She was proceeding slowly, a matter of perhaps six knots or something like that.

13758. Were the engines still stopped? - I could not exactly say what the engines were doing after once I got up. It was when I was lying still in my bunk I could feel the engines were stopped.

13759. Can you help us as to whether the engines were put full speed astern? - No, I cannot say

I remember feeling the engines going full speed astern.

13760. When you looked over the side you thought she was going through the water about six knots? - Yes, four to six knots. I did not stay there long.

13761. Just tell us what you did. - After looking over the side and seeing the bridge I went back to the quarters and crossed over to the starboard side. I looked out of the starboard door and I could see the Commander standing on the bridge in just the same manner as I had seen Mr. Murdoch, just the outline; I could not see which was which in the dark. I did not go out on the deck again on the starboard side. It was pretty cold and I went back to my bunk and turned in.

13762. At that time you thought nothing was the matter? - I did not think it was anything serious.

13763. (*The Commissioner.*) Well, you did think, as I understand, that she had fouled something with her propeller blades? - Either bumped something or fouled something.

13764. Was not that serious? - No.

13765. I should have thought it was? - Well, it is in a way, my Lord. If it was sufficiently serious I knew I should be called. But what I mean to convey is, I had been on deck and looked both sides and had not seen anybody about, that is to say, everything was clear; there was nobody coming towards the quarters to call us or anything. The Quartermaster had not left the bridge. I knew that if they wanted us it was a moments work for the Quartermaster to come along and tell us. Judging the conditions were normal, I went back and turned in.

13766. You thought it was safe enough to turn in? - Oh, quite.

13767. (*The Solicitor-General.*) You say the First Officer and the Captain were both on the bridge? - As I should judge from their figures.

13768. That was your impression? - Yes.

13769. Is it usual to find the First Officer and the Captain both on the bridge in the ordinary course? - Oh, yes; there is nothing uncommon about it, nothing whatever.

13770. Of course the First Officer is the officer of the watch? - Yes.

13771. You have told us how the Captain came to you while you were on your watch and I suppose you thought he had come to the First Officer in the same way? - Well, of course I knew the bump had brought him out.

13772. (*The Commissioner.*) Was the Captain dressed? - That I could not say. I do not think there was any doubt about his being dressed, because in the ordinary conditions, as the Captain said, he would be just inside, he would not turn in under those conditions. He would just remain in his navigating room where his navigating instruments are: chart books, etc., where he would be handy to pop out on the bridge.

13773. (*The Solicitor-General.*) Nobody blames you for turning in, you understand. - No.

The Commissioner: Oh, no.

13774. (*The Solicitor-General.*) But it is to get your point of view. You had noticed the ship had stopped, or at least the engines had stopped? - Yes.

13775. And that she was going only six knots through the water? - Yes.

13776. In mid-Atlantic? - Yes.

13777. No other ship near? - No.

13778. Did not that strike you at all? - Oh, yes. I knew perfectly well that some extraordinary circumstance had occurred; that is to say we had struck something or our propeller had been struck.

13779. (*The Commissioner.*) Your curiosity was not sufficient to remain in the cold?

13780. To go on to the bridge? - No, it was not a case of curiosity; it was not my duty to go on to the bridge when it was not my watch.

13781. (*The Solicitor-General.*) How long were you in your room after that before you did turn

out? - It is very difficult to say. I should say roughly about half an hour perhaps; it might have been longer, it might have been less.

13782. Did you go to sleep? - Oh, no.

13783. (*The Commissioner.*) What on earth were you doing? Were you lying down in your bunk listening to the noises outside? - There were no noises. I turned in my bunk, covered myself up and waited for somebody to come along and tell me if they wanted me.

13784. (*The Solicitor-General.*) Time is very difficult to calculate, especially when you are trying to go to sleep, but seriously do you think it was half an hour? - That I was in my bunk after that?

13785. Yes? - Well I did not think it was half an hour, but we have been talking this matter over a very great deal, and I judge it is half an hour, because it was Mr. Boxhall who came to inform me afterwards we had struck ice, and previous to him coming to inform me, as you will find out in his evidence, he had been a considerable way round the ship on various duties which must have taken him a good while. It might be less, it might be a quarter-of-an-hour. You will be able to form your judgment.

13786. He is the Fourth Officer? - Yes.

13787. How would his time of duty run? - He was on duty till 12 o'clock.

13788. Ten to 12? - Eight to 12.

13789. It was Mr. Boxhall who came to your room and gave you the information? - Yes.

13790. What was it he told you? - He just came in and quietly remarked "You know we have struck an iceberg." I said "I know we have struck something." He then said "The water is up to F Deck in the mail room."

13791. (*The Commissioner.*) Well, that was rather alarming, was it not? - He had no need to say anything further then, Sir.

13792. (*The Solicitor-General.*) "The water is up to F deck in the mail room." It is quite fair of you to have told us why you thought it was longer, but I want to see we get it right from your point of view. I see when you gave your statement about this matter at that time your impression was it was a shorter time than half an hour? - Did I?

13793. Yes, I have got down here six minutes? - Oh, there must be some mistake, I think, in that.

13794. When you got that news it did not take you very long to turn out the second time? - No, it did not.

13795. Did you go on deck? - After dressing.

13796. Now just tell us what you saw, and what you found was the condition of things there? - At this time the steam was roaring off.

The Commissioner: You will be some little time yet, Mr. Solicitor?

The Solicitor-General: Yes, my Lord.

The Commissioner: Very well. You have him on deck, and I think this is the time to rise.

(*The Witness withdrew.*)

The Solicitor-General: I do not know whether your Lordship would wish the date of the adjournment to be settled now.

The Commissioner: I thought that it would be convenient to rise next Friday evening about this time, and then to adjourn until the following Tuesday week. I mean adjourn over the Whit. week. We shall have plenty to do, I at all events shall have plenty to do in the meantime. I shall have all these notes to read, and post myself up in the evidence. I do not know whether that is convenient to you, Sir Robert?

Sir Robert Finlay: Yes, my Lord. I have communicated with the Attorney-General about this.

The Solicitor-General: The Attorney-General told me so, and I thought it would be convenient if your Lordship made the announcement now, as it helps people to make their arrangements.

The Commissioner: Very well.

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Tuesday, 21st May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWELFTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

- MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.
- MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)
- MR. A. CLEMENT EDWARDS. M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)
- MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)
- MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)
- MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

CHARLES HERBERT LIGHTOLLER - Recalled.

Further examined by the SOLICITOR-GENERAL.

13797. You were just telling us what you found when you came up on deck after you had heard of what had happened, and I think you just told us that the steam was roaring off - blowing out of the boilers, I suppose? - Yes.

13798. Was it making a great noise? - Yes.

13799. So great as to be difficult to hear what was said? - Very difficult.

13800. Did you ascertain whether all hands had been called on deck? - Yes; I met the Chief Officer almost immediately after, coming out of the door of the quarters. First of all the Chief Officer told me to commence to get the covers off the boats. I asked him then if all hands had been called, and he said, "Yes."

13801. I should like to understand whether there was a division of duties here. In an emergency of this sort, have you a special responsibility for one side of the ship as against the other? - No.

13802. Then there is an order from the Chief Officer that you should see to the stripping of the covers off the boats? - Yes.

13803. Did you do that? - Yes.

13804. At that time had any of the boats had their covers stripped, or had you to begin it? - None, with the exception of the emergency boats.

13805. Those were the two which we have heard of which were kept swung out? - Yes.

13806. And did you get hands to help you in that work? - Yes, I commenced myself, and then as the hands turned up, I told them off to the boats.

13807. Which side did you begin, and what was the order? - I began on the port side with the port forward boat. That would be No. 4.

13808. That would be the one immediately abaft of the emergency boat? - Yes.

13809. Just tell us the order of things, will you? - I commenced stripping off No. 4; then two or three turned up; I told them off to No. 4 boat and stood off then myself and directed the men as they came up on deck, passing around the boat deck, round the various boats, and seeing that the men were evenly distributed around both the port and starboard.

13810. Do you mean evenly distributed as between the different boats? - Exactly.

13811. Had you any means of knowing what boat a particular seaman would be attached to if

he did not know; have you any means of telling him? - Well, I did not think it advisable, taking into consideration the row going on with the steam to make any inquiries. I could only direct them by motions of the hand. They could not hear what I said.

13812. So that you parcelled them out as best you could? - Exactly.

13813. Did you go to boats in the afterend as well? - Yes.

13814. On the port side? - Both sides.

13815. Then you went the whole circuit of the boat deck? - Yes.

13816. Carrying out this order? - Yes.

13817. And was each of the boat covers stripped in order all the way round? - All the boats, as far as I can remember, were under way. I remember directing one of the junior officers to look after the after section of boats.

13818. What length of time would this operation of uncovering all these boats take? - You mean, given the crew?

13819. You were engaged on this work. I want to realise how long you were engaged on it? - Well, I really could not say what time the after boats were finished uncovering. Knowing that the Third Officer was there in charge I did not bother so much about that as the forward ones, and about the time I had finished seeing the men distributed round the deck, and the boat covers well under way and everything going smoothly, I then enquired of the Chief Officer whether we should carry on and swing out.

13820. And what did Mr. Wilde say about that - what were the orders? - I am under the impression that Mr. Wilde said "No," or "Wait," something to that effect, and meeting the Commander, I asked him, and he said, "Yes, swing out."

13821. And did you get that done? - Yes, on the port side. I did not go to the starboard side again.

13822. Up to the time of swinging out the boats which had been stripped, at any rate, on the port side, what about the passengers? - I had met a few passengers on deck, not many.

13823. Had you heard any general orders given about getting them? - No, I could not hear any.

13824. Was the steam still blowing off all this time? - Still blowing off, yes.

13825. Up to this time had you noticed whether the ship had got any list? - Not to my knowledge; no list whatever so far as I know.

13826. Up to this time had you noticed whether she showed a tendency to drop by the head? - No.

13827. She was on an even keel so far as you know? - Yes.

The Commissioner: Now, you say "at this time." I do not quite know what time.

The Solicitor-General: I was stopping; I had meant to stop at the time he ceased to swing out boats on the port side, which is, as I understand, after stripping all the boat covers.

The Commissioner. I understand about the course of events at this time; I want to know by the clock.

13828. (*The Solicitor-General.*) I did, too, my Lord. (*To the Witness.*) Could you help us and give us some estimate as to how long this would have taken from the time that you came out. You see, you have said you think half an hour elapsed after the collision before you came out and realised the seriousness of it, and then, of course, you undertook those duties, and you have described them. Could you give us an estimate how long would have elapsed from the time you came out on deck and started this work to the time the boats were swung out on the port side? - I should like you to understand quite clearly about the boat covers. I had not seen all the boat covers actually off. We were taking the boats in rotation, but from the time we commenced to strip No. 4 boat cover until the time when we swung them out I should judge would be probably at most 15 or 20 minutes.

13829. So far you are confining yourself to No. 4? - Exactly.

13830. And during that time had the stripping of the covers of the other boats been going on? - That was being continued at the same time. Of course, there were the falls to coil down.

13831. You took No. 4. Was the swinging out of No. 4 earlier than the swinging out of the other boats on the port side? - Yes, as it happened. You see the men coming up the staircase on the forepart would naturally come to No. 4, and No. 4 was got under way first and would be completed first.

13832. Did you go on your way down the port side getting it done? - Yes.

13833. Taking the swinging out of the last boat that you saw to on the port side, how much later would that be? - That was very late on.

13834. (*The Commissioner.*) That is what I want to know? - Well, you see, if I may give it to you in the order that I was working, I swung out No. 4 with the intention of loading all the boats from A deck, the next deck below the boat deck. I lowered No. 4 down to A deck, and gave orders for the women and children to go down to A deck to be loaded through the windows. My reason for loading the boats through the windows from A deck was that there was a coaling wire, a very strong wire running along A deck, and I thought it would be very useful to trice the boat to in case the ship got a slight list or anything; but as I was going down the ladder after giving the order, someone sung out and said the windows were up. I countermanded the order and told the people to come back on the boat deck and instructed two or three, I think they were stewards, to find the handles and lower the windows. That left No. 4 boat hanging at A deck, so then I went on to No. 6.

13835. And was No. 6 still on the boat deck? - Yes. Then I proceeded to put out No. 6 and lower away. Previous to this, I may say I had had orders from the Commander to fill the boats with women and children, put women and children into the boats and lower away.

13836. Of course, the model we have there shows the starboard side, but the arrangement is the same for this purpose, I think, and one sees that if one took the boat immediately abaft the emergency boat, and lowered it to A deck, it would in that model come against the closed-in side? - Yes.

13837. With the windows in it? - Yes.

13838. And your idea was that those windows should be opened and the people should get from the windows into the boat from A deck? - Exactly.

13839. Then that plan was not, in fact, carried out? - No, not on the port side.

13840. For the reason you have explained? - Yes.

The Commissioner: I am still without the information I want.

13841. (*The Solicitor-General.*) I realise that, and I will come back to it. (*To the Witness.*) No. 4 would take some time. Then what was the next boat, so far as you are concerned, which was filled with women and children? - No. 6.

13842. And the next one? - As far as I remember, No. 8.

13843. That exhausts the boats, which are forward, on the port side? - Yes.

13844. Then did you see to the loading of any others on the port side? - I went forward - the last lifeboat for me to load on the port side was No. 4 from A deck.

13845. It got as far as that? - Yes, and it remained there.

13846. Now what I want to know is this - making the best estimate you can, can you give us some help as regards the time - either the time which had elapsed, or the time by the clock when the lowering away of No. 4 actually took place, putting it into the water? - Would it be of any assistance, if I gave you the time that the collapsible boat, the actual last boat, got away on the port side?

The Commissioner: Well, it might.

(A.) I can remember that distinctly - lowering it only about 10 feet.

13847. I will tell you what I want, and then perhaps you will be able to answer. You said that after the boats on the port side had been lowered the ship had no list, either to port or starboard, and that she was not down by the head. Now, I want to know at what time you observed that?

The Solicitor-General: What I understand him to say was that the boats were swung out before he had noticed it. I did not understand him to say that they were lowered.

The Commissioner: I understand him to say that it was quite a long time.

The Solicitor-General: Quite.

The Commissioner: I do not care whether they were lowered. At what time was it you noticed this ship had no list, and that it was not down by the head? - When I came on deck and commenced uncovering the boats.

The Commissioner: I understood you were speaking of a much later period.

13848. (*The Solicitor-General - To the Witness.*) I was asking about a later period? - I am sorry.

13849. When you came out on deck, having been aroused, the ship was on an even keel? - Yes.

13850. You had heard that the water was out up to F deck? - Yes.

13851. But you did not notice any list? - No.

13852. How long did that state of things continue? When was it you did first notice either a list or that she was down by the head? - Very shortly, afterwards I noticed she was down by the head, when I was by No. 6 boat. When I left No. 4 and went to No. 6 she was distinctly down by the head, and I think it was while working at that boat it was noticed that she had a pretty heavy list to port.

13853. (*The Commissioner.*) This must have been within a quarter of an hour from your coming on the boat deck? - No, my Lord, it would take us a quarter of an hour or 20 minutes to get No. 4 uncovered and the falls out.

13854. But when you did get No. 4 out you noticed this list, I understand? - No, my Lord, I think I said at No. 6.

13855. Then how long would it take you to get No. 4 and No. 6 uncovered? - Well, it would take us from 15 minutes to 20 minutes to uncover No. 4; then to coil the falls down, then to swing out and lower it down to A deck would take another six or seven minutes at least. Then I gave an order to go down to the lower deck which I countermanded; perhaps two or three minutes might have elapsed there. Then I went to No. 6 about that time.

13856. How long were you working at No. 6? - I really could not say, my Lord. I went to No. 6 then, as far as I remember.

13857. At what point of these events did you notice that the ship had begun to be down by the head or to have a list? - It was when I was at No. 6 boat, my Lord.

13858. As I understand, that would be about half an hour after you had come on deck? - I think it is longer than that.

13859. Well, let us say three quarters of an hour? - Yes, perhaps three quarters of an hour.

13860. You had been half an hour in your bunk before you came on deck at all? - I said approximately half an hour.

13861. So this would be an hour or an hour and a quarter after the collision. And was it then for the first time you noticed the vessel had a list? - At whatever time that was, my Lord. However, it works out it was about when I was at boat No. 6.

13862. (*The Solicitor-General.*) What you had been doing in the interval was, you had been getting No. 4 unstripped; you had been getting her swung out, her falls cleared and let down as far as the A deck, and there you had ascertained that it was not possible to open the windows and get the people through? - Not immediately, and therefore rather than delay I did not go on with

it.

13863. That is what happened? - Yes.

13864. Then turning your attention to No. 6 you then noticed the ship had got a list? - Yes, I think it was No. 6.

13865. (*The Commissioner.*) And it was a list to port? - Yes.

13866. Did you ever notice a list to starboard? - No.

13867. Was there a list to starboard? - Not that I am aware of, and I think I should have noticed it in lowering the boat. I may say that my notice was called to this list - I perhaps might not have noticed it; it was not very great - by Mr. Wilde calling out "All passengers over to the starboard side." That was an endeavour to give her a righting movement, and it was then I noticed that the ship had a list. It would have been far more noticeable on the starboard side than on the port.

13868. (*The Solicitor-General.*) Did you hear that order given when you were dealing with boat No. 6? - Yes.

13869. Now by that time you were dealing with boat No. 6, were there a number of passengers, men, women and children, on the boat deck? - Yes.

13870. And at that time when you were dealing with No. 6 had any order been given about their getting into the boats? - Yes.

13871. Who gave it, and when was it given? - The Captain gave it to me.

13872. What was the order? - After I had swung out No. 4 boat I asked the Chief Officer should we put the women and children in, and he said "No." I left the men to go ahead with their work and found the Commander, or I met him and I asked him should we put the women and children in, and the Commander said "Yes, put the women and children in and lower away." That was the last order I received on the ship.

13873. Was that, as you understood it, a general order for the boats? - Yes, a general order.

13874. Again, I should like to have the time fixed. Is that after these events you have described about boat No. 4? - No; previous to any swinging out, when No. 4 was almost uncovered; in fact, the canvas cover was off. They were taking the falls out and I think they were in the act of taking the strong back out, and the next movement to be executed would be swinging the boat out. So before any delay had occurred I asked the Commander, as I say, should we lower away.

13875. That means, should you put people into the boat, I suppose? - Yes. We had had orders to swing out, so the boat was in the process of being swung out.

13876. Now, we can take No. 6. You say you went to that? - Yes.

13877. You saw that boat filled, did you? - Yes.

13878. It was filled under your supervision? - Yes.

13879. Now, tell us about the way in which it was done and the orders given as to who should get into it? - As a matter of fact, I put them in myself. There were no orders. I stood with one foot on the seat just inside the gunwale of the boat, and the other foot on the ship's deck, and the women merely held out their wrist, their hand, and I took them by the wrist and hooked their arm underneath my arm.

13880. You have not told us anything yet about the preference being given to women? - The order had been received from the Commander.

The Commissioner: He has told us about the order given by the Captain.

13881. (*The Solicitor-General.*) I see. (*To the Witness.*) And that is the order you carried out? - Yes.

13882. And then was No. 6 lowered away? - No. 6 was lowered away.

13883. Was boat No. 6 filled? - It was filled with a reasonable regard to safety. I did not count the people going in.

13884. But you exercised your judgment about it? - Yes.

13885. It was filled as much as you thought was safe in the circumstances? - Yes.

13886. In your judgment is it possible to fill these lifeboats when they are hanging as full as you might fill them when they are water borne? - Most certainly not.

13887. (*The Commissioner.*) Is that due to the weak construction of the lifeboats or to the insufficiency of the falls? - A brand new fall, I daresay, would have lowered the boats down and carried the weight, but it would hardly be considered a seamanlike proceeding as far as the sailor side of it goes, but I certainly should not think that the lifeboats would carry it without some structural damage being done - buckling, or something like that.

13888. And had you those considerations in mind in deciding how many people should go in the boat? - Yes.

13888a. (*The Solicitor-General.*) The convenient thing, my Lord, is just to refer your Lordship to the evidence of Poingdestre. It is at page 83. It fits together here. Perhaps I may read a few questions, and Mr. Lightoller will hear them. It is Question 2958. He is asked, "Do you know how it comes that there were not more than 42 put into this boat?" That is boat No. 6? - Yes.

13889. And he says, "Well, the reason is that the falls would not carry any more. (Q.) You mean somebody was frightened of the falls? - (A.) Yes, the Second Officer, Mr. Lightoller." Did you say anything aloud about it? - No.

13890. It is merely a conclusion the man came to? - Yes, I daresay, a seamanlike conclusion.

13891. You agree as many people were put into it as, in your judgment, was safe when it was in that position? - Yes.

13892. We are told about 40 or 42? - Yes, about that.

13893. Then did you give the order to lower away? - Yes.

13894. Did you give any further order to that boat, No. 6, as to what it was to do or where it was to go? - Not that I remember. I knew there was, if I may mention it, this light on the port bow about two points; I had already been calling many of the passengers' attention to it, pointing it out to them and saying there was a ship over there, that probably it was a sailing ship as she did not appear to come any closer, and that at daylight very likely a breeze would spring up and she would come in and pick us up out of the boats, and generally reassuring them by pointing out the light; but whether I told them to pull towards the light I really could not say. I might have done and I might not.

13895. Here is a boat with only 42 people in it, and when it is water-borne everybody agrees it would safely carry more then? - Yes.

13896. Did you give any orders with the object of getting more people into it when it was in the water? - Yes, I see what you are alluding to now, the gangway doors. I had already sent the boatswain and 6 men or told the boatswain to go down below and take some men with him and open the gangway doors with the intention of sending the boats to the gangway doors to be filled up. So with those considerations in mind I certainly should not have sent the boats away.

13897. That is what I meant. Did you give any order or direction to the man in charge of boat No. 6 that he was to keep near or was to go to the gangway doors? - Not that I remember. The boats would naturally remain within hail.

13898. You do not recollect whether you gave any actual order to the man in charge? - No.

13899. It is just as well to read this question and answer. This man Poingdestre was asked, "Did Mr. Lightoller give you any orders as to what to do with the boat?"; and the answer was, "He gave me orders before the boat was lowered what to do. (Q.) What orders did he give you? - (A.) To lay off and stand by close to the ship?" - Perhaps I did; I daresay.

13900. Now let us pursue the two things you have mentioned. You say you gave those orders to the boatswain to go down with some men and open the gangway doors? - Yes.

13901. Will you point out on the starboard side where they are? - There are gangway doors one

on each side *there* (*Pointing on the model*).

13902. About where you are pointing now? - Yes, there are two doors one above and one below on the starboard side, but there is only one on E deck on the port side. The other gangway doors are *here*.

13903. In the afterpart? - Yes.

13903a. What deck do those gangway doors open from? - E deck.

13904. Were your orders general, or did they refer to one set of gangway doors in particular? - General.

13905. Did the boatswain go off after receiving the orders? - As far as I know, he went down.

The Commissioner: Have we heard anything up to this time of these gangway doors.

The Solicitor-General: I am not aware of having heard it, my Lord. There has been a suggestion made by a witness, I think, that it was so, but I do not think there has been any evidence about it. There was a suggestion, I know.

The Commissioner: To open those doors?

13906. (*The Solicitor-General.*) Yes. (*To the Witness.*) Can you help us when it was that you gave this order to the boatswain? I mean, can you give it us by reference to boats. Was it before you had lowered No. 4 to the A deck or after? - I think it was after and whilst I was working at No. 6 boat.

13907. If the boat was down by the head, the opening of those doors on E deck in the forward part of the ship would open her very close to the water, would it not? - Yes.

13908. When you gave the order, had you got in mind that the ship was tending to go down by the head, or had not you yet noticed it? - I cannot say that I had noticed it particularly.

13909. Of course, you know now the water was rising up to E deck? - Yes, of course it was.

13910. Did the boatswain execute those orders? - That I could not say. He merely said "Aye, aye, sir," and went off.

13911. Did not you see him again? - Never.

13912. And did not you ever have any report as to whether he had executed the order? - No.

13913. I had better just put it. As far as you know, were any of those gangway doors open at any time? - That I could not say. I do not think it likely, because it is most probable the boats lying off the ship would have noticed the gangway doors, had they succeeded in opening them.

13914. You say you gave that order, as far as you recollect, when you were dealing with that boat No. 6? - Yes, boat No. 6.

The Commissioner: I have the reference now. It is in the evidence of Jewell on page 18, Questions 131 and 132.

The Solicitor-General: Yes, my Lord: "What were the orders about - what was she to do?" He speaks of Mr. Murdoch giving orders. "He" - that is, Mr. Murdoch - "told us to stand by the gangway."

The Commissioner: He says this door is open continually. He goes on to say this. The question is put to him - I do not know who was examining him.

The Solicitor-General: I was I think, my Lord.

The Commissioner: "Amidships, and the answer is yes. (Q.) Where the gangway would be if she were in port, I suppose? - (A.) Yes, that is right." If this witness is right, he does not seem to know where the gangway was.

Sir Robert Finlay: In the next question he points it out.

The Solicitor-General: Your Lordship asked him to go to the model.

The Commissioner: "Just go to the model again and show me where about on that model the waterline was, and where the gangway was, so that I may know where the boat was," and then he indicates. "There is one door *there*, and *there* is the waterline right along *here*. There are several

gangway doors in the side; there is one about *there* somewhere, and one about *there*." That, of course, tells me nothing, and I do not remember where he pointed. I am told that he pointed further abaft the point indicated by Mr. Lightoller.

The Solicitor-General: I see Mr. Wilding here; no doubt he will tell us where, in fact, they are, if your Lordship would like it now.

13915. (*The Commissioner.*) It occurred to me that Mr. Lightoller was right, because I see the rows of portholes? - (*The Witness.*) There are the gangway doors *here* (*Pointing on the model*).

The Commissioner: If you look you will see the row of portholes is interrupted.

The Solicitor-General: Yes. Is that the place where you are pointing now, Mr. Wilding?

Mr. Wilding: Yes, there is a door marked there.

The Commissioner: Is it marked there on the model? - (*Mr. Wilding.*) Yes, my Lord, *here* (*Pointing on the model*).

13916. (*The Solicitor-General.*) As a matter of accuracy, is that open on to the floor of E deck or D deck? - E deck.

13917. (*Sir Robert Finlay.*) I am told there is also a gangway on D deck forward? - On the starboard side.

The Commissioner: On D deck.

Sir Robert Finlay: Yes.

The Solicitor-General: One above and one below.

Sir Robert Finlay: That is on the starboard side forward.

13918. (*The Commissioner.*) It appears to me that you would be very unlikely to order the forward gangway door to be opened. You might get the head so deep in the water that she might ship water through that gangway door? - Of course, my Lord, I did not take that into consideration at that time; there was not time to take all these particulars into mind. In the first place, at this time I did not think the ship was going down.

13919. I remember what you said yesterday as to what you were told when you were in your bunk that the water was up to F deck; you knew that it was a very serious state of things? - Yes, I knew it was serious.

13920. And I suppose you realised - I do not know whether you did - but I suppose you realised that the ship was taking in more and more water as you were attending to these boats? - Yes, my Lord, and yet I did not think at that time that the ship was going down.

13921. (*The Solicitor-General.*) Just to get boat No. 6 right. The Quartermaster, whose name was Hichens, was in that No. 6 boat. Your Lordship will find a reference to him at page 43; he confirms exactly, of course, what Mr. Lightoller is saying. It is Question 1089, "Who ordered you to another boat? - (A.) Mr. Lightoller. (Q.) And to what boat?" - (A.) No. 6 boat. (Q.) Is that a lifeboat on the port side? - (A.) Yes. (Q.) It would be the third on the port side from forward, would it not?" and he says it was the second or third boat to be lowered on the port side. (*To the Witness.*) I understand from you it was the second because you had lowered boat No. 4 to A deck? - Yes.

The Commissioner: What question is it?

13922. (*The Solicitor-General.*) I was looking at Question 1089. He says it was the second or third boat, and it appears it was really the second. "(1096) She had only been swung out ready? - (A.) That is all. (Q.) And then what happened - who was giving orders then? - (A.) Mr. Lightoller was in charge of the port side. (Q.) Did you hear any order given? - (A.) Yes, I heard the captain say 'Women and children first.'" "(Q.) 1106. How many people did you take on board? - (A.) 42, all told." (*To the Witness.*) I think a gentleman named Major Peuchen was one of them? - Yes.

13923. Did you order him into the boat? - I did.

13924. Very well. Now that is No. 6. I think that fairly gives us what you know about No. 6. There is nothing you want to add to it? - No, I do not think there is anything further to add.

13925. What is the next one that you dealt with? - Well, it was a boat further aft on the port side; its actual number I really could not say with accuracy. I am under the impression it was No. 8.

13926. Up to now, as I follow you, No. 4 has been lowered down to A deck? - Yes.

13927. That is all that has happened to it? - Yes.

13928. Just tell us in order what boat you dealt with next. It was No. 8 you think? - I think it was No. 8.

13929. (*The Solicitor-General.*) This is a boat, my Lord, about which we have not really as yet called any evidence. We have one man coming, if need be. (*To the Witness.*) Was the same course followed about No. 8? - Yes. I think, if I remember rightly, at No. 8 I left the lowering to the chief. He came along and, of course, being Senior Officer, took charge, and so I went then, I think, to No. 4 to complete the launching of No. 4.

13930. And I think you have told us it was the Chief Officer who gave this order to the passengers to go over to the starboard side? - Yes.

13931. As far as you recollect, was it you or was it he who determined how many people should go into this next boat, No. 8? - If it was No. 8 that the Chief Officer came to, I left it to him. I am afraid I cannot say with any degree of accuracy. If I was there I would decide who was to go in, and if he was there superintending he would naturally. I think it was No. 8 the Chief came to.

13932. Were there still women on the boat deck? - Yes.

13933. And was this general order that women and children should be dealt with first still observed? - Yes.

13934. Was the discipline good? - Excellent.

13935. The men passengers behaving themselves well? - Splendidly.

13936. Will you just take us to the next point after this boat No. 8. It was No. 8? - Yes. From there I went to No. 4.

13937. That is, returning? - Returning forward, down on to A deck. The windows were down. I placed some chairs against the window and formed a step, and standing outside myself, the same order was proceeded with, except that the boat was triced right close into the wire.

13938. You were able to pull it in? - Yes, and make it fast right into the wire.

13939. You were dealing with the boat hanging on the port side. Did you notice whether the list was serious? - It could not have been serious.

13940. Not even then? - No; because I was able to stand with one foot on the ship and one foot on the boat. Had the list been serious, the boat hanging on the davits from the boat deck down to A deck, it would have been too far away for me to stride the distance.

13941. (*The Commissioner.*) You could stride from the "Titanic" to the hanging boat? - Yes.

13942. There could have been scarcely any list at all? - Very little.

13943. No perceptible list? - Very little. I think the ship righted. When the order was given to the passengers to go to the starboard side I am under the impression that a great many went over and the ship got a righting movement and maintained it, and then the passengers came back again in great numbers.

13944. You mean to say the shifting of the passengers on the deck would affect the list? - Yes, my Lord. At that height, and with that number of passengers, I think it would. Mr. Wilding would be able to decide that.

13945. It would have a very small effect, would it not? - I am under the impression the fact of her being low down in the water and the stern higher out of the water it would have more effect

than if she were on an even keel under ordinary circumstances.

13946. Surely it would have more effect if she were high up out of the water? - I may be wrong, my Lord, but I think it would have more effect with her head down in the water and her stern out - suspended amidships.

13947. It was so slight that you could stretch with your legs from the deck of the "Titanic" to the hanging out boat? - Yes.

13948. (*The Solicitor-General.*) Were you able to do that before the boat was drawn in and triced to the wire? - I was.

13949. Were women and children helped into No. 4? - Yes, through the windows.

The Solicitor-General: From A deck. Boat No. 4, my Lord, is the boat in which a man named Scott and a man named Ranger ultimately got. It is the boat, if your Lordship remembers, which came back and those two men at the last moment slipped down the falls from the davits on the afterend and got into this boat, and their evidence is that there were 40 people in the boat.

The Commissioner: Yes, I have taken it down as 42, I think.

13950. (*The Solicitor-General.*) No, my Lord, I have finished with No. 6, which was 42, and I am now speaking of No. 4. It may be that there were 40 women and two seamen, but I am speaking of No. 4 now.

The Witness: May I ask when these men say they got into the boat.

13951. Yes. You did not order them in. There are two witnesses who say that at the last moment (they were two greasers) they climbed down the falls from the davits at the afterend? - The afterend of the boat deck?

13952. Yes? - Not on the falls from which the boat was hanging?

13953. No, and No. 4 had come round and picked them up. What I want to call your attention to is that there were 40 people, there or thereabouts in boat No. 4 which is a full size lifeboat. Did you decide when the boat was full enough to be lowered down? - Yes.

13954. In your judgment had you filled it as full as you safely could? - Yes.

13955. So that it was not lowered down until you gave directions that it should be? - No.

13956. (*The Solicitor-General.*) If your Lordship cares to have the reference, Scott will be found at page 130, and Ranger deals with the number on page 104. (*To the Witness.*) Now we have got rid of No. 6 and what you think was No. 8 and No. 4. What was the next one to which you directed your attention? - The collapsible boat.

13957. (*The Commissioner.*) You had ordered the gangway to be lower, as I understand? - What gangway, my Lord?

13958. The gangway in the forward part of the ship? - I had ordered the doors to be opened.

13959. Well, that is what I mean. You had ordered the gangway doors to be opened? - Yes.

13960. And the gangway to be lowered from that point? - If there were sufficient time. We had a companion ladder.

13961. I do not see what is the use of the door if you do not lower the gangway? - We should probably lower the rope ladder; that was our idea.

13962. That is the same thing as a gangway. You would provide some sort of communication between the opening of the door and the boat in the water below? - Exactly.

13963. Whether it was a gangway or a rope ladder, it does not matter. You had ordered this door to be opened? - Yes.

13964. There was no use having that open unless there was some sort of gangway? - No.

13965. Now, was that for the purpose of putting more people into the boats as soon as they become water-borne? - Yes.

13966. Was that the object? - That was the object.

13967. Now I want to ask you this question. I think you have been asked it already. Did you

give any directions (I think you said you did not remember) to the boats to remain about the gangway door? - No, my Lord.

13968. You did not? - Not that I remember.

13969. You do not remember? - Not that I remember.

13970. Would they then know that those gangway doors would be open - would the men in the boat know that those gangway doors would be open? - Hanging about the ship they could not very well fail to see if the gangway doors were open - the light shining through, the blaze of lights; and they would very soon be hailed by people at the gangway doors. The boatswain was down there. He has to use a little common sense as well, and when he has opened the gangway door he would naturally hail a boat, and tell them "starboard gangway door open," "the port gangway door open," and so let them know. On a calm night like that your Lordship will know the voice will carry a long way.

13971. You put as many into No. 4 boat as you thought safe? - Yes.

13972. That was about 40. We know some of the boats carried considerably more than 40? - 65.

13973. Would the men in the boat to whom you had said, "That boat is full; lower her," know that she was capable of taking more when she became water borne? - Yes, my Lord.

13974. They would know? - They would know.

13975. (*The Solicitor-General.*) Had you given orders for these boats to remain within hail? - Not that I remember. If a man asked me going away it is quite likely that I should, but I cannot say with distinctness that I did give the order.

13976. You were calling attention to this light on your port bow? - Yes.

13977. At any rate you were calling the passengers' attention to it? - Yes.

13978. Cannot you help us. Did you or did you not give any directions to these boats which might be taken to mean that they were to row to the light? - No.

13979. Were they to go away or were they to stay by the ship? - No, I cannot remember giving the boats any directions at all.

13980. You were saying that after No. 6 and No. 8 and No. 4 you then went to one of the collapsible boats? - Yes.

13981. Which one was it? - The port collapsible boat underneath the emergency davits.

13982. That is not the one which was on the deck of the officers' house? - No.

13983. But it is the one immediately behind the emergency boat, on the port side? - Yes.

13984. Now tell us in order what you did about this collapsible boat? - The tackles were already rounded up when I got on the boat deck; we lifted the gunwale of the boat, which opens it up, hooked on the tackles, put it over the side; Mr. Wilde was there too at this time.

13985. And you were helping as well? - Yes.

13986. Did you use the rope falls that were on the davits? - Yes.

13987. At this time was the emergency boat, which was swung out on the port side, No. 2, gone? - That had gone.

13988. Had you had nothing to do with that No. 2 boat going? - Nothing.

13989. And you know nothing about that boat? - I know nothing about that boat.

13990. There would be the davits, and this collapsible boat a little way behind? - Yes.

13991. And you used the same falls, did you? - Yes.

13992. Did you get the collapsible boat swung out? - Yes, swung out and loaded up.

13993. Was it a piece of work that was easily done? - Nothing very difficult about it, except you just work your davits in. It is not difficult. It takes a little time to swing your davits in and hook on.

13994. And so you got her swung out? - Yes.

13995. And ready, I suppose, to take people into her? - Yes.

13996. Was she filled? What happened? - We had very great difficulty in filling her with women. As far as I remember she was eventually filled, but we experienced considerable difficulty. Two or three times we had to wait, and call out for women - in fact, I think on one - perhaps two - occasions, someone standing close to the boat said, "Oh, there are no more women," and with that several men commenced to climb in. Just then, or a moment afterwards, whilst they were still climbing in, someone sang out on the deck, "Here are a couple more." Naturally, I judged they were women.

13997. That meant a couple more women? - Yes, and the men got out of the boat again and put the women in. If I am quite right, I think this happened on two occasions?

13998. You say the men got out of the boat. Do you mean men passengers? - I really could not say.

13999. They gave up their places? - Yes.

14000. When that boat was filled she contained some men and some women, of course? - No men that I know of.

14001. Ultimately she was filled with women, the collapsible boat? - Yes, I believe it was a new boat, where a couple of Phillipinos or Chinese got in; they stowed away under the thwarts or something. But for that there were no men except crew - except the men I ordered in.

14002. Do you know how many people got into that collapsible boat? - I could not say.

14003. Did you fill her? - Yes, I filled her as full as I could.

14004. When that boat was filled ready to go away, as far as you could ascertain were there any other women thereabouts? - None whatever. I am under the impression that I could have put more in that boat and could have put some men in, but I did not feel justified in giving an order for men to get into the boat, as it was the last boat as far as I knew leaving the ship, and I thought it better to get her into the water safely with the number she had in; or, in other words, I did not want the boat to be rushed.

14005. Were there men passengers about? - There were plenty of people about, no doubt men passengers.

14006. Was good order being maintained then? - Splendid.

14007. And was there any attempt to rush that boat at all? - None whatever, but the men commenced to climb in when they heard there were no more women.

14008. You have described that, and you say they got out again? - Yes; without that there was nothing.

14009. You used an expression just now that as far as you knew it was the last boat to leave the ship. Can you tell us, had you been able to observe during all this time what was happening to the boats on the starboard side? - No, no sign of the starboard side. You cannot see across.

14010. That means you cannot tell? - No, I know nothing about the starboard side.

14011. (*The Commissioner.*) Do you mean she was the last boat to leave the ship from the port side? - The last boat launched from the port side. There was still one on the top of the quarters, but she was not launched, as a matter of fact.

14012. That was another collapsible boat on the top of the officers' quarters? - Yes.

14013. That is what you mean, that she was the last boat to leave from the port side? - Yes.

14014. (*The Solicitor-General.*) Let us exhaust that to be sure. You have spoken of four lifeboats that were in the forward part of the port side. What about the four other lifeboats which were on the afterpart of the port side - Nos. 10, 12, 14 and 16? - When I went forward to No. 4 boat all the lifeboats were away on the port side with the exception of that one. Whether the last boat that I went to was No. 8 or No. 10 I cannot say. But it is sufficient there was no further need for me on the afterend of that deck; I went forward to No. 4 and that was the last lifeboat.

14015. That means that Nos. 10, 12, 14 and 16 had gone? - Yes.

14016. Can you give us any help as to the order that the boats on the afterpart of the starboard side had gone in? - No, I know nothing whatever about it.

14017. Then your evidence as to the order of the boats is limited to the port side? - Only to the port side.

14018. You did order this collapsible boat on the port side to be lowered down from the davits? - Yes.

14019. Did you notice how far she had to drop to get to the water? - Yes.

14020. Now how far had she to drop? - Ten feet.

14021. Is that ten feet from the rail of the boat deck? - Ten feet from where that emergency boat is hanging now (pointing on the model).

14022. And there she met the water? - Yes.

14023. (*The Commissioner.*) The fore part of the ship must have been under water? - A deck was under water.

14024. And the bridge must have been under water? - Almost immediately afterwards the water came from the stairway. There is a little stairway goes down here just abaft the bridge, which goes right down *here* and comes out on *this* deck for the use of the crew only and it was almost immediately after that the water came up that stairway on to the boat deck.

14025. (*The Solicitor-General.*) When you were filling that collapsible boat and preparing it to go, had you noticed that the water was over the bows of the ship? - I could not say the bows of the ship but I could see it coming up the stairway.

14026. You noticed that? - Yes.

14027. And the other people on the boat deck could see that too? - If they looked down the stairway, yes.

14028. There was good order you say up to the last? - Splendid.

14029. (*The Solicitor-General.*) My Lord, there is a little evidence about this boat. It is a man named Lucas. Your Lordship will find Lucas begins on page 49, and the facts about it are given on page 51. Lucas says that No. 16, which was the aftermost boat on the port side, had gone, and was, of the lifeboats on that side, the last to go. Then he says at Question 1518: "(Q.) What did you do then? - (A.) I went over to the starboard side to see if there was any more boats there. There were no more boats there, so I came back, and the boat was riding off the deck then. The water was up under the bridge then. The ladies sung out there was no sailor in the boat and no plugs, so I was a sailor, and I jumped into the boat." He points to the place where it is, and says it is "a surf boat; they call them collapsible boats." Your Lordship will see in the next column, at Question 1538: "(Q.) Who got into her? - (A.) About 40 women;" and then he says: "I found three men in the boat afterwards." Apparently they were the two.

The Witness: Hardy was one I ordered in, I remember - a steward.

14030. He says two foreign passengers? - Those were the ones I heard about afterwards.

14031. You did not know they had got in? - No, I did not.

14032. They apparently were hiding. Then as far as you knew was there no man except the sailors in any of the boats which you saw lowered? - None, with the one exception of the passenger I ordered in, Major Peuchen.

14033. You ordered him in? - Yes.

14034. That applies to Nos. 4, 6 and 8? - Whatever boats I worked at.

14035. Had you time to do anything more after you got that collapsible boat afloat? - I called for men to go up on the deck of the quarters for the collapsible boat up there. The afterend of the boat was underneath the funnel guy. I told them to swing the afterend up. There was no time to open her up and cut the lashings adrift. Hemming was the man with me there, and they then

swung her round over the edge of the coamings to the upper deck, and then let her down on to the boat deck. That is the last I saw of her for a little while.

14036. There was no time to open her up at all? - No, the water was then on the boat deck.

14037. Can you tell us, this last one you speak of, whether there was time to open her; was she ever really cast clear of the ship? She would be lashed, of course, to something or other. Were her lashings cut away? - Her lashings would be cut away before we could get her off the side of the house and put her on the deck.

14039. That shows she was free of the ship? - Free of the ship.

14039a. We have to piece it out. We have some evidence about one collapsible boat, that the after-fall was cut, and it was doubtful whether the other one was cut. This boat, I understand, was never put on the falls at all? - The one I am speaking of?

14040. Yes? - No, it was not put on the falls at all.

14041. Then there would be no occasion to cut that away? - None whatever.

14042. Could you see which of the two this was, because there are two on the deck house, are not there? - One on each side, yes.

14043. Which of the two was it - which side? - The port side.

14044. That is the one you are speaking of? - Yes.

14045. You say it was pushed on to the boat deck, and the boat deck was awash? - Yes.

14046. Could you see by that time whether there was any time to get her to the falls or not? - Oh, no, no time.

14047. Then tell us your last minute or two on the ship. What did you do? - I went across to the starboard side of the officers' quarters, on the top of the officers' quarters, to see if I could do anything on the starboard side. Well, I could not.

14048. And coming over to the starboard side on the roof of the officers' quarters, could you see any other officers? - I saw the First Officer working at the falls of the starboard emergency boat, obviously with the intention of overhauling them and hooking on to the collapsible boat on their side.

14049. The other collapsible boat? - Yes.

14050. That would be Mr. Murdoch? - Yes.

14051. Were there others with him helping? - There were a number round there helping.

14052. Then what happened? - Well, she seemed to take a bit of a dive, and I just walked into the water.

14053. Had you got a lifebelt? - I had.

14054. You had better just tell us what your own experiences were. What happened to you? - Well, I was swimming out towards the head of the ship, the crow's-nest. I could see the crow's-nest. The water was intensely cold, and one's natural instinct was to try to get out of the water. I do not know whether I swam to the foremast with that idea, but of course I soon realised it was rather foolish, so I turned to swim across clear of the ship to starboard. The next thing I knew I was up against that blower on the fore part of the funnel. There is a grating.

14055. Just show us what it is? - (*The Witness pointed on the model.*) The fore part of the funnel, the same as the one on the afterpart *here*.

14056. Was it the platform? - The platform goes right down the stokehold; the one coming along shoots right down into the stokehold.

14057. You found yourself against that? - Yes, the water rushing down held me there a little while. The water was rushing down *this* blower.

14058. Did it drag you against it? - It held me against the blower.

14059. Against the mouth of it? - Yes. After a while there seemed to be a rush of air from down below, and I was blown away from it.

14060. Air coming out of the ship, as it were? - Yes.

14061. Had you been dragged below the surface? - Yes.

14062. Have you any idea, were you dragged a long way down? - It seemed a good long while; I do not suppose it was many moments, though.

14063. Then you came up to the surface? - Yes.

14064. (*The Commissioner.*) Can you swim with these lifebelts on? - There is no necessity to swim; you can paddle, they hold you high in the water.

14065. You cannot sink, I understand; but can you swim? - You can paddle along; you cannot swim because you cannot get your breast deep down in the water.

14066. You cannot swim as well with a lifebelt on as you can without? - Not nearly. I may say that I have heard since that the gymnasium instructor refused to put one on for that reason. He could swim far better and get clear of people and things without it.

14067. The man who can swim well is far better off without the lifebelt? - As far as the swimming goes, except that if you are taken below the surface it brings you up much quicker.

14068. (*The Solicitor-General.*) When you came up where did you find yourself? - I found myself alongside of the collapsible boat, which I had previously launched on the port side, the one I had thrown on to the boat deck.

14069. The one still shut up? - Yes, still shut up, bottom up.

14070. Were you able to make use of it to clamber on to it? - Not at that time. I just held on to something, a piece of rope or something, and was there for a little while, and then the forward funnel fell down. It fell within 3 or 4 inches of the boat. It lifted the boat bodily and threw her about 20 feet clear of the ship as near as I could judge.

14071. Did you notice when you came up to the surface and found this collapsible boat near you whether the whole of the ship had disappeared? - Oh, no.

14072. She had not? - No. The forward funnel was still there - all the funnels were above water.

14073. (*The Commissioner.*) When you first came up? - When I first came up.

14074. (*The Solicitor-General.*) I do not know whether you can help us at all in describing what happened to the ship. You were engaged and had other things to think about; but what did happen to the ship? Can you tell us at all? - Are you referring to the reports of the ship breaking in two?

14075. Yes? - It is utterly untrue. The ship did not and could not have broken in two.

14076. (*The Commissioner.*) If you saw it - if you saw what happened, tell us what it was? - After the funnel fell there was some little time elapsed. I do not know exactly what came or went, but the next thing I remember I was alongside this collapsible boat again, and there were about half a dozen standing on it. I climbed on it, and then turned my attention to the ship. The third if not the second funnel was still visible, certainly the third funnel was still visible. The stern was then clear of the water.

14077. Which do you call the second and third? - Numbering them from forward, my Lord.

14078. The second was visible? - The third was visible - I am not sure if the second was visible, but I am certain the third was visible, and she was gradually raising her stern out of the water. Even at that time I think the propellers were clear of the water. That I will not be certain of.

14079. Had the funnel broken away? - Only the forward one.

14080. But you are not sure about the second one? - I am not sure whether that was below water or not, that I cannot say.

14081. That is what I mean. I want to know from you. Was it below water in the sense that the ship had sunk so as to immerse it in the water, or had it broken adrift? - No, the second funnel

was immersed.

14082. It appears to me, looking at that model, that if that was so the stern must have been very well up in the air? - Well, I daresay it was, my Lord; it would be.

14083. And the propellers all visible? - Yes, clear of the water. That is my impression.

14084. (*The Solicitor-General.*) When you say the third funnel was visible I understand you to mean part of it? - Yes, some part of the funnel. As a matter of fact, I am rather under the impression that the whole of the third funnel was visible.

The Commissioner: Is it possible to turn that model so that we could see what the position of the ship would be?

The Solicitor-General: I understand it cannot be tipped in that way.

14084a. (*The Commissioner.*) It seems to me the ship would be almost perpendicular? - She did eventually attain the absolutely perpendicular.

The Solicitor-General: Perhaps this profile will help you. (*Handing the same to the Witness.*)

14085. (*The Commissioner.*) Just take that, and turn that little wooden model into the position. Now the book you have here represents the waterline? - Yes. (*The Witness indicated the position with the small profile model.*)

14086. And that is the position? - Yes, somewhere about that. I cannot say exactly whether the third funnel was clear of the water or not. I am under the impression that was the position. I noticed the ship was quite at *that* angle. (*Describing.*)

14087. (*The Solicitor-General.*) Would you indicate with your other hand whereabouts you are when you are looking at it? - Here. (*Pointing.*)

14088. You are somewhat about *there*? - Somewhere about *here*.

14089. (*The Commissioner.*) You are, in fact, on a level with the top of No. 2 funnel? - About that, my Lord.

14090. (*The Solicitor-General.*) As you looked at it then, could you tell us whether there were any lights burning on the part that was not submerged? - I do not think so.

14090a. Your recollection is that there were not? - Yes.

14091. (*The Commissioner.*) When the ship reached that point that you have just described, were many people thrown into the water? - That I could not say, my Lord.

14092. (*The Solicitor-General.*) Did you continue watching the afterpart sufficiently to be able to tell us whether the afterpart settled on the water at all? - It did not settle on the water.

14093. You are confident it did not? - Perfectly certain.

The Solicitor-General: Your Lordship knows a lot of witnesses have said their impression was the afterpart settled on the water.

14094. (*The Commissioner.*) I have heard that over and over again. (*To the Witness.*) That you say is not true? - That is not true, my Lord. I was watching her keenly the whole time.

The Commissioner: I had a difficulty in realising how it could possibly be that the afterpart of the ship righted itself for a moment.

The Solicitor-General: Your Lordship may remember, perhaps, that the baker, who was on the ship at this moment we are now dealing with, and was climbing aft, said he heard the rending of metal - of metal breaking.

The Commissioner: Yes, he was the man who got to the poop.

14095. (*The Solicitor-General.*) Yes, he climbed right aft; at this moment he would be on the poop. (*To the Witness.*) Your evidence is that the ship remained stiff? - Yes.

14096. Now just carry it on, did you continue watching her until she disappeared? - I did.

14097. Just tell us what happened, as you saw it? - After she reached an angle of 50 or 60 degrees, or something about that, there was this rumbling sound, which I attributed to the boilers leaving their beds and crushing down on or through the bulkheads. The ship at that time was

becoming more perpendicular, until finally she attained the absolute perpendicular - somewhere about *that* position (*describing*), and then went slowly down. She went down very slowly until the end, and then, after she got so far (*describing*), the afterpart of the second cabin deck, she, of course, went down much quicker.

14098. You have spoken of these rumblings which you heard, which you attributed to the boilers losing their places. Did you hear anything which you would call an explosion? - No. The only thing that I should attribute to explosions - which might have been attributed to explosions - was when I was, in the first place, sucked to the blower, and, in the second place, just shortly before the forward funnel falling, there was an up-rush of certainly warm water, but whether it was caused by an explosion or what, I could not say.

14099. Of course, if you were under water at that time you were not in a very good position to hear it? - No.

The Commissioner: I do not know what the explanation of this supposed explosion is. What was it that exploded?

14100. (*The Solicitor-General.*) What would you say, Mr. Lightoller? - It was either the cold water reaching the boilers, if boilers do not explode under those circumstances, which is quite an open question. Some say they do and a great many capable men certainly say they do not explode. If her boilers did not explode it was not from that, and must have been the rush of imprisoned air; and the heat would be caused merely through its coming from the stokehold.

14101. (*The Solicitor-General.*) One of the other officers has some information to give your Lordship. (*To the Witness.*) That was how it struck you and how you saw it at the time? - Yes.

14102. You say you saw some six people who had got to this collapsible boat. Were they men? - Yes.

14103. I think you said they were standing on it? - As far as I remember yes, standing or kneeling.

14104. What happened to you? - I climbed on to it.

14105. Then just tell us what was the course of events after that from your point of view? - There were several people in the water round about us who struggled towards the boat and swarmed towards the boat and got on to it during the night occasionally. Of course we could not paddle that boat about; it was absolutely water-logged.

14106. I suppose it was shut up in the sort of sense that that little profile which is in your hand is shut up? - Yes, just upside down like *that* bottom up (*describing*). Do you mean she was shut up like that?

14107. Yes? - No, she is a flat boat like *that*. She consists of the shape of the boat and two bottoms divided into compartments which contain air. When the boat is turned over it is quite flat on the surface of the water.

14108. Like a raft? - Exactly.

14109. There are six and you yourself were there and others got to it? - Yes, as far as I know during the night. I did not count them. It was merely an estimate from other people. There were nearly 28 or 30 people on this raft in the morning.

14110. (*The Commissioner.*) Do not you know how many were taken off to the "Carpathia"? - No, my Lord, I do not. We were taken into a lifeboat before we went on board the "Carpathia."

14111. (*The Solicitor-General.*) That is between the going down of the "Titanic" and dawn? - Yes.

14112. (*The Commissioner.*) When were you taken off this collapsible boat? - Just at daybreak.

14113. By what boat? - I do not know the number.

14114. Were you all taken by one boat? - Yes.

14115. And how many were in the boat that took you off when you got on board? - I counted

those myself; standing in the stern I counted 65 heads.

14116. That included those that had been taken from the collapsible? - Including those taken off that boat, 65 heads. I could not myself see anyone who sat in the bottom of the boat. I judge there were at least 75 in the boat.

14117. Which boat are you talking of? - The lifeboat; I do not know the number.

14118. (*The Solicitor-General.*) I have the evidence of the chief baker, a man named Joughin, who kept afloat in the water till dawn and he had told us at dawn he saw an upturned boat and made his way to it, and I think someone gave him a hand and kept him up in the water for some time. Is that the collapsible boat you are speaking of? - I do not remember his being there.

14119. (*The Commissioner.*) How many were on this collapsible boat when you were transferred to the lifeboat? - I did not count them, my Lord, but I have been given to understand since from the men who saw it and the men on the raft, that there were 28 or 30 on there.

14120. And then when you got into the lifeboat, the total number then on the lifeboat when you were added to those that were already there was 75? - 75.

14121. So there would have been about 45 on this lifeboat when you approached her or when she approached you - that is right? - Yes. I may say there were two lifeboats approached us.

14122. Did not you all get into one? - We all got into one. This being the lighter one of the two, I chose it.

14123. You all got into her? - Yes.

14124. (*The Solicitor-General.*) According to your figures about 45 people were on that lifeboat when you were taken off and put on board her? - If the figures that there were 28 or 30 on the raft were correct. I do not vouch for those.

The Solicitor-General: May I give your Lordship the reference. Joughin, on page 142 tells you what his view is of this boat.

The Commissioner: That is the baker.

The Solicitor-General: Yes. At Question 6085 he says, "Just as it was breaking daylight I saw what I thought was some wreckage, and I started to swim towards it slowly. When I got near enough I found it was a collapsible not properly upturned, but on its side, with an officer and I should say about 20 or 25 men standing on the top of it. (*The Commissioner.*) With an officer and what? - (A.) I should say roughly about 25 men standing on the top - well on the side, not on the top. (*The Solicitor-General.*) Do you know which officer it was? - (A.) Yes, Mr. Lightoller. (Q.) Mr. Lightoller and you think about 20 or 25 people? - (A.) Yes. (*The Commissioner.*) Men, he said. (*The Solicitor-General.*) Yes, men, my Lord? - (A.) Yes, all men."

14125. I daresay you will remember he said there was not room for him, and somebody recognised him. I think one of the cooks was on it, and held out his hand and helped to keep him afloat for a bit, and later on there was a lifeboat which approached and according to Joughin called out that there was room for 10 people. Do you remember that? - No.

14126. (*The Solicitor-General.*) Your Lordship sees Question 6106, "They got within about 50 yards and they sung out that they could only take 10. So I said this to Maynard, 'Let go my hand,' and I swam to meet it, so that I would be one of the 10"? - The only reference to numbers was this; when I saw the boats I could faintly distinguish them. I had my whistle in my pocket. I whistled by way of showing it was an officer that was calling, and I asked them if they could take some of us on board, and I said if they could manage to take half-a-dozen - because we were sinking then - it would lighten us up so that we could continue afloat. That was the only reference to numbers I heard.

14127. I understand you cannot actually give us the number of the boat which this was? - No, I never inquired.

14128. Were you transferred to her, and did you take command of her? - I did.

14129. I think I can identify it, my Lord. It must have been boat No. 14, because your Lordship will find that a man named Scarrott has given evidence on page 26. I am not quite sure. (*To the Witness.*) On this upturned collapsible boat, when the morning came and the lifeboat appeared, had any women got on to it at all? - None.

14130. You are sure about that? - Quite.

14131. Then I am afraid I am wrong about it. It must have been the other one.

The Commissioner: The reference to page 26 is not right?

14132. (*The Solicitor-General.*) No, my Lord, I am sorry. (*To the Witness.*) Could not you give us the name of anybody who was on board the lifeboat that you were transferred to and took charge of. You see, we want to trace it out? - Oh, yes, Bride was on board, the Marconi operator, of course; that is the boat that Phillips was on. There were two or three died during the night.

14133. (*The Solicitor-General.*) I think I can get at it, my Lord. (*To the Witness.*) Did you ascertain that the lifeboat that helped you had already got some people from another collapsible? - No, I do not think that was the boat; it was one of the later boats to be taken on board the "Carpathia," and therefore would be one of those that was turned adrift. It was the last boat to get to the "Carpathia," as a matter of fact, I think.

14134. Sooner than occupy more time about it now I will have it looked at, and we will try to work it out. If I may say so, the distribution of people in boats and what they did after the calamity does not appear to be very important.

The Commissioner: No.

14135. (*The Solicitor-General.*) It is important what happened to the boats before the calamity. We will leave it, Mr. Lightoller, and try to work it out. There are just one or two general things we want to know. Can you help us at all about this. There were third class passengers who, in the ordinary course of things would not use that boat deck at all. Now, as far as you saw, was anything done to help those third class people to get a fair chance. What happened? - I am not in a position to say what was done, because I never went to a place that would justify me in saying whether anything was or was not done. There is merely the fact that I know there were plenty of third class passengers on the deck, and third class women that I helped in.

14136. You are sure of that? - Oh, I am quite sure - great numbers of them. I naturally noticed - I could pretty well distinguish.

The Commissioner: I suppose, Sir John, there are actual records of the numbers saved, about which there can be no doubt?

The Solicitor-General: Yes, my Lord; the Attorney-General gave the figures.

The Commissioner: I know in his opening he did, and I suppose they will be proved.

The Solicitor-General: They can be proved.

The Commissioner: The observation is that the percentage of third class passengers saved is much smaller than the percentage of first class passengers?

The Solicitor-General: Yes.

The Commissioner: There is no doubt about that, apparently, if the Attorney-General's figures were right.

14137. (*The Solicitor-General.*) That is the position, yes. (*To the Witness.*) There are two or three things one wants to ask about - those lights which you saw. You have told me about seeing a light and calling the passengers' attention to it? - Yes.

14138. Now how did it bear? - A white light about two points on the port bow; whether it was one or two lights I could not say. As to whether it was a masthead light or a stern light, I could not say. I was perfectly sure it was a light attached to a vessel, whether a steamship or a sailing ship I could not say. I could not distinguish any other coloured lights, but merely it was a white light, distinct and plain.

14139. Do you know whether your ship was swinging? - I do not know.

14140. (*The Commissioner.*) Can you form any estimate of the distance of the light from the "Titanic"? - Yes, my Lord; certainly not over 5 miles away.

14141. Was there any field ice or pack ice about the "Titanic" about this time, anything that could be seen anywhere? - No, my Lord.

14142. Then there was nothing to prevent a vessel, as far as you could see, coming to the "Titanic"? - Not as far as I could see. You are speaking of the nighttime?

14143. I am speaking of the time when you saw this light? - Yes, my Lord.

14144. (*The Solicitor-General.*) How soon did you observe the light? - I think it was when I was working at No. 6 or 8 boat - No. 6 boat, I should say, when I was helping the people into No. 6 boat.

14145. Did you observe it yourself, or was your attention called to it? - No, I noticed it.

14146. And, as you said, you called attention to it? - Yes.

14147. Other people saw it, too, I suppose. Did you continue to see it when you looked from that time forward until the ship went down, or did it disappear? - I cannot say how long I noticed it. I saw it perhaps half an hour, probably about half an hour. I can recollect seeing it for about half an hour.

14148. Have you any recollection of thinking that it had disappeared? - No.

The Commissioner: Are you going to ask him about the rockets.

14149. (*The Solicitor-General.*) Yes, my Lord, I am going to ask him about that now. (*To the Witness.*) Throughout the time that you saw this light, as far as you can judge, did it remain stationary, or did it move at all? - Perfectly stationary as far as I can recollect.

14150. Now, then, about signals from your boat. You have rockets on board, have you not? Were they fired? - You quite understand they are termed rockets, but they are actually distress signals; they do not leave a trail of fire.

14151. Distress signals? - Yes. I just mention that, not to confuse them with the old rockets, which leave a trail of fire.

14152. Those are distress signals? - Actual distress signals.

14153. What sort of light do they show? - A shell bursts at a great height in the air, throwing out a great number of stars.

14154. What is the colour? - Principally white, almost white.

14155. How are they discharged; are they discharged from a socket? - In the first place, the charge is no more and no less than what you would use in a 12-pounder or something like that. In the rail is a gunmetal socket. In the base of this cartridge, you may call it, is a black powder charge. The hole down through the centre of the remainder is blocked up with a peg. You insert the cartridge in this socket; a brass detonator, which reaches from the top of the signal into the charge at the base, is then inserted in this hole. There is a wire running through this detonator, and the pulling of this wire fires that, and that, in turn, fires the charge at the base of the cartridge. That, exploding, throws the shell to a height of several hundred feet, which is nothing more or less than a time shell and explodes by time in the air.

14156. Had you yourself anything to do with sending up these distress signals? - No, my Lord.

14157. Did you hear any order given about them? - No.

14158. You merely saw they were being sent up? - Yes.

14159. I think it was Mr. Boxhall, who is here, who had something to do with sending them up? - I believe so.

14160. Did you notice at all how many were sent up or at what intervals? - I should roughly estimate somewhere about eight at intervals of a few minutes - five or six minutes, or something like that.

14161. One at a time? - Yes, all fired from the starboard side, as far as I know.
14162. You had a Morse apparatus on your ship? - One on each side.
14163. For sending signals by flash? - Exactly.
14164. Was that made use of? - It was on the port side.
14165. The side you were on? - Yes.
14166. Who did that? You did not do that? - No.
14167. Was the Morse signalling at the same time as the rockets or earlier or later? - I really could not say whether it was during the signalling or after.
14168. Have you been in a ship where distress signals have been used before? Do you know their use? - Yes.
14169. Are there signals of a definite kind and appearance that are known as distress signals? - Yes, there is no ship allowed on the high seas to fire a rocket or anything resembling a rocket unless she requires assistance.
14170. If you had seen signals like those sent up from another ship would you have known for certain what they were? - I have seen them and known immediately.
14171. We have heard something about companies' signals. Do they resemble these at all? - In no way, to my knowledge.
14172. Would you have any difficulty in distinguishing one from the other? - I never have had.
14173. I think you told my Lord as far as you could see there was no ice at this time within range of sight? - No.
14174. When the dawn broke in the morning was there ice about then? - There were several icebergs scattered about.
14175. (*The Commissioner.*) But anything in the nature of pack ice? - Not that we saw then.
14176. (*The Solicitor-General.*) Did you see anything of the sort you call "growlers"? - No.
14177. What you saw were bergs then? - Bergs.
14178. What sort of distance did you see them off? - I should say the nearest must have been at least 10 miles away. That is a pretty rough estimate. I cannot say with any degree of accuracy now what the nearest was, it may have been less.
14179. What sort of height would you judge? - They ranged from a matter of 50 or 60 feet to perhaps 200 or 300 feet.
14180. There is one other matter. The Commander uses a megaphone, of course - a speaking trumpet? - Yes.
14181. After these boats had been launched and left the side [of the] ship, did you hear any orders or call given to any of them? - Yes.
14182. By whom? - By the Commander.
14183. Through the megaphone? - Yes.
14184. Did that happen more than once? - More than once, yes.
14185. What was the order? - To come back.
14186. Was he hailing any particular boats? - No. I heard the Commander two or three times hail through the megaphone to bring the boats alongside, and I presumed he was alluding to the gangway doors, giving orders to the boats to go to the gangway doors.
14187. (*The Commissioner.*) When was this? - During the time I was launching the boats on the port side, I could not give you any definite time.
14188. (*The Solicitor-General.*) You heard the orders given and you heard the orders repeated; could you gather at the time whether they were being obeyed or not? - No.
14189. You did not know one way or the other? - I did not know anything at all about it.
14190. I think that exhausts what I want about the actual incident? - May I say one thing, Sir, which I forgot yesterday?

14191. Do? - You were questioning me with regard to speed and asking had the Commander mentioned anything about speed. I have since recollected one particular instance if it does bear on the case at all. The Commander mentioned the fact and said: "If it does come on in the slightest degree hazy we shall have to go very slow." That was when he came on the bridge from 9 to half-past, when we were talking. You were particularly asking if there was any reference to speed. That was the only one.

14192. You have told us already that as far as your watch is concerned, it remained perfectly clear? - Yes.

14193. Mr. Murdoch unfortunately has lost his life and some of the others, and you had better just tell us - did you hear after the accident in the course of that hour and a half or two hours from any of your superiors any information at all about how they did come to run into this iceberg? - None whatever.

14194. No reference to what the weather had been after 10 o'clock? - No. The weather was perfectly clear when I came on deck after the accident, and the slightest degree of haze on the surface of the water would have been very noticeable, or, rather, I might put it the other way; it is proved that there was no haze by some of the boats noticing from the waterline this vessel's lights. I think that has been mentioned, and if there had been the slightest degree of haze they would not have seen them.

14195. As far as you saw, did you see any change in the weather conditions at all while you were working, helping to get these boats out? - Absolutely none.

14196. Right up to the time the ship went down is it your view that the conditions were the same as they were between 6 and 10? - Precisely.

14197. Can you suggest at all how it can have come about that this iceberg should not have been seen at a greater distance? - It is very difficult indeed to come to any conclusion. Of course, we know now the extraordinary combination of circumstances that existed at that time which you would not meet again once in 100 years; that they should all have existed just on that particular night shows, of course, that everything was against us.

14198. (*The Commissioner.*) When you make a general statement of that kind I want you to particularise: What were the circumstances? - I was going to give them, my Lord. In the first place, there was no moon.

14199. That is frequently the case? - Very - I daresay it had been the last quarter or the first quarter. Then there was no wind, not the slightest breath of air. And most particular of all in my estimation is the fact, a most extraordinary circumstance, that there was not any swell. Had there been the slightest degree of swell I have no doubt that berg would have been seen in plenty of time to clear it.

14200. Wait a minute: No moon, no wind, no swell? - The moon we knew of, the wind we knew of, but the absence of swell we did not know of. You naturally conclude that you do not meet with a sea like it was, like a table top or a floor, a most extraordinary circumstance, and I guarantee that 99 men out of 100 could never call to mind actual proof of there having been such an absolutely smooth sea.

14201. But the swell got up later on? - Yes, almost immediately; after I was in the water I had not been on the raft, the upturned boat, more than half an hour or so before a slight swell was distinctly noticeable.

14202. We hear of one lady having been very sea-sick? - In the morning there was quite a breeze and we maintained our equilibrium with the greatest difficulty when the rough sea came towards us, and before we got the lifeboat alongside the "Carpathia" - I am pretty familiar with boats.

14203. Do not let me interrupt you; you were going to particularise the circumstances which

you say combined to bring about this calamity. There was no moon, no wind, and no swell; is there anything else? - The berg into which we must have run in my estimation must have been a berg which had very shortly before capsized, and that would leave most of it above the water practically black ice.

14204. You think so? - I think so, or it must have been a berg broken from a glacier with the blue side towards us, but even in that case, had it been a glacier there would still have been the white outline that Captain Smith spoke about, with a white outline against, no matter how dark a sky, providing the stars are out and distinctly visible, you ought to pick it out in quite sufficient time to clear it at any time. That is to say, providing the stars are out and providing it is not cloudy. You must remember that all the stars were out and there was not a cloud in the sky, so that at any rate there was bound to be a certain amount of reflected light. Had it been field ice, had we been approaching field ice, of more or less extent, looking down upon it it would have been very visible. You would have been able to see that field ice five miles away, I should think. Had it been a normal iceberg with three sides and the top white with just a glimpse of any of the white sides they would have shown sufficient reflected light to have been noticeable a mile and a half or two miles distant. The only way in which I can account for it is that this was probably a berg which had overturned as they most frequently do, which had split and broken adrift; a berg will split into different divisions, into halves perhaps, and then it becomes top-heavy, and at the same time as it splits you have what are often spoken of as explosions and the berg will topple over. That brings most of the part that has been in the water above the water.

14205. Is there any other circumstance you wish to point out? - No, I think that is all.

14206. Just let us put that together. It is dark, in the sense that there is no moon, with a bright, starlight sky perfectly clear, but there is no wind or swell, and if there had been there would have been some motion of the water against the bottom iceberg, which would have been noticeable? - Yes.

14207. The iceberg, in your opinion, had probably quite recently turned turtle? - Yes.

14208. And was displaying black ice with nothing white about it - that is it, is it not? - That is about it.

14209. Does that, in your opinion, account for the man on the look-out not seeing the iceberg? - Yes.

14210. Can you suggest what steps ought to be taken, or can be taken, to avoid the recurrence of such a calamity? - I believe there are several.

14211. Let me put my question in another way? - I understand your Lordship.

14212. But I will put it in another way - could you suggest any means that can be taken to enable the look-out man to see an iceberg of such a kind under such circumstances? - It has been proposed to put searchlights on, but until we have practical experience with searchlights, I should be very loth to pass an opinion upon that.

14213. Is there anything else you can suggest? - No, I do not think so, my Lord.

14214. (*The Solicitor-General.*) Supposing a ship, in these circumstances, did not go so fast through the water, would that make it less likely that these conditions would produce so serious an accident? - Of course, if the ship was going slowly, the impact would be less.

14215. (*The Commissioner.*) If the ship had been doing what the "Californian" was doing, dead stopped, no calamity would have happened? - No; had we seen the ice pack before we got into contact with the berg, or if we had seen one of the bigger bergs, or anything except just happening to find that one particular berg.

14216. (*The Solicitor-General.*) We have had the evidence of the look-out man, you know, and the look-out man says that "it was a dark mass that came through the haze, and there was no white appearing until it was close alongside the ship, and that was just a fringe at the top." If an

iceberg such as you have described has a black side and a white side, it is just as likely that the black side is towards the ship as the other side? - No; you see three sides and the top will be white and there is only one side black. If you take the end of a glacier which is protruding out of a valley, or whatever it is, there are the two sides at the front and the top that are crystallised, and when it comes over the edge and breaks off short there is only this part at the back where it is broken away from the parent glacier which is black.

14217. Do you mean that from whatever point you approached such an iceberg you ought to be able to see something white about it at a distance? - Yes.

14218. (*The Commissioner.*) There is another question I want to ask you. The crow's-nest man said that the berg appeared to come, as it were, out of the haze. Is it possible that in the circumstances you have mentioned an iceberg might produce on the eyesight of these men the effect of a haze? - It ought not to.

The Solicitor-General: I think I have asked what I wanted. It will save confusion perhaps if I tell your Lordship and tell the witness now that Mr. Boxhall, who roused him, sent me a note to say that although no doubt the witness is quite right in saying that he (*Mr. Boxhall.*) had said that water was up to the F deck, what Mr. Boxhall meant to convey whatever he said was that it was up to the G deck. When Mr. Boxhall comes he will tell us, but it will save confusion if we have that in mind.

The Commissioner: Very well; that is quite sufficient.

Examined by Mr. SCANLAN.

14219. You are the senior officer of all the officers who have survived the "Titanic" disaster? - Yes.

14220. I want to ask you one question about the construction of the boat from the point of view of filling the lifeboats. Your Lordship asked if this had been referred to in the evidence before, and I may point out that it is referred to at page 208 in the evidence of James Henry Moore, who was the captain of the "Mount Temple," at the foot of the second column of page 208, Question 9303 onwards to the end of that column.

The Commissioner: Yes, I have read that.

14221. (*Mr. Scanlan - To the Witness.*) Did you know that it was intended, if the lifeboats were required to be used, that the boats might be filled with the crew, might take their crew, on the A deck and be lowered into the water and then filled from those gangway doors on E deck? - I do not quite follow you.

14222. Let me put this to you: You said that you ordered the gangway doors on E deck to be opened? - Yes.

14223. For what purpose? - Naturally for putting the passengers into the boat.

14224. I want you to explain to my Lord how you would put the passengers into the boat from the gangway doors? - Most probably by what we term a pilot ladder - a rope ladder. The men would be able to climb down the rope ladder.

14225. Had you such a rope ladder in readiness? - Oh, yes, plenty in the ship.

14226. For that purpose? - Yes.

14227. I think, just towards the end of your evidence, you stated to my learned friend that the Captain had ordered the boats through the megaphone to "Come to," that is, to come along the ship's side, and you said that his object was no doubt to get them near these gangway doors? - I

think I said if I remember rightly that probably that may have been his object with reference to the gangway doors. He did not know about my order about the gangway doors.

14228. Had you understood between you and the Captain, that this was one way of filling the lifeboats in the event of the lifeboats being required? - I had not discussed the matter with the Captain.

14229. How was it that it occurred to you and to the Captain at the same time? - I do not know that it occurred at the same time.

14230. But it did occur to both of you? - It came to both our minds and naturally anyone familiar with the ship, any seaman, any one attached to the ship, would know at once that was the best means of putting the people into the boat - by the gangway doors.

14231. Is that a better means of putting people into a lifeboat - a safer means I mean - than having the boat filled on the boat deck 70 feet above the water and then lowered down? - Do you mean filled to her utmost capacity?

14232. Yes. - Yes, it is far better to get the boat water borne.

14233. If a boat is filled to its utmost capacity on the boat deck there is a possibility of two dangers, either the falls may prove insufficient or the boat may buckle and break. I think that is the effect of your evidence? - That is right.

14234. Is it a practicable way of filling a lifeboat in any kind of sea and weather conditions to lower her into the water practically empty and then fill her from those gangway doors? - Oh yes.

14235. You do not see any greater difficulty in filling her from those gangways doors in rough weather than in lowering her from the boat deck? - In rough weather I am afraid that boating altogether is a pretty big problem, more than we could discuss here. There are so many things before that to be taken into consideration.

14236. I know, but it is just because of your vast experience - you hold a master's certificate and an extra master's certificate, and I recognise your knowledge and experience - that I want you to give us the benefit of your experience. In rough weather would it be safer to fill the boats from the lower part of the ship than from the boat deck? - You have put a very difficult question before me, you know, and it has nothing to do with this.

The Commissioner: It would depend very much on the particular circumstances, Mr. Scanlan. For instance, the first question is the size of the vessel and that would make a very great difference.

The Witness: It depends upon the size of the vessel and many thousand things.

Mr. Scanlan: On that, my Lord, may I suggest that if a boat is lowered into the water then, supposing it is inconvenient to fill in your passengers from one side, you might take your boat round to the other side, having a sufficient crew.

The Commissioner: All I mean is this: It occurs to me that to discuss a problematical case when we have not, and cannot have, the particular circumstances that apply to it is not of very much use.

Mr. Scanlan: Yes, my Lord.

The Commissioner: Unless you see a good reason for it I would very much rather listen to your examination upon the circumstances of this particular case. I think it would be of more use to the Court.

Mr. Scanlan: Yes, my Lord; as I have been instructed on this point I think it only right that I should bring it under your Lordship's notice.

The Commissioner: If you think differently, I do not want to interfere with you, but I am telling you that, to my mind, it is not of much value to discuss a problematical case when we cannot have the circumstances that would affect it.

The Witness: I would willingly give you an answer only I must say that it is a very big question

you are opening up.

Mr. Scanlan: If I may say so, my Lord, I submit this question is involved in the questions submitted to the Court by the Board of Trade.

The Commissioner: I think very likely it is; I can tell you how it appears to me that it might be of importance. The question must arise at some time as to the value of lifeboats, and lifeboats are worked, or intended to be worked, in rough weather as well as in smooth weather, and we may have to consider it; but, at the same time, I do not think that examining this gentleman about the conduct of lifeboats under particular circumstances, which are problematical, would help us very much. You might ask him generally whether lifeboats are of value in a rough sea, and I should be obliged if you would ask him that question because I think it would be of use.

14237. (*Mr. Scanlan - To the Witness.*) Of course, on the night of this unfortunate disaster, you had ideal conditions for filling and manning and getting off the lifeboats? - Yes.

14238. But take your mind to another possible set of circumstances, a rough sea and rough weather, you would still, I assume, make an attempt to utilise your lifeboats in the event of a disaster happening? - Yes.

14239. What complement of a crew would be necessary to man your lifeboats in rough weather? - There, you see, you compel me to put a question to you: You would have to define rough weather, and there is the Beaufort scale nought to twelve with breezes alone, so that we would have to come to some definite understanding as to what is meant by rough weather.

14240. I will give you anything you wish; there is no use your asking me a question, but assume that the weather was rough? - Do you mean the worst conditions for a lifeboat?

14241. Yes. - When it is possible to launch it from the davits?

14242. Yes. - Would it be better to load from the doors or from the davits?

14243. No, just what you would do with your lifeboats in the roughest weather.

The Commissioner: The roughest weather? I doubt if you could do it.

The Witness: We could not get them out at all then.

14244. (*Mr. Scanlan.*) Perhaps that is so, my Lord? - You mean the roughest weather that a lifeboat would live in?

14245. Yes. - In the roughest weather a lifeboat would live in, it is extremely doubtful whether you would get them away from the ship, because you must remember there is the motion of the ship and there again you bring up another question, the size of the ship; the motion of the ship would be totally different in a larger or a smaller ship. Then you bring up the question of the height. I am sorry but you are bound to take all these things into consideration.

14246. Quite so. Would you answer this question. In rough weather, as rough as a lifeboat could live in, how would you proceed in lowering and manning and filling your boat? - With passengers?

Yes - say a ship like the "Titanic."

14247. (*The Commissioner.*) This question raises another difficulty in my mind. You say "In the roughest weather in which a lifeboat could live." (*To the Witness.*) Now can a lifeboat be launched in such weather? - No, my Lord.

The Commissioner: When she once gets to the water it may be very rough indeed and yet she will be able to live, but she might not be able to be launched. Launching and living are very different things.

14248. (*Mr. Scanlan.*) Perhaps, my Lord, we will be able to get down to a state of comparative roughness, when it is not only possible for a lifeboat to live, but also to be launched. I think I have made myself plain at last.

The Witness: Yes.

14249. Thank you. What would you do under these circumstances?

The Commissioner: That is quite intelligible.

The Witness: Do you wish me to take the ship into consideration?

14250. (*The Commissioner.*) The question as I follow it is this - assuming such weather bad but still such weather that you can launch a boat and such weather that the boat when launched will live, where would you load her? - The "Titanic," or any ship?

14251. (*Mr. Scanlan.*) Any ship - take the "Titanic" for example? - Again I am sorry, but I must ask do you mean men and women or men alone?

14252. Men and women? - Of course it would be better to get the women in from the decks undoubtedly if you could. The men, of course, are handier to jump; you might be able to launch the boat alongside the gangway doors, but it would need pretty smart seamanship to hold her there in this rough weather you speak of. It is quite possible, and is frequently done, not under these circumstances, but, for instance, the pilot leaving; you know how very frequent it is for the pilot to leave and board in rough weather. He is a seaman, and watches his chance and jumps. There is a right time to jump. There are seamen there who know the right time to jump. They must be there to see that the passengers jump at that moment. Is that what you wish me to say?

14253. You have gone a little in that direction, but you say that you would get in the women passengers on the boat deck and you would get the male passengers in from the gangways on the lower deck? - I must say yes; I cannot tie myself of course.

The Commissioner: Now, Mr. Scanlan, I want to know whether he would get them from the gangway to the boat by means of a ladder or by means of jumping?

14254. (*Mr. Scanlan - To the Witness.*) Tell my Lord how you would get them into the boat from the gangway doors? - Depending on the height, if the boat rose with the sea, if the sea was so rough bringing the gunwale of the boat fairly close to the level of the gangway doors let them jump; keep a clear space in the stern sheets and let them jump into the stern sheets with a couple of men there to catch and steady them as they come into the boat. If the sea is not high enough then I would use a rope-ladder and let them come down the rope-ladder. You could have a couple of ladders hanging over the side and tell the men when to jump. Have a rope round them, and let the seamen be hanging on to them so that they cannot let go until you think it desirable for them to jump into the boat. You would have to be guided absolutely by circumstances.

14255. Under such circumstances what complement of a crew would you desire to have in any of these lifeboats? - To handle her alongside the ship; is that what you mean?

14256. To handle her alongside the ship and at sea afterwards if necessary? - There is very little handling to be done in a rough sea; you would ride with a sea anchor.

14257. The question I ask is, how many of a crew would you desire to have? - Say four.

14258. There would be four able seamen? - Four men generally useful in a boat, with a fair knowledge of boating.

14259. You think four would be sufficient? - I would handle any of these lifeboats with four men.

14260. Would you require four experienced men? - Not necessarily experienced men - men who have a fair knowledge of boats, who know one end of the oar from another, and know which end of the sail goes up.

14261. You would not expect to get such men from amongst the stokers, would you? - Why not?

14262. Would you? - Yes.

14263. You would not require to have these four men ordinary seamen, deckhands? - No, not at all.

14264. But they would require to be skilled in the management of lifeboats or boats? - Not necessarily skilled; they want to be skilled in doing what they are told, and be able to do it.

14265. But in a sudden emergency you would not have time to tell them what to do, just as you had not time to tell the crews you sent from the "Titanic"? - But you are speaking of riding out at sea now, working a boat in a sea way.

14266. I am speaking of doing anything a boat's crew would have to do, from the launching of the boat from the boat deck until they get to safety, if they ever get there. I do not wish to detain your Lordship with this.

The Commissioner: You have indicated your point.

14267. (*Mr. Scanlan - To the Witness.*) It has been suggested in evidence which has been given in this case to my Lord that a crew of nine is desirable and necessary? - Then that would mean five less passengers, would it not?

14268. It would, of course, and, on the other hand, Mr. Lightoller, it would mean more boats. Do you agree with that? - The necessity of nine men to a boat?

14269. Yes? - Emphatically no.

14270. I understand your point of view. When you were leaving the bridge after your second watch, I understand it to be your evidence to my Lord yesterday that you explained to Mr. Murdoch what conclusion you had arrived at as to the proximity of ice; is that so? - I have not quite got that yet. Do you mean that I told Mr. Murdoch?

14271. When your watch finished at 10 o'clock on the night of the disaster, is it the case that you stated to Mr. Murdoch the conclusion you had arrived at as to the proximity of ice? - Yes.

14272. You were examined with regard to this in America; do you remember that? - No, I do not remember what I said there.

14273. I am reading from what purports to be the official note of the evidence in America, my Lord. It is the first day, and the first time you were in the witness-box, and it is on page 68 of the copy I have. You were asked, "Do you know where you were at the hour you turned over the watch to Mr. Murdoch? (*Mr. Lightoller.*) Not now, Sir. (*Senator Smith.*) Did you know at the time? (*Mr. Lightoller.*) Yes, Sir. (*Senator Smith.*) Can you give us any idea? (*Mr. Lightoller.*) When I ended the watch I roughly judged we should be getting towards the vicinity of the ice, as reported by that Marconigram I saw somewhere about 11 o'clock." Do you follow this? - Yes.

14274. "*(Senator Smith.)* That you would be in that latitude? (*Mr. Lightoller.*) Longitude. (*Senator Smith.*) At 11 o'clock? (*Mr. Lightoller.*) Somewhere about eleven, yes. (*Senator Smith.*) Did you talk with Mr. Murdoch about that phase of it when you left the watch? (*Mr. Lightoller.*) About what? (*Senator Smith.*) I said, did you talk with Mr. Murdoch about the iceberg's situation when you left the watch? (*Mr. Lightoller.*) No, Sir. (*Senator Smith.*) Did he ask you anything about it? (*Mr. Lightoller.*) No, Sir. (*Senator Smith.*) What was said between you? (*Mr. Lightoller.*) We remarked on the weather, about its being calm, clear. We remarked the distance we could see. We seemed to be able to see a long distance. Everything was clear. We could see the stars setting down on the horizon." From this it appears that when you gave your evidence you were under the impression that you had not told Mr. Murdoch about the icebergs and the conclusion you arrived at as to approaching them? - I may say by the questions that were put to me that those answers you might agree were correct as far as I understood the questions at that time.

14275. Is it your explanation then that this is incorrect or incomplete? - Incomplete, I say, yes.

14276. And that notwithstanding this evidence, you did tell Mr. Murdoch about the icebergs? - Undoubtedly, yes.

14277. You will admit, I suppose, that this is misleading, and, I suppose, you would like to correct it? - Yes, I should.

The Solicitor-General: I think if you look a little earlier, Mr. Scanlan, you will find that this gentleman was asked, "Did you communicate to Mr. Murdoch this information that the Captain

had given you on the bridge?" And he speaks of having communicated to him about the ice then, I think. "So that the officer in charge, Mr. Murdoch, was fully advised by you that you were in proximity to these icebergs," and he says: "I would not call it proximity," but I think the answers show that he did say that then. I know you want to be fair.

14278. (*Mr. Scanlan.*) I do, and I hope you will understand that, Mr. Lightoller?

The Witness: Quite right.

14279. Apart from your telling Mr. Murdoch, was there any record which he could look up for himself in order to be assured that you were getting on towards the ice-field? - The custom, as I think I explained previously, is that we have a notice board in the chart room for the purpose of putting up anything referring to navigation, wireless reports on matters navigational, and it is open for anyone to look at.

14280. Are you quite clear that there was not a haze on this night? - Yes.

14281. Are you aware that while you were on watch from 6 to 10, George Symons, a witness who was examined yesterday was one of the men stationed in the crow's-nest? - Yes.

14282. In answer to Mr. Laing, when he was asked, "While you were on the look-out up to 10 o'clock what sort of a night was it?" He replies, "Pretty clear, Sir, a fine night, rather hazy, if anything a little hazy on the horizon, but nothing to speak of." Do you agree with that? - No.

14283. You did not observe any haze. Is it possible that the man in the crow's-nest would have a better opportunity than you had of observing whether or not there was a haze? - No.

14284. You say you would have as good an opportunity where you were stationed on the bridge? - Better.

14285. I suppose you know that we have it from other evidence as well, from the look-out man, Lee (this is on page 72, my Lord), that it was hazy that night. He is asked, "What sort of a night was it?" and his answer was: "A clear starry night overhead, but at the time of the accident there was a haze right ahead." Then he is asked, I think by the Attorney-General: "Did you notice this haze which you say had extended on the horizon when you first came on the look-out, or did it come later on? - (A.) It was not so distinct then, not to be noticed." Can you explain if these men are truthfully giving their evidence how it is that they could have observed a haze while you on the bridge would not have observed it? - No, I could not.

14286. If an iceberg loomed up ahead of you, would the person on the bridge have as good an opportunity of observing it as the man in the crow's-nest? - Quite.

14287. Does it strike you in any way as a singular circumstance that when the iceberg did appear and was sighted, the observation of it was by the man in the crow's-nest, and not by the men on the bridge? - Have we any conclusive evidence to that effect?

The Commissioner: The evidence is that attention was drawn to it by the three bells. As far as I know, the first indication of it was the ringing of the three bells from the crow's-nest when the man in the crow's-nest sighted it.

14288. (*Mr. Scanlan.*) Yes, my Lord, and all the evidence we have had up to the present goes to establish that view of the matter. (*To the Witness.*) Now, you did state yesterday that you yourself had used binoculars for the purpose of detecting ice. Do you not think it would have been -

The Commissioner: I do not think he said that. What he did say, to my recollection, was that he would much prefer his eyesight for the purpose of detecting an iceberg.

The Witness: That is right, my Lord.

The Commissioner: But that having seen the iceberg with his eyes, he then would probably take the binoculars for the purpose of examining it more particularly.

Mr. Scanlan: Yes.

14289. (*The Commissioner - To the Witness.*) Were you using your glasses up to 10 o'clock,

when you were on the bridge? - I had them in my hand. Will I explain to your Lordship?

14290. Were you raising them to your eyes from time to time? - Occasionally.

14291. (*Mr. Scanlan.*) I think this is the utility of binoculars - you see something with the naked eye, and then applying the glasses you determine what it is? - Exactly.

14292. Do you not think that before the look-out man stationed in the crow's-next ventured to report an iceberg he would require to satisfy himself what he saw was really an iceberg?

The Commissioner: Forgive me, he did not report an iceberg; what he reported by the three bells was something ahead.

Mr. Scanlan: I think your Lordship will find in the evidence -

The Commissioner: Do three bells mean iceberg?

Mr. Scanlan: No, my Lord, but at the same time he went to the telephone, and he stated at the moment on the telephone: "Iceberg ahead, Sir."

The Commissioner: That is true, but the three bells indicated nothing more than that there was something ahead.

14293. (*Mr. Scanlan.*) Something right ahead, my Lord, and then the telephone message conveyed it. (*To the Witness.*) If one of those men on the look-out had seen something and applied the glasses is it not possible that he might have been able to identify it as an iceberg sooner than with the naked eye? - He might be able to identify it, but we do not wish him to identify it. All we want him to do is to strike the bells.

14294. I will put this to you: Supposing a man on the look-out fancies he sees something and strikes the bell, and it turns out not to be anything, I should think he would be reprimanded? - He is in every case commended.

14295. (*The Commissioner.*) I do not understand that. Is he commended when he signals that there is something ahead when there is nothing ahead? - Yes, your Lordship.

14296. (*Mr. Scanlan.*) If he did it frequently in a journey would not the commendation take the form at the end of the voyage of paying him off and dispensing with his services? - Not at all. The man is not an absolute fool; he knows that if he is trying to keep a good look-out, particularly amongst ice, and he suspects he sees anything, he will strike the bell; if it turns out to be nothing he may come on the bridge and say, "I am sorry that I struck the bell when there was nothing;" but he is invariably told, "Never you mind; if you suspect that you see anything strike the bell, no matter how often."

14297. Let me read this to you from the evidence of the look-out man Fleet, when he was examined in America. He is asked by Senator Smith: "Suppose you had had glasses such as you had on the 'Oceanic', or such as you had between Belfast and Southampton, could you have seen the black object a greater distance? - (*Mr. Fleet.*) We could have seen it a bit sooner. (*Senator Smith.*) How much sooner? - (*Mr. Fleet.*) Well, enough to get out of the way." Do you agree with that?

The Commissioner: I see it is referred to there as a black object.

Mr. Scanlan: Yes, my Lord; that is the language of Senator Smith in the question.

The Commissioner: But I should think - I do not know - that Senator Smith had heard the word "black" previously.

Mr. Scanlan: Yes, my Lord; I am taking this as detached and putting it as being in the witness' evidence.

The Solicitor-General: Lee called it "a dark mass."

14298. (*Mr. Scanlan - To the Witness.*) From the evidence you gave to the Court yesterday at what distance ahead do you think you yourself in the peculiar conditions which prevailed on this Sunday night could have picked out an iceberg? - About a mile and a half to two miles.

14299. Do you mean by the naked eye? - Yes.

14300. And with glasses could you discern it at a greater distance? - Most probably.

14301. (*The Commissioner.*) I do not follow the answer? - I meant to convey (it is rather a difficult question to answer) that we do not have the glasses to our eyes all the time, and naturally I should see it with my eyes first. If I happened to be looking directly ahead at the moment an iceberg came in view and I had the glasses to my eyes at that particular moment it is possible I should see it, whereas I should not have seen it quite as soon with my eyes.

14302. Apparently binoculars are placed in a bag or a box in the crow's-nest at times. At the time of the accident it is said there were no binoculars on the "Titanic" in the crow's-nest; is that true? - That there were none?

14303. No, is it true that there is a place for them in the crow's-nest? - I believe so.

14304. Then, presumably, it is intended that they should be there? - Yes.

14305. We are told you know they were not there this night? - Yes.

14306. And they are there to be used, I suppose? - Yes.

14307. When they are being used in the crow's-nest are they used in the sense of being always held up by the look-out man to his eyes, or are they merely had recourse to as occasion seems to suggest? - That is it, your Lordship.

14308. The man on the look-out is not always standing with the binoculars up to his eyes? - No, certainly not.

14309. They are there for use when he thinks it desirable to use them? - Precisely. You see, if I may point out, binoculars, with regard to lights, are extremely useful; that is to say, there is no doubt you will distinguish a light quicker. If you set a man to look out for a certain light, and he reports a light it is quite a matter for us to ring him up on the telephone and ask, "What character is that light?" The man may, on a clear night, see the reflection of the light before it comes above the horizon. It may be the loom of the light and you see it sometimes sixty miles away. He may just make sure of it with the glasses, because there is any amount of time - hours; there is no hurry about them on a clear night at all. You make absolutely certain then about the light, and so as to be in that position we ring him up to say exactly what it is; but when it comes to derelict wrecks or icebergs, the man must not hesitate a moment, and on the first suspicion, before he has time to put his hand to the glasses or anything, one, two, or three bells must be immediately struck, and then he can go ahead with his glasses and do what he likes, but he must report first on suspicion.

The Commissioner: I took you off your line.

Mr. Scanlan: Yes, my Lord.

The Commissioner: You were asking him about the mile and a-half to two miles, and I want you to follow it.

14310. (*Mr. Scanlan - To the Witness.*) What you said was that you could see an iceberg with the naked eye for from a mile and a-half to two miles, and I put it to you that with the glasses you could probably see it at a greater distance, and you agreed? - I agree.

14311. Of course the same thing would apply to the look-out man as to you? - Yes.

14312. At the rate of speed at which the "Titanic" was travelling, how long would it take you to cover the distance of a mile and a half? - It works out at about five minutes - something about that.

14313. So that it is a matter of great consequence, do you agree, to have binoculars for look-out men? - Do you want me to pass an opinion as to whether look-out glasses ought to have been in that crow's-nest? Is that it?

14314. (*The Commissioner.*) I do not think so; I will put it in the same form to you. He wants to know whether the look-out man ought to have the binoculars glued to his eyes? - Oh, no, your Lordship, certainly not.

The Commissioner: I do not know how you are to get those binoculars used advantageously unless they are fixed on to the man's eyes.

Mr. Scanlan: I sincerely hope I did not put a question which raised that view as to my meaning, my Lord.

The Commissioner: Let us understand, Mr. Scanlan. This witness, as I understand, says this: "Binoculars are put into the crow's-nest to be used, but not to be all the time at the eyes of the man who is on the look-out," and that is what I call being glued to his eyes.

Mr. Scanlan: Yes, my Lord.

The Commissioner: And the binoculars are only had recourse to when by the naked eye something has already been discerned; that is what I understand.

Mr. Scanlan: Yes, my Lord, but which cannot be described or which the man cannot understand.

The Commissioner: He wants to know more particularly what it is.

14315. (*Mr. Scanlan - To the Witness.*) For the purpose which my Lord has been explaining to you is it not very desirable to have glasses provided for look-out men so that they can use them when necessary? - It is a matter of opinion for the officer on watch. Some officers may prefer the man to have glasses and another may not; it is not the general opinion.

14316. I am not talking about the opinion of officers in general, but the particular opinion which you entertain as to the usefulness of glasses? - Yes - now I can answer you decidedly - certainly I uphold glasses.

14317. For look-out men? I am glad you do. Do you know now that a complaint was made at Southampton by the look-out man that glasses were not provided in the crow's-nest? - I know of no complaint.

14318. Do you know there were not glasses in the crow's-nest? - I do.

14319. You say there was no complaint made. You mean -

The Commissioner: No, he does not; he says he knows of no complaint.

The Witness: I meant to convey that impression, that there was no complaint - there was no right to make a complaint.

14320. Do you mean to tell me that if the look-out man goes into the crow's-nest and finds that here are no binoculars in the pocket or box or whatever it is, he has no right to come and say so? - Yes, he has the right to come and report, and there the matter ends.

The Commissioner: I call that complaining.

14321. (*Mr. Scanlan - To the Witness.*) So far as you know it was not reported that there were not glasses? - It was reported.

The Commissioner: It is only a question of words.

Mr. Scanlan: That is so.

The Commissioner: He does not think a report is a complaint.

Mr. Scanlan: I meant it in the sense of a report taken.

The Witness: There was a report; I am sorry I misunderstood you.

14322. Can you explain to my Lord why, when such a report was made, glasses were not provided for the look-out man on the "Titanic"? - No, I cannot offer you any explanation.

14323. If it had been a matter in your discretion, would you have provided glasses then? - Had they been on the ship I might have done.

14324. Were there glasses on the ship available for the use of the look-out man? - That I cannot say.

14325. Had you glasses on the bridge? - We had.

14326. How many pairs? - A pair for each senior officer.

14327. How many pairs altogether; you have five or six officers? - A pair for each senior

officer and the Commander, and one pair for the bridge, commonly termed pilot glasses.

14328. So that there would be from time to time during the whole course of the voyage a pair of glasses available? - On the bridge.

14329. On the bridge that could have been handed up or given to the look-out man.

The Commissioner: Mr. Scanlan, I want you to know what is passing in my mind. It appears to me that whether those glasses were there or not made very little, if any, difference, because the man would not have them to his eyes, and when he did sight this thing it was too late to use glasses.

Mr. Scanlan: My instructions are, my Lord, up to the present that the utility of glasses consists in this: you sight something, and do not know what it is; then you apply the glasses, and you are able to say whether it is an iceberg or a derelict.

The Commissioner: That is quite right.

Mr. Scanlan: That seems to be a most important thing, my Lord.

The Commissioner: What I am pointing out to you is this: Here the thing was sighted at a time when lifting up glasses and looking to see what it was would have been of no use whatever; they were right on it.

Mr. Scanlan: Except this; we do not know but that before the man discerned this object as an iceberg he may have seen some object, a speck, or a mast, or something.

The Commissioner: That is not my view of the evidence; I think the look-out man rang out three bells the moment he saw something ahead.

Mr. Scanlan: We are in this position yet, that we have not had here the identical man who rang the bells and who shouted, "An iceberg ahead, sir." So that it must be a surmise. I think I have indicated my point.

The Commissioner: You are quite right.

The Witness: I should like to point out that when I speak favourably of glasses it is in the case of a man on whom I can rely, but if I have a man in a case like this which Mr. Scanlan speaks of, a derelict or an iceberg, who is to put the glasses to his eyes before he reports, I most utterly condemn glasses. The man must report first and do what he likes afterwards.

The Commissioner: I believe Mr. Scanlan that is right, it would be quite improper for a man who sees something ahead with his eyes, to wait until he has used glasses before he reports.

Mr. Scanlan: Surely, my Lord, that would depend on the distance at which the object was seen; if it were seen 10 miles ahead with the ship going as slowly as some of those ships go.

The Commissioner: We need not contemplate a case of that kind, it was not this case. Here the iceberg was right close to the ship.

Mr. Scanlan: I shall be prepared at a later stage in the case to offer your Lordship evidence on this point, and it is in that view that I have pressed the matter so far.

The Commissioner: Quite right.

14330. (*Mr. Scanlan - To the Witness.*) This night you have described as being a particularly bad night for seeing icebergs. Is not that so? - I do not think I mentioned that word "bad," did I?

14331. You did not mention that word, but I wish you not to misunderstand me. I am not purporting to give your exact words. You said it was realised at the time that it would be more difficult on account of there being no wind, and the sea being a level calm? - Yes, that is right.

14332. Added to that you had the condition of there being no moon? - Yes.

14333. And the other conditions which you described to my Lord. Were not these circumstances which would indicate to any experienced officer that it was necessary to take extra precautions for safety? - As a matter of fact we were unaware of the sea being flat. All the precautions were taken which we thought necessary.

14334. Do you say you were not aware then that the sea was flat? - No.

14335. At all events, it was more difficult than under normal circumstances to see an iceberg. You observed that yourself from six to ten? - Yes.

14336. Although there were abnormal difficulties you took no extra precautions whatever. - Have I said so?

14337. I suggest to you that you took no extra precautions whatever? - But I did.

14338. Tell me what? - I took the precaution, as I think I mentioned in my evidence, of taking up a position on the bridge in which everything ahead was clearly in view and maintaining that position for the remainder of the watch.

14339. That is so far as you were concerned for the remainder of your watch? - Yes.

14340. And you think you would have seen an iceberg before the man in the crow's-nest? - I do not know whether I should have seen it before them or not; I should have seen it in sufficient time to clear it quite sufficient.

14341. Can you give any explanation of the man who succeeded you not seeing it in sufficient time to clear it? - I am afraid I cannot.

14342. If the weather conditions were as clear as you said they were while you were there? - I am afraid I cannot give you any explanation.

14343. In addition to those conditions which you describe as abnormal you had a certainty that you were rushing into icebergs - into an ice-field? - Oh, no.

The Commissioner: That is your picturesque way of putting it.

14344. (*Mr. Scanlan.*) I will put it in less picturesque language, my Lord. (*To the Witness.*) When you got the first warning that there were icebergs ahead your course was set in a particular direction; that is to say, the course of the ship? - At noon, yes.

14345. Did you follow practically that course all through that day? - Oh, no.

14346. Did the course which you followed lead you into the region from which the presence of ice was reported to you? - The course set at noon?

14347. Yes? - No.

14348. Did the course you were following up to the time you left your watch at 10 o'clock lead necessarily to a place where you expected ice? - Where there was a possibility of seeing ice.

14349. Not only a possibility of seeing it, but a possibility and almost a certainty of running into it? - Oh, no.

14350. (*The Commissioner.*) I do not think he could say that. (*To the Witness.*) Before you left the bridge did you know you were making for a locality in which ice was to be expected? - Quite so.

14351. (*Mr. Scanlan.*) Because you so stated to Mr. Murdoch when you were leaving the watch according to your evidence here yesterday? - Yes. Let me explain my point and we will get it far clearer. You see we were making for a vicinity where ice had been reported as you say year after year, and time and again, and I do not think for the last two or three years I have seen an iceberg although ships ahead of us have reported ice time and time again. There was no absolute certainty that we were running into an ice-field or running amongst icebergs or anything else, and it might have been as it has been in years before ice reported inside a certain longitude.

14352. (*The Commissioner.*) I can understand that; it does not follow that because ice is reported you are going to have a collision with an iceberg? - That is what I wish to convey.

14353. You need not trouble about that at all as far as I am concerned. The point which I understand is being put to you at present is this, that you knew you were steering into what I may call an ice-field, a district in which there were icebergs and growlers and field ice. That is what you want to put, Mr. Scanlan?

14354. (*Mr. Scanlan.*) Yes, it is, my Lord. (*To the Witness.*) You knew you were heading there when you left the watch? - Yes.

14355. Do you not think, then, it would have been desirable, especially as you say the conditions were abnormal, to have slackened speed? - It has never been done in my experience.

14356. We have heard it from the officer -

14357. (*The Commissioner.*) You do not answer the question? - I answer from experience, no.

14358. (*Mr. Scanlan.*) We had evidence a few days ago from an officer on another company's steamers that they have a regulation about taking extra precautions when they get into an ice-field, or when ice is reported ahead of them. Does your company, the White Star, issue any regulations to their Captains and Sailing Officers as to what they ought to do when they come into an ice region? - No.

The Commissioner: I should like to know this, Mr. Scanlan, if you can tell me. Do the German boats issue any such regulations?

Mr. Scanlan: My knowledge does not extend to that, I regret, my Lord.

The Commissioner: I doubt whether you will find any such regulations issued to regular liners. There was one witness who was here from the "Mount Temple," the Canadian Pacific line, a steamer which belongs, I suppose to the railway company.

Mr. Scanlan: Yes, but a big carrying passenger steamer.

The Commissioner: Are there such instructions issued to any regular British lines or German lines crossing the Atlantic?

Mr. Scanlan: I do not know as to any German line, my Lord, but I have been informed that it is a customary thing to give instructions for British lines.

(After a short adjournment.)

14359. (*Mr. Scanlan.*) Can you tell us at what speed the "Titanic" was going when you left the bridge at 10 o'clock? - About 21 1/2 knots.

14360. What was the indication from which you make that calculation? - I judge from what I remember of the revolutions. I think, as far as I remember, the revolutions were 75, and I think that will give an average of about 21 1/2.

14361. The speed was taken down, I understand, in the log? - Yes, that would be kept in the scrap log.

14362. I do not suggest that you wanted to make a record passage on this occasion, but had not you all in mind the desirability of making a very good first trip, from the speed point of view? - No, I am afraid not, because we know that in the White Star, particularly the first voyages - in fact you may say pretty well for the first 12 months - the ship never attains her full speed.

14363. Were not you on this occasion taking as much speed as you could get out of the "Titanic"? - Oh, no, not at all; I am under the impression she was under a very reduced speed compared with what she was capable of doing.

14364. What maximum speed do you think you could have attained? - Well, just as a matter of hearsay, or rather, what we estimated roughly, for instance myself, I judged that the ship would eventually do about 24 knots.

14365. Did you say yesterday that you were going at as high a speed as you could in view of the coal you had on board? - Did I say so yesterday?

14366. Yes? - I was not on the stand yesterday.

The Solicitor-General: Yes, you were.

14367. (*Mr. Scanlan.*) You were being examined yesterday? - Oh, yes; I beg your pardon. Not only with regard to shortage of coal, but I understand several boilers were off.

14368. Do you know any reason for those boilers being off? - Merely that there was no wish for the ship to travel at any great speed.

14369. There was no reason, I take it, why you should not go fast; but, in view of the abnormal conditions and of the fact that you were nearing ice at ten o'clock, was there not a very obvious reason for going slower? - Well, I can only quote you my experience throughout the last 24 years, that I have been crossing the Atlantic most of the time, that I have never seen the speed reduced.

14370. You were asked by my Lord this forenoon how an unfortunate accident like this could have been prevented in what you describe as abnormal circumstances? - Yes.

14371. Is it not quite clear that the most obvious way to avoid it is by slackening speed? - Not necessarily the most obvious.

14372. Well, is it one way? - It is one way. Naturally, if you stop the ship you will not collide with anything.

14373. There was no reason why you might not slacken speed on this voyage, you were not running to any scheduled time? - No.

14374. If you happened to be on the bridge in command yourself could you take it on your own responsibility to slacken speed, or would you require to communicate with the Captain? - Communicate with the Captain.

14375. And the speed, therefore, could only be diminished by the Captain's orders? - No, I would not go so far to say that the speed could only be diminished by that. Let me give you an instance. Suppose I had seen the smallest scrap of ice, supposing we had passed a little bit of the field ice that was knocking about on the other side of this pack ice, had I seen any indication of the vicinity; proof positive of the vicinity of ice, I should very probably have telegraphed myself at the same time that I sent word to the Commander.

14376. At the same time, as a matter of propriety and etiquette between officers and master; the proper thing, I take it, is to go to the master and make your suggestion to him and then let him decide? - Well, I want you to fully understand me. In the ordinary course of events, hazy weather, weather coming in hazy - I am not speaking particularly of ice now - or nearing land, or anything for which you think it is desirable to slacken speed, or will be shortly desirable to slacken speed, you would communicate that to the Commander; but our instructions from the White Star do away with the necessity of notifying the Commander in any immediate danger; we immediately act, as I believe Mr. Murdoch did.

14377. Just tell me what your instructions are from the White Star? - Well, I cannot quote you them word for word. They are in the Regulation Book, which I have no doubt you will be able to get.

14378. Is there anything mentioned in those instructions about what you should do when you are in a region in which ice has been reported? - There is nothing that refers particularly to ice.

14379. Are you quite sure of that? - I think I may say I am sure of that.

14380. Nothing at all in the regulations? - But there is a regulation that covers ice and everything else.

14381. I take you to the regulation that covers ice. What is prescribed for you to do then? - You do not quite understand me. There is no regulation that particularly alludes to ice; but in all instances everything must be sacrificed to the safety of the ship, and no thought of making a passage - that is to say a fast passage - must be at any time entertained.

14382. Is there no specification of certain dangers with instructions to the commanding officer as to what he is to do then - I mean, like haze, fog, and ice? - Oh yes; there are fog regulations.

14383. Under what head do the ice regulations come?

The Commissioner: There are none, I understand.

Mr. Scanlan: What I gathered from him, my Lord, was that the ice regulations would be found in a certain category of regulations for certain circumstances of danger.

14384. (*The Commissioner.*) Are there any such regulations? - Not referring to ice, my Lord.

14385. (*Mr. Scanlan.*) None at all. Now, in your evidence in America, you narrate a conversation which took place between yourself and the Captain when he was on the bridge with you. Senator Smith asks you, "Was anything else said?" and you say "Yes; we spoke about the weather, the calmness of the sea, the clearness - about the time we should be getting up towards the vicinity of the ice, and how we should recognise it if we should see it, freshening up our minds as to the indications that ice gives of its proximity. We just conferred together generally for 25 minutes"? - That is right.

14386. The principal thing you had been talking about was ice? - Naturally.

14387. Did you decide, then, when you first saw ice you would stop or slacken speed? - No.

14388. Do you mean to say that the policy of the Captain and you was to go right ahead at 21 1/2 knots? - No, I do not mean to infer that.

14389. Unless there was a haze? - No, not necessarily unless there was a haze. Had we come across ice, as I just said, in any degree, whether the Commander had been on the bridge or not I should have acted on my own initiative.

14390. You freshened your minds up as to the indications? - Quite so.

14391. You had a purpose in doing that. Would it not have been desirable then to have communicated the points of knowledge that you had evolved to the look-out men? - Oh! no.

14392. You did not think it was necessary to communicate with them? - No.

14393. Although from a look-out point of view they were of greater consequence than the men on the bridge? - Pardon me, not at all.

14394. Well, they ultimately discovered the ice you know, and the men on the bridge did not? - You say the men on the bridge did not. I may say I discussed that immediately on the "Carpathia" with the look-out men - not necessarily discussed it, but asked them questions whilst their minds were perfectly fresh, and the look-out man told me that practically at the same moment he struck the bell he noticed that the ship's head commenced to swing showing that the helm had been altered probably a few moments before he struck the bell, because the ship's head could not have commenced to swing at practically the same time he struck the bell unless the ice had been seen at the same moment or a few moments before he saw it.

14395. I take it then that your position is to justify the conduct of the Captain and those who were navigating the "Titanic" from 11 o'clock till the collision? - Yes.

14396. In going ahead at 21 1/2 knots, although you all knew that you were in the presence of ice? - Well, you hardly state it correctly when you say we knew we were in the presence of ice. We did not, we only had reports to go on.

14397. You had no reason to disbelieve those reports? - On the contrary we had, having so many years gone across and never seen ice though it is repeatedly reported.

14398. I suggest to you it would have been a much safer thing to have believed the reports which you had from a number of sources as to the presence of ice, than to have acted in disregard of the warnings you had received from other ships, and gone ahead at the rate of 21 1/2 knots an hour until the collision occurred? - In the view of after events, of course, we form a totally different opinion. It would naturally have been safer, we can see now, not to have gone ahead at all.

14399. And that is what, at all events, in the light of your present knowledge, good seamanship would have dictated? - Not necessarily good seamanship.

14400. Extra good seamanship? - No, not seamanship at all.

14401. In the light of the experience you have had, it is what you would do now? - In the view of our reports we have had in other voyages, if I say in the light of good seamanship or extra good seamanship, we should have stopped, the thousands of ships that have crossed the Atlantic

would likewise have stopped, and then you come to the end of your tether.

14402. I do not say they would have stopped? - Well, or slowed down.

14403. The warning you had had at half-past one led you to understand that you would be right up against the ice, so to speak, from 10 to 11? - The position where it had been reported.

14404. I could understand your going ahead at 21 1/2 knots up to 10 or half-past 10: What I fail to understand is why from half-past 10, when you knew you were about the place where you were led to believe ice was to be found, you still proceeded at 21 1/2 knots? - That I cannot answer for after 10 o'clock.

14405. After half-past 10? - Between half-past 9 and 10.

14406. You can answer for going ahead then? - As far as I understand the same speed was maintained.

14407. You said something a moment ago, "As you know now" or "in view of what has happened." May I take it with the knowledge that you have now, and in view of this accident, what you would do now would be to slacken speed, or stop? - In view of what has occurred naturally we shall take every precaution that suggests itself to our minds in the future to avoid a repetition of such an accident.

14408. Would not one of the precautions be what Captain Smith said to you on the bridge between nine and ten, "we should have to go very slowly"? - He was speaking about haze.

14409. I know he was speaking about haze, but is not that what you should have done in adopting precautions? - No, I do not see it. It would have cleared the accident, I quite agree with you, had we been going very slowly, but we have to take in view the experience of years, what we have always done.

14410. You are not quite following me. I am sure you intend to? - I do; I wish to help you all I can.

14411. I do know that. But you said that since the accident with the knowledge that you now have, you would have adopted extra precautions, I mean, at all events, from half-past nine onwards. Would not one of those precautions be going very slowly - diminishing speed? - I am afraid I cannot give you any definite answer to that.

14412. Am I to understand, even with the knowledge you have had through coming through this "Titanic" disaster, at the present moment, if you were placed in the same circumstances, you would still bang on at 21 1/2 knots an hour? - I do not say I should bang on at all; I do not approve of the term banging on.

14413. I mean drive ahead? - That looks like carelessness you know; it looks as if we would recklessly bang on and slap her into it regardless of anything. Undoubtedly we should not do that.

14414. What I want to suggest to you is that it was recklessness, utter recklessness, in view of the conditions which you have described as abnormal, and in view of the knowledge you had from various sources that ice was in your immediate vicinity, to proceed at 21 1/2 knots? - Then all I can say is that recklessness applies to practically every commander and every ship crossing the Atlantic Ocean.

14415. I am not disputing that with you, but can you describe it yourself as other than recklessness? - Yes.

14416. Is it careful navigation in your view? - It is ordinary navigation, which embodies careful navigation.

14417. Is this your position, then: that even with the experience of the "Titanic" disaster, if you were coming within the near vicinity of a place which was reported to you to be abounding in ice, you would proceed with a ship like the "Titanic" at 21 1/2 knots? - I do not say I should.

14418. At nighttime, and at a time when the conditions were what you have described as very

abnormal, surely you would not go on at 21 ½ knots? - The conditions were not apparent to us in the first place; the conditions of an absolutely flat sea were not apparent to us till afterwards. Naturally I should take precautions against such an occurrence.

14419. And what precautions would you take if you would not slow up or slow down? - I did not say I would not slow up.

14420. Cannot you say whether you would or not? - No, I am afraid I could not say right here what I should do. I should take every precaution whatever appealed to me.

14421. I suggest to you if you acted carefully and prudently you would slow up, and that if you did not slow up you would be acting recklessly. You know you have described the conditions of abnormality as having been apparent at the time while you were on your watch. You have told my Lord that at great length; and in your conversations with the Captain did not you discuss that? You have said that you did not recognise that the sea was flat. I want to recall this to your mind. It is at page 306, my Lord, at question 13615, you give this evidence. "At 5 minutes to 9, when the Commander came on the bridge (I will give it to you as near as I remember) he remarked that it was cold, and, as far as I remember, I said, 'Yes, it is very cold, Sir. In fact,' I said, 'it is only one degree above freezing. I have sent word down to the Carpenter and rung up the engine room and told them that it is freezing, or will be during the night.' We then commenced to speak about the weather. He said, 'There is not much wind.' I said, 'No, it is a flat calm, as a matter of fact.' He repeated it; he said, 'A flat calm.' I said, 'Yes, quite flat, there is no wind.' I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course, my reason was obvious; he knew I meant the water ripples breaking on the base of the berg?" - Yes.

14422. Was not all that amply sufficient to let you and the Captain know that you were in circumstances of extreme danger? - No.

14423. I do not think anything would convince you that it was dangerous that night? - I have been very much convinced that it was dangerous.

14424. I mean that the conditions you have described were dangerous? - They proved to be.

14425. What I want to suggest is that the conditions having been so dangerous, those in charge of the vessel were negligent in proceeding at that rate of speed? - No.

14426. I will pass from that point. Amongst the precautions which it would be proper to adopt, would it not be desirable to station more look-outs, more look-out men in the bows or the stem head? - Anything which would be conducive to avoiding danger.

14427. Would that be conducive to avoiding danger? - It might be.

14428. I am speaking to you as a man of great practical experience? - I could not exactly say whether look-outs in the stem head would be. We do not place very much reliance on them; we hope they will keep a very good look-out, but those men in the first place are not regular look-out men, and you have not the same control over them as you have over the look-out men. They have nothing to sacrifice in the way of a good berth, which the look-out man's is.

14429. I think the difference between a regular look-out man and an irregular look-out man - that is, an ordinary A.B. - is 5s a month? - Five shillings a month in pay and a difference in watches and a difference in work on board the ship.

14430. But there is no passing of an examination to go from one grade to the other? - Yes.

14431. (*The Solicitor-General.*) Is there? - Yes. I should explain to you, it is customary when a ship is in running for all look-out men to have an eye test as well as the Quartermaster's. That does not apply necessarily to A.B.'s.

14432. (*Mr. Scanlan.*) I was going to ask you about the eye test. Is there an eye test of each look-out man in the White Star Line? - Well, as far as possible we maintain the condition of having look-out men who have passed the eye test.

14433. I want to understand. We have had evidence on this point already. We have had the evidence of a man who told us that his sight was not tested, and this was his first voyage in a White Star vessel, the "Titanic"? - Yes.

14434. How do you explain that? - By her being a new ship, and the difficulty of obtaining a perfectly satisfactory crew at such short notice. You see, you have to have men with you some little time; on the other hand, I can tell you of look-out men who have been on the look-out of the White Star for some considerable time, and who have had eye tests.

14435. But surely if you wanted to get an eye test as to the men you engaged for the Titanic," you could easily have got a doctor to test their eyesight at Southampton? - Well, it is not exactly a doctor who tests it. It is a Board of Trade examination - the customary examination. It applies to the officers as well.

14436. I should like to know that; do you say it is the practice of the Board of Trade to test the eyesight of the look-out men before the ship is cleared? - No, you do not quite understand me. If I am First Officer of a ship, a First Officer has the signing on of the crew. Very well, then, as far as possible and practicable, I see that these look-out men, at stated periods, have an eye test.

14437. Do they sign on in any special way? - They sign on as look-out men.

14438. Do not they sign on as A.B.'s? - No, I think they sign on as quartermasters and look-out men and A.B.'s.

14439. I understand - you will correct me if I am wrong - that look-out men sign on as A.B.'s? - I think I am right in saying they sign on as look-out men. They used to sign on as A.B.'s.

14440. Did the six look-out men on the "Titanic" sign on in any special way? - I believe they signed on as look-out men.

14441. But you do not know of your own knowledge? - No, I could not say for certain.

14442. Was the sight of a single one of those men tested before starting on that voyage? - As I said there were some of those men I knew to have had eye-tests, that is to say they were look-out men - Fleet and Symons who had been with me in the "Oceanic."

14443. I will take Fleet. By whom was Fleet tested for his eyesight? - I could not tell you; it is the customary test by the Board of Trade. They go up there and obtain their certificate.

The Solicitor-General: I have the articles here, Mr. Scanlan, and these six men are entered as engaged in the capacity of look-outs.

14444. (*Mr. Scanlan.*) Quite, I thank you. (*To the Witness.*) You do not know when Fleet was tested? - I could not tell you the date now.

14445. The other man with him, Lee, you do not know whether he was tested at all? - No.

14446. You do not know who tested the sight of Fleet? - No, I do not know what man tested him, what official.

14447. You do not know whether it was a doctor? - No, it is not a doctor. I do not think you quite understand. Just let me explain. I see the man and I say, "What is the date of your eye certificate?" and he tells me. If it is time for him to have another certificate I tell him. "Now the first opportunity you have go up and get your eye certificate." That means to say, that man goes up to the Board of Trade offices in Southampton, pays 1s., and applies for his eye test.

14448. To the Board of Trade? - To the Board of Trade, and he then goes into a room and he goes through a form of examination. If that is satisfactory he has his certificate to that effect.

14449. Did anyone examine the certificates of those men to see if they had been recently tested or not? - I could not say.

14450. Will you admit, in view of the importance of the duties which look-out men have to perform, that there should be a proper eye test? - Oh, yes. I think it is quite a reasonable precaution, and is maintained in the White Star, and I may say only the White Star.

14451. Had you in the White Star any system of drilling and training seamen for manning

lifeboats? - Oh, yes.

14452. Did you train them on the "Titanic"? - No, except in Belfast. We put some boats in the water there. I think that was done by the builders though.

14453. So far as the officers were concerned there was no testing of the men in lifeboat practice? - Oh, yes, in Southampton as well we put boats in the water and the men were put in.

14454. How many? - Probably 8 and a quartermaster in each boat.

14455. How many boats? - Two boats.

14456. Do not you think it would be a proper thing to have all the boats lowered before the commencement of a voyage and to give the men who would ultimately be the crews of those boats some practice in the manning and navigation of them? - I am afraid that is hardly practicable. You can send a seaman to any boat; if he is a sailor he is perfectly at home in a boat or wherever he is sent. But you see with regard to firemen it seems hardly practicable to have all the firemen up on deck at that particular time, and the stewards.

14457. If the capacity of a fireman for handling a lifeboat is of any account it is necessary to give him some training, is it not? - Oh, yes.

14458. Can you suggest any other way for giving this training than giving it at the port before the commencement of a voyage, or at its conclusion? - Yes, either before the commencement or after the conclusion of a voyage.

14459. So you agree that would be a desirable thing to do apart from the question of convenience? - Anything that would tend to the safety of a ship would be desirable.

14460. You agree with that, I take it? - Well, I do not altogether agree with you as a matter of fact, because, as events proved, it was not necessary to have the firemen there.

14461. In order to ensure the efficiency of the crews for the manning of lifeboats, do you agree it would be desirable to give them practice in the manning of the boats? - If a man is to be made proficient in the working of a lifeboat naturally he must have practice.

14462. I suggest the suitable time is in port either before the commencement or at the termination of the trip? - That can be done in any boat; not necessarily in the ship's boats. You could have a system of training of firemen. They might be trained on shore to be accustomed to boats. The lowering of a boat, of course, is a different matter.

14463. And similarly for stewards? - Yes.

14464. Do you think it would be desirable to give certificates for proficiency? - I am afraid that is hardly for me to answer. It is rather a big question.

14465. I quite realise that. Now, as to the provisioning of lifeboats we have heard a good deal of that, and I want to ask you is it the usual practice to put into lifeboats at the commencement of the voyage the equipment prescribed by the Board of Trade? - The Board of Trade takes particular care that you have got the equipment.

14466. Are those articles of equipment put into the boat before the commencement of the voyage? - I may say they are there all the time.

14467. They are in the boat all the time? - Yes, that is it, they are kept in the boats.

14468. In the lifeboats? - Yes.

14469. That is, a compass is kept in the lifeboats? - No, I do not think the equipment calls for a compass being actually in the boats.

14470. A lantern; is that part of the equipment? - That is part of the equipment.

14471. Is that put in the boats? - I do not think it is necessary for that to be kept in the boats.

14472. Tell me, what is your experience. Is it usual for these things to be put into each boat before the commencement of a voyage. I am not talking about what happened on the "Titanic"? - No, it is not.

14473. It is not the usual thing? - No. I am speaking of the lamp and the compass.

14474. Even taking the present Board of Trade regulations - whether they are sufficient or not, I am not going to make any suggestions to you - I take it that you must have an efficient compass and a lantern trimmed in four of the boats on a ship like the "Titanic"? - I think it is four.

14475. With regard to those four is it not the case that the compass and the lamp as well as the other accessories are put in and kept in the boats from the beginning of the voyage? - Not the compasses; I do not think it applies to the compasses. The compass is rather a delicate thing, and also the lamp. It will not keep indefinitely, it is better to keep it in a dry place so that when you do want it there is no trouble about lighting it.

14476. Do you of your own knowledge know where the compasses for the lifeboats on the "Titanic" were kept during this voyage? - Of my own knowledge I know there was a locker fitted up for them; I think it was on the afterend of the boat deck; somewhere handy any way, a shelf put in where all the compasses would be right handy to the boats.

14477. Do you know whether there was any compass in any boat? - No, I do not believe there was a compass in any boat.

14478. Do you know whether there was a compass put into the boats after the collision and before the boats were lowered? - No, I do not think there was.

14479. How do you explain that so few of the boats, as they were lowered, had lanterns? - I do not think I have conveyed the idea that so few had lamp. It will not keep indefinitely, it is better to -

14480. Had any of the boats that you assisted in lowering? I take it you assisted in lowering four - 4, 6, 8 and the collapsible - had any of those lanterns? - Well, I did not look for lanterns, and I cannot say; you can get that evidence as to the lamps, I may tell you, from Hemming, the lamp trimmer, who took the lamps and lighted them and went round and distributed them to the boats.

14481. In the meantime, I am trying to get it from you? - I am afraid I cannot give you the information.

14482. At all events, none of them had a compass? - Not to my knowledge.

14483. With regard to the glasses, you stated that a report was made at Southampton that glasses for the crow's-nest were wanting. Can you tell my Lord to whom that report was made? - To me.

14484. What record was kept of it? - None.

The Commissioner: What are you speaking of now, Mr. Scanlan?

14485. (*Mr. Scanlan.*) Of the report from the crow's-nest that there were no glasses in the crow's-nest. (*To the Witness.*) You said the report was made to you - by whom? - Will you just let me explain the circumstances, and you will have it clearly then? I was in my room, and I heard a voice in the quarters speaking. I recognised it as Symons, the look-out man, so I stepped out of my door, saw him, and said, "What is it, Symons?" He said, "We have no look-out glasses in the crow's-nest." I said, "All right." I went into the Chief's room, and I repeated it to him. I said, "There are no look-out glasses for the crow's-nest." His actual reply I do not remember, but it was to the effect that he knew of it and had the matter in hand. He said that there were no glasses then for the look-out man, so I told Symons "There are no glasses for you." With that he left.

14486. Do you think you had a sufficient number of competent seamen, including officers, for the launching of the lifeboats? - Yes, as it proved we had.

14487. Now, can you explain this? I take it that you were over two hours assisting in the clearing and launching of four lifeboats with a number of men to assist you. The boats you assisted in clearing and lowering were four, six, eight, and the collapsible?

The Solicitor-General: It is not four lifeboats; it is three lifeboats and a collapsible.

14488. (*Mr. Scanlan.*) Yes, three lifeboats and a collapsible.

The Witness: Yes.

14489. How many men were assisting you in lowering those? - I can hardly give you the number.

14490. Eight or ten? - I do not remember.

The Commissioner: I do not see how these points are of great materiality. Nothing went wrong; no misfortune can be attributed, for instance, to the fact that there was not a compass on board; no misfortune can be attributed to the fact that there may not have been a lamp on board some of them. I daresay the things ought to have been there, but the fact that they were not there does not appear to have made any difference. I daresay there are many things that ought to have been in this ship that were not there, but I would rather you would confine yourself to the absence of things that were material.

Mr. Scanlan: What has occurred to me if I may respectfully mention it to your Lordship at this stage is this, that the remit in this Inquiry to the Commissioner takes cognisance of the rules of the Board of Trade and the provision of lifeboats, and the efficiency and sufficiency of the crew, and the evidence I am trying to elicit from this witness is all directed to those points.

The Commissioner: We have a great deal of evidence that there were no compasses in some of the boats; that there were no lamps. In some I think it is said there were no biscuits, and other things of that kind. I know all that, and it may be at the right time one will have to consider whether these are matters which ought to be more closely attended to than they are; but, in point of fact, in connection with this calamity they made no difference. All the people in the lifeboats got to the "Carpathia."

Mr. Scanlan: Yes. So far as the greater number of those points are concerned, it may be that no difference resulted between compliance and noncompliance; but there is this one thing I would like to indicate to your Lordship. Surely there was one boat which was not launched at all; that is one of the collapsible boats?

The Commissioner: Yes, there was. I do not know whether these rules that I see here apply to the collapsible boats.

Mr. Scanlan: They do, my Lord.

The Commissioner: Do these rules as to water apply to the collapsible boats. I do not know where you would put a cask of water in a collapsible boat. Where would you put it?

Mr. Scanlan: I have a drawing of the Englehardt collapsible boat.

The Commissioner: And does it show a cask of water?

Mr. Scanlan: Yes, my Lord. If your Lordship will look at Rule 5, page 15.

The Commissioner: I have it, yes.

Mr. Scanlan: Sub-section (d) of the General Rules says: "Equipments for collapsible or other boats and for life-rafts."

The Commissioner: "A vessel to be kept filled with fresh water shall be provided for each boat." Does that mean it is to be wrapped up in the collapsible boat somewhere, or does it mean there is to be a vessel, as it is called, handy. I thought you had a picture of a collapsible; if so, I should like to see where the vessel was?

Mr. Scanlan: I do not think it shows specially the place, my Lord; it shows those boats.

The Commissioner: I do not think at present you need spend very much time on this.

Mr. Scanlan: I agree, my Lord.

14491. (*The Commissioner.*) There are two or three matters about the boats I should like to ask a question on. (*To the Witness.*) I want to know whether you knew that those boats were not intended to be lowered full of people. Did you know that? - We have no instructions to that effect, my Lord, but I knew that it was not practicable to lower them full of people.

14492. Had you any reason to suppose that they were weaker than they should have been? - No. I have not had much experience with these Englehardt collapsible boats.

14493. I am not talking about collapsible boats merely, but the lifeboats? - I should not think they were capable of being lowered full of people. They may be. I have never seen them full of people, but if they are only supposed to carry 65 people afloat, it hardly seems feasible that they would carry 65 people when suspended at each end. It does not seem seamanlike to fill a boat chock full of people when it is only suspended at each end. It is to guard principally against accidents in lowering. That must be taken into consideration a very great deal - the fact that you have to lower a boat from a great height and get her safely into the water. It is of more importance to get the boat into the water than it is to actually fill her at the boat deck, because it is no use filling her if you are going to lose those people before you get her down; it is far better to save a few and safely.

14494. (*Mr. Scanlan.*) Do you think you could have filled the boat still more in the water? - Undoubtedly.

14495. If your organisation had been complete? - I do not see the organisation would have prevented the ship sinking.

14496. I know it would not? - It was that that prevented us putting the people in.

14497. A better organisation might have allowed you to instruct the men who were in the boats to come alongside so that you could fill up with passengers from the gangway if you could have done it.

The Commissioner: What occurs to me about that Mr. Scanlan is this, that the order was, and I suppose quite a proper order, that women and children were to go first. Now it appears to me that you might have great difficulty indeed in putting the women and children down a rope ladder hanging from these gangway doors. That might be a very difficult thing to do.

Mr. Scanlan: In the hope that some improvement might result from this Inquiry, I have been instructed to bring those suggestions up.

The Commissioner: You are quite right; in fact, I am much indebted to you for what you are doing.

14498. (*Mr. Scanlan.*) Thank you, my Lord. (*To the Witness.*) I suggest to you that it was a long time, the two hours and ten minutes, I think that is the time you were engaged in lowering Nos. 4, 6 and 8, and the collapsible boat - it was a long time, I suggest to take for the lowering of that number of boats? - No, I do not think half an hour can be considered a very great length of time. Of course, you will understand that the times I have given you are very approximate. And if you take half an hour to uncover a boat and get the falls out and of absolute necessity get them coiled down clear, then get your strong backs out, then get your boat hove out, pass the mast and sails as I did out of some of the boats in order to get more people in, and then lowering these boats carefully down to the water, when you were conducting that operation practically on board the ship you would find that would occupy a good part of half an hour - put it at twenty minutes, say - to do it carefully.

14499. I suggest to you that if you had had better equipment you might have got them down simultaneously - better equipment and more men? - As far as I understand, we had the best equipment of any vessel afloat. I do not know of any better equipment.

14500. Some question arises as to the number of your lifeboats. It took all of your officers and efficient seamen the whole time from the time that you recognised the vessel was in imminent danger until she sank to lower the number of boats you had, and even then you were left with one boat still on deck, which you had not been able to bring in use? - Yes.

14501. If you had had a sufficient number of lifeboats to have taken away every soul on board, I suggest you would need a much greater number of efficient and competent seamen and

officers? - Well, if you are including among the seamen firemen - you must always remember you have the firemen to call on - you have a great number of crew to call on to put the boats out.

14502. What I suggest to you is that with all the crew you had, and all the men you had, all the seamen, and all the officers, it took you all this time to lower your 19 boats? - Yes.

14503. If you had instead of 20, 40, or 50 to lower, I suggest you would have needed a larger number of officers and efficient seamen? - We should have had to have had more men working at the boats.

The Commissioner: I should think that is obvious? - Very obvious.

14504. If you have more boats to work you require more men to work them; but I should like you to tell us this if you can: How is the proper number of a crew for a vessel ascertained; is it according to the tonnage of the vessel, or how? - The seamen are you speaking of?

14505. The crew generally; the whole crew. - I am afraid I cannot give you the necessary information.

The Commissioner: Can anyone answer me that. Do you know, Mr. Laing, if there is any rules by which it is ascertained how many of a crew a particular ship ought to take?

Mr. Laing: My Lord, there is a manning scale issued by the Board of Trade, I understand. I have the rules here. It is published in a little book which has on the back of it, "Memorandum on Part II. of the Shipping Act" - "Manning Ships." The scale says this: - "As regards steamships, the following scale has been prepared on the basis of the minimum cubic contents of boats and rafts which are required to be carried by such vessel under the provisions of the rules relating to life-saving appliances," and then it gives the scale. "In the case of vessels," etc. (*reading to the words*) "3,900 cubic feet of boat capacity." Then it goes on and deals with engineers and firemen. It seems a little complicated. Perhaps I had better hand the book up, that your Lordship may look at it.

Mr. Scanlan: May I direct your Lordship's attention to the agreement?

The Commissioner: Your suggestion is that a great many more seamen and firemen ought to have been employed?

Mr. Scanlan: No, my Lord.

The Commissioner: Is it not?

Mr. Scanlan: Well, I do not know that I would say that for the number of lifeboats they had.

The Commissioner: No, no; but in order to save the people on board this ship, there ought to have been a great many more lifeboats, which is possibly true, and there ought to have been a great many more men belonging to the Seamen and Firemen's Union on board. That is what you are driving at?

Mr. Scanlan: I hope I will not be thought unfaithful to my clients if I say I shall be satisfied with more members of the British Seafarers Union.

Mr. Clement Edwards: That would not quite satisfy me, my Lord. That there should have been a sufficient to protect other interests would not quite satisfy me.

Mr. Scanlan: I have made an abstract from those somewhat voluminous articles in which the ratings and engagements of the different members of the crew are set out, and I find that the deck department, which includes the able seamen, consists of 66, and this includes the Master and officers, surgeons, carpenters, and all kinds of seamen, as well as mess stewards. The number of the deck department is 66; the number of the stewards' department, stewards and pursers, is 501, and the engine room department is 327. I think they carried quite a sufficient number of stewards, my Lord.

The Commissioner: Well, somebody may think they do not.

Mr. Scanlan: The men who would be useful, at all events, for launching and lowering boats, I take it, would be found primarily in the deck department, and would include, of course, the

officers and the qualified seamen.

The Commissioner: As far as I can ascertain there are no rules laid down by the Board of Trade by which you can determine how many of a crew a ship of a particular size is to carry.

Mr. Scanlan: I think from those Articles the ship could have been cleared.

The Commissioner: Sir John, can you tell me whether there is any rule published by the Board of Trade to the effect that a ship 500 feet long and 10,000 tons register or over must have a master, two mates, and ten efficient sailors? It appears to be an extraordinary rule, but it is suggested to me that there is such a rule.

The Solicitor-General: I will have inquiries made about it at once.

Mr. Scanlan: From the agreement and account of the crew which is signed by the Board of Trade, and made at the port of departure, I find there is incorporated in this agreement, and as a term of it, a regulation for preserving discipline issued by the Board of Trade. There is an account of the number of the crew that would be sufficient, and this is far less than the number that was actually carried. I can submit it to your Lordship.

The Commissioner: That is what I meant. This steamer (whether it had enough or not is another question) was manned far away in excess of any requirements of the law.

Mr. Scanlan: Yes, my Lord, of the Board of Trade; but, of course, my submission is the Board of Trade regulations and rules are themselves utterly deficient.

The Commissioner: I quite understand that.

14506. (*Mr. Scanlan - To the Witness.*) There are just two other points I want to ask you. With regard to the route, what route were you pursuing in the "Titanic" on this voyage? - What is known as the outward southern route.

14507. Do you know that since the disaster to the "Titanic" this route has been voluntarily altered by agreement amongst shipowners, and that a more southerly course is being taken? - I believe so.

14508. (*Mr. Scanlan.*) I understand that is a fact, my Lord. (*To the Witness.*) One other obvious way for avoiding collisions with ice is to keep a more southerly course? - Yes.

14509. Were you with the ship during her trials? - I was.

14510. And the trials took place in Belfast Lough? - Exactly.

14511. And on the way to Southampton. Have you any way of changing the course of a ship than by the rudder, by the helm? - By the engines.

14512. Taking the ship going at full speed, or at a speed of 21 1/2 knots, in what distance could you turn her, if you put one propeller at full speed ahead and the other propeller at full speed or three-quarter speed astern? - No actual trials have been made to my knowledge with a ship travelling at that speed.

14513. Was any trial made as to what you could do with the ship by putting the two propellers in opposition to one another? - Yes, I believe so.

14514. Did you as an officer responsible from time to time for the navigation of this great ship know what could be done by reversing one propeller and sending the other ahead? - Do you mean the actual distance she would turn a circle in?

14515. Yes? - With the helm hard over I think she could turn in about three times her length.

14516. Does that mean with the helm hard over and one propeller directed full speed ahead and the other propeller astern? - No, I think that is with the ship going ahead and both engines going ahead.

14517. Was it not important to find out how her course could be changed by reversing one propeller? - Quite so; it was done.

14518. It was done? - Yes.

14519. And, apart from the action of the helm, in what distance, by changing the propeller and

putting one astern, could her course be changed?

The Commissioner: Course be changed?

Mr. Scanlan: I mean could she be changed in a circle.

The Commissioner: You mean turned right round?

Mr. Scanlan: Yes.

The Commissioner: Do you mean turning half round or wholly round. Do you know which you mean.

14520. (*Mr. Scanlan.*) I do my Lord; I mean both. (*To the Witness.*) To turn her completely round on her axis so to speak, in her length, could she be turned on her axis by reversing one propeller? - You mean completing the circle?

14521. No, a half circle. - Sixteen points?

14522. Well, take it at 16 points.

The Commissioner: I think I would drop this at present.

The Witness: I do not quite understand.

The Commissioner: Drop it at present. You will have somebody else who will be able to tell us far better.

14523. (*Mr. Scanlan.*) There is one other point. (*To the Witness.*) You have a master's certificate and an extra master's certificate? - Yes.

14524. Do you know whether or not a Captain of a first class ship like the "Titanic" has a great many duties to perform of a social nature apart from his duties on the bridge; I mean looking after the passengers? - Oh, no. Of course the purser is responsible to him, as everyone in the ship is responsible to him.

14525. Has not the Captain as a matter of fact to be a great deal away from the bridge? - Oh, dear no, not at all. He does not need to be away from the bridge at all.

14526. In practice is not the Captain a good deal away? - No. Do not misunderstand me. Say it is hazy weather or anything like that, he would never be away from the bridge. You might go from New York to Southampton and the Captain never away down amongst the passengers as far as that goes.

Examined by Mr. ROCHE.

14527. You were the only watch-keeping officer who was saved? - Yes.

14528. So I want you to answer me a few questions about the equipment and system on the bridge before we come to what happened. Supposing you are in charge of the ship, and a collision happens, and it strikes another vessel or an iceberg, is it in your province to close the watertight bulkheads? - Yes.

14529. Without sending for the master? - Yes.

14530. By doing what, moving a lever? - Moving a lever over.

14531. And without any communication with the engine room; they have to do nothing to assist you? - You communicate by the bell push, just an alarm bell, previously, and then put the handle over.

14532. The alarm tells them it is going to be done? - Exactly.

14533. But it does not require that they should do anything to assist your operations? - Nothing whatever.

14534. Therefore in all probability these watertight doors were closed immediately the accident happened? - Yes. I may say I saw the watertight doors myself tested in Belfast; they were all in perfect working order.

14535. And the warning is or ought to be given to the engine room that it is being done? - Yes.

14536. That is in order that they may not be in the way of the doors as they descend? - Exactly.

14537. We have had some evidence or suggestion that the watertight doors were opened again. I do not know whether you know that was done or not? - No.

14538. But tell me, if you will, how that could be done. It was suggested it could be done from the engine room. Do you know is that so? - Yes.

14539. With or without communication with the bridge? - Let me explain that. You put the lever over to "on."

14540. Who does, the officer on the bridge? - You put the lever over to "on" on the bridge. That forms a contact alongside the watertight doors and releases a friction clutch which allows the door to descend. As long as the lever is over to "on" I understand the doors cannot be lifted; but if you put the lever to "off" the doors have then to be raised by hand and can be raised by hand.

14541. What we get, therefore, is this, that when the bridge has put the lever to "on" the engineers cannot in any way alter or reverse that order without communication with the bridge? - Without us actually altering the handle.

14542. Which of course does require that somebody should be communicated with and should sanction it by doing something, namely, moving a lever? - Quite so.

14543. Can you tell us whether you have heard about one other matter which seems involved in some considerable obscurity. We have been told a length of piping was fetched from right aft in the tunnel and was carried further forward, where we do not know. Do you know or have you heard anything about the purpose of that? - Nothing, except what I have read in the evidence. I cannot explain it. I could not say how they got it through or why.

The Commissioner: What was the significance of this piping.

14544. (*Mr. Roche.*) The point is to know what was going to be done with it in the first place, and secondly it was suggested that its being moved involved the opening of some of these watertight doors. Therefore one wanted to know what the conditions were that made it desirable to bring this pipe into use and where it was taken to in order to see what watertight doors were open. But you cannot help us at all about that? - I am afraid not.

The Solicitor-General: There was a suggestion made to us - I do not know whether it was made to your Lordship - when you went over the "Olympic"; when we went over we were shown the piping my friend refers to and it was lying in one of the after compartments.

The Commissioner: What is it for?

The Solicitor-General: We were informed that it might be used as a supplementary piping to attach to the pumps further forward, and there were pointed out to us the pumps in the different pump rooms, in the different compartments, with a flange to which this piping might have been attached to form an extra suction pipe. That was the suggestion made to us when we went over the ship.

Mr. Roche: I am much obliged for my friend's explanation. If we can get from some witness where it was taken to, it would help; but you cannot help us?

The Witness: No.

The Commissioner: Assuming that the watertight doors were closed automatically from the bridge, as soon as the collision took place, there is at present no reason to suppose, except possibly the evidence about this pipe, that they were ever opened again.

Mr. Roche: I forget who it was, but the witness who says the pipe was fetched said that, in fact, the doors were opened. That was his view and recollection.

Sir Robert Finlay: Only in the forward part. The doors it was suggested were opened were only those forward.

Mr. Roche: I thought it was exactly the contrary - the pipe was fetched from the after-tunnel.

The Solicitor-General: That is right.

Mr. Roche: And the witness - I think his name was Scott - suggested that those were the doors that were opened to allow this piping to be carried. He could not carry the matter any further; he did not know where it went to forward, or what, if any, other doors were opened for the purpose of its being so carried. It is fairly obvious that if you got a heavy length of pipe in this way, if it can be avoided, it will not be carried up ladders and over a sort of series of high obstacles running up to E deck.

The Commissioner: If they were opened they must have been opened by some operation on the bridge.

Mr. Roche: That is what I wanted to get; the engineers of their own motion could not open these doors. My friend, Mr. Raeburn, refers me to page 131, Question 5600.

The Solicitor-General: That is right.

Mr. Roche: The witness was Scott, as I thought; he was in the turbine department, and he says this in answer to your Lordship. Your Lordship asks: "Then all the watertight doors aft of the main engine room were opened? (*The Attorney-General.*) Yes. (*To the Witness.*) And, as far as you know, as I understand it, they never were closed? - (A.) No. Why they opened them was they had to go down the last tunnel but one - "

The Commissioner: This is referring to watertight doors that are worked from the bridge.

Mr. Roche: Yes, my Lord. They are all, without exception, worked from the bridge.

The Witness: All tank top doors are worked from the bridge.

14545. That is to say, not the doors above E deck? - No.

14545a. But the doors which extend from the floor of the ship up to E deck? - Exactly.

The Commissioner: That is to say those that are in the bulkheads.

Mr. Roche: Yes, they are really bulkheads.

The Witness: Yes, bulkhead doors.

14546. (*The Commissioner.*) They are all worked from the bridge? - Yes, my Lord.

14547. The others have to be worked by hand? - By hand on the deck they are on, or from the deck above.

Mr. Roche: And this witness says at Q. 5584 that the engineer of the watch in the engine room gave them orders: "(Q.) 5585. What did he tell you to do? - (A.) He told us to heave all the watertight doors up. (Q.) Did you go right aft again to the aftermost tunnel? - (A.) Yes, we went right through. We opened one up in the afterside of the turbine room, and then went right through them till we got to the after one, which we had opened up about two feet." Then he described that he got to the aftermost tunnel, and he described the reason at Question 5600: "So far as you know, as I understand it, they never were closed? - (A.) No. Why they opened them was they had to go down the last tunnel but one and get a big suction pipe out, which they used for drawing the water up out of the bilges. (Q.) That tunnel is the one before you get to the last watertight door, where they went to get a big suction pipe? - (A.) Yes, it takes four men to carry it. I think I saw four men coming through with it. They took it to the stokehold. What they did with it I do not know." So he sees it as far forward as the stokehold. Perhaps he means No. 1 boiler room, and he did not see further.

The Solicitor-General: Mr. Roche, one has to combine with that the evidence of Dillon, which is on page 99, who says he was instructed to go forward of the boiler room, and he opened four doors, and in answer to Question 3800, "What did you open them for?" he says, "To allow the engineers to get forward to their duties, the valves and the pumps."

The Commissioner: It looks like the same thing.

The Solicitor-General: One is forward and the other is aft; one is to get the thing and the other is to carry it forward.

Mr. Roche: It looks as if at some time - I do not know that these witnesses are very definite about the time they were all opened again. He answers you, my Lord at Question 3793. "They were not closed again? - (A.) No, my Lord."

The Commissioner: If this evidence is to be taken as accurate, there was a time after the watertight doors in the bulkheads were closed, when they were opened again.

Mr. Roche: That is how I read it.

The Commissioner: From that time forward it would appear that they were never closed.

Sir Robert Finlay: Only some of them. If your Lordship will look at page 99, Question 3789, 3790 and 3791, it is in answer to your Lordship. Your Lordship says, "Then you opened three watertight doors in the watertight bulkheads. The Attorney-General: Four, that is the evidence; from the engine room first.

The Commissioner: Oh, from the engine room first. Then you opened four, did you? - (A.) Yes, my Lord."

The Commissioner: I remember this, Sir Robert. That meant that what perhaps might have been considered necessary doors for keeping out the water which had come in through the hole that had been made in the side, were left closed.

Sir Robert Finlay: They were left closed.

The Solicitor-General: That is right.

The Commissioner: I suppose it was thought at that time that the hole in the ship did not let in any water aft of the point where this last door was left undisturbed.

Sir Robert Finlay: Yes, my Lord, to enable the engineers to get on and do their pumping.

The Commissioner: There was something said, and I have heard nothing more about it since that I remember, about some of these doors closing some other way automatically.

Sir Robert Finlay: They can close on the bridge automatically those lower doors?

The Commissioner: I mean some other apparatus altogether.

Sir Robert Finlay: Oh, yes, where water rises and gets in there is a float which automatically closes the door. It was worked, I think?

The Solicitor-General: Yes, I saw it worked.

Mr. Clement Edwards: I was asking a question, and I was stopped by the learned Solicitor-General, who said he was calling evidence, and thereupon Mr. Laing got up and explained to your Lordship what from his point of view was the method by which this automatic float operated.

The Commissioner: Certainly, I remember it. Up to this time I cannot say I have understood what this operation is.

14548. (*Mr. Roche - To the Witness.*) I do not know whether you could help us with regard to that. Supposing you do not want your float to close the doors, you want to keep them open for any purpose. Can you put it out of operation? - I do not think so.

14549. That is all you can tell us about that matter. Now I want to ask you the sequence of events when you came on deck. You come out first from your quarters, when you feel the shock of the collision? - Yes.

14550. And you see steam escaping? - Yes.

14551. That means, of course, that the engines have been stopped? - Yes.

14552. That the engines are not taking the steam and therefore they are blowing off. Were they ever put ahead again? - That I could not say.

14553. You could not feel it? - No.

14554. They never moved to your knowledge? - That I could not say; I could not say whether they were moved or not.

14555. Then you go back to your berth and are there for about half an hour? - Somewhere

about that.

14556. Were the pumps running when you came out again? - That I could not say.

14557. Could not you feel or see that? - Oh, no, I should not feel the pumps from the deck.

14558. Or know whether there was water going over the side? - No, we know from the evidence that water was going over the side.

14559. You were working on the hurricane deck not very far from the bridge. Did you hear the order given to bring up the women and children? - No.

14560. You only know that was in operation - that that was being done? - Yes.

14561. We have been told that later there was an order that at that time everybody should look out for themselves? - I heard nothing about it.

14562. You heard nothing about it at all? - Nothing whatever.

14563. Did you hear any general order for the people who were below to come up from below? - No. Any order of that description would have to be passed to the head of the department and would not concern me.

14564. I quite know it did not come through you, but I did not know whether you had gleaned or gathered from the people coming up that such an order had been given? - No, I knew of the order; it came to my knowledge afterwards that an order had gone for the passengers to put on lifebelts.

14565. Did you ever know at all whether any order had gone that the engineers should come up on deck? - No.

14566. You knew nothing of that? - No, I knew nothing.

14567. On the several boats which you were attending to - 4, 6, and 8, and the collapsible - did you see any of the engine room officers on the deck at all? - No, I did not see any of the engineers at any time.

14568. So far as you know they were down below to the end? - Yes.

14569. If you communicate with the engine room on this large ship you communicate by telephone? - Yes.

14570. From the bridge? - Yes.

14571. And that is the means that would be adopted and available for any orders? - Yes.

14572. With regard to the manning of the boats there was a very valuable suggestion that my friend Mr. Scanlan made and I understand you to approve of, and I want to know your view of it. The suggestion as to the firemen - there are a very large number of firemen of course on board these ships - that in case of calamity it is desirable both that the firemen should be saved and that they should be useful in manning the boats? - Yes.

14573. I understand your suggestion to be, that since boat practice before one of these voyages begins or during the course of it, is difficult if not impossible, there should be some preliminary training? - It would be advisable.

14574. And if that were done with the sanction of the Board of Trade, if not by law, of course it would tend to become universal? - No doubt.

14575. Just in the same way that the fact that the Board of Trade test for sight and colour makes that the practice? - Exactly.

14576. There are two look-out men in the crow's-nest? - At all times.

14577. And they are on duty for how long? - Two hours on and four off.

14578. Are they looking out during these two hours alternately, relieving one another or are they looking out concurrently? - One stands on one side of the crow's-nest and the other on the other, and they are supposed to be keeping a sharp look-out all the time.

14579. You are an experienced officer. Does not that tend rather to two things, dividing the responsibility, and, where a very sharp look-out is needed, as in the case of ice, to a very great

strain on the men's eyes? - Two hours?

14580. Two hours. - I do not think that is much strain, two hours.

14581. Not looking intently at the horizon for two hours? - No.

14582. Do not you find it on the bridge? - No.

14583. Do not you think for those men to look out alternately would be better than concurrently? - No, it would be worse.

14584. That is your opinion? - Yes.

14585. As to the speed which you are speaking of, 21 ½ knots, you use as an argument or illustration why she was not being pressed, that there were boilers not in use? - I am given to understand so.

14586. On these large vessels there are always reserve boilers which are not in fact put in commission - I mean which are not always going all at once, to allow for a margin for repairs, and so forth?

14587. I think that is more for an engineer to answer; but what we call the donkey boilers which are used in port, I believe, are the only ones that are out of use ordinarily.

14588. I did not mean they were out of use during the whole voyage, but in practice at any one time you never do in fact have all the boilers going? - I think they are all going.

14589. I have to ask this question because unfortunately not one of the engineers has survived? - I shall be glad to answer what I can.

Examined by Mr. HARBINSON.

14590. Would you consider it would tend to a more efficient look-out if at times when you are in the vicinity of ice a junior officer were put in the crow's-nest together with the two look-out men? - No.

14591. You would not consider that was necessary? - No.

14592. I understood you to say yesterday that you had calculated you would be in the vicinity of ice about half-past nine? - About that, yes.

14593. And that the Sixth Officer, Mr. Moody, had made a calculation that you might reach ice somewhere about 11 o'clock? - Yes.

14594. That was rather a considerable discrepancy? - Yes.

14595. When you were leaving the bridge at 10 o'clock did you mention to Mr. Murdoch who succeeded you that your calculation was different from the calculation made by Moody? - I do not think I mentioned any individual calculations.

14596. You would not have considered it desirable, considering the conditions were such as you have told us, that you should have drawn Mr. Murdoch's attention to this disparity in calculation? - No.

14597. Did you attach much importance to it yourself? - None.

14598. But you thought you would be in the neighbourhood of ice at half-past nine? - I knew we should not be there before half-past nine.

14599. You reported to Mr. Murdoch what took place while you had been on the bridge. You gave him a general report? - A general report.

14600. And did you discuss with him in detail the question of the vicinity of ice? - Nothing more than I have already given in my evidence with regard to ice.

14601. You have told us that the falls in the boats you were connected with, the lifeboats, worked satisfactory? - Quite.

14602. Is it customary on the boats that you have been attached to to lower the collapsibles from the falls that let down the lifeboats? - I have never seen collapsibles lowered before.

14603. Did you on this night, this Sunday the 14th April, experience any difficulty or see if any difficulty were experienced in the lowering of the collapsibles by these falls after the lifeboats had been lowered? - After they had been lowered?

14604. Perhaps I should put it in this way. After the lifeboats had been lowered, when the falls are empty, is there any difficulty ever experienced in getting the falls up again? - The falls were already rounded up, as I said in my evidence, when I got there, so I had not experience of rounding them up myself.

14605. You do not know whether or not there is at times a difficulty in getting the falls rounded up as you say? - In all tackles there is more or less a difficulty in both overhauling them and rounding them up again unless there is any weight on them. It has to be carefully managed.

14606. So that unless in the case of emergency the falls are very carefully managed, it would be impossible through their agency to lower these collapsible boats? - Oh, no, I would not say impossible at all. It proved very probable and capable, and we did lower the collapsible boats with them.

14607. Did you have any difficulty owing to the falls rounding up, in lowering the collapsible boats? - In rounding them up or lowering them?

14608. In rounding them up after the lifeboats had been lowered? - All the tackles need careful handling as I say in overhauling or rounding up.

14609. In order to avoid such a thing would you think it desirable that there should be second falls provided for the collapsibles? - It is not practicable.

14610. Did you see much of Mr. Ismay on the journey across? - No.

14611. Was he often on the boat deck? - No.

14612. Do you know on this Sunday afternoon whether or not the Captain had shown him the Marconigram with reference to the ice? - I do not know.

14613. Did you see Mr. Ismay much with the Captain? - No, I never saw him at all with the Captain.

14614. In fact, you saw little of Mr. Ismay from the time you left Southampton? - As far as my knowledge goes, Mr. Ismay was never within the vicinity of either the quarters or the bridge during the voyage.

Examined by Mr. CLEMENT EDWARDS.

14615. You came over with the "Titanic" from Belfast? - Yes.

14616. Do you know anything about the survey by the Board of Trade? - In Belfast or Southampton?

14617. At any time? - Both.

14618. Was the "Titanic" surveyed by the Board of Trade representative in your presence in Belfast? - Part of the time in my presence.

14619. Who was the representative? - I forget his name.

14620. Was it the same representative of the Board of Trade in Belfast as you saw in Southampton? - Oh, no; a different representative in Southampton.

14621. I will come to Southampton in a moment. Did you accompany the Surveyor of the Board of Trade while he was making his survey in Belfast? - Part of the time.

14622. Was there a Surveyor on behalf of anybody else except the Board of Trade in your presence? - There were several gentlemen there; who they represented I really could not say.

14623. The "Titanic" was not classed at Lloyd's or any other registration society? - That I could not answer.

14624. You do not know whether there was a Surveyor from any registration society surveying

in Belfast? - No, I do not know.

14625. And you do not know the name of the Board of Trade representative? - No, I forget his name.

14626. (*The Solicitor-General.*) Mr. Carruthers, I think? - Yes, that is right.

14627. (*Mr. Clement Edwards.*) Did you accompany Mr. Carruthers throughout his survey? - No; as I say part of the time.

14628. Can you say what part of the survey he did in your presence? - Yes; he examined the lifeboats, swung them out, lowered them down, hauled them up, and examined the equipment.

14629. That is the lifeboat equipment? - The lifeboat equipment - and tested the big anchor forward, swung that out and back again. I think that is all the time I had with him. I was with him most of the time he was with the lifeboats really, of any consequence.

14630. You were not present with him when he surveyed the bulkheads or apparatus for operating the doors? - Yes, I was through all the watertight bulkheads with him too. Pardon me, when I say with Mr. Carruthers, it was really for my own satisfaction. Whether Mr. Carruthers was there at the time I really could not say. Probably he was.

14631. Well, unless you know? - Well, I am not quite certain.

14632. When he tested the equipment of the lifeboats, did he check the list of things required by the Board of Trade rules to be put in the lifeboats? - I could not say that for certain. Previously we had already taken a check of the full complement of the boats by the officers; the officers themselves had been through all the boats, and got a list.

14633. It has been given in evidence here that some of the things in the Board of Trade list were not to be found on the boats when the accident happened? - That is right.

14634. Can you suggest why that was? - Yes, the things which you are alluding to I believe are compasses and lamps. As far as I understand those are not required to be carried in the boats.

14635. (*The Commissioner.*) Can you tell us where on board a steamer the lamps for the lifeboats are usually kept? - In the lamp room I believe, my Lord.

14636. And they are carried on the "Olympic" in the lamp room? - I presume so; I really could not say, my Lord.

The Commissioner: I believe they are, Mr. Edwards.

14637. (*Mr. Clement Edwards.*) Anyhow, at Belfast you say that the Board of Trade Surveyor went through these things, and do you say that he found all that was required by the rules? - His report would be made to the Chief Officer, so I cannot answer for that.

14638. In your presence did he point out that anything was missing? - Nothing.

14639. From Belfast you came to Southampton. On the journey did you hear anything about a fire in the bulkhead between Section 5 and 6? - I did not.

14640. Have you at any time heard anything about a fire? - In a coal bunker?

14641. Yes. - No.

14642. In the ordinary course of things would a matter of that sort be reported to you as an officer? - No, not if it was slight, or I may say unless it became serious.

14643. Would it be reported to the Captain? - Very probably.

14644. Whose particular duty would it be to see that any fire occurring there was put out? - The Engineer's.

14645. When you came to Southampton you said there was another representative of the Board of Trade. Who was that representative? - Captain Clark.

14646. Did you accompany him in his survey? - Part of the time.

14647. For how long? - I really could not say. I was with him part of the time.

14648. Who was with him the other part of the time? Could you say? - Yes, the Chief Officer that was then, Mr. Murdoch.

14649. While you were with the representative of the Board of Trade, Captain Clark, what part of the survey was done? - I really cannot remember what we went through with Captain Clark, unless it were the boats. Of course, on sailing day - well, that has nothing to do with the survey.

14650. What day did you arrive at Southampton - Saturday or Sunday, do you remember? - Sunday.

14651. And which day did the survey take place? - I cannot remember.

14652. Cannot you remember any part of the survey which was done by Captain Clark in your presence? - No, I cannot remember any of the incidents of it.

14653. Did he make a detailed inspection of the boats? - That I could not say.

14654. Do you remember your evidence before the American Senate? - No; some part of it I daresay I recollect.

14655. You remember you gave evidence there as to the survey that Captain Clark made in your presence? - Yes.

14656. You have had a hard day, and I can quite understand you are getting a little fatigued? - Oh, no, that is all right.

14657. On the day after you sailed did you make a test of the boats and the apparatus? - Yes.

14658. In the presence of Captain Clark? - Yes.

14659. It was intended as a formal inspection by the Board of Trade? - Yes.

14660. Now, do you remember the extent to which you carried out the test? - Yes, with regard to the boats.

14661. What did you do? - We lowered two boats, that is swung out, carried on with the crew, swung out the boats, lowering away, placing the crew in the boats, the crews with their lifebelts on, lowered the boats, released them, sent them out, brought them back to the ship, and hoisted them inboard again and secured them.

14662. How many? - Two.

14663. Now you have said that this was a perfectly clear night? - Yes.

14664. Is it a fact, well within your experience, that when ice has got down into a fairly warm latitude that there is a constant haze given off from the ice due to the disparity in the temperature of the ice and the surrounding atmosphere? - Not to my knowledge.

14665. And is it not the fact that that haze is very frequently removed when a wind springs up and you are then able to see the edge of the ice quite clearly as you have suggested in your evidence? - Never, to my knowledge, have I seen any haze hanging round a berg. I have come across icebergs in a thick fog, but never noticed any individual haze round any ice.

14666. Is not a fog constantly created by this contact of ice at a very low temperature with the atmosphere of a much higher temperature? - Oh, no; you get fog when there is no ice at all.

14667. I know that. Sometimes we get it with heat, but what I am putting to you is that this disparity between the temperature of an iceberg and the surrounding atmosphere is one of the causes which go to create fogs in the Atlantic? - Would you mind repeating that?

14668. (*The Commissioner.*) Do you think it is worth repeating it; I do not think he knows these matters. The suggestion is that many fogs in the Atlantic are manufactured or made by icebergs? - No, my Lord.

14669. (*Mr. Clement Edwards.*) Icebergs in contact with the warm atmosphere? - Never to my knowledge.

The Commissioner: I do not think he knows anything about it.

14670. (*Mr. Clement Edwards.*) You did in your evidence yesterday attempt to explain one of the reasons for the creation of fog. At Question 13600 you said "Well, though it may seem strange, it is quite possible for it to go up if the ice happens to be floating in slightly warmer water, or if the wind were to come round from the southward. You will frequently be passing

through a cold stream, and if the wind comes from the southward you will almost invariably look out for a fog owing to the warm wind striking the cold water"? - Quite right. I was explaining to his Lordship at that time that though the temperature was very low, it was no indication of ice, because you might be approaching ice and the fact of the wind coming round from the southward would give you a warmer temperature, not necessarily fog, and therefore you would have a warmer temperature and still be approaching ice.

14671. Now, if the look-out men, in fact, saw a haze, what do you suggest it may have been produced by? - If they saw a haze it might have been produced by a warm and cold current meeting.

14672. And that might have concealed the ice? - If a haze had arisen it might have concealed the ice.

14673. And that condition of things might have been sufficiently local for you not to have seen anything of it when you went off duty at 10, and not to have seen any trace of it at the time when you again came up on deck after the collision? - It is just possible.

14674. Had you at any time any information as to the extent to which water had come in the "Titanic"? - Yes.

14675. When? - When the Fourth Officer reported to me in my room, and also when I asked the Carpenter whether No. 6 stokehold were dry. On the first occasion the Fourth Officer informed me the water was up to F deck. He has explained since he meant G deck - and the Carpenter informed me that No. 6 stokehold was dry.

14676. Did you understand at the time that he meant F deck? - I understood him to mean F deck.

14677. And are the gangways in E deck, the next deck? - Yes.

14678. Were you at all in a state of panic when you gave instructions that the gangway doors were to be opened? - Not the slightest.

14679. Did you have any consultation at all with the Captain when you gave those instructions? - None whatever.

14680. At the time you gave those instructions to the Boatswain did you notice whether there was any list at all on the ship? - No, I did not notice.

14681. How soon after you gave those instructions did you notice there was a list to port? - I think I have explained that in my evidence, that it was at No. 6 boat, I think, where I first noticed the list.

14682. At which boat were you when you gave instructions to the Boatswain to open the gangway doors? - I think I have also explained that - at No. 6.

14683. Now you have explained that it took you some 20 minutes to half an hour to get No. 6 boat uncovered and lowered; at what stage of that process did you give instructions to the Boatswain? - I could not say.

14684. At what stage did you notice the list to port? - I could not say.

14685. Can you say whether you noticed a list to port before or after you had given instructions to the boatswain? - That I could not say with certainty either.

14686. Has it occurred to you that if the ship struck on the starboard side it was a very extraordinary thing that there should have been a list to port? - No.

14687. Why not? - Why not extraordinary?

14688. Yes? - Because she fills up both sides equally.

14689. Does she, if there is an aperture on one side, does not she usually list to the side from which the water is pouring in? - Not necessarily.

14690. I did not say necessarily? - No.

14691. You would expect there would be a list to that side in which the water comes in, would

you not? - No.

14692. Why not? - Why should I?

14693. Well, I am asking you? - I am sorry I cannot explain.

14694. You must have some ground for taking a certain view. You say that you would not expect a list to that side at which the water came in.

The Commissioner: No, he did not say that. He said, not necessarily. I understand him to mean that the fact that there was a hole on one side would not necessarily mean that there would be a list on that side. That is all I understand him.

The Witness: That is right, my Lord.

The Commissioner: And I am advised that that is right, Mr. Edwards.

14695. (*Mr. Clement Edwards.*) Has it occurred to you since that possibly the gangway doors were opened and were first opened on the port side and she took a lot of water through those doors? - No.

Examined by Mr. LEWIS.

14696. I understand you to say that the eyesight test had been maintained by the White Star Company? - As far as practicable.

14697. Is that from general knowledge or your own experience? - Personal experience.

14698. Would it surprise you to know that as a matter of fact the eyesight test has been discontinued for some considerable time at Southampton? - I might on the other hand say would it be of any use to you to know that I insist on it.

14699. Then I want to get it. Have you any experience outside your own ship, for instance, as to the general practice in the White Star Company? - No, I am speaking from personal knowledge.

14700. You could not say whether it is maintained except by yourself? - I am speaking purely from personal knowledge.

14701. Do you know that one of the look-out men had never done that duty before and was only qualified as an A.B. last year? - Quite possibly.

14702. Whose duty is it to see that the equipment of the lifeboats is maintained? - The Board of Trade's.

14703. Is that carried out effectively? - It is, very effectively.

14704. As effectively on the White Star Line as in some of the other companies? - Speaking from my own experience at Southampton, it is particularly well carried out.

14705. I take it you mean that it would be the duty of the Board of Trade to see they are equipped, but it is the duty of the company to do the actual work of equipping them? - Undoubtedly.

14706. Whose duty is it from the company's point of view to see they are equipped? - It rests primarily with the officers concerned, secondly with the Chief Officer, and, thirdly, with the Marine Superintendent.

14707. Do you know whether it is the duty of the shore staff to see these lifeboats are equipped? - I do know it is the duty of two men, who are told off to do nothing else while the ship is in port but go round and examine the lifeboats thoroughly, equipment, bread, water and everything else.

14708. How do you account for the fact that your boats were not equipped thoroughly? - I do not account for it.

14709. I mean with water and bread and all those things that are necessary? - May I ask how it comes to your knowledge?

The Commissioner: I have already said those are very small matters; there is not much importance to be connected with any one of them.

Mr. Lewis: They are important from our standpoint, the question of the equipment of the boats.

The Commissioner: That may be, I know already in some respects those boats were not fully equipped, but I know also they had nothing to do with this calamity.

Mr. Lewis: But my point is with respect that if the company were lax in regard to one particular point, there is the possibility of their being lax in other directions.

The Commissioner: You can make that as a point, but it is nothing to examine this witness about.

14710. (*Mr. Lewis.*) I want to know the general methods adopted by the company as far as this witness knows. (*To the Witness.*) With regard to particular lifeboats, I understood you to say in your evidence that it took about an hour and a half to two hours to prepare and lower the boats upon which you were engaged, is that so?

The Commissioner: Yes, he has said it, and I know it, you know.

14711. (*Mr. Lewis.*) Do you consider that under the circumstances of the case, when the ship was sinking rapidly, that that was a reasonable time to take? - Yes.

14712. What is the object of a boat list and boat drill? - It is rather obvious; it is to teach the men to know their stations.

14713. In the event of danger is not the object to be prepared to lower the boats simultaneously? - Not necessarily.

14714. If, for instance, the accident was even worse, if it is possible to conceive, and you had knowledge that the ship was to sink in an hour, obviously it would be desirable to get the boats down speedily, would it not? - Yes.

14715. Is not the object of having boat stations in order that you may station men at the different boats to lower them at once if necessary? - No.

14716. What is the object of having firemen and stewards on the boat list? - To know their stations.

14717. Is it not a fact that you ran a risk by proceeding from boat to boat to lower those boats of having several boats left? - They were not left.

14718. Is it not the fact that you did have boats left, collapsible boats or rafts that you could not get off in time? - No.

The Commissioner: Now what is the real object of your questions. They are not helping me at all. Is your real object that you think more men belonging to your Union ought to be employed? These questions do not assist me one bit.

Mr. Lewis: My point is this - and I think it is proved by the fact that there was a difficulty in getting the collapsible boat off - that more men that were on the ship should have been used to get off the boats.

The Commissioner: With the exception of one boat all the boats were got down to the sea.

Mr. Lewis: Surely one boat is important upon an occasion of this kind.

The Commissioner: Yes, but there are particular circumstances applying to that boat. It was not the want of men.

14719. (*Mr. Lewis.*) But the boat could not be got off because the water was up and could not be got ready in time. (*To the Witness.*) You considered that everything was done that was reasonable with regard to the launching of the boats? - Yes.

14720. Now with regard to the look-out men. Did I understand that if the look-out men had had glasses and had been using them at the time, they would have seen the iceberg much quicker? - I could not say what you understood.

14721. Supposing when the iceberg region was approached they had been using their glasses

would they in your opinion have seen the iceberg much quicker? - If they had had a glass glued to their eyes?

14722. If they had been looking at the time they saw the iceberg and rang the bridge? - Yes.

14723. If, prior to that, they had had a glass, could they have seen it some time before? - I really could not say.

14724. It is extremely probable, I suppose? - Not necessarily.

14725. I think you admitted you could see a greater distance with glasses? - Under certain conditions, yes.

14726. And on this night it was clear, was it not? - Yes.

14727. Would that be a night on which a glass would have been of service? - I have never seen icebergs through glasses so I really cannot say.

14728. If there had been glasses there it would have been extremely probable, one man would be using his eyes and the other his glasses? - Most improbable.

The Commissioner: Do you really suggest that in a look-out like the crow's-nest there is always one man with glasses and another man without glasses.

14729. (*Mr. Lewis.*) I suggest it is possible that one man would be using glasses and the other not. Do not you think it would have been advisable when approaching an ice-field, seeing you knew glasses had not been supplied to the look-out men, to have seen that they were supplied with a pair? - No.

14730. I understood you to say that you could yourself have seen the iceberg in time for the disaster to have been averted if you had been on the bridge? - I am afraid you have totally misunderstood me. I do not pretend to have been able to see it any further than my brother officer, Mr. Murdoch.

14731. I understood you in reply to a question that you thought you could have seen it in time to have averted the accident? - I am afraid you have understood wrongly then.

14732. Can you tell me whether there were any orders with regard to firemen, whether they were stationed at all, those off watch? - No. I had no orders with regard to firemen.

14733. They seem not to have been used very much, and I want to know if you knew they had been stationed on any part of the deck; you could not say that? - No.

14734. Can you tell me whether sliding chocks for the collapsible boats would have been of any material assistance to you? - I could not.

14735. I understand that there is a patent chock which will enable collapsible boats to be put out. You have never seen them, perhaps? - No.

14736. With regard to speed, did I understand you aright this time, that you said you had never known speed reduced? - No, you are not correct.

14737. I understood the question was put, and you said you never understood speed was reduced? - No, that is wrong; you had misunderstood me totally.

14738. May I take it speed is frequently reduced crossing the Atlantic? - Under certain conditions.

14739. Is it not the fact the boats are nearly always in to time? - No.

14740. Have you been late frequently? - Yes, I have known a first class mail, a 21-knot boat, 36 hours late.

14741. You have known that on the White Star? - Yes, and been on her.

Examined by Mr. HOLMES.

14742. You told us that all the officers had been on the "Titanic" on the trial trip except Mr. Wilde? - Yes.

14743. You know he had had considerable experience on the "Olympic," the sister ship? - I believe so.

14744. Were the boats on the "Titanic" in the forward and the after compartments carried in the same way? - Practically the same, with the exception of that small bulwark there.

14745. Are not they carried inboard? - I see what you mean. At sea they are carried with their keel on the rail of the ship. Those boats were inboard on their chocks. That is right.

14746. You have told us of the conversation with the Captain, in which he gave you instructions to call him if you were at all doubtful? - Yes.

14747. Had you, in fact, any kind of doubt during the rest of your watch? - None whatever.

14748. Was there any reason whatever why you should have any such doubt? - None.

14749. Had you had any ice or fog or haze reported to you? - About the ice track, do you mean?

14750. No, I mean from the look-out? - Oh, dear, no; none whatever.

14751. All you knew was that earlier in the day ice had been reported in a particular region? - Yes.

14752. And your previous experience had taught you that it did not mean by any means that you were necessarily going to meet it? - That is so.

14753. Would the effect of slowing your engines before you had seen any ice at all have simply been to keep you longer in the danger zone? - Yes.

14754. I take it your own eyesight is perfectly good? - I believe so.

14755. You and all the other officers have to pass a very stringent Board of Trade examination before you get your certificate? - Yes, they have, and subsequently.

14756. You have told us that you allotted men to each boat when you came on deck to get them uncovered. Did you intend those men to go into the boats as their crews? - Not necessarily.

14757. Simply to go round the decks and uncover the boats? - They were told off to their boat, and they would naturally remain at that boat until she was in the water, unless they got further orders.

14758. How many boats, in fact, did you superintend being lowered into the water? - It is rather difficult to say. I was working the whole time at the boats. How many I put in I really do not know - four, six, perhaps eight - three lifeboats at least, and a collapsible.

14759. Can you tell me what other duties the officers were to perform after that collision? - Speaking for myself, I had no other duties.

14760. No, generally; what were their duties generally. I take it that one officer would have to look after the rockets? - There was an officer looking after the rockets, an officer down below a couple of times to judge the amount of water and attending to the Morse signals and attending also to the boats.

14761. There were seven officers besides the Captain? - Yes.

14762. Do you consider you could have done with any less than that on board the "Titanic"? - Oh, yes.

14763. Can you tell me how many are required?

The Commissioner: Is that the answer that you wanted?

Mr. Holmes: It satisfies me, my Lord.

The Witness: I mean to convey this, that, as proved, we could have managed the boats in the water with the weather in that condition without officers. It would not have mattered if there were only women in the boats. It was flat calm.

14764. Do you know of your own knowledge how many officers a ship like that can go to sea with and still comply with the law? - No, I have heard, but I have not taken much notice of it.

14765. Is it the fact they only require two certificated officers? - I believe it is something like

that.

The Commissioner: You must remember this witness is one of your own clients.

Mr. Holmes: I know, my Lord.

The Commissioner: Do not you think you can leave him alone?

Mr. Holmes: If your Lordship will allow me to ask him a few more questions tomorrow morning?

The Commissioner: No.

14766. (*Mr. Holmes - To the Witness.*) Can you tell me the last that you saw of Mr. Wilde before the ship went down? - The last I remember seeing of Mr. Wilde was quite a long time before the ship went down.

14767. And Mr. Murdoch? - Mr. Murdoch I saw practically at the actual moment that I went under water.

14768. Can you tell me where he was? - He was then working at the forward fall on the starboard side forward; that is the fall to connect to the collapsible boat.

14769. What was the last you saw of Mr. Moody? - I do not remember seeing Mr. Moody that night at all, though I am given to understand, from what I have gathered since, that Mr. Moody must have been standing quite close to me at the same time. He was on top of the quarters clearing away the collapsible boat on the starboard side, whilst Mr. Murdoch was working at the falls. If that is so, we were all practically in the water together.

14770. You stated that you asked the Carpenter to take soundings at No. 6? - No, I did not.

14771. Did you ask the Carpenter to take soundings anywhere? - No.

14772. Did you hear the Captain ask the Carpenter? - No.

14773. You mentioned in your evidence that the Carpenter had taken soundings and said that No. 6 was dry? - I did not say that exactly. I asked the Carpenter if No. 6 stokehold had any water in.

Examined by Mr. COTTER.

14774. That is what I am trying to get at. What time was that when you asked him that? - I could not tell you.

14775. Can you give us any idea? - No. I met him somewhere on the boat deck.

14776. Was that after you had been to No. 6? - I really could not say.

14777. What time would it be after you had been got out of your bunk when you sent the Boatswain down to open these gangway doors? - I have already given the times as near as I possibly can, and the time I sent the Boatswain down; I think you will find that in the evidence.

14778. Can you tell us how the doors are made fast? - No, I cannot give you a detailed explanation.

14779. You do not know how? - They are secured by bolts.

14780. Is there a large iron boom across fastened by bolts? - I could not say.

14781. Are they very difficult to open? - The Carpenter opens those.

14782. Are they difficult? - I could not tell you; it is not my work.

14783. Have you seen one opened? - No.

14784. Have you any idea of the weight of one of those doors? - Yes, I have an idea.

14785. Will you give us some idea? - Yes, you get down to the forward steerage and then you will be at the door.

14786. I want the weight of it? - I beg your pardon, I thought you said way. I could not give you any idea.

14787. If it were once opened and lost its balance and swung against the ship's side, the Carpenter and a crowd of men would have a job to get that back again? - Not necessarily.

14788. If I suggested to you that it would take at least four men to open one of those doors, would that be right? - Probably about that.

14789. And it would take more to close them? - Quite.

14790. Once she had swung against the ship's side you would have to pull it back again, and you would have an awkward angle? - That all depends. I do not say it is necessarily a very hard job, it would depend principally on the list of the ship, or whether she had any list at all.

14791. If he was sent down to open them and the water reached up to the deck, when he found out his mistake, he would have a job to close them? - I did not say he had opened them.

14792. Supposing he had opened them? - Yes.

14793. Now I will take you to the collapsible boat. Is it not the fact when you unship one of those collapsible boats you have blocks and tackle fastened on the stays from the funnel? - No.

14794. Did you see no block and tackle on that stay from the funnel for the purpose of unshipping the collapsible boat? - Which are you speaking of?

14795. I am talking about the forward funnel on the port side; are not there small blocks and tackle on it? - No.

14796. How do you unship one of those Englehardt boats? - We never have unshipped one, but I see what you are getting at. There is a link in the funnel guy for the purpose of hooking on tackle and so getting the Englehardt from the top of the quarters down to the deck.

14797. I am right that you could put the block and tackle on to that link? - Yes, that is right.

14798. Was there any there that night? - Not that I am aware of.

14799. If you had had a block and tackle there you would have found it rather easy to unship it? - No, I should not have used it.

14800. It would have been of no use? - No.

The Commissioner: You represent the interests of the stewards do you not?

Mr. Cotter: I do.

The Commissioner: These questions may have some general bearing, but they do not affect particularly the stewards, do they?

Mr. Cotter: I think we are here to get as much information about the wreck as possible, and although I am representing the stewards I might get some information which may be useful to this Inquiry.

The Commissioner: I said this information may be of use generally, but it does not affect particularly your clients, the stewards. I think when you have heard a witness examined generally by five or six different people it is becoming time to end it.

Mr. Cotter: There has not been a question raised about these doors, which is a very important point. I am speaking as a practical man.

The Commissioner: At present you were asking about some tackle, and suggesting that the gentleman should have used it if it was there, and he answers you that it was not there, and if it had been he would not have used it. Now that does not seem to me to advance the Inquiry one bit.

Mr. Cotter: My contention is that if that tackle had been there, at least some of our men might have been saved as well as some of the passengers.

The Commissioner: His answer is that he would not have used them.

14801. (*Mr. Cotter.*) It is rather peculiar to have tackle of that description for the purpose of unshipping boats and not to use it. I put it, as a practical seaman, it should be used when it is there to use, and is the only means of getting those boats safely on to the deck. Can you tell us who draws up the boat list, or who drew up the boat list on the "Titanic"? - It is the first officer's duty on the White Star ships.

14802. Did you see a boat list drawn up on the "Titanic"? - Yes.

14803. Did every member of the crew get a boat station? - I did not examine it in absolute detail and check it by the list.

14804. Is it general to have every member of the crew assigned to a boat station? - Yes.

14805. Also hand bulkhead door stations? - No.

14806. Who gives those out? - I could not tell you.

14807. Do you know where the hand bulkhead doors are stationed on the "Titanic"? - On the various decks.

14808. Did you ever see any door drill on the "Titanic"? - I have seen them all closed and opened.

14809. Where was that? - In Belfast.

14810. Did you see them on the voyage at all? - No.

14811. What is the general rule on board a ship - I am speaking to you now as an officer of many years' standing - in case of collision. If everybody knew their stations, what kind of alarm is given to the crew to bring them to their stations? - We try to avoid all alarm.

14812. Is it not a rule at boat drill that a bugle goes? - Yes.

14813. If it is good for boat drill why is it not good to bring the men to the station? - I could not tell you.

14814. What alarm do you give for the closing of the bulkhead doors? - We do not sound any alarm; we do things as quietly as possible.

14815. What order do you give on board a ship at sea? - To close them.

14816. What is the order? - To close them.

14817. But there is a signal given? - No.

14818. What is the signal? - No signal.

14819. How is the order sent round? - Various means, telephone, telegraph.

14820. Have you no general bulkhead door drill? - No, we have not.

14821. At a specified time every morning, the same as other companies?

The Commissioner: You must not say, "The same as other companies."

Mr. Cotter: It is a fact, my Lord.

The Commissioner: It may be, but you must not give evidence.

14822. (*Mr. Cotter - To the Witness.*) There is no general bulkhead door drill on board your ship? - Are you speaking of seamen? You say you are speaking from the point of view of a practical seaman. Are you speaking of seamen's bulkhead door drill; I take it you are.

14823. Generally, throughout the ship? - No.

14824. There is none? - Not with regard to seamen.

Examined by Mr. LAING.

14825. Do you belong to the Royal Naval Reserve? - Yes.

14826. What rank do you hold? - Sub-lieutenant.

14827. With regard to the equipments of lifeboats were these gone through by the two junior officers? - Yes.

14828. In Belfast? - Yes.

14829. And all checked through, I think? - Four officers, as a matter of fact.

14830. Two on each side? - Yes.

14831. On the 14th, during your evening watch, did you take any stellar observations? - I did.

14832. Were they worked out by the junior officer? - They were.

14833. Can you take those observations if it is not clear? - No, you cannot.

14834. You were asked if you told Mr. Murdoch about the position of this ice. Was it in the

night order book, do you know? - It was.

14835. And would Mr. Murdoch necessarily have the night order book? - He would necessarily initial it; yes.

14836. You were asked if you thought the vessel was going down when you first got news of the water, and you said, No. Did you know at that time how many compartments had been pierced? - No, I did not.

14837. With regard to this gangway door on the after side of the vessel, do you know how high above the water that would be? - Do you mean when the ship is on an even keel? - I really could not say.

14838. I have had it measured; it is 15 feet above water in the afterend of the ship. You were asked again whether you would act under your own authority in a case of emergency? - Yes.

14839. And you said there were rules? - The White Star rules.

14840. Are the White Star rules contained in this red book? - Yes.

14841. I will hand up a copy to my Lord (handing the same). The particular one about the Officer of the Watch your Lordship will see on page 32. That is the rule you were referring to? - Yes.

14842. "*Station.* - At sea the station of the Officer of the Watch is on the bridge, which he must on no account leave either night or day without being relieved. When the Watch is changed the officer who is being relieved will remain on the bridge and in charge during the change. He will see that the seamen placed as look-outs do not quit their posts until relieved, and he must deliver to the officer relieving him all orders which have still to be executed. He is the responsible officer until he leaves the bridge, and must not leave the bridge until the officer relieving him has had time to familiarise himself with his surroundings. *Duties:* (A.) He must remember that his first duty is to keep a good look-out and avoid running into danger, and although it is desirable to obtain the position of the ship as often as possible, he must on no account neglect his look-out to do so. He must also preserve order in the ship. (b) He must not alter the course without consulting the Commander, unless to avoid some sudden danger, risk of collision, etc. (c) When he believes the ship to be running into danger it is his duty to act at once upon his own responsibility, at the same time he will immediately pass the word to call the Commander." That is what you referred to? - Yes.

14843. "When it is his duty to alter the course for some approaching or crossing vessel, he must do so in plenty of time, signify by sound signals such alteration, and give such vessel a wide berth. (e) He must call the Commander at once if it becomes foggy, hazy, if he does not think he can see a safe distance, or if in doubt about anything. (f) He is expected to make himself thoroughly conversant with the usual channel courses, and to be thoroughly posted in the run of the ship. Any doubt he may have as to safety of the position of the ship, or of the course steered, he will immediately express to the Commander in a respectful manner." That is the rule you had in your mind? - Yes.

14844. One matter I want to clear up which occurs in the evidence of some other witness. Had you any difficulty about finding the plug of one of these collapsible boats? - Yes.

14845. Just tell us about that? - When we were at work at the port collapsible boat, the first collapsible, it was suggested that there was a plug in the boat, and not being very familiar with these boats and having a box of matches, I searched round and came to the conclusion there was no plug.

14846. As a matter of fact they do not have plugs? - They do not.

14847. So your search was in vain? - Yes.

14848. Do you remember the "Carpathia" picking you up? - Yes.

14849. Did she throw up any rockets? - She did.

14850. How many? - I think I saw two.

14851. How many hours would that be about before you were picked up? - That was whilst it was still dark. It seemed fully an hour before we were picked up.

14852. What I wanted to get at was what sort of interval would there be between the last rocket from the "Titanic" and the two that you saw from the "Carpathia"? - I suppose about five hours.

14853. I think you said two? - Two I think I remember seeing. There may have been more.

14854. Do you know what sort? - The ordinary distress signals, the same as we were using.

14855. With stars? - Yes.

14856. (*The Commissioner.*) Were you near enough to hear them? - Oh, no.

14857. (*Mr. Laing.*) Can you help us at all about any dead bodies that were left in one of the boats? - I understand that there were three dead bodies left in one of the collapsible boats when the remainder were taken out.

14858. You say you understand? - It was not in my boat.

14859. Did you see them? - No.

14860. Did you have some report? - I have heard so since.

14861. After you were taken on the "Carpathia," did you yourself go round the boats belonging to the "Titanic"? - I did.

14862. What object had you? - Because there was a report that there was not bread and water in some of the boats. In all the boats on the "Carpathia," with the exception of the emergency boats, in which neither bread nor water is carried, there was bread and water in every lifeboat.

14863. Did they save all the "Titanic's" lifeboats on the "Carpathia"? - No, there were some turned adrift. There were 13 saved - 11 lifeboats and two emergency boats.

14864. Were those you are talking about taken to America? - Yes.

14865. With regard to the lamps which those lifeboats carry, did you yourself see any lights while you were afloat in the boat? - I did, several.

14866. From other boats in the sea, I mean? - Yes.

14867. In which the people were? - Yes. I also found several lamps hanging in the thwarts when we were on board the "Carpathia" which evidently had not been used.

14868. (*The Commissioner.*) Lamps belonging to the "Titanic"? - Lamps belonging to the "Titanic's" lifeboats.

14869. (*Mr. Laing.*) They had not been used? - They had evidently been hidden under the thwarts by some people in the boats.

14870. With regard to the question you asked the carpenter, and the information he gave you that No. 6 stokehold was dry -

The Commissioner: Was that No. 6 stokehold or No. 6 section?

14871. (*Mr. Laing.*) I was going to clear that up, my Lord. (*To the Witness.*) Do you know where No. 6 stokehold is? - Yes; it is the forward stokehold immediately adjoining No. 3.

Mr. Laing: The sixth stokehold, as we number them, is the after stokehold in No. 4 Section.

The Solicitor-General: That is what I thought.

The Witness: No. I think it is understood aboard the ship that No. 6 stokehold is forward. Because I made a particular point of asking the engineers why it was - I was rather confused when we were loading 5 and 6 stokeholds when going through the bunkers - and they told me No. 6 was forward. They numbered from aft, forward. It is rather confusing, but nevertheless the stokehold known on board the ship as No. 6 is the stokehold adjoining No. 3.

The Commissioner: That is not according to the plan.

14872. (*Mr. Laing.*) No, my Lord, it is not. (*To the Witness.*) Are you thinking of boiler sections or stokeholds? How many stokeholds do you think there are on the ship altogether? - Six, I believe.

14873. Then I think you must be thinking of boiler sections? - Oh, I see what you mean, yes. I was really alluding to the boiler sections of course.

14874. No. 6 is the forward end, as you say? - Yes.

14875. When you called it No. 6 stokehold? - I meant No. 6 boiler section.

14876. No. 6 boiler section is the one which we know was full? - Yes, that explains it. I am glad you explained that, because of what the carpenter told me. No. 6 stokehold was a mistake; I ought to have said No. 6 boiler room.

14877. He may have misunderstood your question? - He probably misunderstood me.

14878. If he meant No. 6 stokehold I think I am right in saying that that is the after stokehold of No. 4 section? - Yes.

14879. However, the question you asked the carpenter was with regard to No. 6 stokehold? - Yes.

14880. And that is the answer you got, that it was dry? - Yes.

14881. Approximately, how long before you left the ship was that, quite roughly? - I should think that was fully an hour before I left the ship.

14882. Did you ever hear of any water being in the engine room? - No.

14883. Up to the time you left the ship? - No.

14884. Did you have any talk with Fleet, the look-out man? - On the "Carpathia"?

14885. Yes? - Yes.

14886. He has not been called yet, but you might tell us what he said. - I asked him what he knew about the accident and induced him to explain the circumstances. He went on to say that he had seen the iceberg so far ahead. I particularly wanted to know how long after he struck the bell the ship's head moved, and he informed me that practically at the same time that he struck the bell he noticed the ship's head moving under the helm.

14887. That is what you told us before. - Yes.

14888. Did he tell you anything else? - With regard to distance?

14889. No, with regard to weather or conditions? - Oh, yes. He said it was clear.

14890. That is really what I wanted to know. - Oh yes.

14891. Did he say anything about haze? - No, he never said anything about haze.

14892. He never complained about haze, or anything of that sort? - No.

Re-examined by the SOLICITOR-GENERAL.

14893. There are only two matters which I have to ask you about. First of all, this last thing which you have been asked. You say you had some conversation with Fleet, the look-out man, when you got to the "Carpathia," and you have told us what he said. You gathered from him, apparently, the impression that the helm was probably put over before and not after the report from the look-out? - Distinctly before the report.

14894. That was the inference you drew? - Yes.

14895. I should call your attention to this. We have had the evidence of the Quartermaster, who was steering at the time - a man named Hichens. Has your attention been called to the fact that he distinctly says that the order "Hard a starboard" was given after this report, and not before? - I was not aware of that.

The Solicitor-General: It is at page 41.

The Commissioner: I remember that quite well.

The Solicitor-General: He distinctly says so.

The Witness: I am only giving what Fleet told me, you understand.

14896. What he says is they heard three bells, that there was a telegraph, and the answer

"Thank you" from Mr. Moody, that he reported an iceberg right ahead to Mr. Murdoch, and that Mr. Murdoch rushed to the telegraph to stop the engines, and at the same time ordered "Hard-a-starboard"? - Exactly.

14897. If that is right, your impression gathered from Fleet must be wrong? - If Hichens is right, then Fleet must be wrong.

14898. The other thing is this: there were two look-out men at that time; the other was Lee? - Yes.

14899. He was also saved? - Yes.

14900. Did you have any conversation with him? - No.

14901. We have had Lee's evidence, and Lee says there was some haze. But you had no conversation? - No, I had no conversation with him at all.

14902. The other matter I want to put to you is this. You said today in answer to one of my learned Friends that you thought 24 knots could have been got out of this vessel, that that was the view you had formed? - That in a year or so's time she might have eventually reached 24 knots.

14903. She tends to improve in speed, I suppose? - Yes.

14904. You remember giving evidence in America, and I see a question was put to you. You said something about speed, and you were asked what you would call real good speed - that is for this ship - and your answer, as reported, is "When the ship was built we only expected her to go 21 knots." Is that right? - When I say "we," that is as far as we heard generally we expected a 21 knot ship.

14905. You go on, "Therefore, all over 21 we thought very good"? - Yes.

14906. That was the view of yourself and your brother officers at the time of this voyage.

14907. (*The Commissioner.*) Before you go, I want to ask you with reference to the sinking of the "Titanic." You know we have heard from several witnesses that the afterpart of the ship which, shortly before the foundering was in the air, more or less righted itself. That has been stated. Now supposing *this* to be the ship (*demonstrating*) and she turned up in this way, what I want to know is, from your observations, is it possible that having turned up in that way and being, one may say, half submerged, she broke in two, her afterpart coming down, and that then she went down and the afterpart came up in the air? Do you understand? - I follow you quite clearly. I should not in any circumstances think that was so. I should think it was quite impossible.

14908. It is suggested that perhaps you, being in the water, would not see that righting of the afterpart of the ship at all, and that you possibly only saw her after she had got in that position and was going down? - I should not think so, my Lord. I should not think, after once she had shown a tendency to break, and was weakened, she would ever have the strength to right again.

14909. That is your view? - That is my view.

14910. You do not give credit to those witnesses who say that the afterpart of the ship, having once been up in the air, righted itself? - No, my Lord, I do not.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Wednesday, 22nd May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

THIRTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.) MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.) MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.) MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

HERBERT JOHN PITMAN, Sworn.

Examined by Mr. BUTLER ASPINALL.

14911. Were you serving as Third Officer on the "Titanic" at the time of this accident? - Yes.

14912. What certificate do you hold? - Ordinary Master.

14913. How long have you been in the service of the "White Star" Line? - Five and a-half years.

14914. And during those 5 1/2 years have you been travelling backwards and forwards across the Atlantic? - A twelve-month only.

14915. And have you had considerable experience on the sea in other parts of the world besides the Atlantic? - Sixteen years.

14916. Twelve months experience in the Atlantic? - Of the North Atlantic.

14917. I will get this fact from you now, it comes a little later in your story. You were saved in boat No. 5, were you not? - Yes.

14918. (*Mr. Butler Aspinall.*) We have had some evidence with regard to boat No. 5, my Lord, but not of a very satisfactory character. It is the evidence of Shiers, the fireman, at page 113. He was not able to give us very useful evidence with regard to the matter. It is Question 4653: - "(Q.) Then you got into No. 5? Was No. 5 lowered? - (A.) Yes. (Q.) Who were in No. 5? You were, who else? - (A.) One other fireman, a steward, and a quartermaster. (Q.) And were there some women and children in No. 5? - (A.) Women, no children. (Q.) Do you know how many women? - (A.) No. (Q.) Was the boat full or not? - (A.) It was not full - as many as it would take off the davits was what the officer said - as many as he thought the boat would take off the davits." (*To the Witness.*) To come to the Sunday, the 14th, at the time of the accident you were off watch and asleep in your cabin, were you not? - That is right.

14919. When before, on that day, had you last been on duty? - 6 to 8 p.m.

14920. And before in the course of that day, had you been on duty? - 12 to 4 in the afternoon.

14921. Was it within your knowledge that the ship would probably meet with ice that evening? - We knew that we should be in the longitude of ice.

14922. Who told you that? - I saw it in a Marconigram.

14923. Do you know from which ship that Marconigram had come? - I have no idea.

14924. Did you particularly concern yourself with that matter? - No, I simply looked at them and saw that there was no ice reported on the track.

14925. Did you see one Marconigram or two Marconigrams? - Two, I think.

14926. Were these posted in some part of the ship? - Yes, in the chart room.

14927. And you read them, did you? - Yes.

14928. Was there any discussion between you and any other of the officers about the fact that you would probably meet ice that night? - I do not think so.

14929. Do you mean you do not remember? - I do not remember it.

14930. As you have said, you were turned in at the time the vessel struck the iceberg, and, I

believe, asleep? - Yes.

14931. You were aroused and at first did you think much had happened? - No, I did not.

14932. What was it aroused you; was it a noise, or a jar, or what? - A noise; I thought the ship was coming to anchor.

14933. Did you lie on in your bunk for some few minutes? - I did.

14934. At the end of those few minutes did you do anything? - Yes. I went on deck.

14935. Was that curiosity; or what took you there? - Yes, I suppose it was.

14936. Getting on deck, what did you see or hear? - I saw nothing and heard nothing.

14937. Did you go to the forward part of the navigation bridge? - No, I only just went outside the quarters.

14938. The officers' quarters? - That is all.

14939. As it were, put your head out and saw nothing? - No, I went on deck.

14940. Seeing and hearing nothing, what did you do then? - I went back inside again.

14941. And turned in again? - No, I met Mr. Lightoller first of all, and I asked him what had happened, if we had hit something, and he said, "Yes, evidently."

14942. He said "Evidently"? - Yes, evidently something had happened.

14943. After you had received that information what did you do? - I went to bed.

14944. How long did you remain in bed? - It may have been five minutes.

14945. And at the end of five minutes what did you do? - I thought I might as well get up, as it was no use trying to go to sleep again, as I was due on watch in a few minutes.

14946. Your watch was the middle watch, from 12 to 4? - That night, yes.

14947. Did you get up and proceed to dress? - Yes.

14948. While you were dressing did you receive any information? - Mr. Boxhall came to my room and said the mail-room was afloat.

14949. How long do you think had elapsed between the time you were aroused and Mr. Boxhall coming and telling you this? - I should think it must be 20 minutes.

14950. Did he give you any information as to what had caused the mail-room to be afloat? - Yes; I asked him what we had struck, and he said an iceberg.

14951. After that did you quickly proceed with your dressing? - Yes, I put my coat on and went on deck.

14952. When you got on deck, did you see anything being done? - The men were uncovering the boats.

14953. On which side was that? - That was on the port side.

14954. Did you meet the Sixth Officer when you went on deck, Mr. Moody? - Yes; I met him on the afterpart of the deck.

14955. Did he give you any information? - No, I asked him if he had seen the iceberg; he answered, No, but there was ice on the forward well deck.

14956. I believe you at that time did not think anything serious had happened, did you? - I did not.

14957. Then, I think, you went and looked at some ice, and, after having looked at the ice, did you then go under the fore-castle head to see if any structural damage had been done to the bow of the ship? - Exactly.

14958. I believe you saw none. As you were coming from the fore-castle, did you see any firemen? - Yes, I saw a whole crowd of them coming up from below.

14959. Did you ask them what was causing them to come up? - Yes.

14960. What was their answer? - That the water was coming into their quarters.

14961. Which side were the firemen coming, the port or starboard side? - The starboard side.

14962. In consequence of what they told you, did you go and do anything? - No, I simply

looked down No. 1 hatch and saw water rushing up No. 1 hatch, or at least round it.

14963. Is that the hatch which has the coamings which I think we were told was on G deck? - Yes, the same one that Symons was speaking of the other day.

14964. Was the water coming in fast or slow, or how? - Quite a little stream, both sides of the hatch.

14965. Did you notice what direction it was flowing from; was it flowing from forward to aft, or how, or did not you notice? - Well, I think it was running mostly from the starboard side.

14966. Running from the starboard side? - Yes.

The Commissioner: I do not understand that.

14967. (*Mr. Butler Aspinall - To the Witness.*) What do you mean by from the starboard side? - Coming in from the starboard side of the ship.

The Commissioner: That I understand.

14968. (*Mr. Butler Aspinall.*) Seeing that, did you then go back to the boat deck? - Yes.

14969. Were the boats still being uncovered, or had they finished the uncovering of the boats then? - I could not say what had happened on the port side. I then returned to the starboard side and they were still uncovering the boats.

14970. You are now on the starboard side, and I think you remained on the starboard side, did you not? - Yes.

14971. Did you see the First Officer taking part in getting the boats ready? - No, I did not see him.

14972. Did you hear any orders being given? - No more than getting the boats filled with women and children, that is all I heard.

14973. Did you go to anyone of these boats? - Yes, I went to No. 5.

14974. Did you go to No. 7 first? - No, Mr. Murdoch was there. I did not see him.

14975. Which was your boat? - No. 1 is my boat usually in case of emergency.

14976. If there was an emergency you would take charge of No. 1, is that so? - Yes, that is in case of a man overboard, and things like that.

14977. Was your name on the boat list, as being the officer to look after that boat? - Yes, as an emergency.

14978. We have been told that there are boat lists put up about the ship; that is so, is it not? - That is so.

14979. (*The Commissioner.*) Did you ever read your name on any list? - I did not, as it is an understood thing the Third Officer looks after No.1 boat.

14980. You did not see your name on any list? - No.

14981. (*Mr. Butler Aspinall.*) Would it be your duty to inform yourself as to what your boat was according to the list? - No, it is quite an understood thing in the Company for the Third and Fourth Officers to have No. 1 and No. 2 boat.

14982. Apart from understandings, would it be your duty at the beginning of the voyage to go and ascertain what boat was your boat? - No.

14983. It is not your duty?

The Commissioner: If, Mr. Aspinall, it was the invariable practice for him to attend to No. 1 emergency boat, there was no occasion for him to look at the list.

14984. (*Mr. Butler Aspinall.*) No, my Lord. (*To the Witness.*) Now you went in fact to No. 5. Why was that? - Mr. Murdoch ordered me there.

14985. Was there any other officer there? - I did not see anyone.

14986. Of course, you know all the officers? - Oh, yes.

14987. If there had been one there you would have known? - Mr. Murdoch was there before the boat was lowered.

14988. Had you seen Murdoch there at No. 5, or merely heard his voice? - Oh, no, I saw him.

14989. At No. 5? - At No. 5, after the boat was out and practically filled with passengers.

14990. When you got to No. 5, in what state was No. 5? - Well, the cover was still on.

14991. How long do you think had elapsed from the time of striking the berg up to the time you got to No. 5? It is difficult, I know, to be certain about time. Was it half an hour or 45 minutes? Let me help you. You gave me one space of time - about 20 minutes? - Yes, I remember that.

14992. Will that help you to approximate what you think was the time between the striking of the iceberg and your getting to boat No. 5? Was it an hour, do you think? - No, I should think it would be about 12.20.

14993. You say the cover was still on. Was the cover being stripped at the time you got there? - It was being uncovered then - Yes.

14994. Did you see Mr. Ismay close to this boat? - I did.

14995. Was he taking any part, saying anything, or doing anything? - He remarked to me as we were uncovering the boat, "There is no time to lose." Of course, I did not know who he was then, and therefore did not take any notice.

14996. You have since learned that that gentleman was Mr. Ismay, have you? - Yes.

14997. How many men had you helping at this boat? - I think four.

14998. Were they sailor men, or could you tell in the darkness of the night? - Well, I knew that two were.

14999. And was the boat uncovered and swung out? - Yes.

15000. What was done with it? Was it then lowered to the level of the boat deck? - It was lowered level.

15001. And after you had got out to the level of the boat deck, what did you do with regard to passengers? - Mr. Ismay remarked to me to get it filled with women and children, to which I replied, "I will await the Commander's orders." I then went to the bridge, and I saw Captain Smith, and I told him what Mr. Ismay had said. He said, "Carry on."

15002. (*The Commissioner.*) What does that mean? - Go ahead.

15003. (*Mr. Butler Aspinall.*) At this time, did you realise that this gentleman was Mr. Ismay, or did you still think he was one of the passengers? - Oh, I knew then that it was Mr. Ismay - Yes, judging by the descriptions I had had given me of him.

15004. The Captain told you to "carry on." Did you then return to the boat deck? - I was already there; I returned to No. 5.

15005. Yes, you were on it. You returned to your boat No. 5? - Yes.

15006. When you got back, were any people being put into it? - None at all.

15007. What happened then? - I simply stood in the boat and said, "Come along, ladies," and helped them in - Mr. Ismay helped to get them there.

15008. How many ladies did you get in? - I do not know; between 30 and 40, I should imagine.

15009. Were there any children? - Yes, we had two.

15010. Could you tell whether these women were first, second or third class passengers that were getting into the boat? - Most, I should say, would be first class.

15011. In addition to those women that you got into the boat, did you take any male passengers in? - Yes, I should say about half-a-dozen or more.

15012. Why did you let the male passengers in? - Simply because there were no more women around - at least, there were two there, but they would not come.

15013. Did they give you any reason for refusing to come? - No.

15014. You say there were no other women around? Could you see whether there were other women in other parts of the boat deck? Did you notice at that time? - There were none in sight at

that time - at least, not on the starboard deck.

15015. In view of the number that you had got into the boat at this time, did you think that that was as many as this boat would safely carry before she was lowered to the water? - No, I did not decide how many she should take.

15016. Who decided that? - Mr. Murdoch, he came along just then.

15017. What did he say? - Well, I jumped out of the boat then, ready to lower away, and he said, "You go in charge of this boat, and also look after the others, and stand by to come along the after gangway when hailed."

15018. Did you go in charge of this boat? - I did.

15019. There were 30 to 40 women you have told us, two children, about half-a-dozen male passengers, yourself, and how many of the crew? - Four.

15020. (*The Commissioner.*) Did the four include yourself? - No, my Lord.

15021. (*Mr. Butler Aspinall.*) Did you say something about Mr. Murdoch saying he would hail you when he wanted you alongside the gangway? - Yes. He said, "Keep handy to come to the after gangway." Therefore, I understood he would hail us.

15022. You understood it? - Yes.

15023. Was the boat properly lowered away? - It was.

15024. And you got put down to the waters edge? - Yes.

15025. On reaching the water what was done with that boat? - We pulled away about 100 yards from the side of the ship.

15026. And then? - Lay on our oars.

15027. Did you take her in the direction of the gangway, in case Mr. Murdoch might hail you and order you back? - Well, we dropped astern a little.

15028. That would be somewhere in the direction towards the gangway? - Yes.

15029. (*The Commissioner.*) Just put your finger on the gangway you are talking about. (*The Witness pointed it out on the model.*) That is right aft? - Yes, he said the after gangway.

15030. (*Mr. Butler Aspinall.*) Before you left the ship had you heard any order given about lowering the gangway or opening the gangway door? - No, that was the first I knew of it.

15031. After you were in the boat and had rowed out this 100 yards somewhat astern did you notice whether the gangway door was open or not? - I do not think it was.

15032. You probably were looking in that direction? - Well, I was watching the ship the whole time.

15033. And you do not think it was opened? - I do not.

The Commissioner: How many gangways are there that side of the ship?

Mr. Butler Aspinall: I think two, my Lord, but I speak subject to correction.

The Commissioner: The gangway we have heard of yesterday was forward.

Mr. Butler Aspinall: Yes.

The Solicitor-General: Yesterday we did hear of them at both ends.

Mr. Butler Aspinall: 12 or 13 the builders tell me.

The Commissioner: On each side?

Mr. Butler Aspinall: No. I am told there are eight passenger gangways.

The Commissioner: Does that mean four on each side?

Mr. Butler Aspinall: Yes.

The Commissioner: But they are not on the same level.

15034. (*Mr. Butler Aspinall.*) Two on D deck amidships - one on E deck forward and aft; that would make four on the one side and four on the other. If I might go back for one moment - I do not know whether it is important or not, but it might become important - did Mr. Murdoch, in addition to telling you to keep handy to come back to the gangway, say anything more to you? -

No; he only shook hands and said, "Good-bye, good luck"; that was all.

15035. When he said "Good-bye" to you in that way, did you think the situation was serious; did you think the ship was doomed then? - I did not, but I thought he must have thought so.

15036. Again, with regard to the time, how long do you think it was between the time of striking the berg and your boat reaching the water. You have given me two estimates of time, 20 minutes, and 12.20. Could you help me on this matter? - Well, I should think it would be about 12.30 when No. 5 boat reached the water.

15037. I do not know whether this will help you to see whether that is right. Was your boat in the water about an hour before the "Titanic" went down? - I think it was longer than that.

15038. Much longer or a little longer? - It is hard to say.

15039. Now, I have got you in the boat somewhere about 100 yards from the ship, you watching the ship. Whilst you were watching the ship did you then begin to think she was in a condition in which it was probable she might be lost? - No, I did not give up hopes until I saw the last line of lights on the forecastle head disappear.

15040. When you reached the water and were in the boat, did you see then that her head was getting deeper and deeper in the water? - Oh, yes, I watched the different lines of lights disappear.

15041. Did you see any other boat on the water anywhere near you after your boat had reached the water? - Are you alluding to one of our boats?

15042. Yes, I mean one of the "Titanic" boats? - Yes, No. 7 was quite close to me.

15043. Was No. 7, as far as you know, in the water before yours or after? - No. 7 was before; it was the first boat launched on the starboard side.

15044. No. 7? - No. 7.

15045. And the second boat was? - No 5, and No. 3 next.

15046. How do you know No. 3 came next? Did you see it? - I saw it coming down; I saw it being lowered.

15047. Did you notice any other boats on that side being lowered? - I did not.

15048. You speak of 7, 5, and 3? - 7, 5, and 3, yes.

15049. In that order? The Solicitor-General points out that Jewell refers to this that No. 7 was the first boat on the starboard side.

The Solicitor-General: At page 19, Question 147, Jewell says he was in the boat, and it was the first to go on the starboard side.

The Witness: That is right.

15050. (*Mr. Butler Aspinall.*) Tell me with regard to the equipment of the boat you were in, do you know whether it had a lamp or not? - Mine had not.

15051. Did you look for it? - I did.

15052. And would you, as an officer, know what was the right place to look for the lamp? - Exactly.

15053. Was there any compass in your boat? - No.

15054. Did you look for it? - Well, I did not at the time, because it would be absolutely useless to me.

15055. But how do you know there was no compass? You say you did not look at the time. Did you look at some later time? - Yes, after the boats were on the "Carpathia."

15056. Was there any water in your boat? - Yes.

15057. In what? Breakers? - In two breakers.

15058. Two breakers? - Yes.

15059. Were there any biscuits? - Yes.

15060. In what? - A tank in the stern of the boat.

15061. Whilst you were in the boat and before the ship sank, did you see any light or lights which you took to be the light or lights of another steamer? - I saw a white light which I took to be the stern light of a sailing ship.

15062. How far away did you judge it to be? - I thought it was about five miles.

15063. That would be a good distance to see a stern light, would it not? - Yes, it may have been less.

15064. Was it a good night for seeing a light; for seeing a good stern light? - An excellent night.

15065. They would be visible at a long distance? - Yes.

15066. Whilst you were in the boat did you notice the "Titanic" sending up rockets? - Yes, she did.

15067. We have heard this in detail. Was there good discipline and order maintained in your boat? - Well, that is not for me to say; it is for other people to say that.

15068. (*The Commissioner.*) No, but you are asked your opinion? - As regards the passengers, yes, and the crew.

15069. (*Mr. Butler Aspinall.*) I am not suggesting you did not behave well; I am only asking the question for the information of the Court. It is a general question asked with regard to all the boats. I am not suggesting for one moment that there was anything wrong. You behaved well, I have no doubt? - I do not know about myself; it is not for me to say that.

15070. You say the passengers and the crew behaved well? - They did.

15071. Well, that exhausts it. Now you saw the vessel go down? - Yes.

15072. What did she do when she went down; you were an officer, perhaps you can tell us. Inquires have been made of others. How did she sink? She sank by the head, we know that? - Yes.

The Commissioner: Just describe it in your own way.

Mr. Butler Aspinall: May I hand him the profile.

15073. (*The Commissioner.*) Yes. (*To the Witness.*) - Describe it in your own way. (*The profile was handed to the Witness.*) - That is the position I saw her in when we left. She gradually disappeared like *that*; she went right on end like *that* and went down *that* way (*demonstrating*).

15074. Did her afterpart ever right itself? - I should not think so; I did not see it.

15075. Before she finally disappeared? - No.

15076. Could you have seen it if it had happened? - I think so; I was only barely 100 yards away.

15077. Were you keeping your eyes upon her? - I was.

15078. You know this is suggested - supposing *that* is the head of the ship and going down in *this* way with the afterpart coming up in *that* way; a number of witnesses have said that before she finally foundered, plunged into the sea, the afterpart righted itself like *that* and then she went down. The question is whether you think that is true that she broke in two in that way bringing her afterpart level with the water again and then went down in *that* way. Did she crack in the middle? - I do not think so. If the afterpart had broken off it would have remained afloat.

15079. Not broken off, but cracked in *that* way? - No.

15080. At all events, the point is this: Did you see the afterend of the ship - you saw it up in the air - right itself and come flush with the water again? - It did not.

15081. And you say you looked, and if it had happened you would have seen it? - Certainly.

15081a. (*Mr. Butler Aspinall.*) While you were in the water, before the "Titanic" sank, did you hear any hail either from Mr. Murdoch or the Captain or from anybody else to come back near the gangway? - No.

15082. Did you hear anybody on the "Titanic" using a megaphone? - I did not.

15083. Did you transfer any of your passengers to any other boat? - Yes, I transferred four, I think it was.

15084. Into what boat? - I am not quite certain of the number, but I think it was No. 7.

15085. Why did you transfer those passengers? - Because they had a less number of passengers in that boat than I had.

15086. As the "Titanic" sank and immediately after did you hear any screams? - Immediately after she sank?

15087. Yes? - Yes.

15088. Were you able to go in the direction of the screams and render any assistance? - I did not go.

15089. But do you think you could have gone? I am not suggesting anything; I only want to get the facts from you. Do you think it would have been safe or reasonable to go? - I do not.

15090. What is your reason? - Well, there was such a mass of people in the water we should have been swamped.

15091. In your view you had a sufficient number of people on your boat. Is that so? - No, but I had too many in the boat to go back to the wreck.

15092. And I think you remained on, the men more or less lying on their oars till daylight, and then you were picked up by the "Carpathia"? - Yes; we lay at rest the remainder of the night.

15093. (*The Commissioner.*) Before you go into that there are two questions I want to put. (*To the Witness.*) Whereabouts were you when the "Titanic" sank? - About 200 yards away.

15094. On what side? - On the starboard quarter.

15095. Would that be about abreast of the mainmast? - About that, my Lord.

15096. (*Mr. Butler Aspinall.*) When you gave evidence in America you said this: I want to know if you say it is accurate. You were asked: "Can you fix the exact moment of time when the "Titanic" disappeared? - Two-twenty exactly, ship's time. I took my watch out at the time she disappeared, and I said, 'It is 2.20,' and the passengers around me heard it."

15097. Do you remember giving that evidence? - That is true, yes.

15098. That is correct? - Yes.

15099. I want you to give me the benefit of your views on this matter. One of the questions which will probably be asked is this: "Had the 'Titanic' the means of throwing searchlights around her. If so, did she make use of them to discover ice? Should searchlights have been provided and used?" In view of your experience of these waters and also as an officer and a sailor, what is your view as to the utility of searchlights when you are in the ice region? - They might be of some assistance.

15100. (*The Commissioner.*) Have you ever seen them used? - No, my Lord.

15101. (*Mr. Butler Aspinall.*) Have you ever considered the matter before I asked you the question? - No, I have never considered it before.

15102. (*The Commissioner.*) Do you know whether searchlights are used upon any Atlantic liners for the purpose of ascertaining whether there is ice? - I never heard of it, my Lord.

Examined by Mr. SCANLAN.

15103. During your watches from 6 to 8 and previously from 12 till 4 were you in charge of the bridge? - No.

15104. Who was the officer with you? - The Chief, 2 to 6 in the afternoon.

15105. From 12 to 4? - The First and Chief.

15106. And from 6 to 8? - The Second.

15107. Was the whole of the knowledge that you had of icebergs obtained from the chart?

The Commissioner: From the chart room.

15108. (*Mr. Scanlan.*) From the chart in the chart room? - No, from the Marconigrams.

15109. Were any Marconigrams handed to you from 12 to 4? - Not to me.

15110. Had you seen any Marconigram that reached the ship with reference to ice from 12 to 4 on Sunday? - I saw two that reached the ship that day. I have no idea what time they arrived.

15111. You saw two that day? - Yes.

15112. Do you know whether they were Marconigrams that had come the previous day, on the Saturday? - No, they came on the Sunday.

15113. Are you quite sure of that? - Yes.

15114. Did you read them? - Yes, I read one - yes.

15115. You read one, but you did not read the other? - No, not to remember what was on it.

15116. With respect to the one that you did read, can you tell us what was on it? - No, no more than it stated, "Ice in longitude 49 to 51 W."

15117. Where did it come from? - I have no idea.

15118. Had it come on the Sunday? - It must have done. Had it come on the Saturday I should have seen it before.

15119. When ice is reported to you, is it the duty of someone on the bridge or in the chart room to indicate on the chart kept in the chart room the location of the ice? - I do not know about its being duty; we often do it; in fact, we usually do it.

15120. I see you gave evidence on this matter in America. You said in answer to Senator Smith: "You stated a few minutes ago that the Second Officer, I believe, reported ice on the Saturday night? (*Mr. Pitman.*) No, I said the Fourth Officer. (*Senator Smith.*) Mr. Lowe? (*Mr. Pitman.*) Mr. Boxhall." Did you give this evidence: "(*Senator Smith.*) You said Mr. Boxhall reported ice Saturday night, and that it was marked on the chart with a cross"? - That is a mistake. It is Sunday night.

15121. It is a mistake? - Yes, it was Sunday night.

15122. Where was it marked? - On the North Atlantic Track Chart.

15123. I know it was marked on the Chart, but where was it marked with reference to the course you were steering? - Some miles north of it.

15124. It was marked some miles north of the course you were steering. You were also questioned as to whether you had been made aware on the Sunday of any message which the "Titanic" had received from the "Californian" about ice. You were asked: "Did you learn from Mr. Lightoller that the 'Californian' had warned the 'Titanic' that she was in the vicinity of icebergs? (*Mr. Pitman.*) I did not, Sir. . . . We had no conversation whatever. (*Senator Smith.*) Did you hear anything about a wireless from the 'Californian' on the direction of icebergs? (*Mr. Pitman.*) I did not, Sir." Is that the true state of the facts? - That is so, yes; I did not know anything about the "Californian" till the Monday morning.

15125. That is, although you were an officer on the bridge from 6 to 8 you know nothing of any wireless having come from the "Californian"? - None came from 6 to 8 p.m.

15126. Or from any other ship?

The Solicitor-General: Do you mean the "Californian," Mr. Scanlan?

15127. (*Mr. Scanlan.*) Yes. (*To the Witness.*) I think they did get a message about 6? - No messages arrived between those hours.

15127a. Had any message arrived that day that you knew of? - The two Marconigrams I mentioned before arrived that day. That is all I know of.

The Commissioner: You are talking about the Sunday?

Mr. Scanlan: Yes.

The Commissioner: He has told us he saw two Marconigrams on the Sunday which had not

arrived on the Saturday, but that he does not know what ships they came from.

15128. (*Mr. Scanlan - To the Witness.*) Was any mark put on the chart on the Sunday with reference to any messages you received on the Sunday? - Yes, as far as I can remember, one was put on the chart between 4 and 6.

15129. Who put it on? - Well, it was either Mr. Boxhall or Mr. Moody. Mr. Boxhall does not seem to have any recollection of it, so it must have been Mr. Moody.

15130. You saw it put on? - I saw it there when I came on deck at 6 p.m.

15131. During your watches did the Captain come on the bridge, from 6 to 8 or from 12 to 4? - Well, he frequently comes on the bridge. I cannot recollect - yes he was on the bridge from 6 to 8.

15132. Had you any conversation with him about icebergs or messages in relation to them? - None whatever.

15133. Were you spoken to by any of your brother officers with reference to the position of icebergs? - I cannot recollect.

15134. In America you were asked this: "Did you personally direct your attention to the question of icebergs," and your answer was, "No, Sir"? - That is right.

15135. Whether or not warnings had been received on the Sunday you had no impression up till you left the bridge at 8 o'clock that the course of the ship was tending in the direction of icebergs? - No, it was not.

15136. (*The Commissioner.*) I do not understand that question, nor do I understand the answer. (*To the Witness.*) You had a chart before you, "seven miles north," I think you said? - I said "several," I think.

15137. The chart that you saw was marked? - Yes.

15138. You did not know who marked it? - No; it was either the Fourth or Sixth Officer.

15139. It was marked for the purpose of showing the locality in which, according to the Marconigrams, ice had been seen? - Yes, my Lord.

15140. And was that locality as marked on the chart several miles north of the course that you were making? - Yes, my Lord.

15141. (*Mr. Scanlan.*) If I may return for a moment to this question of the message from the "Californian" about ice. It is your evidence, both in America and here, that you received no intimation from the Captain or anyone else that between 6 and 8 on the Sunday night the "Californian" had told you about ice? - I had heard nothing about it, no.

Mr. Scanlan: One of my friends has pointed out to me, my Lord, that in the evidence of Cyril Evans, the operator, at page 202, Question 8967, he is asked about the S.G. message, and he says he was prepared to offer information. "And what was the information that you were prepared to offer the 'Titanic'?" - (A.) I told him 'S.G. ice report.' (Q.) That means that you were in a position to give him some news about ice? - (A.) Yes. (Q.) Is this shortly after half-past seven? - (A.) Yes. (Q.) What did the 'Titanic' say to you when you offered your ice report? - (A.) He said, 'It is all right. I heard you sending it to the 'Antillian,' and I have got it.'" If such a message was received between 6 and 8, say at half-past 7, which is the time mentioned here on the "Titanic," would it be in the course of duty for someone to bring that message immediately to the bridge?

The Commissioner: Well, Mr. Scanlan, what occurs to me is this. That message had already been received earlier.

Mr. Scanlan: At 6.30.

The Commissioner: Well, whatever the time was it had been received earlier. The answer is, "We have already had that message."

Mr. Scanlan: The answer is, "I have heard you sending it to the 'Antillian.'"

The Commissioner: They had picked up the message to the "Antillian," so that they knew it

already.

Mr. Scanlan: It is on the same watch. There is evidence on the previous page from this officer.

The Solicitor-General: Question 8943.

Mr. Scanlan: Yes. Question 8943, page 201. "What was the message which you sent the 'Antillian' at that time? - (A.) It was a message reporting ice: 'To Captain, Antillian, 6.30 p.m., apparent time.'"

The Commissioner: What does "apparent time" mean?

Mr. Scanlan: Ship's time, my Lord.

The Commissioner: What time would that be on the "Titanic"?

The Solicitor-General: Two questions further up show it, I think, my Lord.

Mr. Scanlan: 8939, "Can you tell us what time it was that you were communicating with the 'Antillian,' and then tell us what the message was you sent? - (A.) Five thirty five p.m., on the 14th. (Q.) That is New York time? - (A.) Yes. (Q.) In ship's time then, that would mean 7.30, would it not? - (A.) Yes."

The Commissioner: What ship's time?

Mr. Scanlan: It would mean the time on the "Californian." This operator would be speaking of the time on his own ship, I presume.

The Solicitor-General: I remember putting the question, and it follows on Question 8935. I had asked the witness: "What is the difference between New York time and ship's time at the place where you stopped? - (A.) One hour and 55 minutes. (Q.) That means one would have to add one hour 55 minutes to New York time to get at your ship's time at the place where you stopped? - (A.) Yes." That is where the "Californian" stopped. He says one hour and 55 minutes, and it was on that answer that I put the following question: "Can you tell us what time it was that you were communicating with the 'Antillian,' and then tell us what the message was you sent? - (A.) Five-thirty-five p.m. on the 14th. (Q.) That is New York time? - (A.) Yes. (Q.) In ship's time, then, that would mean 7.30, would it not? - (A.) Yes."

15142. (*Mr. Scanlan.*) If a message was sent by the "Californian" at ship's time, at your ship's time, 7.30, could you expect that this message, indicating ice in a certain latitude and longitude would be reported to you on the bridge? - Yes, the Marconigram would have been brought to the chart room.

15143. It should have been brought to the chart room? - It would have been.

15144. And if it had been, this is the message that is reported to have been sent: "To Captain, 'Antillian,' 6.30 p.m., apparent time; ship, latitude, 42.3 north; longitude, 49.9 west. Three large bergs five miles to southward of us. Regards - Lord." Would that have been indicated on your chart? - We never received that.

15145. You had no intimation that that had been received? - None.

15146. That would not have corresponded, I take it, with the position which had been marked on your chart already. You say the ice position was marked on the chart some time either on the Saturday or Sunday? - Sunday night.

The Commissioner: Not on Saturday; Sunday.

15147. (*Mr. Scanlan.*) On Sunday. Was that position marked on Sunday northward of the position indicated by this message? - I do not know.

15148. It is "42 deg. 3 mm. N., 49 deg. 9 min. W.; three large bergs five miles to southward of us"? - I cannot say; I cannot remember the position of the other that was put on the chart.

Mr. Laing: My Lord, it is within two miles of the "Caronia's" position; I worked it out.

15149. (*Mr. Scanlan.*) At what hour did you see the chart being marked - in the afternoon or evening? - I did not see the chart actually marked; I saw the mark there when I came on deck at 6 p.m.

15150. The mark that you saw was the mark which was there at all events at 6 p.m.? - Yes, it was put on there between 4 and 6.

Examined by Mr. HARBINSON.

15151. Did you know that your wireless operator, Phillips I think his name was, had been sending out a C.Q.D. message? - No, I had no idea.

15152. And did you know prior to the time you went to lower the boats, whether or not any replies had been received or any information received as to vessels coming to your assistance? - No, I did not know any had been sent or any received. I took it for granted that they had been.

15153. You did not know then that the "Carpathia" was coming? - I had no idea.

15154. After the collision do you know if any general alarm was sounded on the "Titanic" to give notice to the passengers - to rouse the passengers? - No; no general alarm.

15155. Is there any provision made on steamships of the "Titanic" class for giving a general alarm in times of emergency or danger? - No more than sending people round to rouse the others; that is all.

15156. Do you not think it would be a very desirable and efficient way of giving information to the passengers generally to sound a general alarm rather than by sending individual messages round? - No, I do not.

15157. I think you said that when your boat put off, that is No. 5 boat, you took some male passengers? - Yes.

15158. And at that time there were no women around? - Well, I saw two standing by, but they would not leave.

15159. Do you know as a matter of fact of your own knowledge that a large number of women were drowned in the "Titanic" disaster? - I have no idea how many were drowned.

15160. I did not ask you if you knew how many? - I have no idea.

15161. You do not know whether there was a large number drowned or not? - I have no idea.

15162. You have not heard? - No, I only know that there were 1,600 people.

15163. And you do not know whether many of them were women or not? - No.

15164. There is no question that on this Sunday afternoon you knew that the "Titanic" was entering into a neighbourhood in which ice had been reported? - No, we were not.

15165. You knew that ice had been reported from the "Baltic" and some of the other steamers which have been mentioned? - Yes, but all the ice was reported north of us.

15166. Do you agree that there is a tendency for ice to drift from north to south? - Yes.

15167. As a matter of fact, would it not be possible to mark with absolute accuracy on a chart the exact location in which you would expect to find ice? - We could not stick it down to a few feet.

15168. Or a few miles? - Yes, you could.

15169. A few miles? - Yes.

15170. You think so? - I do.

15171. You knew, at any rate, that at some time or other of the passage you might be in the vicinity of ice? - Yes, we might be.

15172. In view of what has occurred, do you not think now it amounted to culpable recklessness to drive the "Titanic" at a speed of over 21 ½ knots?

The Commissioner: I am afraid you cannot ask him that question. He is not the person to find the people in charge of this ship guilty or not guilty of culpable negligence.

Mr. Harbinson: I submit respectfully to your Lordship's ruling. I was putting it to him more or less in the capacity of an expert witness.

The Commissioner: You must leave me, I am afraid, for that.

15173. (*Mr. Harbinson.*) I will observe your ruling. (*To the Witness.*) Do you know at what time the course that the steamer was to take was mapped out that day? - Yes, noon.

15174. And, so far as you know, was the steamer's course deflected at all from the course that had been marked out at noon; did it vary to the south, or in any way from the course which had been marked out at noon? - Yes, I considered we went at least 10 miles further south than was necessary.

15175. Do I understand you rightly that in marking the course at noon, the course was marked 10 miles further south than you considered necessary? - No. We had a certain distance to run to a corner, from noon to certain time, and we did not alter the course so early as I anticipated. Therefore we must have gone much further south.

15176. When did you alter the course? - 5.50.

15177. Who was responsible for the alteration? - The Commander.

15178. To whom did he give the order? - The officers of the watch.

15179. Do you know their names? - Mr. Wilde.

15180. Were you there? - No.

15181. Do you know what conversation took place? - No.

15182. But you say he gave instructions to alter the course of the ship? - The course was altered at 5.50. They were the Commander's orders.

15183. Ten miles further south. Was any record made of that at the time? - No, and I thought that the course should have been altered at 5 p.m..

15184. Why did you think so? - Judging from the distance run from noon.

15185. What time did you think you were going to be in the neighbourhood of ice? - I was not thinking about the ice at all.

15186. Had you made any calculation? - No, I had not.

15187. It had not occurred to you although those Marconigrams had been received? - No, I saw that certain bergs were marked on the chart and that was quite sufficient.

15188. That is to say, you took matters as they were and made no enquiries. You accepted the position on the chart and you did not calculate or enquire? - No, I had other work to attend to.

The Commissioner: Whom do you suggest that he should enquire from?

Mr. Harbinson: From the First Officer.

The Commissioner: And what were his enquiries to be?

Mr. Harbinson: As to what time and in what locality they should expect ice.

15189. (*The Commissioner.*) Do you take charge of the bridge? - No.

15190. (*Mr. Harbinson.*) Who was in charge while you were on watch? - Mr. Lightoller, from 6 to 8.

15191. It would not be your duty to bring this matter to the notice of Mr. Lightoller as an officer or to mention the matter to him? - About ice?

15192. Yes, or about the bearings of your ship? - He could see the Marconigrams as well as I.

15193. At any rate you do not consider that course within the scope of your duties. About the lowering of this boat No. 5. did you see any of the collapsibles lowered? - I did not.

15194. And you did not know whether any of the three were lowered from the falls that lowered No. 5? - No.

15195. Did you think there were a sufficient number of trained seamen, I mean deckhands, on the boat deck to secure the expeditious launching of the lifeboats? - Quite.

15196. Did you see or have you read the report that was made from passengers on the "Titanic" who were rescued by the "Carpathia," on their arrival in America, to the effect that there were not enough trained seamen on the boat deck to secure the safe and expeditious

launching of the boats? - I do not think they are in a position to judge.

15197. (*The Commissioner.*) That is not the question: the question is, Did you read that report? - I did not.

15198. (*Mr. Harbinson.*) Have you ever been in a shipwreck before? - Yes, some minor affair.

15199. Do you consider that the system of launching boats from davits so high above the water, as the davits necessarily must have been on a vessel of the size of the "Titanic," is a safe operation? - Apparently so; it was that night.

15200. But supposing the weather conditions had not been so favourable, would your answer be that it would not be? - I do not know; I would not make any suggestion.

15201. You will not make any suggestions? - No, I am not making any suggestions.

15202. Do you not think the system of lowering the boats to one of the lower decks and filling them either through the gangway doors or from the third deck would be less hazardous? - It is too long a job.

15203. And less calculated to inspire passengers with terror? - Oh, no, it is too long a job to lower them from there.

15204. To lower the boats empty and fill them from one of the lower decks? - Yes, provided they had to get on a ladder it is too long.

15205. Apart from the rope ladders, were there companion ladders for this boat, the "Titanic"? - Yes, one.

15206. Would it not have been possible to have lowered the boats half-filled and then filled them down the companion ladders? - No, not if there had been the slightest bit of swell.

15207. But under the conditions that actually took place it would have been possible? - Yes, but we did not know it was so calm until we got into the water.

15208. I suppose you knew that there was not a heavy swell on, did you not? - We did not; you could not tell from that ship.

15209. (*The Commissioner.*) How often is the course laid down on the chart in the chart room, do you know? - No.

15210. Perhaps I am not putting an intelligent question. You told me as I understood that this vessel was, in your opinion, several miles south of the customary course? - Yes, my Lord.

15211. Now I do not understand that. She made for some time on the Sunday a south-westerly course, did she not? - Yes, my Lord.

15212. And at a point on the Sunday, I think you said about 5 o'clock, her course was altered? - 5.50.

15213. And it became an almost due westerly course? - Yes, my Lord.

15214. In your opinion did she change her course sooner or later than she ordinarily would have done. She changed it, you know, at 5.50? - That was later.

15215. Then, in your opinion, had she gone in a south-westerly direction longer than she ordinarily would have gone? - I thought she had gone for three-quarters of an hour longer on that course than she should have done.

15216. That would take her several miles to the southward of the ordinary track, would it not? - Yes.

15217. And in that connection would take her away from the ice-field? - Yes, my Lord.

15218. Or from the proximity of these bergs? - Yes.

15218a. But that apparently does not fit in with the position of the "Titanic" at the time that she sank as reported by her.

Mr. Laing: I think it does. My friends and I have worked this out very carefully. The evidence is not complete about it, of course, yet, but I think it takes her just to the place. Will your Lordship look at my marked chart? It is marked in red.

The Commissioner: If you will hand it up. (*The same was handed to the Commissioner.*) But whenever they altered their course, at the time of the accident this vessel was practically on her regular course.

Mr. Laing: No she was some seven or eight miles to the south.

The Commissioner: Is it your suggestion that that was done purposely.

Mr. Laing: As far as we can see, my Lord, we think it was.

The Commissioner: It was done for the purpose of avoiding the ice.

Mr. Laing: That is our idea, as far as we can judge. Of course, we have not got the Commander here.

15219. (*The Commissioner.*) Have you followed what I was saying, Mr. Pitman? - Yes, my Lord.

15220. Can you help us at all? - No.

15221. You see, what I want to know is this, whether there was any deviation by the "Titanic" after the receipt of these advices about ice, made for the purpose of putting the ship to the southward of the points where the bergs might be expected to be? - Captain Smith did not mention it at all.

15222. And you cannot give me any information from what you saw in the chart room? - No, my Lord. Captain Smith gives the orders to alter the course at the time he thinks fit.

The Commissioner: Where do you get your red lines from, Mr. Laing?

Mr. Laing: We have had to work it out from a witness who has not yet been called.

15223. (*The Commissioner.*) Oh, very well. (*To the Witness.*) How often when you are on watch do you mark the position of the ship on the chart? - Only at noon.

15224. Do not you mark it again? - No, not when we are well at sea.

15225. You do not mark it when you go off watch for the purpose of letting the man who succeeds you see at once on the chart where the ship is? - No, only when we are making the land.

15226. Do you do it when you get a stellar observation? - No, my Lord, unless we are making the land.

The Commissioner: Yes, I understand that.

Examined by Mr. HOLMES.

15227. Can you tell us whether the "Titanic's" head was going round at all under her helm when you left the ship, or after the collision? - She remained stationary from the time I left the ship till she disappeared.

15228. No altering her heading? - No.

15229. At the time your boat was lowered was she very much down by the head? - It was noticeable.

15230. Would it make very much difference in the amount of drop that you had to the water? - Slightly, yes.

15231. Not very much? - No.

15232. And you lowered your boat without any difficulty? - Oh, yes.

15233. Can you, therefore, say whether at the time the ship had much of a list on? - None whatever.

15234. None at all when you were launched? - No.

15235. Did you watch the list change after you were in the water? - She had no list when I left the ship.

15236. But afterwards, before she went down, did the list increase? - I could not see that she had a list at all at any time.

15237. (*The Commissioner.*) He said she had no list at the time his boat was lowered into the water. (*To the Witness.*) Did you see a list to starboard, ever? - I saw no list at all, my Lord.

15238. Do you mean to say that before the ship went down you did not notice a list? - No.

15239. You only noticed her down by the head? - That is all.

15240. (*Mr. Holmes.*) Did you hear anything in the nature of explosions before she went down? - Yes, I heard four reports.

15241. What do you estimate they were? - Boilers leaving the bedplates and crashing through the bulkheads.

15242. When the ship actually went down, did you experience any suction in your boat? - Oh, none at all.

15243. Although you had no lamp in your boat, did you see other of the ship's boats in the water with lamps in them? - Several.

15244. Was the boat into which you transferred some of your passengers one that had a lamp in it? - I cannot recollect.

15245. Did you tie up your boat eventually to that boat in order to keep together during the night? - Yes, we did for some time.

15246. And did you arrive at the "Carpathia" in that way? - No.

15247. You cast loose again before that? - Yes, they cast off some time before the "Carpathia" came in sight.

Examined by Mr. COTTER.

15248. Have you been in any other White Star boat? - Yes, I have been in five of them.

15249. Were you in the "Olympic"? - No.

15250. Have you been in a White Star ship with these iron gangway doors? - I really forget - the "Oceanic" may have them. I forget.

15251. Yes, she has them. Is it not part of the duty of an officer to take charge of these gangway doors on the arrival of a ship in port? - Yes, we go and attend to them.

15252. Have you ever carried out that duty? - Yes, I have been there.

15253. Can you give us any idea of the size and weight of the forward iron doors on the "Titanic"? - No, I cannot give you any size or weight. Probably the builders can.

15254. Will you tell us how many men it would take to open one of those doors? - Four.

15255. Four men? - Yes.

15256. And are not they very awkward to close again once they are opened - once when they are pushed back against the ship's side? - No.

15257. What is the method of closing them again? - Simply attach a rope to them and pull and they come up themselves.

15258. I suggest to you if you put a rope against an iron door flush against the ship's side, it would be very awkward to pull round unless you had some leverage to fetch it away from the ship's side. Is not that the fact? - Of course if the thing had not been opened for years, yes.

15259. Did you hear Mr. Lightoller's evidence yesterday? - Yes. I heard part of it.

15260. He states he sent the boatswain down to open these doors. Now I am suggesting if those doors were opened and he found out he had made a mistake, he would have a hard job to get them closed again; is not that a fact? - No, they could be closed easily enough.

15261. Did you ever see them opened? - Yes, the carpenter usually does that with about two hands.

15262. And he could close them with two hands? - Yes.

15263. How many people do you say you took away in your boat? - Between 40 and 50.

15264. How many would the boat hold? - I do not know - 60, I think, according to the Board of Trade Regulations, or something like that.

15265. Were there people on the deck when you left the ship? - Oh, yes, there were a few there.

15266. Why did not you take in 60 then? - Simply because the people did not want to go - they thought they were safer on the ship.

15267. We have heard it stated by Mr. Lightoller that he lowered the boats because he thought there were enough people in them to lower with safety. Will you tell us what you consider is the weakest part of the tackle for lowering a boat? Is it the block or the falls or the shackles or what. We want to find out, because Mr. Lightoller said he was afraid of something giving way? - I do not know.

The Commissioner: I do not know that he said he thought the tackle might give way, but he thought the boat might break.

Mr. Cotter: Yes, the boat might break; the boat might buckle.

The Commissioner: Yes.

15268. (*Mr. Cotter.*) Is that your idea, that the boat might buckle or the shackles might give way? - I do not know whether they would or not.

15269. Do you think it would be safe to lower 60 people in one of those boats from a height of 70 feet? - I do not know what I might do if I was placed in that position.

15270. I say now supposing you had to go through the operation again do you think it would be safe to put 70 people in or 68 people? - I would do now, yes, because I have found out since you could lower 80 in them.

15271. When you were in the "Oceanic" did you ever see bulkhead door drill take place? - I did not witness it, no.

15272. Is it not the duty of the officer, either the Chief Officer or First Officer, to go round at 11 o'clock each day and see the bulkhead doors closed? - The Commander does, yes.

15273. Was it done on the "Titanic"? - That I cannot say.

15274. You do not know. Do you know where the hand bulkhead doors are situated there? - Yes, I know where some of them are.

15275. Did you see any closed that night? - I did not go below that night.

15276. You said you took two men off in the boat. Do you know who they were? - I took two men?

15277. Yes? - What do you mean, members of the crew?

The Commissioner: Six men passengers.

15278. (*Mr. Cotter - To the Witness.*) Six men passengers you took. Who was in the boat with you? Do you know any of the crew that were in the boat with you? - Yes, a steward by the name of Guy was one.

15279. Were the rest seamen or firemen? - One seaman, one fireman and two stewards.

The Commissioner: Do you want to ask anything, Mr. Laing?

Mr. Laing: Yes, my Lord, one or two questions.

Examined by Mr. LAING.

15280. Was it any part of your duty to attend to the navigation of the ship, or does the Commander do that - the setting of the courses, and so on? - The Commander always sets the courses.

15281. And as junior officer have you got specified duties in the chart room? - Yes.

15282. To work up observations, and so on? - Yes.

15283. And make rounds, I think, later on in the watch? - Yes.

15284. You have nothing to do with setting the course, or anything of that sort? - The Commander is the only man who does that.

15285. A question was asked you about bulkhead doors. Whose duty is that - is it the stewards or the deck, to look after the doors? - The stewards; the bulkheads come into their department.

15286. Does the Commander make rounds every day? - Yes, weather permitting.

15287. At Belfast did you yourself, with Mr. Boxhall, go round the boats with a view of taking an inventory of their equipment? - Yes, the starboard side.

15288. You took the starboard side, or was it the port side? - No, port side, that is right.

15289. Did you go through the whole of the equipment of each of these boats? - Yes.

15290. Did you find all the regulation equipment there? - Not all in the boats, but it was on board the ship.

15291. That is what I want. Did you find, for example, on board the ship everything that the boats ought to have? - Everything.

15292. Although they may not have been exactly in the boat at the moment? - I found everything that was required.

15293. Do you know where they keep the lamps in these boats? - In the lamp room.

15294. Do you know where they keep the compasses? - Yes, in a locker on the afterpart of the boat deck.

15295. Are the boat axes, and those things, kept in the locker too, or in the boat? - They are usually kept in the lamp room.

15296. Did you go through the lifebelts and check them? - I did.

15297. How many were there? - I think about 3,600.

The Commissioner: I have not heard it suggested that there were not sufficient lifebelts.

15298. (*Mr. Laing.*) I thought it was, my Lord. I thought I had better get it.

The Witness: I checked them all.

15299. Can you tell us if your clock is put back at noon? - No, the clocks are always put forward or back as the case may be at midnight.

15300. Not at noon at all? - No.

15301. The Englehardt boats which were called the collapsibles here, are they fitted with rudders or with a steering oar? - Steering oar.

15302. Did you find all their equipment? - All intact, yes.

Re-examined by Mr. BUTLER ASPINALL.

15303. I ought to have asked you this before. Would a fall in the temperature indicate the proximity of icebergs to you? - No.

15304. It does not fit with your experience? - No.

(The Witness withdrew.)

JOSEPH GROVES BOXHALL, Sworn.

Examined by Mr. RAYMOND ASQUITH.

15305. Were you the Fourth Officer of the "Titanic" at the time of this accident? - I was.

15306. What certificate do you hold? - Extra master.

15307. You have held that, I think, for about 4 or 5 years? - September, 1907.

15308. Have you been employed for five years by the White Star Company? - Five years next November.

15309. And has most of your experience been in the Atlantic? - Most of it, yes.

15310. On Sunday the 14th April, were you on watch from 4 to 6 in the evening? - I was.

15311. Who else was on the bridge at that time? - Mr. Wilde, the Chief Officer, and Mr. Moody, the Sixth Officer.

15312. Can you say what the course of the ship was when you came on watch at 4 o'clock? - No; I have forgotten the course.

15313. The course would be marked, I suppose, on a course board? - Oh, yes, the course was there.

15314. You cannot say what it was? - No, I cannot remember.

15315. Between 4 and 6, while you were on watch do you remember the course being altered? - The course was altered at 5.50.

15316. Do you remember what it was altered to? - I do not remember the compass course, but I remember the true course was S. 86 W.

15317. I think you worked that out yourself? - Yes, I had stellar observations afterwards.

15318. At the time when you came on watch at 4 o'clock had you heard anything about ice being in the neighbourhood? - Yes, I had seen reports of ice and put them on the chart.

15319. Reports which had been received earlier on the same day, do you mean? - No, I cannot say from my own recollection that they were received on Sunday, but subsequently I have heard that some of them, or one of them that I put on the chart, was received on the Sunday, and that I put it on between 4 and 6. All the ice marked on the Captain's chart I put down myself.

15320. Do you remember what these messages indicated with regard to ice? - Yes, it indicated the region of the ice.

15321. Do you remember what region it indicated; did it convey to your mind that you at 4 o'clock were somewhere in the neighbourhood of ice or not? - It conveyed to my mind that the ship would shortly be in the region of the ice.

15322. Did you make up your mind about what time that would happen? - No, I did not.

15323. Was the position of the ice marked upon the chart when you came up at 4 o'clock, I mean the position in which it might be expected? - Some of the positions were on the chart that I had put on previously.

15324. (*The Commissioner.*) But I do not know when it was that you marked the chart? - I do not remember myself, my Lord.

15325. But it was on the Sunday? - Well, subsequently I have heard it was on the Sunday, between 4 and 6, that I put some of the positions on.

The Solicitor-General: I fancy Mr. Boxhall has not been very well. I know your Lordship will allow him to sit down.

15326. (*The Commissioner.*) Certainly, sit down, if you wish? - I am quite right, my Lord, thank you.

15327. (*Mr. Raymond Asquith.*) You cannot recollect when it was you marked the position of the ice on the chart? - No. Some of the positions were from the "La Touraine." Well, that must have been a couple of days previously, I think.

15328. (*The Commissioner.*) And had they reference to ice? - Yes, ice and derelicts.

15329. (*Mr. Raymond Asquith.*) I understand your recollection is that during the period between 4 and 6 you did not make any additional mark on the chart? - To my recollection, I did not, but others say that I did.

15330. Do you remember whether, when you went off watch at 6 you noticed any marks on the chart with regard to ice which you had not noticed before? - No, I cannot say I noticed any.

15331. Then you went off watch at 6 o'clock, and came on again, I think, at 8 o'clock the same evening? - Yes.

15332. When you came up at 8 o'clock, was Mr. Lightoller on the bridge in charge? - Mr. Lightoller was there.

15333. Did you look at the chart then. Do you remember whether there was anything new about the ice marked on the chart at 8 o'clock? - I did not look at the chart when I came on at 8 o'clock.

15334. Your watch was from 8 to 12, was it not? - Yes.

15335. Do you remember during that period whether any messages were received with regard to ice, upon the bridge? - No, I do not recollect any.

15336. You have no recollection of a message from the "Californian" or the "Antillian" being brought to the bridge? - No.

15337. Were you on the bridge, looking out, most of that time, or were you somewhere else making calculations? - I was inside the chart room working up stellar observations from 8 o'clock.

15338. We have heard it was a fine, clear cold night. Is that your recollection? - Yes, it was perfectly clear.

15339. Did you see anything in the nature of haze? - No, none whatever.

15340. Neither at 8 o'clock nor at any time during the night? - Whenever I was on the deck or at the compass I never saw any haze whatever.

15341. And did you think, when you came up at 8 that the ship was nearing the neighbourhood of ice? - It did not enter my mind.

15342. Was the first intimation that there was ice about the striking of the three bells, so far as you were concerned? - No, when we struck the berg; that was the first.

15343. Do you mean you felt the shock before you heard the bells? - No, I heard the bells first.

15344. Where were you at that time? - Just coming out of the officers quarters.

15345. How soon after you heard the bells did you feel the shock? - Only a moment or two after that.

15346. Did you hear an order given by the First Officer? - I heard the First Officer give the order, "Hard-a-starboard," and I heard the engine room telegraph bells ringing.

15347. Was that before you felt the shock, or afterwards? - Just a moment before.

15348. (*The Commissioner.*) Let us be clear about that. The order, "Hard-a-starboard," came between the sound of the bells and the collision? - The impact, yes.

15349. (*Mr. Raymond Asquith.*) Did you go on to the bridge immediately after the impact? - I was almost on the bridge when she struck.

15350. Did you notice what the telegraphs indicated with regard to the engines? - "Full speed astern," both.

15351. Was that immediately after the impact? - Yes.

15352. Did you see anything done with regard to the watertight doors? - I saw Mr. Murdoch closing them then, pulling the lever.

15353. And did the Captain then come out on to the bridge? - The Captain was alongside of me when I turned round.

15354. Did you hear him say something to the First Officer? - Yes, he asked him what we had struck.

15355. What conversation took place between them? - The First Officer said, "An iceberg, Sir. I hard-a-starboarded and reversed the engines, and I was going to hard-a-port round it but she was too close. I could not do any more. I have closed the watertight doors." The Commander asked him if he had rung the warning bell, and he said "Yes."

15356. Did the Captain and the First Officer go to the starboard side of the bridge to see if they could see the iceberg? - Yes.

15357. Did you see it yourself? - I was not too sure of seeing it. I had just come out of the light, and my eyes were not accustomed to the darkness.

15358. What did you do next - did you leave the deck? - Yes, I went down forward, down into the third class accommodation, right forward on to the lowest deck of all with passenger accommodation, and walked along these looking for damage.

15359. That would be F deck, would it not? - Yes, F deck. I walked along there for a little distance just about where I thought she had struck.

15360. Did you find any signs of damage? - No, I did not.

The Commissioner: What deck is it?

Mr. Raymond Asquith: F deck, he says.

15361. (*The Commissioner.*) You say it is F deck?

The Witness: I am not quite sure, my Lord, but it was the lowest deck I could get to without going into the cargo space.

Mr. Raymond Asquith: The lowest deck on which there is passenger accommodation, he said.

The Commissioner: Is not that G?

Mr. Raymond Asquith: Yes, my Lord, I think it must be G.

The Commissioner: It is pointed out that he could not get along G deck, because there is no door in the bulkhead, and therefore it cannot have been G deck.

15362. (*Mr. Raymond Asquith - To the Witness.*) How did you get down to the lowest of these decks which you went to? - Through a staircase under the port side of the fore-castle head which takes me down into D deck, and then walked along aft along D deck to just underneath the bridge, and down the staircase there on the port side, and then I am down on E deck near E deck doors, the working alleyway; and then you cross over to the starboard side of E deck and go down another accommodation staircase on to F deck. I am not sure whether I went lower. Anyhow, I went as low as I could possibly get.

15363. (*The Commissioner - To the Witness.*) Just come round here? - Yes, my Lord. (*The Witness explained plan to the Commissioner.*)

The Commissioner: He appears to have got to F deck. His first statement was right.

15364. (*Mr. Raymond Asquith - To the Witness.*) Did you then go up again through the other decks as far as C deck? - I came up the same way as I went down.

15365. Without noticing any damage? - I did not see any damage whatever.

15366. When you got to C deck did you see some ice there on the deck? - Yes, I took a piece of ice out of a man's hand, a small piece about as large as a small basin, I suppose; very small, anyhow; about *that* size (*Describing.*) He was going down again to the passenger accommodation, and I took it from him and walked across the deck to see where he got it. I found just a little ice in the well deck covering a space of about three or four feet from the bulwarks right along the well deck, small stuff.

15367. Did you then go and report to the Captain? - I went on to the bridge and reported to the Captain and First Officer that I had seen no damage whatever.

15368. Did the Captain then tell you to find the carpenter? - Yes, I think we stayed on the bridge just for a moment or two, probably a couple of minutes, and then he told me to find the carpenter and tell him to sound the ship forward.

15369. Did you find the carpenter? - I met the carpenter. I think it would be on the ladder leading from the bridge down to A deck, and he wanted to know where the Captain was. I told him he was on the bridge.

15370. Did the carpenter tell you anything about there being water? - Yes, he did; he said the

ship was making water fast, and he passed it on to the bridge.

15371. What did you do? - I continued with the intention of finding out where the water was coming in, and I met one of the mail clerks, a man of the name of Smith.

15372. Did he say something? - He also asked for the Captain, and said the mail hold was filling. I told him where he could find the Captain and I went down to the mail-room. I went down the same way as I did when I visited the third class accommodation previously. I went down as far as E deck and went to the starboard alleyway on E deck and the watertight door stopped me getting through.

15373. The watertight door on E deck was closed? - Yes. Then I crossed over and went into the working alleyway and so into the mail-room.

15374. What did you find in the mail-room? - I went down in the mail-room and found the water was within a couple of feet of G deck, the deck I was standing on.

15375. The mail-room is between the Orlop deck and G deck? - Yes, that is the mail hold.

15376. Was the water rising or stationary? - It was rising rapidly up the ladder and I could hear it rushing in.

15377. Did you go back and report that to the Captain on the bridge? - I stayed there just for a minute or two and had a look. I saw mail-bags floating around on deck. I saw it was no use trying to get them out so I went back again to the bridge. I met the Second Steward, Mr. Dodd, on my way to the bridge - as a matter of fact in the saloon companion way - and he asked me about sending men down below for those mails. I said "You had better wait till I go to the bridge and find what we can do." I went to the bridge and reported to the Captain.

15378. We have been told that at some time you called the other officers; both Mr. Lightoller and Mr. Pitman said you called them? - I did. That was after I reported to the Captain about the mail-room.

15379. Could you form any opinion as to how long that was after the impact? - No, but as near as I could judge; I have tried to place the time for it, and the nearest I can get to it is approximately 20 minutes to half an hour.

15380. I think those are the times which are given by Mr. Pitman and Mr. Lightoller. After calling those officers did you go on to the bridge again? - Yes, I think I went towards the bridge, I am not sure whether it was then that I heard the order given to clear the boats or unlace the covers. I might have been on the bridge for a few minutes and then heard this order given.

15381. Had you a boat station of your own; did you know what it was? - I did not know what it was.

15382. We have been told it is customary for the Third and Fourth Officers to be assigned to the emergency boats? - Yes, it is for emergency purposes.

15383. The Third Officer was assigned to No. 1. Were you assigned to No. 2? - For emergency purposes I was assigned to No. 1 as a matter of fact, the starboard boat.

15384. When the order was given to clear the boats what did you do; did you go to any particular boat? - No, I went right along the line of boats and I saw the men starting, the watch on deck, our watch.

15385. Which side of the ship? - The port side, I went along the port side, and afterwards I was down the starboard side as well but for how long I cannot remember. I was unlacing covers on the port side myself and I saw a lot of men come along - the watch I presume. They started to screw some out on the afterpart of the port side; I was just going along there and seeing all the men were well established with their work, well under way with it, and I heard someone report a light, a light ahead. I went on the bridge and had a look to see what the light was.

15386. Someone reported a light ahead? - Yes; I do not know who reported it. There were quite a lot of men on the bridge at the time.

15387. Did you see the light? - Yes, I saw a light.

15388. What sort of light was it? - It was two masthead lights of a steamer. But before I saw this light I went to the chart room and worked out the ship's position.

15389. Is that the position we have been given already - 41 deg. 46 min. N., 50 deg. 14 min. W? - That is right, but after seeing the men continuing with their work I saw all the officers were out, and I went into the chart room to work out its position.

15390. Was it after that you saw this light? - It was after that, yes, because I must have been to the Marconi office with the position after I saw the light.

15391. You took it to the Marconi office in order that it might be sent by the wireless operator? - I submitted the position to the Captain first, and he told me to take it to the Marconi room.

15392. And then you saw this light which you say looked like a masthead light? - Yes, it was two masthead lights of a steamer.

15393. Could you see it distinctly with the naked eye? - No, I could see the light with the naked eye, but I could not define what it was, but by the aid of a pair of glasses I found it was the two masthead lights of a vessel, probably about half a point on the port bow, and in the position she would be showing her red if it were visible, but she was too far off then.

15394. Could you see how far off she was? - No, I could not see, but I had sent in the meantime for some rockets, and told the Captain I had sent for some rockets, and told him I would send them off, and told him when I saw this light. He said, "Yes, carry on with it." I was sending rockets off and watching this steamer. Between the time of sending the rockets off and watching the steamer approach us I was making myself generally useful round the port side of the deck.

15395. How many rockets did you send up about? - I could not say, between half a dozen and a dozen, I should say, as near as I could tell.

15396. What sort of rockets were they? - The socket distress signal.

15397. Can you describe what the effect of those rockets is in the sky; what do they do? - You see a luminous tail behind them and then they explode in the air and burst into stars.

15398. Did you send them up at intervals one at a time? - One at a time, yes.

15399. At about what kind of intervals? - Well, probably five minutes; I did not take any times.

15400. Did you watch the lights of this steamer while you were sending the rockets up? - Yes.

15401. Did they seem to be stationary? - I was paying most of my attention to this steamer then, and she was approaching us; and then I saw her sidelights. I saw her green light and the red. She was end-on to us. Later I saw her red light. This is all with the aid of a pair of glasses up to now. Afterwards I saw the ship's red light with my naked eye, and the two masthead lights. The only description of the ship that I could give is that she was, or I judged her to be, a four-masted steamer.

15402. Why did you judge that? - By the position of her masthead lights; they were close together.

15403. Did the ship make any sort of answer, as far as you could see, to your rockets? - I did not see it. Some people say she did, and others say she did not. There were a lot of men on the bridge. I had a Quartermaster with me, and the Captain was standing by, at different times, watching this steamer.

15404. Do you mean you heard someone say she was answering your signals? - Yes, I did, and then she got close enough, and I Morsed to her - used our Morse lamp.

15405. You began Morsing to her? - Yes.

15406. When people said to you that your signals were being answered, did they say how they were being answered? - I think I heard somebody say that she showed a light.

15407. Do you mean that she would be using a Morse lamp? - Quite probably.

15408. Then you thought she was near enough to Morse her from the "Titanic"? - Yes, I do think so; I think so yet.

15409. (*The Commissioner.*) What distance did you suppose her to be away? - I judged her to be between 5 and 6 miles when I Morsed to her, and then she turned round - she was turning very, very slowly - until at last I only saw her stern light, and that was just before I went away in the boat.

15410. (*Mr. Raymond Asquith.*) Did she make any sort of answer to your Morse signals? - I did not see any answer whatever.

15411. Did anyone else, so far as you know, see an answer? - Some people say they saw lights, but I did not.

15412. Did they think they saw them Morsing in answer to your Morse signals; did anyone say that? - They did not say she Morsed, but they said she showed a light. Then I got the Quartermaster who was with me to call her up with our lamps, so that I could use the glasses to see if I could see signs of any answer; but I could not see any.

15413. You could not see any with the glasses? - No; and Captain Smith also looked, and he could not see any answer.

15414. He also looked at her through the glasses? - Yes.

15415. After a time you saw what you took to be the stern light of a ship? - It was the stern light of the ship.

15416. Did you infer from that that the ship was turned round, and was going in the opposite direction? - Yes.

15417. When you first saw her, I understand you to say she was approaching you? - She was approaching us, yes.

15418. For about how long did you signal before it seemed to you that she turned round? - I cannot say; I cannot judge any of the times at all.

15419. Do you know at all whether the "Titanic" was swinging at this time? - No, I do not see how it was possible for the "Titanic" to be swinging after the engines were stopped. I forget when it was I noticed the engines were stopped, but I did notice it; and there was absolutely nothing to cause the "Titanic" to swing.

15420. After sending up those signals for some time did you turn your attention to the boats? - I was sending the rockets up right to the very last minute when I was sent away in the boat.

15421. When you say right up to the last minute, can you give me any idea of what you mean by that? - Yes, right up to the time I was sent away in the boat.

15422. How long before the vessel sank were you sent away in the boat? - I cannot give the time, but I have approximated it nearly half an hour, as near as I could tell.

15423. What boat was it you were sent away in? - In the emergency boat No. 2.

The Commissioner: It would be about a quarter to 2.

15424. (*Mr. Raymond Asquith.*) Yes, my Lord. (*To the Witness.*) Who was superintending the filling of that boat? - Mr. Wilde, or, I presume, Mr. Wilde was superintending the filling. The order was given to lower away when I was told to go in it and the boat was full; they had started the tackles when I got in.

15425. (*The Commissioner.*) What number was it? - Port No. 2.

15426. Did you notice what other boats there were on the port side at the time? - There was only one boat hanging there in the davits, No. 4.

15427. (*Mr. Raymond Asquith.*) That was the boat next to yours? - Yes.

15428. Can you say how many people were in that boat No. 2? - I endeavoured to count them, but I did not succeed very well. I judge between 25 and 30 were in her.

15429. Were they mostly women, or were they mixed men and women? - The majority were

women. I know there were 3 crew, 1 male passenger, and myself.

15430. And you think the rest were women? - They were. There were several children in the boat.

We have had evidence about this boat from Johnson, the Steward, at page 91, and his evidence exactly corresponds with this. It is from Question 3468 to about Question 3478. He says he thinks there were 23 or 25 people in the boat, and he afterwards says, "There was one male passenger and I think four members of the crew."

The Commissioner: This was an emergency boat.

15431. (*Mr. Raymond Asquith.*) Yes, my Lord. (*To the Witness.*) Did you notice when the people were being put in that boat No. 2 whether there were many passengers on deck at the time, round about? - I did not notice the passengers being put into the boat. I was not taking any notice of the boat at all, until I was sent to her.

15432. Did you notice whether there were passengers on the deck at the time the boat was lowered? - Yes, there were passengers round the deck, but I noticed as I was being lowered that they were filling No. 4 boat.

15433. Were there any women about? - I did not see any women.

15434. I do not know whether you can say with regard to the starboard boats at all whether there were any starboard boats on the "Titanic" at this time, or whether they had all gone? - No, I cannot say. I know the starboard emergency boat had gone some time, and that they were working on the collapsible boats when I went, because I fired the distress signals from the socket in the rail just close to the bows of the emergency boat on the starboard side. Every time I fired a signal I had to clear everybody away from the vicinity of this socket, and then I remember the last one or two distress signals I sent off the boat had gone, and they were then working on the collapsible boat which was on the deck.

15435. Had you any lamp in your boat No. 2? - Yes.

15436. Had you put that in yourself or did you find it there? - There is always a lamp in the emergency boats.

15437. Lamps are always kept there? - They are lighted every night at 6 o'clock.

15438. Do you mean they are not kept in the other boats usually? - They were not kept in the other boats, no.

15439. Did you see any put in the other boats? - Yes.

15440. Was that by your orders? - Well, it was through my speaking to the Chief Officer about it. I mentioned to him that there were no lamps. That was earlier on, when they started to clear the boats. I mentioned to him the fact that there were no lamps in any of the boats, or compasses, and he told me to get hold of the lamp trimmer.

15441. (*The Commissioner.*) When did you notice this? - Oh, shortly after the orders were given to clear the boats.

15442. You said "in any of the boats." Did you examine all the boats? - Did I examine the boats after the accident?

15443. Yes? - No, I did not.

15444. Then you cannot speak from your knowledge? - I examined the boats on purpose. The lamps were in the lamp-room then.

15445. The lamps are in the lamp-room; the compasses are apparently kept in some locker; that is right, is it? - Yes.

15446. (*Mr. Raymond Asquith.*) Did you have the lamps taken up? - Yes. The Chief Officer told me to find the lamp trimmer. I did find him after a little trouble. I really forget where I found him. He was on the boat deck working amongst the men. I told him to take a couple of men down with him and fetch the lamps, and he was afterwards seen to bring the lamps along the

deck and put them in the boats.

15447. Do you know how many lamps were put into how many boats? - No, I do not know.

15448. In your boat did you also put in some green lights? - Yes, there were some green lights lying in the wheelhouse. I told the Quartermaster or someone who was around there to put them in the boat.

15449. Was any order given to you when you were lowered with regard to what you should do when you got into the water? - No, I do not remember any.

15450. What did you do when you got into the water? - I pulled a little way from the ship, probably 100 feet away from the ship, and remained there for a while.

15451. How long did you remain there; did you remain there until the ship sank? - Oh, no, I did not. I did not remain there very long. I got the crew squared up and the oars out properly and the boat squared when I heard somebody singing out from the ship, I do not know who it was, with a megaphone, for some of the boats to come back again, and to the best of my recollection they said "Come round the starboard side," so I pulled round the starboard side to the stern and had a little difficulty in getting round there.

15452. Why was that, because you had not enough people to row? - I had not enough people; my boat was rather deep. I had only one man who seemed to understand boat orders. I was pulling the stroke oar and trying to steer the boat at the same time myself.

15453. There was only one seaman in your boat? - That is all.

15454. Do you know whether there was a man named Osman? - Yes, Osman or Osram, or something like that. [Frank Osman.]

15455. Who else rowed besides you and the seaman? You were rowing and steering at the same time? - Everybody was rowing with the exception of a male passenger. He did not seem to do much.

15456. You have told us there were two stewards or a steward and a sculleryman. They were both rowing? - Oh, yes, they were rowing.

15457. With some difficulty you rowed round to the starboard side of the ship? - Yes, round the stern.

15458. What did you do when you got round to the starboard side? - Well, I stayed round on the starboard side, probably about 200 feet away from the ship. I found there was a little suction and I decided that it was very unwise to have gone back to the ship so I pulled away.

15459. A little suction? - Yes, there was a little suction.

15460. Why was there suction at this time? - The ship settling down badly, I suppose.

15461. Was it settling down rapidly. Could you see it settling down at this time? - Yes, I could see her settling down; I was watching the lines of lights.

15462. (*The Commissioner.*) She was settling down by the head? - She was settling down by the head, my Lord.

15463. Where were you at this time? - Just a little, probably 200 feet, on the starboard beam of the ship, or probably a little abaft the starboard beam of the ship.

15464. Would there be any suction there? - Well, I felt it; I saw it by the work we had pulling it round the ship's stern; seeing she was only a small boat, I judged there was quite a lot of suction.

15465. (*Mr. Raymond Asquith.*) Did you remain in that position, about 200 feet away from the ship, until she sank? - No, I did not; I turned the boat away and pulled in a north-easterly direction.

15466. You mean, you pulled further away from the ship? - Yes.

15467. How far were you from the ship when she did sink? - Approximately, half-a-mile.

15468. That means that you could not see what happened? - No, I could not.

15469. After she sank, did you hear cries? - Yes, I heard cries. I did not know when the lights

went out that the ship had sunk. I saw the lights go out, but I did not know whether she had sunk or not, and then I heard the cries. I was showing green lights in the boat then, to try and get the other boats together, trying to keep us all together.

15470. Were there other boats round about near yours? - I could not see any boats, not when I had got so far away as that. Some of them had gone in a more northerly direction than I had gone.

15471. Did you go back at all towards the ship, when you heard those cries? - No, I did not.

15472. Was any suggestion made of going back? - There was a suggestion made. I spoke about going back to the sailor-man that was in the boat - that was whilst I was pulling round the stern - about going back to the ship, and then I decided that it was very unwise to have attempted it. So we pulled away, and then we did not pull back at all.

15473. (*The Commissioner.*) What did you intend to go back to the ship for? - I intended to go back to try and obey orders that I heard given through the megaphone.

15474. Was that to stand by the gangway door or what? - I do not know whether it was to stand by the gangway door; I do not remember any gangway doors being open.

15475. What were the orders? - Just simply to come round to the starboard side.

15476. Why was it dangerous to try to do that; was it the suction? - The suction and the chance of the boat, by not being properly manned, being rushed and losing everybody in the boat. I did not think it was possible to get any more than three people in the boat.

15477. Three more people? - Yes, I thought I could get about three more in, and that is all. I gave the men orders I intended to put the boat bow-on to the ship, and I gave orders to back water as soon as I told them.

15478. (*Mr. Raymond Asquith.*) So you did not go back? - No.

15479. Did not you see anyone in the water at all? - No, there was no one in the water at all.

15480. Did you see people in the water later? - No, I did not see anyone in the water at all.

15481. You never picked anyone up? - No, I did not.

15482. Did you meet with any of the other boats later on? - I did not see any boat near us, although I was showing these green lights occasionally, with the intention of getting all the boats together. There was not a boat anywhere near us. I did not see any. I was the first boat picked up on board the "Carpathia."

15483. You were the first picked up? - Yes; he saw our green lights and steamed down for them.

15484. Did you watch all the other boats being picked up after you got on board the "Carpathia"? - I was down in the other boats. I suppose a good half an hour had elapsed before any of the other boats were there.

15485. Can you tell us how many boats were picked up by the "Carpathia"? - No, I did not count them. They counted them, but all our boats were picked up with the exception of the one collapsible boat, where the crew were taken out of her in a sinking condition.

15486. One collapsible boat and two lifeboats, did you say? - Yes.

15487. When I say picked up I do not mean taken on board. We know 13 were taken on board, but I mean how many were accounted for? - I really forget now how many were accounted for. I remember we turned some of them adrift.

15488. Did you see any ice when the day broke? - Yes, I saw quite a lot of ice at daybreak.

15489. Large bergs, did you see? - The first ice I saw, I saw it probably about half a mile on the port bow of the "Carpathia" just as I was approaching it, when I got about two ships' lengths away from her. Day was breaking then.

Examined by Mr. SCANLAN.

15490. I think after the disaster it was you who worked out the calculation as to the position of the "Titanic"? - That is so.

15491. I understand that there is some dispute about the position, but had the position you worked out been checked in any way by any other officer? - Oh, no.

15492. You reckoned the position and you brought it to the notice of the captain? - Yes.

15493. He asked you to go down to the wireless operators' room and give it to him? - Yes.

15494. It was that statement of the position that went out from the wireless to give intimation of the collision? - Yes.

15495. And you say the position was accurate? - Yes, I am quite certain of that. I am quite confident the position was quite correct.

15496. After the collision I understand that you and some other officers went on the bridge to look at the iceberg. Is that so? - That is so. Yes.

15497. And you saw the iceberg? - Well, I was not quite sure of seeing it.

15498. What length of time was this after the collision? - Only a couple of minutes afterwards.

15499. What distance from you did the iceberg appear to be then? - I do not think it would be a couple of minutes afterwards. It appeared to me, what I fancy I saw, about a ship's length away from the ship's bridge.

15500. Now, you were examined in America in regard to the appearance which the iceberg presented at that distance? - Yes.

15501. Would you give your impression of it to my Lord? - Yes, I said I fancied I saw a black mass, a low-lying black mass on the quarter.

15502. Was it difficult to discern what the object was even at that short distance, a ship's length? - That is only an approximate distance you understand; it might have been more.

15503. It might have been three ship's lengths? - It might have been three ship's lengths.

15504. Would that be the outside - three ship's lengths? - No, I am not sure. You must understand I had just come out of the light into the darkness and my eyes were not accustomed to it.

15505. I also recollect that we have been told in the evidence that after the collision you went astern? - The engines were going full speed astern for quite a little time.

15506. Did you go forward after that? - Not that I know of.

15507. So that from the place where the collision occurred you had not moved much up to the time you went on the bridge to look for this iceberg? - No, I do not think the ship could have gone so very far.

15508. So that you were within a few ships' lengths of her probably? - Yes.

15509. Is it your evidence that even at that distance it was very difficult to make out that this was an iceberg - to make out what it was? - To make out what it was, yes.

15510. Was that on account of the weather conditions or the condition of the atmosphere? - I think it was due to the conditions that were then prevailing at the time, a calm oily sea.

The Commissioner: It appears to me to be more due to the fact that he had come out of the light room.

15511. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) Besides you who else were on the bridge? - Mr. Murdoch and Captain Smith.

15512. They had not been in the lighted chart room up to that time? - Not that I know of. Mr. Murdoch and Captain Smith were on the bridge as far as I know when I went there.

15513. Was Mr. Murdoch standing with you while you were observing the iceberg? - Yes, he pointed at it - like *that*.

15514. How long were you watching it? - That I cannot say. It was not very long because I

went down below into the passengers' accommodation.

15515. A couple of minutes? - I am not going to stick to minutes; I do not know what it was.

From the impression you got as to the difficulty of seeing objects that night, did it occur to you

-
The Commissioner: You must not put it in that way; the difficulty was a personal one, it was not due to the night; it was because his eyes were not accustomed to the darkness, coming from the light.

15516. (*Mr. Scanlan - To the Witness.*) Before you took your eyes off this iceberg had you been there a sufficient length of time to accustom your eyes to the difference in light from the chart room to the bridge? - No, I do not say so; I do not think so.

15517. You have had experience of ships with searchlights, I understand? - Yes; I have been on board of ships with them, but, as a matter of fact, I have not seen them used.

15518. (*The Commissioner.*) Is that the only experience you have had with them, that you have been on board with them, but never seen them used? - That is all, my Lord.

15519. That does not seem to me to be very valuable? - It does not.

15520. (*Mr. Scanlan.*) You have been in the Navy for some time? - Yes.

15521. Were you an officer? - Yes.

15522. Do all of those ships carry searchlights? - Yes, to the best of my recollection most of them do, or all of them that I have noticed.

15523. Are they used at night for the purpose of discovering any object ahead of you? - I do not know; I have never seen them used. I have never been on board when they have been used.

15524. Have you formed any opinion as to whether or not a searchlight, if you had had one, on this Sunday night of the disaster, would have helped to discover the iceberg sooner? - No, I have not formed that opinion at all; I have not formed any opinion about it.

15525. Were you asked about this in America before the American Court, and did you say on that occasion that searchlight might have called attention sooner to the iceberg, I mean as an opinion. Did you express that as an opinion to Senator Smith? - I do not know whether I did or not.

The Commissioner: You need not go into that with this witness.

Mr. Scanlan: This was on the special question before your Lordship as to the use of searchlights.

The Commissioner: I know. I do not mean to say it is not a proper subject for Enquiry, but the evidence of a man who has so little experience of searchlights as this gentleman appears to have is to my mind of little value.

15526. (*Mr. Scanlan - To the Witness.*) I understood you to state to my friend that all the ice that was marked on the Captain's chart had been put down by you? - That is so - yes.

15527. On the Sunday, was that the state of the chart on the Sunday night? - Yes, as far as I know.

15528. Your watches were in the morning from 8 till noon and again from 4 till 6 and then from 8 o'clock until the time of the disaster? - Yes.

15529. When you were asked if you had marked down ice on the Sunday, I understood you to say - I may be wrong - that you were not speaking from your own recollection, but from what other people had told you since the accident. Is that so? - Yes, that is so. I distinctly remember putting down some positions from the "La Touraine," but that must have been a couple of days previously, to the best of my recollection.

15530. You do not recollect having put down any positions for ice on the Captain's chart on the Sunday? - I do not remember that.

You were asked at the American Enquiry [April 22nd, page 223] with regard to this: -

“(Senator Smith.) Did you know you were in the vicinity of icebergs that night? - (Mr. Boxhall.) I did not know we were in the vicinity of icebergs. (Senator Smith.) Did not the Second or First Officer apprise you of the fact that they had information that they were in the vicinity of icebergs? (Mr. Boxhall.) I knew we had had information. They did not apprise me that evening of it. (Senator Smith.) When did they apprise you? (Mr. Boxhall.) As a matter of fact they did not mention it to me. (Senator Smith.) Has it never been mentioned to you? - (Mr. Boxhall.) Oh, yes, the Captain mentioned it. (Senator Smith.) The Captain mentioned it to you? (Mr. Boxhall.) Yes. (Senator Smith.) When? (Mr. Boxhall.) I do not know whether it was the day before or two days before. He gave me some positions of icebergs, which I put on the chart. (Senator Smith.) Which you put on the chart? (Mr. Boxhall.) On his chart. (Senator Smith.) Did the Captain tell you that the ‘Californian’ had wired the “Titanic” that they were in the vicinity of icebergs? (Mr. Boxhall.) No. The Captain gave me some wireless messages from Southampton, I think that we had had before we had sailed, and asked me to put these positions on the chart. (Senator Smith.) Did you know whether a wireless had been received from the ‘Amerika’ that the ‘Titanic’ was in the vicinity of icebergs?”

The Commissioner: From the “Amerika”?

Mr. Scanlan: Yes, my Lord. I think the information is that it was sent from the “Amerika.”

The Solicitor-General: I am putting it together; I am going into that question.

15531. (Mr. Scanlan.) “(Mr. Boxhall.) No, I could not say. (Senator Smith.) Do you want us to understand that you had no knowledge of the proximity of this ship to icebergs immediately preceding the - (Mr. Boxhall.) I had no knowledge. (Senator Smith.) One moment (continuing). Immediately preceding the collision, or during the hours of your watch from eight o’clock until the collision occurred. (Mr. Boxhall.) I did not realise the ship was so near the ice-field.” When you refer to the ice-field, you just mean the general ice-field marked down on all charts? - No, the region covering these wireless messages.

15532. Now about the region; you were examined twice before the American Commission. I have been quoting your evidence from the evidence you gave on the 22nd of April. Then you were examined a week later on this same point. I suppose this is a correct note of your evidence? - I suppose so. It should be.

15533. I mean you have heard what I have read? - Yes; to the best of my recollection it is quite correct.

15534. A week later, on the 29th April, you were examined by Senator Burton. He said [29th April, p. 930]: “I understand you have testified before the full Committee about the radiograms relating to ice? (Mr. Boxhall.) Yes, Sir. I have stated upstairs, or in Senator Smith’s presence, this afternoon that I did not hear of any ice reports the day of the accident. (Senator Burton.) None were reported to you? (Mr. Boxhall.) I did not hear any. There were none reported to me. I do not think any were reported during my watch on deck, or I should have heard it. (Senator Burton.) When was your watch on deck? (Mr. Boxhall.) I was on deck on Sunday morning from eight o’clock until noon, and I was on again from four o’clock until six, and then I was on again from eight until the time of the accident. (Senator Burton.) You made an entry on the chart as to ice of which you had received information, did you not? (Mr. Boxhall.) Yes. (Senator Burton.) When was that? (Mr. Boxhall.) I cannot get the day, but it was probably a couple of days before, when we had a radiogram from the Captain of ‘La Touraine,’ giving his position at 7 o’clock Greenwich time, and I worked out our position at 7 o’clock Greenwich time, and wrote out the time for Captain Smith.” So you made it quite clear to the American Commission that no ice had been reported to you on the Sunday, and that you had marked no ice positions on the chart that day? - Yes, but now I wish to add this that since that American Inquiry I have had some one read to me the wireless message sent. I remember we had one from the “Caronia,” and since then that

message has been read over to me which I recognise and I know now that the message was sent on Sunday morning.

15535. You are satisfied you received a message on Sunday morning. Did you receive any message on Sunday later? - No. Not that I know of.

15536. I daresay you would remember if you had? - Well, the messages do not come to me first, but I think if there had been any wireless messages come during my watch on deck I should have seen or heard something of them.

15537. If any message had come from 8 to 12 you would have heard of it? - Yes, I think so; that is the usual thing.

15538. Would it be in the ordinary course of the working of the "Titanic" that if a message were received, say, at 7.30 giving the latitude and longitude in which ice was - of a ship reporting ice, its position would be marked down in the chart? - Yes, I think so; that is the usual thing.

15539. At all events, from 8 to 12 you were engaged practically constantly all the time in the chart room? - Yes.

15540. And you were the officer who would have to work out the position? - Well, the Sixth Officer might have worked out that position, but the Captain generally gave the messages to me to put in the positions he had to put on the charts. He seemed to give them to me when I was on deck.

15541. Can you tell me if the Sixth Officer or any other officer put any ice position on the Captain's chart from 8 to 12? - Not that I know of.

15542. And you certainly did not yourself? - No, I did do them from 8 to 12.

15543. Was there any indication to you on the chart that any ice positions had been marked in the intermediate watch, that is from 6 to 8? - I do not remember.

15544. It is a thing that would have struck you, is it not, if it had been marked there? - I do not remember even looking at the chart at 8 o'clock.

15545. Did you have occasion to look at the chart at all from 8 o'clock to 12? - Well, as near as I can remember I went to the chart room with the Captain, but the Captain put down the star position when I gave it him, somewhere about 10 o'clock. He put the position on, and I was standing close to him, but I did not take that much notice whether any other positions were put on or not.

15546. Was that for the course? - That was our star position, putting down the ship's position at 7.30. But this was about 10 o'clock.

15547. (*The Solicitor-General.*) I cannot hear what you say happened at 10 o'clock? - The Captain plotted the star position of the ship at 7.30; he put that down on his chart at about 10 o'clock.

15548. (*Mr. Scanlan.*) Do you know what that position was? - No, I do not, but the position you have in the Court is worked from that position.

15549. The position in which the collision occurred was worked by you? - Yes.

15550. From the position indicated by the Captain at 10, I mean the Captain worked out his position at 10. At 10 o'clock he worked out the position he had been in at 7.30. Is that so? - No, he put down the ship's position at 7.30.

15551. (*The Commissioner.*) I understood that the Captain at 10 o'clock marked the chart with the position which the witness ascertained at 7.30. Is that right? - He put down the ship's 7.30 position on his chart.

15552. At 10 o'clock? - Approximately 10 o'clock.

15553. I understand at 10 o'clock the Captain put down on the chart the position of the ship as you had ascertained it at 7.30? - Yes.

15554. Had you both latitude and longitude? - Yes, we had three stars for latitude, and I think three or four for longitude.

15555. (*Mr. Scanlan.*) Who was on watch from 8 to 12, till the collision happened. There was Mr. Murdoch, I know? - The junior officers were the Fourth and Sixth. Mr. Lightoller was on till 10 o'clock.

15556. From 10 till 11.40 who were on? - The Fourth and Sixth Officers and Mr. Murdoch.

15557. Mr. Lowe is one of those officers? - No; Mr. Moody, who is the Sixth Officer.

15558. Who is the Fourth? - I am the Fourth.

15559. Then you had some duty for watching from 8 till 11.40. It was part of your duty as well as making out calculations in the chart room to take the watch on the bridge. Is that so? - My duty was to do what I was told by the senior officer on the watch.

15560. Is it part of the duty you were told to do? - No, I was not told to do it.

15561. Were you told to watch at all that night? - No, I was not.

15562. In point of fact, you were not on watch that night? - I was on watch. I was on duty, but I was not on the bridge. I was not on the look out, if that is what you mean.

15563. That is exactly what I want to know. At no time that night were you keeping the look-out on the bridge? - No.

15564. Who besides Mr. Murdoch was keeping the look-out on the bridge? - Nobody. Mr. Murdoch was keeping the look-out himself.

15565. And there were no extra look-outs? - Not that I know of. I did not hear of any.

Examined by Mr. ROCHE.

15566. Just tell me about a few matters, if you can. When you came from where you had been making those observations, you heard the order "Hard-a-starboard," and you felt the shock of the collision? - Yes; there was not much of a shock to feel.

15567. But you felt the collision? - Yes.

15568. And you knew the engines were reversed, full speed astern? - I heard the bells ring, but I did not know what the movement was until I got to the bridge.

15569. And then you knew that the collision bulkheads were closed because you heard the bell ring? - No, I did not hear the bell ring; I saw Mr. Murdoch pulling the lever.

15570. I thought you told my Lord that you heard the warning bell ring? - No.

15571. You heard the Captain ask? - I heard the Captain ask.

15572. Whether the warning bell had been rung? - Yes.

15573. You had already got that knowledge. Now you left the bridge to go down below to see what damage was done? - To see if I could find any damage.

15574. When you left do you know if the engines were still reversing or had they stopped? - I cannot say.

15575. Perhaps you can tell us in this way. Was steam blowing off then? - No, I cannot tell you that either.

15576. When you came back was steam blowing off? - Yes, it was when I came back.

15577. How long were you away, do you think? - I could not say.

15578. A quarter of an hour or 20 minutes? - Oh, no.

15579. Less? You can give us an idea - ten minutes? - I do not think I should be ten minutes.

15580. Something less than ten minutes; five minutes? - Somewhere between five and ten minutes.

15581. Now, having come back, then you were on the bridge obeying orders and letting off rockets? - I went down to the mail-room after that.

15582. Yes, you went down again? - Yes.

15583. How long before you went down to the mail-room again, 5 or 10 minutes? - Almost immediately.

15584. And then you came up again on to the bridge? - Yes.

15585. Not having been away very long, I suppose? - No, I had not been down in the mail-room very long. I spent a little more time there than when I went down the first time.

15586. And then you came up and reported to the Commander? - Yes.

15587. What did he say? - He walked away and left me. He went off the bridge, as far as I remember.

15588. He did not say anything to you that was fixed in your memory? - No.

15589. Now do you know if anything was done in regard to the collision bulkheads after that? - No, the last movement that I saw was the First Officer closing them.

15590. And you know nothing more about them after that? - Nothing further.

15591. Now I want to ask you one or two other matters. Certain orders were given with regard to getting up women and children, and so forth, between that time and the sinking of the vessel? - Yes.

15592. Did you know those orders were being given? - I cannot say that I heard them. I never heard an order for any boat to be lowered, or even for women to be put in. The only order I heard was clearing the boats, and then I was employed the greater part of my time with these rockets on the bridge. I know very little about it.

15593. Except the order for clearing the boats, which came very early in the proceedings? - Yes. I knew one of the boats had gone away, because I happened to be putting the firing lanyard inside the well-house after sending off a rocket, and the telephone bell rang. Somebody telephoned to say that one of the starboard boats had left the ship, and I was rather surprised.

15594. At their doing it so quickly? - No; I was rather surprised. I did not know the order had been given even to fill the boats. I reported it to the Commander.

15595. You had only heard the order, "Clear away," and the next thing was a telephone message that the starboard boat had left the ship? - Yes; the starboard after boat.

15596. Do you know anything about any other general order that was given except the order, "Clear away"? - No.

The Commissioner: What is this?

Mr. Roche: It is to find out what information we can, or whether any orders were given to the engine room. Some evidence has been given by one witness - I think it was the baker - that at some stage an order was given that all hands were to look after themselves.

15597. (*The Commissioner.*) Did you ever hear that order? - No, I did not.

15598. (*Mr. Roche.*) I do not think you heard any general order after the one you heard for clearing the boats? - No.

15599. It was directed to finding out whether the engineers were doing their duty at the time of the sinking or not. Did you see any of the engineers on deck at all when you were attending to your boat? - No.

15600. Not one? - No.

Examined by Mr. HARBINSON.

15601. Did you see Mr. Ismay about that night? - Yes.

15602. Where was he? - Quite close to the bridge.

15603. At what time? - I did not look at my watch.

15604. About what time? - I do not know what time it was at all. Time was flying.

15605. Was it after the collision? - Certainly it was after the collision. It was before I left the ship.

15606. Did you see him earlier that day on the bridge? - No; that is the first time I saw Mr. Ismay since we left Southampton.

15607. Did you see Mr. Andrews that night at all? - I did.

15608. That was after the collision? - Yes.

15609. Did you hear him say anything to the Captain? - No, I did not hear him say anything.

15610. Did you hear the Captain say anything to anybody about the ship being doomed? - The Captain did remark something to me in the earlier part of the evening after the order had been given to clear the boats. I encountered him when reporting something to him, or something, and he was inquiring about the men going on with the work, and I said, "Yes, they are carrying on all right." I said, "Is it really serious?" He said, "Mr. Andrews tells me he gives her from an hour to an hour and a half." That must have been some little time afterwards. Evidently Mr. Andrews had been down.

15611. Can you tell us how long it was after the collision that the Captain said that? - No, I have not the slightest idea.

15612. Did you say as a matter of fact in America that it was about 20 minutes after the collision? - No, I do not think so.

15613. You could not fix the time? - I cannot fix the time; I have tried, but I cannot.

Examined by Mr. HOLMES.

15614. In addition to the difficulties you had to contend with which you have spoken of, the lack of proper crew and the suction, had you also a number of foreigners in your boat? - Yes, there was a foreign family.

The Commissioner: Do you regard them necessarily as difficulties?

Mr. Holmes: The foreigners, my Lord?

The Commissioner: Do you?

Mr. Holmes: I have not completed my question.

The Commissioner: I thought you said in addition to the difficulties had he that further difficulty?

15615. (*Mr. Holmes.*) I said as to foreigners, and I am going to put a further question. (*To the Witness.*) Had you a number of foreigners in your boat? - Yes, there was a foreign family I knew of, that were close to the afterpart of the boat, where I was standing.

15616. (*The Commissioner.*) Were they a foreign family that could understand English? - No, they did not seem to be able to speak English or understand English.

15617. (*Mr. Holmes.*) Did you find they were people totally incapable of understanding any orders you might give to them? - They were.

15618. And if you had had to manoeuvre the boat to get more people in, it would have added to your difficulties? - Yes, I think so.

Examined by Mr. COTTER.

15619. You stated that lamps were put into the emergency boat and lit at 6 o'clock every night? - Yes.

15620. Do you remember if they were lit that night and put into the emergency boat? - Yes, they were.

15621. So that there would be a light in the emergency boat No. 1? - I am not going to be

driven to say that. I do not think they were exactly in the boat. They were hanging in the wheelhouse or in the bridge, covered over with a canvas cover - not exactly in the boat.

15622. You do not know whether they were in the boat that night? - No, I do not remember.

Examined by Mr. LEWIS.

15623. Did you hear any order given for the firemen off duty to muster? - No, I did not.

15624. Did you see them mustered anywhere? - I saw several firemen round the bridge.

15625. Did you see any considerable number of them mustered together? - Well, I saw quite sufficient to enable me to know that the firemen had been called out.

Examined by Mr. LAING.

15626. As to the stellar observations that were worked up for the 7.30 position, did you work them up? - Yes.

15627. Did you get them from Mr. Lightoller? - Mr. Lightoller took the observations at half-past 7, before I went on deck.

15628. That is what he told us; he took the observations and gave them to you, and you worked them out? - Yes.

15629. And the Captain put the position at 7.30 on the chart at about 10? - Yes.

15630. If you can recollect, can you test your memory at all as to the position of the ice that was reported by the "La Touraine"? - Yes; I cannot give you the exact position, but, judging by the position he gave us shortly after he left New York, when he encountered a derelict, and then from the ice positions he gave us, when I put them down on the chart, I found out he had crossed the Banks, and it was too far north to be of any use to us. They were absolutely out of the way.

15631. It was away far north of your position? - Oh, yes, miles north.

15632. You told us you thought you recalled the "Caronia" Marconigram? - Yes.

15633. Do you remember whether you marked that on the chart or not? - Well, they say I did mark that.

15634. You do not remember it? - The "Caronia" Marconigram, I think, I must have marked, and probably that is the one that has been put down between 4 and 6, which they say was put down. I was on watch between 4 and 6 and it is quite likely I did it.

The Solicitor-General: I want to put one or two questions about these messages, in view of what is now being asked.

The Commissioner: There are one or two questions I want to ask, but I will wait till you have finished.

(After a short adjournment.)

Re-examined by the SOLICITOR-GENERAL.

15635. You have been giving some answers which make it necessary to ask you about the plotting of ice on the Captain's chart. Just tell me this first of all. When the "Titanic" struck of course it was necessary to ascertain her position in order that the distress messages might be sent out? - Just so.

15636. Who was it who did ascertain her position after she struck? - I did.

15637. And in order to do that you would have to calculate from some ascertained position at an earlier time? - Yes, that is right.

15638. And as I understand, the position had been ascertained and marked on the Captain's chart at 7.30? - At 7.30 the position, yes.

15639. So that what you had to do after the disaster had occurred would be to take the position on the chart at 7.30, take your course, take your speed and calculate where you would be? - Yes, from the 7.30 position I allowed a course and distance which gave the position. I worked it out for 11.46 as a matter of fact.

15640. You worked out what the position ought to have been at 11.46? - That is right.

15641. And it was that position that was sent out with the C.Q.D. messages, which we know about? - Yes.

15642. And that is the position, 41° 46' N., 50° 14' W.? - Yes.

15643. Can you tell me what speed you assumed as between the 7.30 position and the time you struck? - Twenty-two knots.

15644. Twenty-two knots? - Yes.

The Commissioner: Is that right?

15645. (*The Solicitor-General.*) I will ask him, my Lord. (*To the Witness.*) Why did you take 22 knots? - I thought the ship was doing 22 knots.

15646. Was it an estimate you formed on any materials as to revolutions or as to the patent log? - No, I never depend on the patent log at all. It was an estimate that I had arrived at from the revolutions, although I had had no revolutions that watch; but, taking into consideration that it was smooth water and that there ought to have been a minimum of slip, I allowed 22 knots.

15647. As far as you remember, was there any discussion as to whether 22 knots would be right, or did you do it on your own? - I did it on my own; there was no discussion at all.

15648. And do you think now that you formed a proper estimate?

15649. (*The Commissioner.*) Did you ask the Captain as to the speed? - No, I did not.

15650. (*The Solicitor-General.*) I follow you had been on duty with the Senior Officer from 8 to 12? - Yes.

15651. So you were on duty at that time? - Yes.

15652. And had been on duty for 3 1/2 hours when the accident happened? - Yes.

15653. You thought 22 knots was the proper average speed during that time? - Yes, I allowed 22 knots, and I thought that was about correct.

15654. (*The Commissioner.*) Do you know what the speed was in the log? - No, I do not.

15655. (*The Solicitor-General.*) We have been told that reports are sent up from the engine room from time to time as to the number of revolutions being made? - That is true; every four hours.

15656. Have you any recollection of any report of that during this watch from 8 till 12? - No, I have no immediate recollections of what the revolutions were at 8 o'clock. I do not remember them. As a matter of fact, I never received them. The Sixth Officer, when we went on watch, generally took them from the telephone.

15657. Is that Mr. Moody? - Yes.

15658. As far as you know now, as far as you see now from the information you have, and had, is 22 knots about right? - Yes, I feel pretty easy on that.

15659. You would have to take the speed and of course you would have to take the course? - Yes.

15660. Which you have told us was S. 86 W.? - Yes.

15661. Am I right in thinking that the course as marked on the chart is S. 85 W. when you take your turn. I believe it is about S. 85 W.? - Yes.

15662. So that as I follow, the "Titanic" had run on, you say for 50 minutes longer than she otherwise would? - Did I say that?

15663. I thought you said 5.50? - I have not said that so far, but I wish to say it now. I wish to explain it. The night order book was written out and there was an order for the course to be altered at 5.50.

15664. You saw that in the order book? - Yes, I saw it and I remarked to the Chief Officer between 4 o'clock and 6 o'clock that I considered the course ought to have been altered some considerable time before 5.50 - that is, if it was meant to be altered at the corner, 42 N., 47 W. Whether we spoke to the Captain about it or not I do not know. I just remarked that to the Chief Officer, and the course was altered at 5.50. I consider that the ship was away to the southward and to the westward of that 42 N. 47 W. position when the course was altered.

15665. Perhaps you will take the chart in your hand. I want to ask you a question or two about it? - Yes.

(The chart was handed to the Witness.)

15666. We have all noticed there is a point on the course, as marked on the chart, where a westbound ship turns, what you call the corner, is that what you refer to as 42 N. 47 W.? - That is so.

15667. And then your view is that the ship, when she turned on her new course at 5.50 had run beyond that corner? - Yes.

15668. And, therefore, was to the south of it? - Yes, to the south and to the westward of it.

15669. Then when she is put on her new course, her new course you tell me was S. 86 W.? - S. 86. W.

15670. Though your impression is that as it is marked on the chart the course there marked is S. 86 W.? - I think it is about S. 84 3/4 W. as a matter of fact.

15671. The effect would be she would have run a little bit further on the old course and then on the new course she is gradually making back to the line? - That is my impression of the idea which Captain Smith had in altering that course and setting it to that time.

15672. If she was going 22 knots and ran past the corner for 50 minutes that means she? - I did not say 50 minutes.

15673. No, I know you did not? - I do not remember what time it was but it was some considerable time; the difference I make between my time and the time that was given in the book - well there was such a big difference that I considered it worth mentioning to the Senior Officer of the watch.

15674. That is all right. Now we come back to the ice chart. When you looked at the 7.30 position as marked on the Captain's chart, would you say whether there was any mark of ice on the chart? - I do not remember looking at the Captain's position on the chart. I was standing by the door when he put it on. I could see my work on the chart in the distance, but I do not remember examining the thing closely.

15675. He put it on himself as representing his 7.30 position? - Yes.

15676. Then for the purpose of working out what your position was when the collision occurred did you actually have recourse to the chart? - None whatever. I had the 7.30 position in my work book.

15677. You had a note of it? - Yes.

15678. You would not have to return to look at the chart after the accident? - No, I had used that same position two or three times after giving it to the Captain, and that same course I used two or three times after giving it to the Captain as well, between 10 o'clock and the time of the collision, for the purpose of working up stellar deviations.

15679. That is to say checking where you were? - No, checking the compass error.

15680. Did I understand you to tell one of my friends that it was you who had marked upon the Captain's chart the position of ice as reported? - Yes.

15681. I am going to ask the Court to allow me to read to them in order of time some messages which we can prove got to your ship, and I will ask you if you remember them. First of all, you remember the "La Touraine" message? - Yes.

15682. Which was two days before I think, on the 12th? - I do not remember the date exactly, but I think it was about a couple of days previous.

15683. Then do you remember the "Caronia" message? - I remember the "Caronia" message; I remember having that, and I pinned that on the board.

15684. Do you remember any other message about ice or whether there was any ice? - There were others, but I cannot remember, and I cannot fix the place.

15685. Let us be careful about this. Did you say there were others? - Yes, there were others.

15686. Do you mean there were more than three; I mean there was the "La Touraine," and the "Caronia"? - There were some positions we had and I fancy we got them leaving Queenstown or got them leaving Southampton.

15687. I mean after "La Touraine"? - Yes, there was another one, but I cannot remember what it was after "La Touraine."

15688. That is the extent of your recollection. And as far as the messages were brought to your attention did you plot them out on the chart and mark them? - Yes.

15689. (*The Solicitor-General.*) Now, my Lord, I think the thing which is clearest for your Lordship to follow is to read the messages in order of date while this witness is here. The first one we have got a check of is the 12th of April. That is the Friday in the evening, sent from "La Touraine" to the "Titanic." May I just read the message as I have it before me? "From 'Touraine' to Captain 'Titanic.' My position, 7 p.m., G.M.T., lat. 49.28, long. 26.28 W. Dense fog since this night. Crossed thick ice-field lat. 44.58, long. 50.40 'Paris'; saw another ice-field and two icebergs lat. 45.20, long. 45.09 'Paris'; saw a derelict 40.56 long. 68.38, 'Paris.' Please give me your position. Best regards and *bon voyage*." That is signed "Caussin." I suppose that is the Captain. And that is acknowledged? - There is one thing I want to ask about that message. You allude to "Paris." Does that "Paris" mean the ship "Paris," or does it mean the longitude given as from the meridian of Paris?

15690. I think, inasmuch as it follows two longitudes, it must mean the longitude of Paris? - That is what I think.

15691. It is evidently the longitude of Paris? - Yes, and that is what we allowed. We had some discussion on board the ship - the Captain, Mr. Wilde, and myself. I forget the difference in longitude between Paris and the British meridian, but we allowed for that.

15692. Do you know what the allowance is? - I do not remember. I believe it is something like 54 minutes, but I am not sure. You can soon find out from the tables.

15693. That calls it to your mind that that message was received, and you had to make that correction? - Yes.

15694. The only one of those messages which would seem to be material, as I make it out, is the first one which says, "Crossed thick ice-field, latitude 44° 58, longitude 50° 40, Paris? - Yes, if you look at your chart you will find that position is on the outward bound tracks ships follow between August and January which is right directly across the banks.

15695. I agree. It is just underneath the words "Great Bank of Newfoundland," is it not? - No, it is above that word. All these positions were away to the northward and by dotting them down from the derelict which was the first to be reported, the westernmost report, and dotting all the positions he gave - he gave some icebergs beside field ice I believe - it showed he had taken the northerly track, and it was not worth considering, although I put it on the chart.

15696. You worked it out and found those right to the northward? - Yes.

15697. I am going to take the next one as I have it in order of time. The next one is the

"Caronia," and that is to be found in the evidence of Captain Barr at page 273. It is question 12307. Will you listen to the message and see if that is what you recollect. "Westbound steamers report bergs, growlers, and field ice in 42 N. from 49 to 51 W." The Captain of the "Caronia" says that message was sent to the "Titanic" on the Sunday morning? - Westbound steamers report that?

15698. Yes? - Yes, I seem to recollect that message.

15699. Now you have the chart before you? - Yes.

15700. Let us take the latitude first - latitude 42 N. That is the same latitude as your turning-point, is it not? - Just the same latitude.

15701. What I mean is that the turning-point marked on the chart, not the place where you turned, but the turning-point on the chart is 42 N.? - Yes. I understood you to mean that. It is 42 N.

15701a. I do not know whether your Lordship has marked on your chart the 49 to 51 W.

The Commissioner: Yes.

15702. (*The Solicitor-General.*) Of course, it is in exactly the same line as regards latitude as the latitude of the turning-point. Is it your recollection that you marked the chart in accordance with the message? - Yes, I fancy so. I am not perfectly sure, but I seem to recognise the "Caronia's" message.

15703. You seem to recognise it? - Yes.

15704. And if you got the message you are sure you marked it? - Yes, I think that I should put that on the chart.

15705. That is the second one. I am taking them in order of time. That you notice is sent at 9 o'clock in the morning, and there is a reply at 9.44 a.m., the "Caronia's" ship time; so that at any rate it is in the morning sometime? - Yes.

15706. I am going to take the next one in order of time, as far as I have a record of it. The next one I have a record of - we are going to call the Marconi gentleman about it - is a message from a ship called the "Amerika." May I just read it? "Amerika Office. 14th April, 1912. Time sent 11.45 a.m." That is, of course, New York time. It is actually sent to the Hydrographic Office, Washington, and this is the message: "Amerika' passed two large icebergs in 41° 27' N., 50° 8' W., on the 14th of April." Our information is - a gentleman from the Marconi Company will come and prove what they know about it - that that message would go through the "Titanic" to the Hydrographic Office. That message, sent from the "Amerika" to the Hydrographic Office would be sent through the "Titanic." Of course, this gentleman does not remember that? - I do not remember that message at all.

15707. The latitude and longitude is 41° 27' N. by 50° 8' W. I do not know whether your Lordship's calculation is the same as mine. As I make it out on the chart before me, that point lies just above the first "u" in the word "August" on that dotted line, "icebergs had been seen within this line in July and August." It is south of the place of the disaster. (*To the Witness.*) Would you like to have a pair of dividers? - Yes, please. (*The same were handed to the Witness.*)

The Commissioner: I am informed that it would be slightly north of the top of the first U.

15708. (*The Solicitor-General.*) That is just what I mean, slightly north of the top of the first "u" in the word "August"? - Yes.

15709. That is right, is it not? - Yes.

15710. As far as your memory serves you. I understand that message was not brought to your notice? - I never heard anything about it.

15711. I have not proved that it got to the "Titanic"; I am only telling the Court what I am informed. That, your Lordship sees, is 11.45. Now I will take the next one that comes from the "Baltic." The "Baltic" says that the message was sent and acknowledged by the "Titanic" at 1

p.m., to this effect, that a number of steamships have passed ice and bergs in positions varying from 49° 9' W. longitude to 50° 20' W. longitude on the outward southern track. You have the outward southern track before you as marked on the chart? - Yes.

15712. That is to say, after the corner as it were. Will you mark on that approximately 49° 9' W. longitude to 50° 20' W. longitude? - Yes.

15713. Now, just observe. Take the second of those longitudes. You know the longitude of the "Titanic" when she struck was, according to your calculation, 50° 14' W.? - Yes.

15714. That is within six minutes of the same longitude? - Yes.

15715. Now, have you any recollection of that message from the "Baltic" at one o'clock on the Sunday? - No, I have not.

15716. Or of plotting out any icebergs on the southern track? - No; all the ice I remember plotting out was to the northward of the track. If it had been on the track or to the southward I should have seen fit then to call the Captain's special attention to it at the time I put it on. But I just merely remarked to him that I had put down the ice we had had reported; whenever I did put it on the chart, I remarked to him that I had done so. But if it had been so close to the track as that I should have thought it an immediate danger to the ship. I should have pointed it out specially to him, and I never had reason to do that.

15717. Supposing that message from the "Baltic" was received and it had reference to icebergs on the southern track, your ship was only just a little to the south of that? - Yes.

15718. And are you clear that, as far as you are concerned, your attention was not called to any messages about icebergs on the southern track in that neighbourhood? - No, I do not remember anything about any ice on the track. I do not recognise that message either.

15719. You said if it had been so you would have called the Captain's special attention to it. I want to follow what the method is. Would the Captain get the message and ask you to plot it out, or would you get the message and tell the Captain when you had plotted it out? - On one or two occasions, as to anything to be plotted on the chart, he has just left it there with a note for me, or left it in the hands of some one else to give to me to put down on the chart. I have never seen fit to go and find the Captain and tell him I had done it. I took the first opportunity I had of seeing him to tell him I had carried out his instructions.

15720. You are the Fourth Officer? - Yes.

15721. Was it your duty in particular to plot on the chart things of that sort? - No, I do not think so, but I just seemed to be the one that he told to do it each time.

15722. That who told you to do it? - The Captain.

15723. But the Captain could not tell you unless he knew the message was there? - Oh, no, certainly not.

15724. To whom did the message go; how did you get your orders? - On one occasion I remember he gave something - I do not know whether it was a derelict - there was a message about a tank steamer drifting around on the track, that was it. And he mentioned it to one of the officers and told him to tell me to put its position on the chart.

15725. Suppose that a message came at 1 o'clock in the afternoon of that Sunday to say that icebergs were on the southern track which you were close to, would the news come to you or would it go to the Captain first? - To the Captain.

15726. And then what would he do about it? - I should think he would take it to the Senior Officer, or probably the Captain would put it on the chart himself.

15727. At any rate, you know nothing about this message at 1 o'clock? - No, and I was not on deck at 1 o'clock either.

15728. The next one in order of time is from the "Californian," and your Lordship will find that at page 201 of the shorthand notes the questions running from 8939 down to 8947. The

actual message is 8943, and the "Titanic" when it was offered the message said that it had overheard it. (*To the Witness.*) Perhaps you will kindly plot it for me? - Yes.

15729. The message was, they said they were in latitude 42° 3' N. and in longitude 49° 9' W., and there were three large bergs five miles to the southward of them. What change will you have to make in 42° 3' N. to get five miles to the south? - I should think 42° N. would be near enough.

15730. Let us take it? - It is near enough for this small scale chart.

15731. Take it, if you will, latitude 42° N. and longitude 49° 9' W. I am going to ask the Court to look at your calculation to see if it is what they understand. You have been good enough to mark on that chart the place of ice as indicated by the "Caronia," the "Amerika," the "Baltic," and the "Californian"? - I have got the "Amerika," the "Californian" and the "Baltic." I did not put down the "Caronia."

15732. The "Caronia," as we know, is 49° to 51°? - Yes, and 42° N.

15733. Now have you any recollection of the "Californian" message reaching you or being plotted? - No, I have not.

15734. That message, as we see from the evidence, was sent at 7.30 "Californian" ship's time, and the "Californian" on any view was not very far from you. You were on duty from eight till twelve. As far as you know until I called your attention to it, had you ever plotted that message on any chart? - No.

15735. Now that is not the last. I came to another which the Court has not heard of yet. It is a message that was sent from the "Mesaba" to the "Titanic" and all east-bound ships.

The Commissioner: East-bound ships?

The Solicitor-General: It was sent to the "Titanic," and it was sent to east-bound ships, and according to the information we have from the Marconi people it was acknowledged by the "Titanic." Of course, that I shall have to prove. This is the message: "Ice report. In lat. 42 N. to 41.25 N. long. 49 W. to long. 50.30 W. Saw much heavy pack ice, and great number large icebergs, also field ice. Weather good, clear."

The Commissioner: When is that?

The Solicitor-General: That is sent at 7.50 p.m., New York time, and if one allows for the difference of two hours - one hour and fifty-five minutes, we were told - that would bring it practically to a quarter to ten that night, about two hours before the accident.

15736. Would you like to have some parallels? - Yes.

(*The same are handed to the Witness.*)

15737. The message gives you an oblong, a parallelogram, does it not? I want you to make the parallelogram? - From 42 north and 49 west to 41.25 and 50.30.

The Commissioner: Am I right in supposing - I have not heard of this message at all - that she was running to a place which was bounded by icebergs on the north and the south. Is that so?

15738. (*The Solicitor-General.*) According to this message it is. I do not know if I might show you and ask your Lordship's Assessors to see it, but I have marked the oblong on that plan and hatched it in pencil. (*Showing to his Lordship.*) (*To the Witness.*) Have you got the mark there? - I have only the two positions from the "Mesaba," the one position 42 north and 49 west, and the other position, "Mesaba," 41.27 north and 50.30 west.

15739. Let me read it again. The message really gives you, as I understand, an oblong, a parallelogram: "In latitude 42 north to 41.25 north" - in two lines like that (*showing.*); "and longitude 49 west to 50.30 west." The message mentions ice there. That means that you want to make an oblong on your chart, does it not? May I show you mine for a moment, because I am anxious to be sure that you do it right. (*Showing chart to Witness.*) I have given you my chart, and I want you to check it. You notice I have made an oblong on the chart, and I have sketched it in with pencil? - Yes.

15740. Just check it and see if I am not right, that that oblong is latitude 42 N. to 41.25 N., and longitude 49 W. to 50.3 W.? - Yes; that is about right.

15741. In that space the message is "Saw much heavy pack ice and great number large icebergs, also field ice"? - Yes.

15742. Is the space that was referred to by the "Baltic" within that oblong - the southern track between the two longitudes? - What are the two longitudes again?

15743. 49.9 to 50.20? - Yes, that is inside.

15744. The "Baltic's" position is inside that oblong? - Yes.

15745. Is the position that is indicated by the "Caronia," a position that is inside that oblong? - Yes.

15746. Is the position that is indicated by the "Amerika" inside that oblong? - Yes, it is.

15747. Is the position that is indicated by the "Californian" inside that oblong? - Yes.

15748. And is the space where the disaster happened inside that oblong? - Yes.

15749. (*The Commissioner.*) Then to sum it up, if these messages were received and were in the terms that have been stated by the Solicitor-General, this steamer was steaming a course through an oblong space, having received warning that there were icebergs on the north of her and icebergs on the south of her? - Yes, you are quite right in saying that the steamer sunk in that position. She sunk in that position.

15750. But she steamed through it did not she for some time, until she met with her doom? - Yes, she must have done.

15751. Of course, the whole thing is assumption at present, because we have not had some of these messages proved, but can you give me any explanation of why such navigation should exist? - I do not think for a moment that we had those messages, my Lord.

15752. I am asking you to assume that you did. I said that they have not been proved yet, but we are told they are going to be proved. Assuming that they are proved can you explain how the "Titanic" was allowed to find her way into such a region? - No, Sir, I cannot.

The Commissioner: There are one or two other questions I want to ask you. I do not think, Sir John, the witness had better leave, because we may want him again after you have proved the messages to which you have referred.

The Solicitor-General: Yes, my Lord. As regards two of them Mr. Boxhall has a recollection.

15753. (*The Commissioner.*) They are proved sufficiently already, but there are others about which he knows something. (*To the Witness.*) There are two or three questions I wanted to ask you, not on this point at all but on another point. You remember telling us that you first went down after the collision to F deck? - Yes.

15754. Did you when you went down to F deck get to bulkheads C and D - you had better look at the plan. You see the bulkheads marked there do not you? - Yes, I see them marked. Yes, I think I did, Sir.

15755. And when you got there you saw no damage? - No, Sir.

15756. There are doors in those bulkheads C and D? - Yes, Sir, on the port side.

15757. Can you tell us whether those doors were closed? - Not then, my Lord.

15758. Not when you were there? - No, that is shortly after the collision.

15759. They were not closed? - No.

15760. You say they were not closed then? Were they closed later on? - That I cannot say. I was not down below later on.

15761. Then you have told us all about that. Is there a door at the forward end of the starboard alleyway? - Yes, on E deck.

15762. Is that a watertight door? - I did not stop to look, but the thing was closed against me. I think it is a watertight door myself. I presume so.

15763. But you do not know? - No.

The Commissioner: I daresay, Sir Robert, someone can tell us whether that door is a watertight door. Can you tell us what it is? It is a door at the forward end of the starboard alleyway on E deck.

Sir Robert Finlay: No, my Lord, it is an iron door, not watertight. Perhaps your Lordship would show Mr. Wordingham the particular door referred to on the plan so that there may be no mistake about it.

15764. (*The Commissioner.*) Certainly. (*Mr. Wordingham looked at the plan.*) We are told it is not a watertight door. (*To the Witness.*) Did you go into the space between bulkheads C and D on F deck? - I am not certain about that, my Lord.

15765. At all events, you saw no water between D and C? - I saw no damage whatever, and no water either.

15766. Are we to understand from that that when you went on to F deck on this occasion you saw no damage of any kind? - No damage whatever, and I went right to the ship's side - to the thwartship alleyways leading out to the ship's side.

(The Witness withdrew.)

HAROLD GODFREY LOWE, Sworn.

Examined by Mr. ROWLATT.

15767. Harold Godfrey Lowe, is that your name? - Yes.

15768. Were you the Fifth Officer on the "Titanic"? - I had that honour.

15769. You have a Master's certificate of competency? - I have.

15770. I think you joined at Belfast, did you not? - I did.

15771. Was it your duty to look at the boats at Belfast and see that they were all there, and so on? - I was instructed by Mr. Murdoch, the then Chief Officer of the ship, to do so.

15772. Did you do it? - I did.

15773. You went through the boats and their equipment at Belfast? - Yes, I, in company with Mr. Moody went.

15774. He was lost? - We went through the starboard boats.

15775. Not the port side boats? - Not the port side boats.

15776. Did anybody go through the port side boats? - Mr. Boxhall and Mr. Pitman went through the port boats.

15777. I will not ask you in detail about that, but you sailed on the voyage. What was your watch on the Sunday of the accident? - My watch was the afternoon watch from 12 to 4 and from 6 to 8 in the evening.

15778. When did you go on again after that? - At midnight.

15779. You were on duty from 6 to 8? - I was.

15780. Did you hear anything about any messages about ice? - There was a chit on the chart room table with the word "ice" on.

15781. You mean a little piece of paper with "ice" written on it? - A square chit of paper about 3 x 3.

15782. On the chart room table? - On our chart room table.

15783. What is that - "Our chart room table"? - The officers chart room table, and the word "ice" was written on top and then a position underneath.

15784. Can you remember what the position was? - I cannot.

15785. Is that all that was brought to your attention about ice that day? - That is all.

15786. Did you hear of Marconigrams coming about ice? - That was the only information I saw regarding ice.

15787. That is all you have to say about your knowledge of ice on board the ship on that day? - Yes, that is all I know about it.

15788. You went off watch at 8 o'clock? - Yes.

15789. Did you turn in? - I went to bed.

15790. Were you asleep at the time of the collision? - I was.

15791. Just tell us what woke you up? - I was half awakened by hearing voices in our quarters, because it is an unusual thing, and it woke me up. I suppose I lay down there for a little while until I fully realised, and then I jumped out of bed and opened my door a bit and looked out, and I saw ladies in our quarters with lifebelts on.

15792. When you first looked out people had got their lifebelts on? - They had.

15793. Do you know the time? - I do not. I have not the remotest idea of the time right throughout.

15794. Were the boats being attended to? - As soon as I looked out through the door I jumped back and got dressed and went out on deck, and the boats were being cleared.

15795. (*The Commissioner.*) The boats had been cleared did you say? - The boats were being cleared.

15796. (*Mr. Rowlatt.*) Did you go to the starboard side first? - I had to go round the port side first, that is on my way to the starboard.

15797. As you were round the port side, the boats there were being cleared, were they? - Yes.

15798. Did you take any part in clearing the boats there or have anything to do in connection with them on the port side? - No.

15799. You got to the starboard side? - I got to the starboard side.

15800. What boat did you get to? - The first boat I went to was No. 7.

15801. That would be the aftermost one upon the starboard side? - No; that would be the after boat of the forward section.

15802. You came round behind the deck-house? - No, I came round abaft the second funnel.

15803. Was that the boat to which you belonged? - No.

15804. What was the boat to which you belonged? - I do not know.

15805. (*The Commissioner.*) Why do not you know? - I do not know why, but I do not.

15806. Was it your business to find out? - I suppose it was.

15807. And you did not do it? - No, Sir.

15808. (*Mr. Rowlatt.*) Why did you go round to No. 7? - Because the people were there.

15809. What was being done at No. 7? - Loading it with women and children.

15810. Did you assist there? - I did.

15811. Did you see that boat lowered? - I did; I assisted in lowering it.

15812. Then did you go to No. 5? - I went to No. 5.

15813. Did you see that lowered? - I did.

15814. Did you assist? - I did.

15815. When you say you assisted, did you take charge of the operations? - I assisted; that is to say, Mr. Murdoch was superintending.

15816. Mr. Murdoch was there? - Yes.

15817. Then was No. 5 lowered after No. 7? - No. 5 was lowered after No. 7.

15818. Did you then go to No. 3? - I then went to No. 3.

15819. Was that lowered? - That was lowered.

15820. And did you then go to the emergency boat? - I went to No. 1, the emergency boat.

15821. Was that lowered? - Yes.
15822. When your boat was lowered that lot of boats were finished with. Did you notice any list? - No.
15823. Was the vessel down by the head? - Yes.
15824. You noticed that? - Yes, of course I did. I noticed that as soon as I got up.
15825. Did you look for any lights at this time at all? - As I was getting the emergency boat ready, No. 1, Mr. Boxhall was firing the detonators, the distress signals, and somebody mentioned something about a ship on the port bow, and I glanced over in that direction casually and I saw a steamer there.
15826. What did you see of her? - I saw her two masthead and her red sidelights.
15827. That accounts for all these four boats? - Yes, the forward section.
15828. Where did you go then? - I then went to No. 14.
15829. That is right aft on the other side, is it not? - That would be the second forward boat of the after section, and the second boat from aft of the after section.
15830. Why did you go to her in particular? - Because they seemed to be busy there.
15831. Did you go to assist there? - I did.
15832. Who was in charge there? - I do not know who was in charge there. I finished up loading No. 14, and Mr. Moody was finishing up loading No. 16? - Yes.
15833. You were loading No. 14 and he was loading No. 16? - Yes.
15834. Did you see anything about No. 12? - No. 12 would be the forward boat - the boat next to me forward? - Yes.
15835. Yes? - Numbers 12, 14 and 16 went down pretty much at the same time.
15836. You went in No. 14, did not you? - Yes.
15837. Did you go by anybody's orders? - I did not. I saw five boats go away without an officer, and I told Mr. Moody on my own that I had seen five boats go away, and an officer ought to go in one of these boats. I asked him who it was to be - him or I - and he told me, "You go; I will get in another boat."
15838. I forget where he comes in order of seniority; is he senior to you or junior to you? - No, he was junior.
15839. Were you lowered in that boat? - I was lowered in No. 14.
15840. I want to ask you a little about that. Was there any difficulty in lowering when you got near the water? - Yes, I slipped her.
15841. Did the falls go wrong? - Something got wrong and I slipped her.
15842. That means to say, you threw off the lever when you were some way from the water? - I should say I dropped her about 5 feet.
15843. Your Lordship remembers that Scarrott told us about that. Was that because the falls -? - That was because I was not going to wait and chance being dipped down by the stern by anybody on top, so I thought it was best for me to drop, and know what I was doing.
15844. No doubt you dealt with the situation quite rightly, but I want to know what caused the situation. Was it because the rope would not run any further? - I do not know, because, you must understand that the lowering away was being carried out on deck, and I must have been about 64 feet below that deck, and I could not see it.
15845. Did you look up? - Yes.
15846. Could you tell me why you were not being lowered further? - No.
15847. You could not? - No.
15848. One of the men in your boat has given evidence, and he says he looked up and saw the rope of the falls twisted? - No; I looked up and I could not see anything.
15849. Just let me ask you this, because it is fair to ask you it. Could they twist? - I suppose

they could.

15850. Can the blocks revolve at the top? - Oh, yes, the blocks are movable in the davits; they are swivelled; both are swivelled, the top and bottom blocks.

15851. Then you got to the water and you slipped her, as you say? - Yes.

15852. Did you take command of the boat? - Yes.

15853. What did you do with her? - I took, I think it was, No. 12 to a distance of about 150 yards from the ship, and told him to stay there until I gave him orders to go away or any other orders. I then came back to the ship and escorted another boat, and so on, until I had five boats there.

15854. You gathered five boats together? - Yes.

15855. There is just another thing I want to ask you. Did you use a revolver at all? - I did.

15856. How was that? - It was because while I was on the boat deck just as they had started to lower, two men jumped into my boat. I chased one out and to avoid another occurrence of that sort I fired my revolver as I was going down each deck, because the boat would not stand a sudden jerk. She was loaded already I suppose with about 64 people on her, and she would not stand any more.

15857. You were afraid of the effect of any person jumping in the boat through the air? - Certainly, I was.

15858. In your judgment had she enough in her to lower safely? - She had too many in her as far as that goes. I was taking risks.

15859. You say you collected these four boats together at a distance of about 150 yards? - Yes.

15860. Can you judge how long that was before the ship went down? - I have not the remotest idea of time from the time she went down until we boarded the "Carpathia." All I know is that when we boarded the "Carpathia" in the morning it was six o'clock, and that is the only time I know of.

15861. You could not give me any idea? - I could not; it is no good my trying.

15862. What did you do after you got the four boats out there? - I tied them together in a string, and made them step their masts.

15863. What was that for? - In case it came on to blow, and then they would be ready.

15864. Did you transfer any of your passengers? - Yes, I transferred all of them.

15865. Among the other boats? - Into the other four boats.

15866. Why did you do that? - So as to have an empty boat to go back.

15867. (*The Commissioner.*) To do what? - To go back to the wreck.

15868. (*Mr. Rowlatt.*) Was that before the "Titanic" foundered or after? - No, that was after she went down.

15869. Having got an empty boat, did you go back to the wreckage? - I did.

15870. Was there much wreckage? - No, very little.

15871. (*The Commissioner.*) Am I to understand that you were alone in the boat? - No.

15872. (*Mr. Rowlatt.*) You were there with your crew? - Yes.

The Commissioner: How many men had you on the boat? - I do not know; I should say seven.

15873. Including yourself? - Yes, I should say six and myself.

15874. (*Mr. Rowlatt.*) Did you row six oars back to the wreck? - No, five oars, I think, and I had a man on the look-out.

15875. I understand what you say is that you got rid of the passengers. You got rid of the people who could not do anything, and went back with a working crew to look for people who were drowning; that is what you mean? - Yes; it would be no good me going back with a load of people.

15876. Certainly; I am not complaining; I am only trying to bring it out in your favour, if I may

say so. You rescued some people, did not you? - I picked up four.

15877. I think one died in the boat, did he not? - One died, a Mr. Hoyte, of New York. [Mr. William F. Hoyt.]

15878. Were they men? - Four men.

15879. Did you see any other people alive? - Not one, or else I should have picked them up.

15880. Did you see bodies? - Yes.

15881. After that did you come across the submerged collapsible of which we have heard? - Yes.

15882. It was you who took the people off that, was it? - I did.

15883. Was it the one with Mr. Lightoller on board? - No, it was not.

15884. Another one? - Another one.

15885. Were there two submerged collapsibles? - I do not know - I did not know at the time, but, of course, I know now. The one that I picked up, I reckon, had been pierced, but I do not know. She was right side up and all that.

15886. Was she extended, or whatever you call it, opened out; were the collapsible sides pulled up? - No, the sides had dropped somehow or other.

15887. She was flat? - She was right side up.

15888. Can you give us any idea of who were on board of her - you do not know? - No. I can only give you one, and that was the lady that was on board there.

15889. The lady? - Yes.

15890. Can you tell me how many collapsibles got to the "Carpathia," because we cannot account for the collapsibles? - I abandoned one, and then I towed [Original shows "told."] another one while I was under sail to the "Carpathia"; that is two; then the one that Mr. Lightoller was on, that is three. I do not know where the fourth is.

15891. So far as you know there were only three ever got away from the wreck in any shape? - As far as I know.

Examined by Mr. SCANLAN.

15892. You stated in giving evidence in America that a crowd went down to the gangway doors to get them open, and that you were going to load the boats and take passengers in from these gangway doors? - I did.

15893. It has come out in the evidence that a number of women and children perished on the "Titanic." I believe that is a fact. May it be that in the expectation of this method being carried out, a number of the women and children were directed down to these gangways? - No, it is not.

15894. Were you giving directions as to the filling of boat No. 1? - I was.

15895. And the lowering of her? - And the lowering of her.

15896. She was loaded with a very small number of passengers - five? - I do not know how many there were. I took everybody that was there; that is all I know.

15897. (*The Commissioner.*) You took what? - I cleared the deck, my Lord.

15898. You mean to say that when you took the people into No. 1 there were no people left on the deck? - There were no people left on the starboard deck.

15899. (*Mr. Scanlan.*) At that time what search did you have made for people - for passengers? - I did not make any search.

15900. You did not, for instance, send over to the port side to find if there were any women or children? - No, because I wanted to get the boats away. I did not have any time to waste.

15901. And you did not send down to any of the lower decks? - There was nobody on the next deck. I stopped the boat there and asked them to look.

15902. Or on any of the lower decks? - I do not know about that. I stopped the lowering of the boat at A deck, and told the men to have a look there, and they saw nobody.

15903. There was no particular reason why that boat should have been lowered with only five passengers? - No particular reason why the boat should be lowered with only five people.

The Commissioner: You are following a bad example, Mr. Scanlan. Instead of asking questions, you are making a statement, and I do not think your statement is in accordance with his evidence.

15904. (*Mr. Scanlan.*) I appreciate the mistake, my Lord. (*To the Witness.*) At the time that boat No. 1 was lowered there were still other boats on the starboard side? - That I am not prepared to answer; I do not know.

15905. I mean boats were lowered after No. 1? - I say I do not know.

Examined by Mr. HARBINSON.

15906. Is it not the function of lifeboats on a steamer, as far as possible, to take away the full complement of passengers? - Yes; but I was working on the idea that the gangway doors were going to be opened and take people from there.

15907. And that was why you lowered the boats from the boat deck when they were not altogether full? - Certainly; we were not going to load the boat with its floating capacity from the davits.

15908. What grounds or evidence had you for the opinion you formed that there were going to be additional people put in the lifeboats from the gangways? - I really forget now. I must have overheard it.

15909. Do you remember whom you overheard saying it? - I do not.

15910. Did you hear any instructions given for these gangways to be opened? - Had I any instructions?

15911. Did you hear any instructions given? - No; but as I say, I overheard a conversation somewhere referring to the gangway doors being opened, and that the boatswain and a crowd of men had been sent down there.

15912. With reference to these boats that were lowered on your side at which you assisted, did you, after they had been lowered, take any means of communicating with those on board in order to have them filled up through the gangways? - Yes. I told them to haul off from the ship's side, but to remain within hail. That is what I told each of them with the exception of the boat that Mr. Pitman went in.

15913. What I want to get at is this: You having formed the impression that the boats were going to be filled to their full complement from the gangways, did you take any steps to have the gangway doors opened or in any way to have passengers brought to the gangways? - Haven't I told you that the order had been given to open the gangway doors by somebody else?

15914. Were there people collected, do you know, at the gangway doors that had been opened? - I do not, because that was in the hands of the Senior Officers, and I was a junior.

15915. Beyond lowering these boats and forming that impression, you did nothing to open up communication with the gangways and have the people brought there and lowered into these boats? - No, I did not.

15916. You just mentioned one fact that I would like to put to you. You say you saw five boats go away without an officer? - I did.

15917. Were there any officers there to take control of the boats? - How do you mean, were there any officers there?

15918. Why did these five boats go away without an officer? - Because I suppose the officers

were busy working elsewhere.

15919. In your opinion would it have been better organisation if on this occasion there had been more officers on board to look after the boats? - No.

15920. Do you think that more officers on the "Titanic" would have been necessary? - No.

15921. Why not? - For the simple reason that men, as long as there is somebody to look after a bunch of them, are all right.

15922. Do you think it was a proper system of organisation that would allow five boats to be lowered without any officer in control? - Certainly.

15923. You do? - Yes.

15924. Who was in control of each of those five boats? - I do not know who was in control of them.

15925. Do you know if anybody was in control? - Certainly; there were men in charge of them.

15926. But did not you tell the Court that it was because you saw five boats go away without an officer that you and Mr. Moody got into two of them? - Mr. Moody got into a boat?

Mr. Laing: Moody was drowned.

15927. (*Mr. Harbinson.*) You got into one and somebody else got into the other? - I got into No. 14.

15928. Did not you say that it was because these five boats went without an officer that you got in? - Yes.

15929. Therefore you thought it desirable that an officer should be in them? - Not an officer in each boat.

15930. But that an officer should be there in control. So far as you saw did it take a fairly considerable time to launch these boats? - No.

Mr. Harbinson: How long did it take?

The Commissioner: That question is of no use as far as I am concerned, because I do not know what you mean.

Mr. Harbinson: The position I wish to lead up to is if he considers there were sufficient seamen there to secure the efficient launching and manning of the boats.

The Commissioner: He has told us he can say nothing about the time, and then you put a question to him which contains the expression "a considerable time." I do not understand that. I do not know whether it is an hour or five minutes or twenty minutes or five minutes. I do not know what you mean by "a considerable time."

Mr. Harbinson: Yes, my Lord, I understand.

The Commissioner: You can put it right by stating a time, and then I shall understand it.

15931. (*Mr. Harbinson.*) Did it take half an hour to launch these boats? - I do not know. It was not the launching of the boats that took the time. We got the whole boat out and in the water in less than ten minutes. It was getting the people together that took the time.

15932. Did you hear any orders given to the people brought up to the boat deck? - Yes. I forget now who I heard, but I heard the order given anyhow; "Everybody on the boat deck."

15933. Do you think there were sufficient seamen on board the "Titanic" adequately to carry out the operation of launching the boats? - Certainly, they did so.

15934. Did they do it? - Yes.

15935. Did they take what you consider a normal time or an abnormal time to do it? - It depends upon what you mean by "an abnormal time," less time or more time?

15936. Do you think it would have been done quicker if there had been more men? - No. The thing was done as I do not suppose any other ship could do it.

15937. In the same time? - No ship could have done it in better time, and better in all respects - in every respect.

15938. How do you account for it that when you went back you were only able to pick up four people? - I do not know.

15939. What distance were you from the place where the "Titanic" had sunk when you returned? - What is that?

15940. When you began to return with your empty boat how far had you to row to the place? - About 150 yards.

15941. Only 150 yards? - Yes; I stated before 150 yards.

15942. And there were five of you rowing? - Yes, five I think, and there was one on the look-out, and myself steering.

15943. Did you return to the wreckage immediately after the "Titanic" had disappeared? - I did not.

15944. Had you any reason for not doing so? - I had.

15945. Would you mind telling me what it was? - Because it would have been suicide to go back there until the people had thinned out.

15946. Your boat at that time was empty except for the crew? - It was.

15947. And it was one of the ordinary lifeboats, with the gunwale a considerable distance above the water? - Yes.

15948. I put it to you, as an experienced seaman, would not it be impossible for people who were struggling in the water to get into the boat without the assistance of those who were in the boat? - No, it would not.

15949. They could not get in without help? - Yes.

15950. Therefore if you had gone back to where the "Titanic" had sunk, it would have been impossible for these people who were floating about to have swamped your boat, because you could have detached them? Is not that so? - How could you detach them?

15951. How could they get into the boat without you helped them in? - Could not a man hold his weight on the side like that (*showing*) without help from me?

15952. Is not the gunwale three or four feet above the level of the water? - No, the boat only stands up like that (*showing*).

15953. About what height would the gunwale of the boat be above the water? - There are lifelines round the lifeboat too and they could get hold of those and hang on the rail.

15954. Do not you think it would have been possible for the crew of your boat to have got a considerable number of people out of the water? - No, it would have been useless to try it, because a drowning man clings at anything.

Examined by Mr. HOLMES.

15955. Is it a fact that the same falls that lower No. 1 boat are also required to lower the collapsible boat underneath it? - Yes.

15956. And that would be an additional reason for wanting to get No. 1 into the water as quickly as possible? - Yes, it would be.

15957. Did you know Sir Cosmo and Lady Duff-Gordon by sight? - I did not. I did not know a soul on board.

15958. Did you ever say to Lady Duff-Gordon, "Come along, Lady Duff-Gordon"? - I said nothing to her. I simply bundled her into the boat.

15959. I think after you had got rid of your passengers and went back with the crew you spent a considerable time in rescuing one man from some wreckage? - Yes, it was rather awkward to get in amongst it, because you could not row, because of the bodies. You had to push your way through.

15960. And that would account, perhaps, for the time you took to take one man off? - Certainly it would.

15961. Did the wind get up after that? - Yes, a breeze sprang up then.

15962. Did you put up your sail? - Yes.

15963. Did you keep your sail up and tow the other boat while you were sailing? - I kept the sail up from then until I got alongside the "Carpathia," and towed the collapsible and picked up the other collapsible - the sinking one.

15964. Have you any suggestion to make as to the sail that you had in the boat? Was it a suitable sail for the occasion? - The sail might be improved.

The Commissioner: What is the meaning of that? Was there ever a time when you used the sail?

Mr. Holmes: He did, in fact, use the sail.

15965. (*The Commissioner.*) When did you use the sail? - I used the sail from the time I got to the wreck until I got on board the "Carpathia."

15966. Then you were using it for several hours? - I do not know about several hours. I suppose it was about 2 1/2 hours.

15967. (*Mr. Holmes.*) What is your suggestion? - That they be made without a dipping tack - that the tack be lashed abaft the mast, the same as ordinary lugsails.

15968. Did you find it difficult to manoeuvre it with passengers in your boat? - Besides that you want a man that knows something about dipping tack. You have to lower the sail and slacken the sheet before you can dip it.

15969. Can you tell us the last you saw of Mr. Moody on the "Titanic"? - When I had that conversation with him. That is the last I saw of him.

15970. Did you see whether he actually got into any other boat? - No, I did not.

15971. You are one of the junior officers to whom the two-watch system applies? - Yes.

15972. Does that mean that you never have more than a period of four hours on a stretch off watch? - Yes.

15973. Do you consider that is satisfactory, or do you think that the three-watch system should be applied to the junior officers as well as to the senior officers? - Of course, three watches would be far better.

15974. Do you think you would be better able to perform your duties? - Oh, no, I do not know about performing your duties, but we would have more time to ourselves, naturally.

Examined by Mr. COTTER.

15975. Do you remember being at No. 5 boat with Mr. Murdoch? - Yes.

15976. Do you remember meeting a gentleman there who was interfering with the work? - Yes.

15977. Who was it? - I afterwards learned it was Mr. Bruce Ismay.

15978. What did he say to you or say to anybody; was he giving orders? - No, he was trying all in his power to help the work, and he was getting a little bit excited.

15979. What was he doing to help the work? - He was going like this, "Lower away, lower away" (*showing*).

Mr. Cotter: Do you consider any passenger on board a ship has a right to go to the officers and give orders of that description to "lower away"?

The Commissioner: You must not ask him that question. What he considers a passenger has a right to do has nothing to do with it.

15980. (*Mr. Cotter.*) What did you say to Mr. Ismay? - I think you know.

15981. Did you see Mr. Ismay go into any boat? - No. I told him what I said, and I told the men to go ahead clearing No. 3 boat, and Mr. Ismay went there and helped them.

15982. You did not see him go into a boat afterwards? - No.

Examined by Sir ROBERT FINLAY.

15983. Did Mr. Ismay do all he could to help? - He did everything in his power to help.

15984. You saw this chit, the note about the ice on the table? - Yes.

15985. Did you work it out? - I worked it out roughly.

15986. You were on watch 6 to 8? - Yes. I ran this position through my mind, and worked it out mentally, and found that the ship would not be within the ice region during my watch, that is, from six to eight.

15987. You do not recollect what the figures were? - I do not.

15988. But that was the result you arrived at? - That was the result I arrived at.

15989. You have told us about your firing a revolver in consequence of two men trying to jump in? - Yes.

15990. Who were they? - One was - I do not know whether he was an Italian or what, but he was of the Latin races anyhow?

15991. And who was the other? - I do not know who the other was. He managed to get out of the road.

15992. What was he like; was he fair or dark? - I do not know. If I had I should have chased him out.

15993. You have told us how you tied the boats under your command together and went back with your boat with only the crew to help? - Yes.

15994. Did you approach as soon as you thought you could do so with reasonable safety? - I did. I had to wait until I could be of some use. It was no good going back there to be swamped.

15995. And you saved some. Then coming back you were under sail, if I rightly understand? - I was.

15996. And you took your own collapsible in tow? - That was the collapsible that I had in the string of boats, yes.

15997. And then you met another collapsible? - I did not meet her. It was a good way off and I sailed down to her.

15998. I want you to tell me a little particularly about that collapsible. How many people were on her? - I do not know. I do not want to appear sarcastic, or anything like that, but you do not count people in a case like this. I should say, roughly, about twenty men and one woman.

15999. And you took them off her? - Yes.

16000. She was in a bad way rather? - Yes.

16001. Did you leave anyone on that collapsible? - I did. I left three bodies.

16002. Are you certain that the three bodies that you left were the bodies of dead people? - Absolutely certain.

16003. Did you satisfy yourself about that? - I made the men on that collapsible turn those bodies over before I took them into my boat. I said, "Before you come on board here you turn those bodies over and make sure they are dead," and they did so.

16004. Is there the slightest doubt in your own mind that they were dead? - Not the slightest doubt.

16005. When you were on the "Titanic" did you get the revolutions? - I did.

16006. What was the highest? - The highest I remember was 75 revolutions per minute.

16007. That was on the 14th April, was it? - I do not know that it was on the 14th; it may have

been at any time as far as I know; but that is as far as I remember. Seventy-five was the highest revolutions.

16008. On the voyage? - Yes.

16009. (*The Commissioner.*) Do you see any reason why the lifeboats should not have been lowered full of people? - Yes, I do.

16010. Did you see any one of them lowered full of people - I mean with about 60 in the boat? - No, sir, I could not say that I did.

16011. What in your opinion is the reason why the boat should not be lowered full of people? - The reason, my Lord, is that the boat is suspended from both ends, and all the weight is in the middle, and that being so the boat is apt to buckle, that is, break in the middle, and both ends buckle up like that (*Showing.*) and shoot the whole lot out of her.

16012. At all events you would not think it safe to do it? - No.

16013. How many were in your boat when it was lowered? - I mustered them when I got away from the ship and there were 58 passengers - that would be 65 altogether.

16014. That was lowered without buckling? - Yes, but I said I was taking on risks, Sir.

16015. Did you see the "Titanic" sink? - I did.

16016. Can you tell me anything about this righting of the afterend of the vessel; did you see that? - No, I did not see her right at all - you mean to say that she evened up on her keel?

16017. Yes, the afterpart of her? - No, my Lord, I did not.

16018. Did you see her actually go down? - I did.

16019. If she had righted herself in that way would you have seen it? - Yes, because I was within 150 yards of her. (Q.) And you did not see that? - (A.) I did not.

(The Witness withdrew.)

The Commissioner: Have you finished the officers now?

The Solicitor-General: Yes, my Lord. What we want to do next is to give the evidence about the wireless messages, which will involve the calling of the gentleman from the Marconi Company, who has got the *proces verbal*, and will also, of course, involve the calling of Bride, the assistant operator on the "Titanic," who was saved; and I shall be able, as I am informed, to prove those messages which I put to the last witness but one.

The Commissioner: I should think, Sir John, that that need not take very long; I mean to say, it is evidence about which you can lead the witnesses, and they are witnesses that probably will not require any, what I call, cross-examination. There will be no dispute about their evidence.

The Solicitor-General: What I am proposing to do now - and I think it will probably help Sir Robert Finlay if it was done promptly - is to put in the box the gentleman from the Marconi Company, and show how I prove these messages that I put to the officer; and then, if there is any challenge about it, probably during the adjournment any further checking that is necessary can be done.

The Commissioner: Do you mean to say you want to call him now?

The Solicitor-General: If your Lordship wishes it I am prepared to do it at once.

The Commissioner: What do you say, Sir Robert?

Sir Robert Finlay: I have no objection if it will save time. I understand my friend's examination will only take a short time.

The Commissioner: It might be convenient that you should examine the witness to-night, and that any cross-examination should stand over until tomorrow.

The Solicitor-General: Of course, my learned friend's clients would wish to satisfy themselves that this series of messages got to their ship, and I want them to know why it is I suggest that

they did get to the ship.

The Commissioner: You had better, perhaps, call him now, and it is possible, after Sir Robert Finlay has heard all they say, he will not consider it necessary to cross-examine. It may be.

Sir Robert Finlay: We will consider that, and if there is any cross-examination it will be deferred until tomorrow morning.

The Solicitor-General: Yes, it may be there are one or two further things that I cannot conveniently get from the witness until tomorrow.

GEORGE ELLIOTT TURNBULL, Sworn.

Examined by the SOLICITOR-GENERAL.

16020. What is your position in The Marconi International Marine Communication Company?
- I am the Deputy-Manager, Sir.

16021. I think that Company has its Head Office here in London? - Yes.

16022. In the Adelphi? - No, in the Strand.

16023. I thought it was Watergate House, York Buildings, Adelphi? - It has just been changed, last week, Sir.

16024. You being the Deputy-Manager, are you the head official in England? - No, Sir. The head official in England is the Managing Director, Mr. Godfrey Isaacs, and the Manager is in America at present. His name is Mr. Bradfield.

16025. Was the wireless installation on the "Titanic" an installation of yours and worked by servants of your Company? - Yes.

16026. Can you tell me, or had I better ask Mr. Bride, what was the radius within which communication could be made by the "Titanic"? - The guaranteed range of the "Titanic" was 350 miles. That range is considerably exceeded in many cases, especially at nighttime, but we always guarantee a very low figure, so that we can cope with work in every circumstance.

16027. 350 miles was the minimum which you had undertaken to provide? - Yes.

16028. Was it new apparatus? - Absolutely new.

16029. And of the latest pattern? - Yes.

16030. As a matter of fact, I am not speaking of the guarantee now, but can you help us as to what its effective radius would be? - We are always very cautious about figures, but I feel certain that the "Titanic" would do 500 miles, and she could receive up to 1,500 miles from high power stations.

16031. When you speak of high-power stations, are those fixed stations on the mainland? - Yes, those are fixed stations.

16032. And you call those high-power stations? - Yes.

16033. Are they able to send a message a greater distance? - Yes.

16034. Does the distance, the range, which can be covered by a message, depend on the strength of the apparatus that sends it, or on the strength of the apparatus that receives it, or both? - It depends on both, but considerably more on the apparatus which sends it.

16035. I think you mentioned - and we have heard it from another witness - that at nighttime apparently the range is greater from a ship like the "Titanic" than in the day? - Yes, considerably greater, anything from two to three times as much.

16036. When you say a 500 miles range do you mean 500 miles in the daytime? - Our guaranteed range of 350 miles is in the daytime, yes.

16037. And you say it is two or three times as great on occasions at night? - Yes, on many

occasions.

16038. On the "Titanic," as we know, you had two operators? - Yes.

16039. Mr. Phillips, who lost his life, and Mr. Bride, who was saved and who is here? - Yes.

16040. Mr. Bride being the assistant of Mr. Phillips? - Yes.

16041. Are they servants of your company? - Yes.

16042. Then of course there must be some arrangement between your company and the White Star Line? - Yes, a very clear arrangement.

16043. We need not, I think, go into that. Is it the practice with ships which have your installation that from time to time the records they have of messages sent and received come back to your office? - It is not only the practice, but it is the absolute rule.

16044. I think you call them *procès-verbal*, do not you? - The operator transcribes everything he does from the beginning of the voyage until the end of a voyage on a *procès-verbal*, and in addition to that he transcribes all messages sent and received upon special sent and received forms which are drawn up for the purpose; so that we have the *procès-verbal*, which is a log of the work done during the voyage, and we have the official records of the telegrams on special forms. These are all returned to the head office when the ship returns to port.

16045-6. That is the regular course of business? - That is the regular course of business.

16047. Had you got in your office, and I think you have brought here, the *procès-verbal* of the "La Touraine" of the 12th April? - Yes, we have an extract from the *procès-verbal*.

16048. The "Caronia" of the 14th? - Yes.

16049. The "Amerika" of the 14th? - Yes, we have; those arrived this morning.

16050. The "Baltic" of the 14th? - Yes.

16051. The "Californian" of the 14th? - Yes.

16052. And the "Mesaba" of the 14th? - Yes, we have. I am not absolutely certain whether we have the "La Touraine" *procès-verbal*.

16053. It does not matter about that because it has been admitted practically? - But we have the official messages, Sir.

16054. Of course the records that were being made on the "Titanic" have all been lost, I presume; you have not any actual record? - No, but we have endeavoured to reconstitute the record of the "Titanic's" communications just as the "Titanic" would have done it herself.

16055. Of course you can do that because there must always be two ends to every message? - Yes, that is so, and several ships have overheard the communications.

The Solicitor-General: I think I will first take the messages from the ships I have mentioned. The first one, the "La Touraine," I do not think there is any dispute about.

The Commissioner: Just read it out. (*To the Witness.*) Are you able to check it when it is read out to you.

The Commissioner: Then read it out and ask him if it is correct.

16056. (*The Solicitor-General.*) Yes. I have it in print before me, and I will read it out to you. "Office sent to M.G.Y. Time sent 7.10 p.m." Is that the one? - Yes.

16057. What does "M.G.Y." mean? - That is the call letters for the "Titanic."

16058. That shows it was sent to the "Titanic"? - Yes.

16059. "No. 1. 'La Touraine' Office. 12 April, 1912. Prefix M.S.G." What does "M.S.G." mean? - That means "Master Service Message," a message which is transmitted on the subject of the navigation of the ship.

16060. A message passing between one master and another? - Yes.

16061. The last letter is "G." "Words 57. From 'Touraine.' To Capt. 'Titanic.' My position 7 p.m. G.M.T." - Greenwich Mean Time - "lat. 49.28 long. 26.28 W. dense fog since this night crossed thick ice-field lat. 44.58 long. 50.40 'Paris' saw another ice-field and two icebergs lat.

45.20 long. 45.09 'Paris' saw a derelict lat. 40.56 long. 68.38 'Paris' please give me your position best regards and *bon voyage*. Caussin"? - Quite correct.

16062. Do I understand rightly that the reference there to "Paris" which follows the longitude means that it is longitude from the meridian of Paris? - Yes.

16063. So a correction would have to be made to get Greenwich? - Yes, of course.

16064. That is the message from the "Touraine" to the "Titanic." Can you find me the message which shows whether or not that was acknowledged by the "Titanic"? - Yes, I have it here.

16065. I am going to read that to you. "Office received from M.G.Y." You told me that means received from the "Titanic." "Time received 7.45 p.m.," on April, 12th. "No. 1 'La Touraine' Office, 12 April, 1912. Prefix M.S.G. Words 26. from 'Titanic.' To Capt. 'La Touraine,' Thanks for your message and information my position. 7 p.m. G. M. T. Lat. 49.45; long. 23.38. W. Greenwich; had fine weather; compliments. - Smith"? - Quite right.

16066. Before we pass from those two there is a reference here to the time, 7.10 p.m. and 7.45 p.m. When the time of the clock is entered on a Marconi message what time does it refer to? - When the ships are west of 40° New York time is kept; when they are east of 40° Greenwich time is kept.

16067. If you take the first of those, the message from the "Touraine," he was not west of 40°, because he was in longitude 26; he was on the European side? - Yes.

16068. When he says "7.10 p.m.," I understand if he is to the east of the 40th meridian that means Greenwich time, does it? - It ought to.

16069. It says so? - I have not checked those differences in time.

16070. It is quite right. He says so. "My position 7 p.m. Greenwich meantime," and in the same way the answer is from the "Titanic" when she is a good deal more easterly, so that that is also Greenwich meantime? - Yes.

16071. Now take the next one, the 'Amerika.' Can you find me a message sent out by the "Amerika" on the morning of the 14th April? It begins: "West-bound steamers report bergs, growlers, and field ice"? - (*After looking.*) No, I have not got that.

16072. I will come back to that, although we have really had this one proved by Captain Barr. But it is convenient to have it on record? - Have you got the time there?

16073. Yes, nine o'clock in the morning of the 14th April. I am taking them in the order of time? - We have not got it here.

The Solicitor-General: The gentleman who is giving his evidence so clearly did not know he was going to be asked this particular question, so that it is not his fault, my Lord. That one has been proved independently, and we can pass from it for the moment, I think. Let me see if I can help you about the next one. The next one in the order of time is the "Amerika."

The Commissioner: That is the German steamer.

16074. (*The Solicitor-General.*) Yes. (*To the Witness.*) Have you the one from the "Amerika"? - Yes, but the "Amerika" did not send this direct to the "Titanic."

16075. I am going to get you to tell me about that. First of all, you have got the message from the "Amerika." To whom is the message addressed? - It is addressed to the Hydrographic Office, Washington, and it is sent through the "Titanic."

The Commissioner: It is sent from the "Titanic," did you say?

16076. (*The Solicitor-General.*) No, my Lord, through the "Titanic." We will show why he says so. (*To the Witness.*) What is the date of it? - 14th April.

16077. And you say it is sent from the "Amerika"? - It is sent from the "Amerika."

16078. I will just read it, and then I am going to ask you why you say it is sent through the "Titanic": "No. 110, 'Amerika' Office, 14th April, 1912. - Prefix M.S.G." That is master navigation message. "Service instructions: Via Cape Race. Office sent to M.G.V."* What does

that mean? - Those are the call letters for one of our ship stations.

16079. "Time sent, 11.45 a.m." Is that right? - Yes, 11.45 a.m.

16080. "To Hydrographic Office, Washington D. C. 'Amerika' passed two large icebergs in 41.27 N., 50.8 W. on the 14th of April. - Knuth." Just explain, will you, why you say that went through the "Titanic"? - The "Amerika" was on her homeward route on that date, and was just about 40° West. The "Titanic" was a little further towards America.

16081. Further west? - Further west, and much nearer the coast stations, the "Amerika" being out of the range of the coast stations and the "Titanic" being within range of the coast stations within a few hours and that was a much more rapid route of transmitting the message.

16082. Could the "Amerika," from its then position have sent that message straight to Cape Race? - Evidently not, otherwise she would not have re-transmitted it.

16083. How do you know she re-transmitted it; what is there to show it? - We have nothing to show. We must await the returns from Cape Race.

16084. We want to be very careful about this. - It was sent to the "Titanic" for re-transmission.

16085. How do you know it was? - Because we have the acknowledgment of the receipt.

16086. That is the answer. Will you read the acknowledgment of the receipt then? - I am sorry; I am unprepared as to that. You will have to give me a little more time.

The Solicitor-General: Then, my Lord, I think it will be more satisfactory to adjourn now.

16087. (*The Commissioner.*) Yes. (*To the Witness.*) And between now and tomorrow morning you will be able, perhaps, to get the papers for us? - Yes, my Lord.

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Thursday, 23rd May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

FOURTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.) MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.) MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.) MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

Sir Robert Finlay: My Lord, I will not interrupt this witness (Turnbull) of course, but by-and-bye I desire permission to recall both Mr. Lightoller and Mr. Boxhall with regard to the question whether these messages were ever transmitted to the Captain or any of the officers on board the "Titanic"?

The Commissioner: Very well, quite right..

Sir Robert Finlay: As far as I recollect, no questions were put to Mr. Lightoller on the subject at all or to Mr. Boxhall, except in re-examination.

The Solicitor-General: I think Sir Robert is right, and I realise, whatever we prove or do not prove with the help of the witness, we do not in any case by this evidence do more than carry messages to the Marconi office on the "Titanic." What happened to them when they got into that office is not a matter which the present witness can tell at all.

The Commissioner: Nor does it matter.

The Solicitor-General: Well, of course, it matters from the point of view of liability, because, of course, the Marconi operator may be regarded as not in the service of the White Star Company; he may not be their servant, your Lordship sees.

The Commissioner: Well, in a sense, he is not.

Sir Robert Finlay: I think, my Lord, in no sense is he in the service of the ship. Of course he is under discipline as everyone on board the ship must be, but he is not in their service; he is the servant of the Marconi Company.

The Commissioner: Still he is there, I suppose, for the very purpose, as a servant of the Marconi Company of communicating to the people in charge of the ship the messages which he gets which would affect the navigation.

Sir Robert Finlay: Yes. I think we should be able without going into detail at the present moment to satisfy your Lordship beyond all doubt that these messages, the "Mesaba" message and the "Amerika" message, were not communicated either to the Commander or to any of the officers on board the "Titanic."

The Commissioner: We need not say anything about it at present; we had better hear the evidence.

GEORGE ELLIOTT TURNBULL, Recalled.

Further examined by the SOLICITOR-GENERAL.

16088. We were asking you about these different messages in order of time, and I think you had given us evidence about the message from the "La Touraine"? - Yes.

We need not go back on that. The next one I wanted some information about was the message from the "Caronia." Your Lordship will remember this is only by way of confirmation, because on page 273 of the Shorthand Notes Captain Barr has already given evidence about it.

Sir Robert Finlay: I do not think there is any dispute as to the "Caronia" message, my Lord.

The Commissioner: No. I thought you could assist me by indicating the messages as we go along with this gentleman the receipt of which you dispute; that is the receipt of which you

dispute so far as the officers were concerned.

Sir Robert Finlay: Exactly, my Lord.

16089. (*The Solicitor-General.*) The only importance, if I may say so, of the "Caronia" message is this, that it gives us an illustration of the system, and therefore enables you to judge whether the evidence in the case of the "Mesaba" proves the point or not. That is the reason I want to call attention to it. I think Sir Robert will see it has a bearing in that way. (*To the Witness.*) Let us see what you know with regard to the "Caronia," supposing we had to rely upon you for evidence. Have you the *procès-verbal* of the "Caronia"? - Yes.

16090. You have told us what that is. Now can you find in the *procès-verbal* of the "Caronia" any entry showing that the "Caronia" sent a message to the "Titanic" on the morning of the 14th April, and the time of it. 7.10 a.m. I think it was? - There was no entry in the *procès-verbal* of the ice message.

16091. But please listen to me for a moment. I am asking you a question. It is quite clear. Have you got in the *procès-verbal* of the "Caronia" any indication of a message being sent to the "Titanic" at 7.10 a.m.? - No, I have not.

16092. (*The Commissioner.*) I should like to see that *procès-verbal* so that I may understand it? - I have it here. I was looking at p.m. "7.10 a.m. sent one to M.G.Y."

16093. (*The Solicitor-General.*) What does "M.G.Y." mean? - The "Titanic."

16094. And 7.10 a.m. is 7.10 a.m. by what time. It is New York time, is it not? - Yes.

16095. So there is a record in the *procès-verbal* of the "Caronia" sending a message to the "Titanic" at that time? - Yes.

16096. Have you a copy of the message? - Yes.

16097. What is the time of it? - 7.10 a.m.

16098. New York time? - New York time.

16099. Just read it out? - "Captain, 'Titanic.' West-bound steamers report bergs, growlers, and field ice in 42 degrees N., from 49 to 51 W. April 12. Compliments. Barr."

The Solicitor-General: Now, my Lord would like to see the *procès-verbal*.

The Commissioner: The date of the message is the 14th.

The Solicitor-General: Yes.

The Commissioner: But the ice has been reported on April 12th.

The Solicitor-General: That is quite right.

The Commissioner: Let me see this *procès-verbal*. It is what I should call a diary.

The Solicitor-General: That is exactly what it is, my Lord.

The Commissioner: A diary kept by the Marconi operator on board the ship.

The Solicitor-General: It is a log really kept in order of time.

(*The procès-verbal was handed to the Commissioner.*)

The Commissioner: I cannot read it very well? - "Sent one to M.G.Y."

16100. Yes. "About 50 words ZZ received." What does that mean? - That is a reference to another piece of work which he had been doing.

16101. (*The Solicitor-General.*) The entry which refers to this is "7.10 a.m., sent one to M.G.Y."? - Yes, and there it concludes.

16102. (*The Commissioner.*) What follows about "50 words ZZ received" has nothing to do with this? - No, nothing.

The Solicitor-General: Your Lordship will see the only message he is there making a note of.

Sir Robert Finlay: May I see it, my Lord?

The Commissioner: Yes.

(*The procès-verbal was handed to the Learned Counsel.*)

16103. (*The Solicitor-General - To the Witness.*) Will you hand the message up to my Lord? -

Yes. (*Handing same.*)

16104. And is that piece of paper which is now in the hands of Lord Mersey the document that you get in the ordinary course from the "Caronia," a copy of what was sent at 7.10? - Yes, or rather that is the original.

16105. That is the original? - Yes.

16106. (*The Commissioner.*) Can you tell me this. Does the Captain of the "Caronia" fill up this form himself and hand it to the Marconi Officer on board his ship? - It is the practice; either the Captain or one of his responsible officers.

The Solicitor-General: Your Lordship will see it is written on a form really like the sort of telegraph forms we are familiar with in Post Offices.

The Commissioner: Yes, of course it is.

16107. (*The Solicitor-General.*) Now have you also got the acknowledgment of the "Titanic" sent back to the "Caronia" of that message? - Yes.

16108. You are holding that in your hand now? - Yes.

16109. Is that also supplied in the ordinary course to your office from the "Caronia"? - Yes.

Sir Robert Finlay: Your Lordship will observe that on this telegram "12th April" appears at the end, that does not appear in the version of the message, I think, given in Captain Barr's evidence.

The Solicitor-General: No, I am very glad we have the original. It is agreed, I think, Sir Robert, that 12th April means that he had seen the ice on 12th April.

Sir Robert Finlay: I think that is what it must mean.

The Solicitor-General: The message is sent on 14th April.

Sir Robert Finlay: Yes.

16110. (*The Solicitor-General.*) Now, will you just read the answer that you have got from the "Caronia" - "Time received 1.26 p.m. Date, April 14th, Captain 'Caronia.' Thanks for message and information. Have had variable weather throughout - Smith."

The Commissioner: Now about that message there is no dispute.

The Solicitor-General: No, my Lord.

The Commissioner: I do not want you to make admissions, Sir Robert, but as far as I know that is so.

Sir Robert Finlay: As far as I am aware, there is no dispute at all about the "Caronia." The only thing is that Captain Barr does not say in the version he gives of the message anything about April 12th.

The Solicitor-General: That only shows it is worthwhile looking at the original.

Sir Robert Finlay: It does. That may be so, but that is the only point in which anything is added to what had, and is not in dispute.

The Commissioner: That may be a point of importance.

16111. (*The Solicitor-General.*) That is the second one your Lordship sees. I went through it in a little detail to show your Lordship the system, because it is by means of that that one judges of the value of the evidence that is coming, as your Lordship will see. (*To the Witness.*) Now may we go to the third one. The third one that I wanted to ask you about is the message from the "Amerika." Is the "Amerika" a German steamer of the Hamburg-Amerika Line? - It is.

Sir Robert Finlay: Your Lordship asked me to say which we admitted being given to the officers. We do not admit this.

16112. (*The Solicitor-General.*) I want to show, my Lord, what the facts are here as far as we know them. We will deal with them in the same order. (*To the Witness.*) First of all have you got the *procès-verbal* of the "Amerika"? - I have.

16113. It is a German ship and the entry is in German? - It is.

16114. Just mark it in the margin and we will hand it up. "Sunday, 14th April, 1912." I think it

is at 11.47? - That is it.

16115. Is that a.m.? - A.m..

16116. New York time? - New York time.

16117. What is the entry in the *procès-verbal*? - The entry is in German "Nr. 5 und 6 zu M.G.Y."

16118. It means No. 5 and 6 to the "Titanic"? - Yes.

16119. And does the number 5 and the No. 6 refer to the numeral on the message? - It does.

16120. And I think No. 5 is the one you are going to call attention to? - Yes.

16121. That in the same way your Lordship sees is the log. (*To the Witness.*) Now have you got the message which is referred to there as No. 5? - We have.

16122. I am going to ask you later how that is, but first of all let us have the message as it is before you. What is the time? - 11.45 in the morning. "To the steamer 'Titanic' M.S.G. via Cape Race to the Hydrographic Office, Washington. "D. S. 'Amerika' passed two large icebergs in 41 deg. 27 min. N., 50 deg. 8 min. W., on the 14th April." Signed, "Knuth."

16123. He is the Captain of the vessel? - Yes.

16124. (*The Commissioner.*) Now read it to me again? - "To the steamer 'Titanic' M.S.G. via Cape Race to the Hydrographic Office, Washington. D S 'Amerika' passed two large icebergs 41 deg. 27 min. N., 50 deg. 8 min. W., on the 14th April." Signed, "Knuth."

16125. It does not say what time? - It does not say what time.

The Commissioner: But it must have been early in the day.

16126. (*The Solicitor-General.*) Yes, my Lord. (*To the Witness.*) Now I want to see what the material is for judging whether that goes through the "Titanic." First of all, is there any number on that to tell you what its number is - the number of the message? - Yes, there is No. 5.

16127. (*The Commissioner.*) What does No. 5 mean? Does it mean the fifth message sent out on that day? - It means the fifth message sent out on that day, yes.

16128. (*The Solicitor-General.*) That corresponds to No. 5 in the *procès-verbal*? - Yes.

16129. The time of the message you say is 11.45? - 11.45 a.m.

16130. And in the *procès-verbal* No. 5 is entered at 11.47? - Yes.

16131. Within two minutes? - Yes.

16132. And it is stated in the *procès-verbal* that No. 5 is sent to the "Titanic"? - Yes.

16133. Is it a common practice in sending messages to a land station or to such a place as this hydrographic office to relay them through another ship? - Very common.

The Commissioner: Explain what you mean.

16134. (*The Solicitor-General - To the Witness.*) Will you explain yourself? - The position of the "Amerika" was such that she was not at that moment within range of a coast station, but she was in communication with another ship which would very shortly be within range of that coast station.

16135. (*The Commissioner.*) It is passed on? - Yes, it is passed on.

16136. The message came to the "Amerika" from Cape Race, but originated in Washington? - No, it originated on the "Amerika," intended for the Hydrographic Office, Washington, via Cape Race; but the "Amerika" was unable to send it.

16137. This was a telegram from the "Amerika" to Washington? - Yes.

16138. Now, how do you say it reaches the "Titanic"? - The "Amerika" desire this message to get by the quickest route to Washington, and the quickest route was via the first coast station which is Cape Race; but the "Amerika" was not at that moment in communication with Cape Race; she was, however, in communication with another ship which happened to be the "Titanic," which would very shortly be within range of Cape Race.

16139. The "Titanic" was in communication or could put herself in communication with Cape

Race? - That is it. Therefore she asked the "Titanic" to relay the message.

Then all this comes to if you have finished with this, is this, that the "Titanic" was used by the Marconi man on board the "Amerika" as a conduit pipe for sending a message to the hydrographic station in Washington.

The Solicitor-General: Your Lordship sees the office wants such message for the sake of steamers.

The Commissioner: Yes.

The Solicitor-General: It is the centre of information, and this is an ice message, sent by a ship which has seen ice in the Atlantic to the American office which distributes news in the Atlantic. That is the point. I am going to ask the witness what the practice is as to this message being taken advantage of by the ships through which it passes.

The Commissioner: I should like to hear it.

The Solicitor-General: I am not going to press it, Sir Robert.

Sir Robert Finlay: I do not know what his means of knowledge are, of course, but we are not before a jury.

16140. (*The Solicitor-General - To the Witness.*) Let me get one further fact of confirmation in order to make sure whether this message was, in fact, sent through the "Titanic." Have you communicated with Cape Race and found out where they got the message from? - I have, I have a cable from them this morning.

16141. In your pocket? - Yes.

16142. What do you find from that? - This is what they say in reply to my question of yesterday.

16143. (*The Commissioner.*) Read your question first? - "Wireless station, Cape Race, Newfoundland. Cable immediately if you received telegram dated 14th April, addressed Hydrographic Office, Washington, from s.s. 'Amerika,' via 'Titanic,' and say whether direct from 'Titanic,' or through other ship. -Expands."

16144. What is the answer? - Then I sent another one a few minutes afterwards. "Re previous telegram, cable verbatim service entries and text message originating steamship 'Amerika,' via 'Titanic.' Cape Race addressed Hydrographic, Washington."

16145. (*The Solicitor-General.*) Now, what is the answer? Both your telegrams are answered in one document, are they? - Yes, they are.

16146. Let me hear what it is? - Expands, London, from Cape Race. Received direct from 'Titanic,' 14th April, steamship 'Amerika,' via 'Titanic' 'Amerika' passed two large icebergs in 41 deg. 27 min. N., and 5 deg. 8 min. W. on the 14th April."

The Commissioner: Very well; that at present satisfies me that this message did reach the Marconi operator on the "Titanic," and was read by him and was transmitted to America, and there it stops.

The Solicitor-General: There it stops, as your Lordship says.

16147. (*Sir Robert Finlay.*) Can you give us the time when that reached Cape Race? - No, they do not state the time.

16148. (*The Commissioner.*) They do state the day? - They do state the day, the 14th of April, and that they received it direct from the "Titanic"; so it may be assumed that it was received immediately.

16149. (*The Solicitor-General.*) Now, let us get from you what is involved in passing the thing through the "Titanic." The message as sent from the "Amerika," as the *procès-verbal* of the "Amerika" shows to the "Titanic." Has it to be read there and written down? - That message is a private message from the Commander of the "Amerika" to the Hydrographic Office, in Washington. It concerns nobody else.

16150. Would you mind answering my question, if it is an intelligible one. I understand from you that it is a message that is sent from the "Amerika" through the "Titanic"? - Yes.

16151. Does that involve its being read by the operator on the "Titanic," and written down? - Oh, yes, of course.

The Commissioner: You say, "Of course." Are you sure about it? - It must be so, my Lord.

16152. I do not see how there is any "must be" about writing it down? - The operator, in sending a message for retransmission must take it down in the same way that he receives a message for delivery to a passenger on board his ship.

16153. I suppose when the message comes, he knows what has been telegraphed? - Certainly.

16154. And if he knows it he can re-telegraph it without writing it down? - Oh, no, he cannot.

16155. Why not? - Because he does not receive and send at the same time.

16156. But what interval elapses? - He must wait until he has finished receiving the message.

16157. Yes, but the message is only a message of a dozen words? - He would receive that in about a minute.

16158. At the end of the minute he will know what he has received? - Oh, he will not be certain. He must write it down as it goes along.

16159. It would be wiser to write it down, but I do not see the absolute necessity for writing it down if he can remember what has come through, I was going to say the wire, but through the apparatus; if he can remember that, then he has no difficulty, without writing anything down, in telegraphing it on? - We do not allow them to trust to memory. We insist upon them writing it down.

16160. I daresay it is the practice, and is a very wise practice, to write it down. You say it would be the practice for him to write it down, and having written it down then to send it on? - Yes.

16161. (*The Solicitor-General.*) I do not want to press it either one way or the other, but only to understand it. If the man on the "Titanic" is receiving a message from the "Amerika," can he at the same time be sending a message to Cape Race? - On the "Titanic" he could not.

16162. We will ask Mr. Bride when he comes, but I think I ought to ask you. With regard to a message of this sort, dealing with ice, passing through the "Titanic," what is the practice of your operators; what are their instructions; how do they treat it; do they treat it as a message which concerns an intermediate ship?

Sir Robert Finlay: I should like to have the instructions themselves.

The Solicitor-General: Certainly. I only want to know how it stands.

The Commissioner: Never mind, Sir Robert. I have in my mind something which was said just now - I do not know whether you caught it - about this being a private message from the "Amerika."

16163. (*The Solicitor-General.*) In ordinary practice - we will ask Mr. Bride about it afterwards - how would it be treated? - In ordinary practice it would be treated as a private message, but the operator, seeing the contents of it, and knowing how important it was to navigation in general and to his ship, would, without any doubt whatever, it is the general practice, communicate its contents to the Commander or to his responsible officer.

16164. (*The Commissioner.*) When you say "would," you mean you think he ought to do it? - It is the general practice.

16165. Have you ever been on one of these steamers in the Marconi room? - I have.

16166. How long were you there? - I made a trip to America in 1904.

16167. One trip? - One trip.

16168. Have you been on any other occasion in the room? - Several times between Continental ports and Cherbourg.

16169. I mean as a paid official of the Marconi Company? - Very, very often.

16170. Can you recall any case where you received a private message which you thought would be of interest to the Captain of the ship that you were upon and that you disclosed to the Captain of that ship? - No, Sir, I cannot, not any particular incident.

The Solicitor-General: Very well, that is how it stands. Now that is the "Amerika" one. Now have you any records from the "Baltic"?

The Commissioner: You do not dispute this, do you, Sir Robert?

Sir Robert Finlay: No, my Lord.

The Solicitor-General: I am anxious to be perfectly candid about it of course, because these things are important to my friend. The message which this gentleman I understand has proved, which he is able to trace, is not quite the same message as the one which we have hitherto referred to. It may be that there were two messages but in fact the one he has tracked is not exactly the one which the Attorney-General opened from instructions.

The Commissioner: Very well. We had better hear it.

The Solicitor-General: It is fair for me to tell my learned friend that.

Sir Robert Finlay: I am much obliged.

16171. (*The Solicitor-General - To the Witness.*) Just tell us what you have from the "Baltic" please? - Do you want the *procès-verbal* first?

The Solicitor-General: Yes, I think it is a good plan to take the *procès-verbal* first.

Sir Robert Finlay: Can you tell me on which page of the notes is the statement of what this message was.

16172. (*The Solicitor-General.*) Yes. It is opened in general terms by the Attorney-General at the very bottom of page 12 and at the top of page 13. That is the Affidavit on which we opened. You will see that is what the Attorney-General said. (*Handing the same to Sir Robert Finlay.*) (*To the Witness.*) What is the *procès-verbal* you have from the "Baltic"? - "Sunday, April 14th, 11.55 a.m., sent two to M.G.Y." That means two messages to the "Titanic."

16173. That is 11.55 a.m.? - Yes, New York time.

16174. Have you a record in the *procès-verbal* an hour later, 12.55, of a message being received from the "Titanic"? - Yes, I have. "12.55 p.m., one from M.G.Y."

16175. Now are you able to trace the message that is sent by the "Baltic" to the "Titanic"? - Yes.

16176. I think you have it there? - I have it here. "From s.s. 'Baltic,' April 14th, to Captain Smith, 'Titanic,' sent 11.52 a.m." You will notice there are three minutes difference. That is unimportant. "Captain Smith, 'Titanic.' Have had moderate variable winds and clear fine weather since leaving. Greek steamer 'Athenai' reports passing icebergs and large quantities of field ice today in lat. 41° 51' N., long. 49° 52' W. Last night we spoke German oil-tank steamer 'Deutschland,' Stettin to Philadelphia, not under control, short of coal, lat. 40° 42' N. long. 55° 11' W. Wishes to be reported to New York and other steamers. Wish you and 'Titanic' all success. - Commander."

16177. (*The Solicitor-General.*) Your Lordship will notice there that that is a new ice-message. It gives the position, 41° 51' N., by 49° 52' W. I will have it plotted. (*To the Witness.*) Have you a copy of the reply from the Captain of the "Titanic"? - I have.

16178. Have you the reply there? - Yes: "14th April. 'Baltic' Office. Received from 'Titanic' 12.55 p.m. To Commander 'Baltic.' Thanks for your message and good wishes; had fine weather since leaving. - Smith."

16179. (*The Commissioner.*) What is the time of that? - 12.55 p.m.

16180. (*The Solicitor-General.*) Are those both New York times? - Both New York times.

The Solicitor-General: My Lord, I will have it exactly marked. Your Lordship will find, I

think, that that is the closest of all.

16181. (*Sir Robert Finlay - To the Witness.*) Will you let me see that message? - Which? the received or sent?

16182. The sent. - Yes. (*Handing the same to the learned Counsel.*)

The Commissioner: This is not disputed?

Sir Robert Finlay: Yes; this is the first we have heard of this message.

The Commissioner: Of this particular one, yes; but do you dispute the receipt of it.

Sir Robert Finlay: I do not know anything about it; I have not heard of it till this moment.

The Commissioner: You see how it stands. A record from the "Baltic's" *procès-verbal* of the despatch of a message, and then the production, as I understand, of the message sent an hour afterwards from the "Titanic" acknowledging the receipt.

Sir Robert Finlay: Yes.

16183. (*The Commissioner - To the Witness.*) Have you the telegram from the "Titanic" acknowledging the receipt of it? - I have.

The Commissioner: Let me see it. (*The Witness handed the telegram to the Commissioner.*) You had better look at this, Sir Robert.

Sir Robert Finlay: Yes, my Lord. (*The Witness handed the telegram to the learned Counsel.*)

The Commissioner: Just tell me if you are satisfied that that telegram refers to the telegram of 11.55 a.m.?

Sir Robert Finlay: I see it purports to be sent off at 12.55 p.m.

The Commissioner: No, a.m., surely.

Sir Robert Finlay: 12.55 p.m., my Lord.

The Solicitor-General: After midday it would be p.m.

The Commissioner: Of course.

16184. (*Sir Robert Finlay - To the Witness.*) What time would that be? - New York time.

16185. By the ship's time that would be two hours later? - Something like that.

The Solicitor-General: I have marked the place now, my Lord, as best I can.

The Commissioner: The Admiral has been good enough to mark it for me here.

The Solicitor-General: As I make it out, it is practically on the southern track very slightly, of course, to the east of the 50th meridian.

The Commissioner: Yes, and, if anything, slightly to the north.

Sir Robert Finlay: Yes.

The Solicitor-General: A shade to the northward, perhaps.

Sir Robert Finlay: We had better have the other.

The Commissioner: It appears to me to be all in order.

Sir Robert Finlay: That also appears to me, I may say at once.

The Solicitor-General: Our information about the other message is in an affidavit that has been sworn by the Captain of the "Baltic," and I am not sure that this gentleman has been able to trace it. Perhaps I had better show your Lordship what the information is. It is in paragraphs 2 and 3 of that document. (*Handing the same to the Commissioner.*) It does not profess to be quoting textually, your Lordship sees.

The Commissioner: Have you seen this, Sir Robert?

Sir Robert Finlay: Yes; my friend has just shown it to me. That is the affidavit?

The Commissioner: Yes. "The 'Baltic' sailed from New York on Thursday, 11th April, for Liverpool, and on Sunday, the 14th April, reports were received by wireless from a number of steamships of having passed ice and bergs in positions varying from 49° 9' W. longitude, to 50° 20' W. on the outward southern track."

That is nothing so far because it is not connected with the "Titanic." "These ice reports were in

the ordinary course sent out by the operator to all other ships with wireless, including the 'Titanic.' The messages were sent off shortly before noon, New York time, on 14th April. Our operator received an acknowledgment from the 'Titanic' about 1 p.m. on the same day." That would be this telegram.

The Solicitor-General: It looks like it, my Lord, certainly.

The Commissioner: This telegram of 12.55 p.m.?

The Solicitor-General: Yes.

The Commissioner: I should think it probably refers to the telegram of 11.55 a.m. to the "Titanic," but it only connects the "Titanic" with one telegram, not with several.

The Solicitor-General: Your Lordship sees the affidavit there does not profess to be quoting textually the message.

The Commissioner: No, it does not.

The Solicitor-General: It is stating it indirectly, and it is possible therefore that he is referring to this message which is now produced.

Sir Robert Finlay: I thought there was another message, my Lord, because if your Lordship looks at page 13 the passage my friend was good enough to refer me to, the Attorney-General in answer to your Lordship gives this. Perhaps I had better begin the second column on page 12. It is all connected together.

The Solicitor-General: I think you will find he is relying on the affidavit.

Sir Robert Finlay: "(*The Commissioner.*) Yes, it is more than 12 hours before the casualty. (*The Attorney-General.*) Yes, it would make a difference. The 'Baltic' (I have given you the 'Caronia,' and I am dealing now with documents, so that I can be precise) passed on reports of ice by wireless telegraphy to the 'Titanic' from 49° 9' W. to 50° 20' W."

The Commissioner: That is taken from the affidavit.

Sir Robert Finlay: Yes. "(*The Commissioner.*) When did she pass on those reports? (*The Attorney-General.*) They were passed on and acknowledged by the 'Titanic' at 1 p.m., New York time, on the same day. (*The Commissioner.*) At 1 p.m.? (*The Attorney-General.*) Yes, quite roughly, I think it would work out to about 3 p.m. by the 'Titanic.'" That is the difference between New York time and the ship's time. "(*The Commissioner.*) About 3 p.m. by the 'Titanic's' time? (*The Attorney-General.*) Yes, that is it; and, my Lord, while I am upon that, having given your Lordship 49° 9' W. longitude to 50° 20' W., I ought to have added on the outward southern track.' That was the message.

That is the track to which I called your attention. (*The Commissioner.*) I want to see if I have got the 'Baltic's' figures right - 49° 9' W., 50° 20' W? (*The Attorney-General.*) Yes. (*The Commissioner.*) I notice that the ice was between those points? (*The Attorney-General.*) Yes, on the outward southern track. Now if your Lordship would look just below the blue cross marked there, you will see the outward southern track is that line which you see immediately underneath."

The Solicitor-General: I think it is clear the Attorney-General was referring to this very affidavit.

The Commissioner: No doubt.

The Attorney-General: That is all I had.

The Commissioner: If the information sent to the "Titanic" and received by the "Titanic" by the Captain consisted of nothing but this one "Baltic" telegram we have heard read, it would indicate that ice had been seen at a particular spot slightly to the north of the outward southern track.

The Solicitor-General: It is "icebergs and a large quantity of field ice today" at that place.

The Commissioner: At that spot, yes, whereas, as I understood it previously, the telegrams, in

the plural, which were supposed to have been sent on, indicated ice along a considerable line.

The Solicitor-General: That is right.

The Commissioner: That line being ascertained by reference to a number of telegrams which were supposed to have been sent to the "Titanic," but which may not have been sent to the "Titanic."

16186. (*The Solicitor-General.*) I agree, that seems to be how it stands. (*To the Witness.*) As I follow, Mr. Turnbull, looking at the *procès-verbal* of the "Baltic," you do not find about this time any other messages about ice sent by the "Baltic" to the "Titanic"? - No.

The Solicitor-General: Now we go on to the "Californian."

Sir Robert Finlay: I think what my friend the Solicitor-General says is probably perfectly accurate, but this affidavit, with which the Attorney-General was dealing in opening, is a sort of free translation of that message, which we have not got *in extenso*. There is nothing in the message about the outward southern track. The message gives the latitude.

The Commissioner: Yes, but the affidavit says "reports" - in the plural - "were received from a number of steamships of having passed ice." That is paragraph 2, and these ice reports were sent out to the "Titanic."

Sir Robert Finlay: Yes.

The Commissioner: Now that does not seem accurate.

Sir Robert Finlay: It is not accurate, my Lord; it is a very free translation.

The Solicitor-General: The American evidence shows that the Captain of the "Baltic" is right in saying that he received more messages than one.

The Commissioner: That is no doubt right. I do not doubt that at all. That is his affidavit, but that they were sent on to the "Titanic" in the sense of being received by the "Titanic," does not seem to be accurate.

Sir Robert Finlay: I think the inaccuracy is in the second paragraph as to what reports were sent to the "Titanic"; we now know what the message to the "Titanic" was it gives the particular latitude.

The Commissioner: It is only that one message indicating ice at a particular spot.

Sir Robert Finlay: Exactly.

The Solicitor-General: That is right. I think we shall find when Mr. Bride gives evidence that he will say he heard another message being sent to the "Baltic," he overheard it. I have his evidence in America before me.

The Commissioner: From the "Titanic"?

The Solicitor-General: Yes.

The Commissioner: I will wait for that.

16187. (*The Solicitor-General.*) I think you will find that is what he will say, a message was being sent from another ship to the "Baltic" and he overheard it. (*To the Witness.*) Now we will go on to the next one, the "Californian." Here again we have evidence in the shorthand note, the evidence is the evidence of the operator Evans, and it is to be found at page 201. He says that he was sending to the "Antillian," and that he was told by the "Titanic" operator that the "Titanic" operator had overheard it. (*To the Witness.*) Have you got the *procès-verbal* there showing he was sending to the "Antillian"? - Yes.

16188. What is the entry? - The entry is under the 14th April, "5.35 p.m. in New York time, sent M.S.G. to M.J.L.," M.J.L. is the "Antillian."

16189. What is the time? - 5.35 p.m. in New York time.

16190. That would be about 7.30 ship's time? - I should say so.

16191. That is what he says. You have the *procès-verbal* before you? - Yes.

16192. Can you tell me whether you have an entry in the *procès-verbal* immediately before at

5.20 showing that the "Californian" was in communication with the "Titanic"? - Yes. "5.20 p.m. New York time, exchanged Trs M.G.Y. nil."

16193. What is "Tr"? - "Tr" is the telegram which is exchanged between two ships when they first enter into contact to announce to each other what telegraphic traffic they have for each other.

16194. (*The Commissioner.*) What does that mean? - What telegrams they have.

16195. (*The Solicitor-General.*) Nowadays they send messages like they do from two offices. When you find in the *procès-verbal* the entry that you exchanged Trs. with a ship, does that indicate that the ship and your own ship are in communication? - Certainly.

16196. Now have the message that was sent to the "Antillian" at 5.35? - I have it here.

16197. Just read it out? - "'Californian' Office. Sent 5.35 p.m., 14th April. by C. F. Evans" - that is the operator - "addressed to Captain 'Antillian,' 6.30 p.m. apparent ship's time; lat. 42° 3' N., long. 49° 9' W. Three large bergs five miles to southward of us. Regards. - Signed Lord"

16198. My Lord, that corresponds with the answer given at Question 8943, on page 201.

Sir Robert Finlay: Not textually. He read it out, "Apparent ship's time."

The Solicitor-General: My strong recollection is that that is what the witness said.

Sir Robert Finlay: I am only reading from the print of the evidence.

16199. (*The Attorney-General.*) It is "A.T.S.," which is "Apparent time ship."

The Witness: I should have read it. "A.T.S."

16200. That is "apparent time ship"? - Yes.

The Solicitor-General: Your Lordship will see that is the ordinary abbreviation, A.T.S.

Sir Robert Finlay: Be it so. There is a semi-colon put in the print, which obscures the meaning.

The Commissioner: The semi-colon ought to come after "ship."

Sir Robert Finlay: Yes, if it comes at all.

16201. (*The Solicitor-General.*) I daresay your Lordship will remember, when Mr. Evans was in the box, he explained that when he said 6.30 apparent ship's time, that did not indicate that the message was being sent at that time, but it indicated that icebergs had been seen at that time. That is the "Antillian." Now let us turn to the "Mesaba"; that is the Atlantic Transport Line? - Yes.

Sir Robert Finlay: This, we say, we did not receive.

The Commissioner: The "Californian" you did receive?

Sir Robert Finlay: Yes.

16202. (*The Solicitor-General.*) Was she east-bound or west-bound? - Bound to Europe.

16203. (*The Commissioner.*) With reference to what was said, the Marconi operator overheard the "Californian"; whether they received it upon the bridge, I do not know.

16204. (*The Solicitor-General.*) Yes. Do not answer until you are sure. You have your records there? - Yes.

16205. She was in advance of the "Titanic"; she was nearer America than the "Titanic"? - Yes.

The Commissioner: Are you disputing the receipt by the Captain of the "Titanic" of the "Californian's" message?

Sir Robert Finlay: Of the "Californian's" message to the "Antillian"?

The Commissioner: Yes, and your becoming acquainted with it?

Sir Robert Finlay: I think Mr. Bride will say that he did take that to the bridge.

The Commissioner: There is nothing as far as I know in writing to show that this message, the "Californian's" message, was received by Captain Smith.

Sir Robert Finlay: No.

The Commissioner: There is nothing in writing.

Sir Robert Finlay: No, my Lord.

The Commissioner: If Mr. Bride says so, it will be his statement.

Sir Robert Finlay: I understand my friends are going to call him presently, and I understand he will say that, but I am not able to say at the present moment.

16206. (*The Solicitor-General.*) You say the "Mesaba" was west-bound and in advance of the "Titanic"? - Yes.

16207. Now have you got your *procès-verbal*, and will you do the thing in the same way? - Under date of "Sunday, April 14th, 7.50 p.m. New York time, exchanged Trs. s.s. 'Titanic bound West. Sent ice report, condition of communication good.'"

16208. (*The Solicitor-General.*) I should like your Lordship to see that entry, because that is the critical one. (*To the Witness.*) Have you marked it? - Yes, there is a red cross opposite it. (*Passing up the document.*)

16209. I think you told me the entry "Exchanged Trs." means "Exchanged time rushes." It means the two ships have got into communication? - Yes, they have just got into communication.

16210. (*The Commissioner.*) What does "G" mean, "Condition G"? - Good.

16211. What was good? - Communication.

16212. At 7.50. Does this word, which is contracted, mean examined or what? - "Exchanged."

16213. And then there is something which I cannot read? - "Trs."

16214. What are those? - Those are what we call "Time rushes."

16215. And what are time rushes? - They are the messages which each ship exchanges with another as soon as it enters into communication with that ship to inform each other of the telegrams which one has for the other, and to check their times.

16216. "Time rushes, s.s. 'Titanic,' bound west, sent ice reports. - M.G.Y." Those are the letters? - Those are the call letters.

16217. For the "Titanic"? - Yes.

16218. "Sent ice report." Now is there anything in this *procès-verbal* to show what ice report was sent?

16219. (*The Solicitor-General.*) My Lord, I am going to do that now; I am dealing with it in exactly the same order as the others. (*To the Witness.*) Now have you got the message at 7.50 p.m., which is recorded as being sent from the "Mesaba" to the "Titanic"? - I have.

16220. Just read out what you have got on that piece of paper, and then you must hand it up. Sir Robert will want to see it? - "'Mesaba' office, 14th April, 1912. Office sent to, M.G.Y."

16221. Does that mean to the "Titanic"? - That means "Titanic." "Time sent, 7.50 p.m. By whom sent, S.H.A." Those are the initials of the operator. "From 'Mesaba' to 'Titanic' and all east-bound ships. Ice report in latitude 42 N. to 41° 25' N., longitude 49 W. to longitude 50° 30' W. Saw much heavy pack ice, and great number large icebergs. Also field ice. Weather good, clear."

16222. Have you any record on that same piece of paper as to whether there was any reply? - At the bottom of the form there appears this entry by the operator.

Sir Robert Finlay: Have you got the reply?

16223. (*The Solicitor-General.*) It is on the same piece of paper I want you to see? - This reply was not from the Captain; this reply was from the operator of the "Titanic." "Reply received, thanks."

16224. Is there anything added? - There is another remark added, yes.

16225. That is what I want? - "Reply received. Thanks. Sent this to about ten other ships as well; names in P.V."

16226. What does "P.V." stand for? - It means his *procès-verbal*.

16227. Is that initialled? - It is initialled.

16228. What are the initials? - "S.H.A."

16229. That is the same initials as those you had before? - Yes.

16230. Who is the gentleman? - His name is Adams, the operator of the "Mesaba."

16231. Now will you hand that up to my Lord? - Yes (*Handing up the same.*).

The Commissioner: Where did you get this information. You had not it when the case was opened, I suppose?

The Solicitor-General: I can show your Lordship exactly the moment when we got it.

The Commissioner: It does not matter.

The Solicitor-General: I have that exactly here.

The Commissioner: This message was not referred to in the opening at all.

The Solicitor-General: If your Lordship will look, this is a print of the letter we received from the Marconi Company on the 7th May (*Handing same.*) If your Lordship will look at that letter the bottom paragraph but one -

The Commissioner: I see it.

The Solicitor-General: You will see it is referred to there.

The Attorney-General: Your Lordship will remember I opened only two - the "Caronia" and the "Baltic" - and I said those were the only ones I was then going to refer to.

The Solicitor-General: They were all we had. These gentlemen have been looking at their records since.

Sir Robert Finlay: This is the 7th of May. I think my friend opened on the 2nd or the 3rd.

The Solicitor-General: That is right.

The Attorney-General: I got the information afterwards.

Sir Robert Finlay: The letter is dated in London the 7th of May.

The Solicitor-General: I am anxious your Lordship should have before you the observation that it seems might fairly be made on that document. Your Lordship sees unlike the others, the record of the reply is on the same piece of paper as the record of the message sent. It is all in one handwriting, and I understand that to be the handwriting of the operator on the "Mesaba."

The Commissioner: Yes.

16232. (*The Solicitor-General.*) And it has the air of having been written all at one time - that is so, is it not, Mr. Turnbull?

The Witness: Yes.

16233. (*The Commissioner.*) Have you got there the *procès-verbal*?

The Witness: I have (*Handing up the same.*).

Sir Robert Finlay: May I see the document containing the message?

The Commissioner: Yes (*The same was handed to the learned Counsel.*).

16234. Does the operator record the answers that he gets in his *procès-verbal*? - Not always.

16235. He has not done it in this case? - No, he has not done it in many cases. It is very seldom it is recorded unless it is not regarded as sent - unless it is received.

16236. Unless it is acknowledged? - Unless it is acknowledged, yes.

The Attorney-General: Of course, we will take steps to get Mr. Adams.

The Commissioner: I am very anxious to know exactly what knowledge can be traced to Captain Smith.

The Attorney-General: Yes.

The Commissioner: That is my anxiety.

The Attorney-General: Although at one time it did not look necessary, it is now, and so far as Mr. Adams can throw any light upon it we will take care to have him here. That is the operator "S. H. A."

The Solicitor-General: I was anxious to point out - it is fair to do so - what is odd about this, because there is something odd about it. The thing that is odd about it is that it speaks of being

sent to the "Titanic" and to all east-bound ships. Of course, the "Titanic" is west-bound.

The Commissioner: Yes.

The Solicitor-General: And the reply which is noted at the bottom is not in terms noted as received from the "Titanic," as distinguished from being received from any other of the ships. That is what your Lordship ought to have before you.

The Commissioner: Yes.

The Solicitor-General: You see what I mean.

The Commissioner: Oh, quite. There is nothing to identify the reply with the "Titanic."

The Solicitor-General: There is something, but there is not anything on the face of that entry. I just wanted to call attention to what it is. On the other hand, your Lordship will see on this piece of paper, "Office sent to," and the space at the time is entered "M.G.Y."

The Commissioner: That is the "Titanic."

16237. (*The Solicitor-General.*) That is the "Titanic," and the time sent is 7.50. The *procès-verbal* shows it was the "Titanic" he was in communication with at 7.50, and that he had exchanged what he calls Trs. with the "Titanic." (*To the Witness.*) Now have you also got another document which shows a record of the "Mesaba" sending messages to the east-bound ships? - Yes, I have here.

16238. (*The Solicitor-General.*) That can be contrasted with it, your Lordship sees. Just hand it up to my Lord and he will see the difference. (*The document was handed to the Commissioner.*) Is it in the same form as far as paper goes? - Yes, but it is not in red ink.

No, it is not in red ink; and if your Lordship will contrast the entry of "time by the clock" and the entry of "office sent to," you will see that the red ink one which contains the record, "Reply received thanks," is the "Titanic," and the other one is for different times and different addresses. That is how the document stands.

The Commissioner: The person who wrote these intended this "Reply received, thanks" to apply to the "Titanic."

The Solicitor-General: I submit that that is the fair inference from the document.

The Commissioner: Oh, yes.

The Solicitor-General: Now would your Lordship be kind enough to let me see that.

The Commissioner: Yes (*The same was handed to the Solicitor-General.*)

16239. (*The Solicitor-General.*) This second document, the last one, in the space for "Office sent to," gives a series of initials in pencil? - Yes.

16240. Are those the ships that were then east-bound? - Yes.

16241. I think you have checked some of them to see? - Yes; we have not found 10; he mentions 10. He says about 10 in the footnote.

16242. I think if you listen you will see that I am not asking about the document which says about 10, I am talking about the last document you handed up, which contains in the space "Office sent to" some initials. Are those the initials of east-bound ships? - Those are.

16243. (*The Commissioner.*) Five of them? - Yes.

16244. (*The Solicitor-General.*) And opposite each is there in the next column an entry of the time? - Yes.

The Solicitor-General: Ranging from something like 2 o'clock to later in the afternoon, I think, my Lord.

The Commissioner: 2.32 to 9.35.

16245. (*The Solicitor-General - To the Witness.*) Now the 7.50, which is the time he has entered for the "Titanic," is in between those times, you see? - Yes.

16246. I think you have checked by the *procès-verbal* of the "Mesaba," and found in different places in the *procès-verbal* messages sent to east-bound ships recorded? - Yes.

The Solicitor-General: That is as it stands on the documents, my Lord.

Sir Robert Finlay: May I see that?

16247. (*The Commissioner.*) Yes (*The same is handed.*) I am not sure how this operation takes place. When you send a message to a ship, by what process do you secure the delivery of the message to the ship you are delivering the message to? You do not know where the ship is? - You exchange time rushes. Each station knows what the other has for it, and you cannot practically exchange a time rush until you are within speaking-range of each other.

16248. I see opposite to each one of those five ships that were eastward bound the time recorded? - Yes.

16249. Is that the time when the time rushes were exchanged between the "Mesaba" and that particular ship? - The time rushes are always the first, so that the ice report must have been subsequent.

16250. But it would be very soon? - Very soon almost immediately after.

16251. Now I understand it. You get into communication or you find that you are in communication by these time rushes? - Yes.

16252. And then having found that out you can send any message you desire to send? - Yes, provided, of course, that the range does not increase; there is a certain amount of time in which you can exchange messages.

16253. If it does not increase, but the two ships remain in range, then you can send a message? - Yes.

16254. If time rushes have been exchanged with a ship, say with the "Titanic," does that show that communication is established? - Yes.

16255. I understand following on the exchange of time rushes messages may be sent from one to the other? - Yes.

The Commissioner: Sir Robert, this appears to me to be a very important telegram, the "Mesaba," because it seems to me to justify the allegations made by the Solicitor-General yesterday that the "Titanic" must have known the presence of the ice in what was called the parallelogram. Is not that so?

The Solicitor-General: Yes, I call it the oblong.

Sir Robert Finlay: It goes to this, of course, that the operator on board the "Titanic" who received this message would know of that?

The Commissioner: Yes.

The Solicitor-General: One or other of them.

Sir Robert Finlay: I think it must have been Phillips, and Phillips is unfortunately lost.

The Solicitor-General: Yes.

The Commissioner: Phillips is not here.

Sir Robert Finlay: No, he was lost, but of course it does not carry it a step further towards showing that the Captain or any of the officers knew.

The Commissioner: It would be a very extraordinary thing, although of course it is possible, if the man in the Marconi room did not communicate a telegram of this kind to the Captain.

Sir Robert Finlay: Your Lordship will recollect the answer that man in the Marconi room sent to the Marconi operator on board the "Californian" at that very time. When the message was sent by the "Californian" about ice, he sent back a message saying that he was busy with Cape Race and did not want to be bothered, in effect.

The Solicitor-General: I do not think quite so. The message he sent back was that he had already heard about the ice.

Sir Robert Finlay: No, no; that is another message altogether.

The Solicitor-General: Let us see.

Sir Robert Finlay: I am going to show that to you presently.

The Attorney-General: There is nothing like doing it at once.

Sir Robert Finlay: I will read the passage. Your Lordship will find it on page 202, the second column.

The Solicitor-General: The question I am referring to is question 8972 - "What did the 'Titanic' say to you when you offered your ice report? - (A.) He said "It is all right, I heard you sending it to the 'Antillian,' and I have got it." I think I am quite accurate.

Sir Robert Finlay: That is one answer.

The Solicitor-General: That is the important answer.

Sir Robert Finlay: That is another part altogether. What I am referring to is in the second column of page 202, Question 8986. If your Lordship will allow me, I will read a few questions and answers to make it clear: "(*The Commissioner.*) What time was this - about what time? - (A.) Five minutes to eleven. (*The Solicitor-General.*) Ship's time? - (A.) Yes (Q.) What did the Captain say when you said that? - (A.) He said, 'You had better advise the 'Titanic' we are stopped, and surrounded by ice.' (Q.) Did you call up the 'Titanic'? - (A.) Yes. (Q.) Can you give me the time? - (A.) It was 9.5 p.m. (Q.) New York time? - (A.) Yes, 11 o'clock ship's time. (Q.) What did you say? - (A.) I said, 'We are stopped, and surrounded by ice.' (Q.) Did you get an answer from the 'Titanic'? - (A.) They said, 'Keep out.' (Q.) Just explain to us, will you, what that means? - (A.) Well, Sir, he was working to Cape Race at the time. Cape Race was sending messages to him, and when I started to send he could not hear what Cape Race was sending. (Q.) Does that mean that you would send louder than Cape Race to him? - (A.) Yes; and he did not want me to interfere. (Q.) That would interrupt his conversation with Cape Race? - (A.) Yes. (Q.) So that he asked you to 'Keep out'? - (A.) Yes. (Q.) In ordinary Marconi practice is that a common thing to be asked? - (A.) Yes. And you do not take it as an insult or anything like that. (*The Commissioner.*) What did you say? (*The Solicitor-General.*) 'You do not take it as an insult or anything like that.' (*To the Witness.*) Do I understand rightly then that a Marconi operator, like other people, can only clearly hear one thing at a time? - (A.) Yes. (Q.) Have you any means of knowing - do you judge that he had heard your message about ice? When you say you sent this message and he said 'Keep out,' did he say that after he had got your message? - (A.) The very minute I stopped sending. (*The Commissioner.*) You cannot tell, I suppose, whether he heard what you said? - (A.) He must have heard it, my Lord, but I do not know whether he took it down."

The Commissioner: That is, whether the Marconi man took it down?

Sir Robert Finlay: Yes. "9003 (Q.) Would he hear what you said, or would he merely hear that you were speaking? You see, as I understand, he was getting messages from two points - from Cape Race and from you. He could not hear both, I suppose, at the same time? - (A.) No, my Lord. (Q.) And he may not have heard what you said, though he may have known that you were trying to speak to him. I do not know, you know; I am only asking? - (A.) Well, my Lord, my signal would be much stronger than Cape Race's." Then there are a few questions and answers which I will read if desired. I was going on to Question 9014: "(Q.) And then you gave him this message, spelt it out, that you were stopped in ice; and then he replies to you, 'Keep out.' How do you know he was talking to Cape Race? - (A.) I heard him beforehand. (Q.) You could hear him? - (A.) Beforehand, and directly after that. (*The Commissioner.*) What was it you heard? - (A.) Before that, my Lord? (Q.) No. What was it that you heard which conveyed to you that he was in communication with Cape Race? - (A.) Directly afterwards he called upon Cape Race - a few seconds after. (Q.) After he had said to you, 'Keep out'? - (A.) Yes, my Lord. (*The Solicitor-General.*) Could you overhear what he was saying to Cape Race? - (A.) Yes. (Q.) What was it he said? - (A.) He said, 'Sorry, please repeat, jammed.' (Q.) That means that somebody else had

interrupted? - (A.) Yes. (Q.) After that did you hear him continuing to send messages? - (A.) Right up till I turned in" - that was 11.30 "(Q.) It was not your business, and I have no doubt you did not listen in detail to what they were, but could you tell, as a matter of fact, whether they were private messages? - (A.) Yes, all private messages. You can tell by the prefix. (*The Commissioner.*) That means messages for the passengers. (*The Solicitor-General.*) Yes, business and private messages for the passengers. (*To the Witness.*) You can tell that by what you call the prefix, the sound that is sent first of all? - (A.) Yes. (Q.) And that continued, you say, till you turned in? - (A.) Yes. (Q.) When was it that you turned in? - (A.) Eleven-thirty p.m., ship's time. (Q.) You had been at work since 7 o'clock in the morning, except intervals for meals? - (A.) Yes. (Q.) Was it your regular course to turn in about that time? - (A.) As a rule. It all depends where we are." I do not think I need read further.

16256. (*The Solicitor-General.*) That is quite right. Just that we may see the bearing of that, that message that Sir Robert Finlay has been referring to is a message sent at 9.5 p.m., New York time. That is what we have been told? - Yes.

16257. What is the time of the "Mesaba's" message, New York time, on the "Titanic," 7.50? - Yes.

Sir Robert Finlay: I am told it is 2 hours and 10 minutes.

The Solicitor-General: I have taken the corresponding times. I want to compare like with like - 9.5 p.m., New York time, I am comparing with 7.50 p.m., New York time.

Sir Robert Finlay: Oh, yes, I beg your pardon. I thought you were giving the equivalent of ship's time.

The Solicitor-General: The "Mesaba" message is sent at 7.50, New York time. The message you were referring to, which was interrupted, is 9.5.

Sir Robert Finlay: I beg your pardon.

16258. (*The Solicitor-General - To the Witness.*) This request to "stand out" or "keep out," just explain that to us? - That is given by an operator on a ship who is working with another ship, or another coast station, and is jammed by someone else, he is simply told to stop it, that is all, just in the same way as if anyone interrupts you when you telephone, you ask him to "ring off" or "keep off."

The Solicitor-General: There might be some general matters at a later stage we should want from this gentleman, but it appeared to us that it would be well to ask Mr. Bride now to come and give evidence, that we may follow this matter up.

The Commissioner: I think that is convenient, Sir Robert?

Sir Robert Finlay: Certainly, my Lord. Then the cross-examination of this witness will be postponed.

The Solicitor-General: That is as you please. On this point I should have thought you would deal with him now.

The Attorney-General: We ought to have it now.

Sir Robert Finlay: Very well.

Examined by Sir ROBERT FINLAY.

16259. With regard to the "Amerika," I will take them in the order in which you have dealt with them - I understood you to tell us this yesterday. You see the letters which are printed M.G.V. on the message from the "Amerika"? - Yes.

16260. I understood you to say that that was a coast station of yours? - The "Amerika"?

16261. No, the M.G.V. I will refer you to your answer, if you like. It is 16078 on the very last page of the proceedings. This is the Solicitor-General speaking to you. "I will just read it, and

then I am going to ask you why you say it is sent through the 'Titanic.' 'No. 110, 'Amerika' Office, 14th April, 1912. Prefix M.S.G.' That is Master Navigation Message. 'Service instructions: via Cape Race. Office sent to M.G.V.' What does that mean"? - That should have been "M.G.Y."

16262. Now I am going to read your answer. "Those are the call letters for one of our ship stations"? - Yes.

16263. You mean M.G.V. meant one of your ship stations? - No; I do not understand how that mistake has arisen - M.G.Y..

16264. You said distinctly - it agrees with the recollection of those who heard you - "Office sent to, M.G.V." What does that mean? And you say, "Those are the call letters for one of our ship stations"? - M.G.V. are the call letters of one of our ship stations, the "Monmouth"; but it should not have been "M.G.V.," it should have been "M.G.Y."

16265. "M.G.Y."? - Yes, "Titanic." That is a mistake in the print.

16266. And "M.G.V." was the name of another ship altogether? - Yes.

16267. Very good. You have shown us the original, and it is "M.G.Y."? - "M.G.Y."

Sir Robert Finlay: Very good.

16268. (*The Solicitor-General.*) That means the "Titanic"? - That is the "Titanic."

16269. (*Sir Robert Finlay.*) "M.G.Y." is the "Titanic"? - Yes.

16270. (*The Commissioner.*) When you were asked "What does that mean?" your answer ought to have been "The letters mean the 'Titanic.'" Is that so? - That is so.

16271. (*Sir Robert Finlay.*) This message is sent out at 11.45 a.m.? - Yes.

16272. What time would that be? - That is New York time.

16273. To the "Titanic" there would be I am told two hours and ten minutes difference where she was? - I am not certain about that.

16274. Two hours or something over? - About that I should say.

16275. That would make it nearly 2 p.m.? - Ship's time, yes.

16276. Roughly - I am not tying you to a minute or two, but it would be roughly 2 p.m. ship's time when this reached the "Titanic"? - I should say so.

16277. This was sent to the "Titanic," I think your expression was - I will read what I took down at the time - "This message was a private message from the Commander of the 'Amerika' to the Hydrographic Office. It concerned no one else." That is right? - That is right.

16278. And the "Titanic" was being used simply for transmission on to Cape Race? - Yes.

16279. Being nearer to Cape Race than the "Amerika"? - Yes.

16280. The "Amerika" not being as you infer within range of Cape Race? - That is it.

16281. Whether that message was shown to any of the officers of the "Titanic" depends entirely upon the action of the Marconi operator? - It does.

16282. The Marconi operator, I think you have told us, is your servant? - He is.

16283. Paid by you, I think? - Yes.

16284. And under your orders? - Yes.

The Commissioner: Are there any means of ascertaining what Marconi operator was on duty at the time when this message would be received by the "Titanic."

Sir Robert Finlay: I think Mr. Bride may be able to tell us that, my Lord. I am not at the moment able to say whether it was Bride or Phillips. There were only the two.

The Commissioner: Is Bride here?

The Attorney-General: Yes, he is going to be called.

The Commissioner: I should like to know because I could follow it so much more easily. I should like to hear from him now if he can tell us which of the two would be on duty at that time.

Sir Robert Finlay: Is Bride here?

Mr. Bride: Yes.

(The Witness withdrew.)

HAROLD BRIDE, Sworn.

Examined by Sir ROBERT FINLAY.

16285. Only one question at this time. About 2 p.m. on Sunday, the 14th April, who was on duty at the Marconi office on board the "Titanic"? - Mr. Phillips.

The Commissioner: That is enough.

16286. (*Sir Robert Finlay - To the Witness.*) 2 p.m. ship's time, you understand that? - Yes, ship's time.

(The Witness withdrew.)

GEORGE ELLIOTT TURNBULL, Recalled.

Further examined by Sir ROBERT FINLAY.

16287. Now with regard to the "Mesaba," can you give us the ship's time when that message, 7.50 New York time, would reach the "Titanic" in the ordinary course?

The Commissioner: Now we are on the "Mesaba."

16288. (*Sir Robert Finlay.*) Yes, my Lord. (*To the Witness.*) It would be about 10 o'clock would it not, ship's time? - I should say so, about 10 o'clock.

16289. About 10 o'clock? - Yes; I have not made all those calculations.

16290. Not exact. I am told it is somewhere about that? - Yes.

Sir Robert Finlay: Your Lordship will remember there is one change of watch at 10 o'clock.

The Commissioner: Yes.

16291. (*Sir Robert Finlay.*) Now, have you got here, or can you get for us, the messages which passed - have you got from Cape Race the messages which passed between the "Titanic" and Cape Race between 8.30, say when the "Titanic" got into touch with Cape Race, and the time the collision took place? - I have called for all those messages and they are on their way to England, but they have not arrived yet.

16292. When will they arrive? - I expect them in three or four days.

16293. We are speaking of ship's time, you understand. I mean all the messages that passed between the "Titanic" and Cape Race by your apparatus between 8.30 ship's time when the "Titanic" got into communication with Cape Race, and the happening of the collision? - Yes, I have asked for the whole lot.

16294. We want them all, if you please. - Yes, I have asked for them all.

16295. Have you ascertained whether there were many? - I do not know exactly how many there were. I have only ascertained from ships that heard the "Titanic" speak to Cape Race that there was a great deal of traffic.

The Commissioner: You do not speak loud enough for me to hear you at all well.

Sir Robert Finlay: He said he had only ascertained from ships that overheard what was passing, that there was a great deal of traffic between the "Titanic" and Cape Race.

The Commissioner: Very well.

16296. (*Sir Robert Finlay.*) That is between the hours I have mentioned? - Yes.

16297. Would those be trade messages or private messages, or both? - They would be service messages and private messages. One of them will be the message that the "Amerika" sent, which is a service message.

16298. (*The Solicitor-General.*) You call it a service message? - Yes.

16299. (*Sir Robert Finlay.*) That, of course, could not be sent on to Cape Race until after 8.30 p.m., when the "Titanic" had got in touch with Cape Race - the "Amerika" message? - No, that would not be sent until she got in touch.

16300. It could not be sent? - No.

16301. Your Company is paid for all these trade and private messages, I suppose? - Yes.

16302. And the operator was properly attending to them? - Yes.

16303. And as soon as he got in touch with Cape Race he was continuously engaged, according to what I read just now in communication with Cape Race? - Yes.

16304. On those trade and private messages? - Yes.

16305. Which, of course, are paid for? - Yes.

16306. Now, you have not got the reply that is said to have been received from the "Titanic"; I mean you have only got a note by Mr. Adams? - Yes.

16307. Mr. Adams, I suppose, we can see afterwards? - Oh, yes.

16308. He is available as a witness? - Well, he is on the "Mesaba" now.

The Attorney-General: We will take steps. I have said already - I do not know whether you caught it - after the point was made and explained by my friend, the Solicitor-General, that we would take immediate steps to get Mr. Adams here as soon as he returns. He is on the voyage.

16309. (*Sir Robert Finlay.*) Very good. (*To the Witness.*) In some cases I see your roll of documents shows the terms of the reply received. For instance, take the "La Touraine" message? - Yes.

16310. There is the reply of Captain Smith: "Thanks for your message and information. My position 7 p.m.," - so-and-so. "Had fine weather. Compliments. - Smith"? - Yes.

16311. You have not got any reply of that kind from the operator on board the "Titanic" with regard to this "Mesaba" message? - No, we would simply send "O.K.R.D.," which means, Had he got the message?

16312. What does "R.D." mean? - It is short for "Received."

16313. The note Mr. Adams has made is "Received, thanks"? - Yes, he would send "R.D.T.K.S.," which is the usual abbreviation for "Received, thanks."

16314. That would be a message simply from the operator? - Yes, simply his acknowledgment.

16315. One other question with regard to the "Titanic's" communications with Cape Race: Was the "Titanic" likely to be receiving a number of messages from other ships for transmission to Cape Race? - That is quite possible.

16316. Is it probable? - It is also probable.

16317. The "Titanic" by 8.30 p.m. ship's time would be in communication with Cape Race? - Yes.

16318. And there would be a great many other ships not in communication with Cape Race that might want to transmit? - That is it.

16319. And they would do it through the "Titanic"? - Yes, if the "Titanic" had the time to do it.

16320. That would keep the Marconi operators on the "Titanic" pretty busy? - Yes.

16321. (*The Solicitor-General.*) I handed up to your Lordship a print of the letter of 7th May. Would your Lordship kindly look at the last page - the outside page. The bottom communication on the last page is, or professes to be, a copy of a Marconi message. Now just above that your

Lordship will see in the print "This sent on to M.G.V." (*To the Witness.*) Is that a misprint? - It is a misprint.

16322. It ought, I understand, to be "M.G.Y."? - That is so.

The Solicitor-General: That is where the mistake came from, my Lord; it is a mistake in printing, and your Lordship might turn the "V." into a "Y." (*To the Witness.*) You have told us that "M.G.Y." means the "Titanic"? - Yes.

Sir Robert Finlay: I daresay the Board of Trade will let us have copies of all these documents.

The Attorney-General: Certainly.

Sir Robert Finlay: And the *procès-verbal*, of course.

The Attorney-General: Whatever we have I shall not part with those yet; perhaps Mr. Bride may want them. That is all your Lordship wants to put to this witness at present.

The Commissioner: There are no other questions I want to put to him.

The Attorney-General: We shall recall Mr. Turnbull later, to go into some other matters.

(The Witness withdrew.)

HAROLD BRIDE, Recalled.

Further examined by the ATTORNEY-GENERAL.

16323. You have been sworn. In June, 1911, you had obtained your certificate of proficiency in radio-telegraphy from the Postmaster-General? - Yes.

16324. And later on you were appointed by the Marconi Company to serve as assistant wireless operator on the "Titanic"? - Yes.

16325. When did you go on board the "Titanic"? - I joined the "Titanic" in Belfast.

16326. When? Was that in the beginning of April? - In the beginning of April.

16327. Was Mr. Phillips the senior operator? - Yes.

16328. Did you find him there when you went there? - Yes.

16329. Did he and you go through tests with several wireless stations? - Yes.

16330. That was while the "Titanic" was on her trial test? - Yes.

16331. For wireless? During the voyage from Belfast to Southampton? - During the voyage from Belfast to Southampton, yes.

16332. Only one general question: Did you find the apparatus was in good working order? - Perfect.

16333. First of all, will you tell us how were your duties arranged as regards time with Mr. Phillips? When did you go on watch? How long did you remain on duty? What were your hours? - Mr. Phillips started the watch at eight o'clock at night, and he remained on watch until 2 o'clock in the morning.

16334. Was that your regular practice? - That was Mr. Phillips's watch of a nighttime. I kept the watch from 2 o'clock to 8 o'clock in the morning.

16335. That is six hours each on duty? - Yes.

16336. You divided up the time from 8 o'clock at night until 8 o'clock in the morning in that way? - Yes.

16337. What did you do with regard to day duty - the same? - During the day we relieved each

other to suit each other's convenience.

16338. No regular time at all? - No, but a constant watch was kept.

16339. (*The Commissioner.*) You mean that there was always one of you there? - Yes.

16340. (*The Attorney-General.*) Will you just tell us - for the present I am only going to ask you this simply - Is there a Marconi room on board the vessel on which you have to operate? - Yes.

16341. And there was on the "Titanic"? - Yes.

16342. (*The Attorney-General.*) No doubt your Lordship saw the room on the "Olympic." (*To the Witness.*) That is quite close to the bridge, is it not? - Quite close to the bridge.

16343. (*The Commissioner.*) I suppose it is in the same position as the Marconi room on the "Olympic"? - I believe there is a difference.

16344. In the position? - In the exact position of the cabin.

16345. Is it in practically the same place? - It is in practically the same place.

16346. (*The Attorney-General.*) Has your Lordship the plan of the "Titanic" - do you see where it is? It is just forward of what is marked as the elevator gear. (*To the Witness.*) I want to know a little about this. There are, I see, three rooms; there is what is called the silent room, which is, I suppose, the room in which you work where you receive and transmit? - No, the silent room is the one we use for transmitting.

16347. Then there is another room called the Marconi room. What is that? - That is the room where we sit to receive and send our messages.

16348. Then bedroom? - That is the bedroom.

16349. Is that for both or one of you? - For both.

16350. I am not sure that I understand what you said about the difference between the silent room and the Marconi room. Do you transmit in a different room to the one in which you receive? - The silent room contains the alternator and the motor and the spark gap, and it is made silent so that the noise from the sparks shall not disturb anybody round about there. You can close the sound entirely out, and it is connected through to the operating room, and the key is in the operating room.

16351. What I want to know about this for the moment is, when you speak of the silent room do you mean you only transmit in that room? Your answer to me was that "it is the room in which we transmit messages." Do you understand? - Yes.

16352. Do you mean that it is the room in which you only transmit messages? - It is the room which contains the transmitting gear.

16353. Do you mean you do only transmit from there? - Yes.

16354. Is the Marconi room then the room in which you would only receive messages? - No.

16355. That is why I want you to tell us. What is that? - The transmitting gear is inside the silent room, and it is connected through by means of wires to the key in the Marconi room which we operate. The receiving apparatus is in the Marconi room.

16356. That is what I wanted. You, I suppose, were in the habit of recording messages, were you, in the ordinary way? - Yes.

16357. While you were on the "Titanic"? - Yes.

16358. I must ask you as a matter of form. There are no records at all that have been preserved of the messages to the "Titanic," none of the "Titanic" records? - No.

16359. Would you tell us so far as you are able what was the first message you recollect with regard to ice reports? - The first message I recollect on the 14th April was from the "Californian."

16360. That is the first you recollect? - Yes, and the last.

16361. Is it the only one? - It is the only one I recollect.

16362. That is on the 14th? - Yes.

16363. Just before I ask you about that - that is speaking of the 14th, but had you had any messages before the 14th that you recollect? - No.

16364. Would you tell me what was the message that you recollect receiving on the 14th. Do you recollect the time when you received it? - The time was between five and half-past in the afternoon, ship's time. It stated that the "Californian" was passing close to large icebergs and gave the latitude and longitude.

16365. (*The Attorney-General.*) Your Lordship will recollect that is very much what Mr. Evans said at page 201. He says 5.35, and the witness says about 5.30. (*To the Witness.*) Was that a message to you, or was it merely a message which you overheard? - It was a message intended for me in the first place, but which I overheard afterwards.

16366. I am not quite sure that I understand what you mean by that. Was it a message which was directed to you? - It was not directed.

16367. Were you called up? - It was not directed to me, but I took it down for delivery.

16368. (*The Commissioner.*) Do you mean by taking it down writing it down? - Yes.

16369. (*The Attorney-General.*) Do you always write the messages down which you receive? - Yes.

16370. Is that the invariable practice? - Invariable.

16371. Do you also write the messages which you send? - They are generally written for us.

16372. And put before you for the purpose of your transmitting them? - Yes.

16373. What ship was sending the message? - The "Californian."

16374. For whom was the message intended? - To the best of my recollection it was the "Baltic."

16375. How would you know that? - By the call letters.

16376. Which would indicate the "Baltic"? - Yes.

16377. Was that the message which you first overheard? - Yes.

16378. What did you do? What I want to know is could you tell whether the "Baltic" was receiving the message? - The "Baltic" did eventually receive the message.

16379. How do you know that? - Because she acknowledged it to the "Californian."

16380. Did you hear the message from the "Baltic" to the "Californian"? - Yes.

16381. Did you realise from that that it was an ice report? - Yes.

16382. Then during this time did you know that there was any message that the "Californian" had for you? - I knew it was the same message that the "Californian" had for me.

16383. You mean that your letters were called: is that it?

Sir Robert Finlay: No.

16384. (*The Attorney-General - To the Witness.*) Just let us see what you mean by that. I understood you to tell us that you heard the message between the "Californian" and the "Baltic." Is that what you have said? - Yes.

16385. How do you know the message was for you? - Because the "Californian" had called me previously and said she had an ice report for me.

16386. Then you heard what was taking place, and you knew what the report was? - Yes.

Sir Robert Finlay: I think that the message was sent to the "Titanic," but, as I understand the witness, he was busy and did not attend to it at the time. That was a message to the "Titanic." Then afterwards he heard the same message repeated to the "Baltic."

The Attorney-General: I do not think that is what he said.

The Solicitor-General: That is neither his evidence nor is it the fact.

The Attorney-General: I have not heard the witness say a word about that, but we will see. It may be right. All I mean is that it is not as I understood what was the witness's evidence,

because he has not said that.

Sir Robert Finlay: I understood him to say he did not acknowledge the message when it was sent to the "Titanic," and he afterwards heard the same message being sent by the "Californian" to the "Baltic."

16387. (*The Attorney-General.*) It may be so; we will get it quite clear. It is quite possible that is right. (*To the Witness.*) Was that right? Did you hear what my learned friend Sir Robert Finlay said just now? - Perfectly correct.

16388. So that although you knew you were called, you had something else to do; you were busy at the time? - Yes.

16389. Then you eventually overheard it? - Yes.

16390. (*The Commissioner.*) I do not want you to skip over that. What business had you that you were attending to at the moment? - I was attending to another branch of my work.

16391. What branch? - I was writing up the accounts.

16392. Pounds, shillings and pence, you mean? - Yes.

16393. The account book? - Yes.

16394. That is what you were attending to at that particular time? - Yes.

16395. (*The Attorney-General.*) Did you send any message yourself in answer? - Yes, I acknowledged the receipt of the report.

16396. To whom? - To the "Californian."

16397. Do you remember what it was you said? - Not the exact words, but it was to the effect that I had overheard him send it and that I had taken it down.

The Attorney-General: Your Lordship will remember, if you want the passage where this is dealt with by Evans, it is at page 202, Question 8972: "(Q.) What did the 'Titanic' say to you when you offered your ice report? - (A.) He said: 'It is all right; I heard you sending it to the 'Antillian,' and I have got it.'"

16398. (*The Commissioner - To the Witness.*) Do you remember sending such a message? - It was a message to that effect, but there was no mention made of a ship's name.

16399. That is what I wanted to know. Do you remember ever having referred to the "Antillian"? - In a case like that you would refer to the ship's call letters; you would not mention the ship by name.

16400. I suppose the man on the "Californian" would have the corresponding letters? - Yes.

16401. Do you remember referring to the call-letters of a ship called the "Antillian"? - I remember referring to the call-letters of a ship which I understood to be the "Baltic."

16402. (*The Attorney-General.*) Whatever it is, whether you recollect the letters or the name of the ship or not, it was a ship with which the "Californian" was in communication - is that right? - Yes.

16403. And whose message you overheard? - Yes.

16404. So far, your recollection is clear? - Yes. I see in America - I am going to read a passage from the evidence you gave in America with regard to the message, which is on April 20th, 1912.

The Commissioner: I have not got the American evidence.

The Attorney-General: I thought I handed it up. Your Lordship need not be troubled with it; we will get the effect of the evidence from this witness.

The Commissioner: That is what I mean. I do not ask for it, but I presume that whenever it is referred to the reference to it will be on the shorthand notes.

The Attorney-General: Yes.

The Commissioner: For instance, what you are to say at present will be taken down on the shorthand notes.

16405. (*The Attorney-General.*) Yes. (*To the Witness.*) I would like you to tell the exact

language of that message. If you will follow what I am putting to you, this is your answer: "(Q.) It stated that the 'Californian' had passed three large icebergs, and gave their latitude and longitude? - (A.) That they passed three large icebergs, yes." And then you are asked, "And gave their latitude and longitude. (A.) Yes, she passed very close to them." And then you were asked whether you recollected the latitude and longitude, and you said you did not. That is the evidence you gave in America? - Yes.

16406. I take it that evidence is right? - That is correct.

The Attorney-General: The message which has already been read, which I will just refer to again, which was actually sent, your Lordship will remember, "Three large bergs five miles to southward of us. Regards."

The Commissioner: There is the latitude and longitude.

The Attorney-General: Yes, I am going to refer to that; I wanted to get first the actual facts to bring them to his recollection: "Three large bergs five miles to southwards of us. Regards"; but you see how it begins, "6.30 p.m., A.T.S." which is we know the ship's time. Then there is the latitude 42.3° N., and the longitude 49.9° W.

16407. (*The Commissioner.*) The message begins "To Captain, Antillian."

The Witness: Yes.

The Attorney-General: It is sent off at 5.35.

The Commissioner: At 6.30 p.m. those three large bergs were noticed.

The Attorney-General: Your Lordship will recollect that the time which is there mentioned is the time at which they are seen and the latitude and longitude are there given. I think it is unnecessary to go further into that. We could show, if it had been necessary, from the *procès-verbal* that the "Californian" message was not to the "Baltic," that they were not in communication with the "Baltic" at that time at all, and that the message we have got is the message from the Captain of the "Californian" to the "Antillian," and no doubt is the message which is before you.

The Commissioner: Is he mistaken when he says that he thinks the message was to the "Baltic."

16408. (*The Attorney-General.*) I think so, according to what we have got. (*To the Witness.*) You said you thought it was to the "Baltic." I have called your attention to the only message which we have got, at least of which we know so far, which is a message from the "Californian" to the "Antillian," sent at about 5.30 and giving this information about the "three large icebergs, five miles to the southward of us." Is there any reason you have to recollect that it was to the "Baltic"? - May it have been this message to the "Antillian"? - There is no special reason why I should recollect the "Baltic" beyond the fact that it was on my mind from the time I landed in New York, and that was the evidence I gave on the Saturday.

16409. I think I understand what you mean? - At the same time we had many communications and on the Sunday the traffic was very heavy.

16410. (*The Commissioner.*) You were very busy on the Sunday? - Very busy.

16411. (*The Attorney-General.*) According to your recollection when you gave the evidence in America you thought it was a communication from the "Californian" intended for the "Baltic"? - Yes.

16412. What did you do when you got that message? - I delivered it to the officer on the bridge.

16413. Do you remember who the officer on the bridge was? - No, I was not acquainted with the officers.

16414. But whatever it was, I understand it was the ice report which you have told us of, and you delivered that at once to the officer on the bridge? - Yes.

16415. Was that what you always did when you got a message - well, what is your objection, Sir Robert?

Sir Robert Finlay: My objection is that we know what he did when he heard the message to the "Titanic." However -

16416. (*The Attorney-General - To the Witness.*) What was your practice when you got a message? - If it was for the navigating staff or the Captain we delivered it personally.

The Commissioner: You scarcely had a practice on board the "Titanic," because it was her first voyage. You may have had a practice on some of the other ships.

The Attorney-General: He was there for some days, of course.

16417. (*The Commissioner.*) Yes, he was there for some days. (*To the Witness.*) This is the only ice message, as far as I have gathered, that you can tell us anything about? - It was our practice if a message -

16418. Never mind about your practice at present. I am asking you, was this the only ice message that you remember being received on board the "Titanic"? - It was the only ice message, but it was not the only message for Captain Smith.

The Attorney-General: I did not ask him about a practice as to an ice message, my Lord.

16419. (*The Commissioner.*) No, but I am thinking about ice messages. (*To the Witness.*) Did you receive any other message that you can remember that concerned in any way the navigation of the ship? - None that I can recollect.

16420. Then this is the only message you received during the whole of this voyage that could in any way affect the navigation of the ship? - Yes.

16421. And you say you delivered it? - Yes.

16422. Then I do not know what practice you could have about such messages on that ship; you may have had a practice on other ships? - There were messages coming through for Captain Smith all the time, but they did not affect the navigation of the ship.

16423. (*The Attorney-General.*) I did not think he had said that, nor was he asked, my Lord. I did not think he had said anything to the contrary of that nor had he been asked. I asked what the practice was when he got a message. I agree that the important thing is to know what happened with regard to an ice message as to which there could not be a practice. (*To the Witness.*) What I wanted to ask you was this. You told us there were a number of messages which came through for Captain Smith; by name, do you mean? - Yes.

16424. Of course, those would be delivered to him personally? - Personally.

16425. (*The Commissioner.*) Would they be delivered to an officer of the ship, or to the Captain to whom they were addressed? - They were invariably delivered to the Captain.

16426. This was not addressed to the Captain? - No.

16427. And you simply delivered it to an officer on the bridge? - Yes.

16428. (*The Attorney-General.*) Could you tell us how long it was after you got the message that you delivered it on the bridge? - About two minutes.

16429. Did it strike you as an important message? - Well, those sort of messages are looked upon as important.

16430. So that you would deliver it as soon as you could? - Yes.

16431. All that you would have to do is to take down the message and go from your room on to the bridge to deliver it to the officer? - Yes.

16432. And that is your recollection of what you did? - Yes.

The Commissioner: Sir Robert, is there any doubt that this message did come to the knowledge of the officers.

Sir Robert Finlay: I think there is no doubt at all, my Lord.

The Attorney-General: We need not pursue it.

Sir Robert Finlay: No; the point is when.

16433. (*The Attorney-General.*) One moment. When it came to the notice of the officers of the ship? - This witness says that he gave it two minutes after it was received. (*To the Witness.*) Were you at this time, that is at the time you received the message, receiving messages from a number of ships? - Yes.

16434. Were those messages which you had to relay to Cape Race? - The majority.

16435. (*The Attorney-General.*) It is suggested by my learned friend, Sir Robert, your Lordship will recollect, that they were busy on the 14th, and I am to show that he was on the 13th as well receiving messages in this way. (*To the Witness.*) You would get a number of messages which would come to you which you would then have to relay and transmit to Cape Race? - Yes.

16436. As I understand you, from the time you received that message until the "Titanic" sank, so far as you are concerned, there was no other ice report? - No.

16437. That is right, is it not? - Yes.

16438. That is to say, you received none. Did you have any conversation at all with Mr. Phillips about ice messages? - No.

16439. Nothing passed between you? - Nothing at all.

16440. How long did you continue to receive messages before going away on this day - before going down to your dinner? - To the best of my recollection -

The Commissioner: What was the time?

16441. (*The Attorney-General.*) I know, but I want him to tell us; it was some time in the evening.

The Witness: To the best of my recollection I went off watch between 6 and 7.

16442. At what time did you dine as a rule? - Seven o'clock.

16443. Then did you go to your dinner that evening do you remember? - Yes.

16444. About that time? - Yes.

16445. You can recollect that? - Yes.

When did you come up again?

The Commissioner: You say he can.

The Attorney-General: I said he could because he had a pleasant smile about it.

The Commissioner: I doubt very much whether he can remember going to his dinner that evening. He knows he had it.

16446. (*The Attorney-General - To the Witness.*) I rather gathered from your pleasant recollections that you do remember it? - I do remember it.

16447. (*The Commissioner.*) Do you remember every dinner you ever had? - Well, not quite.

16448. (*The Attorney-General.*) But you went down and had your dinner; when was it you came up again? - I could not give you any correct idea of the time.

Of course it is very difficult we know; you have not got your records, and we also know what has happened since. What I want you to do is to give us to the best of your ability what you recollect about it.

The Commissioner: I do not want any answer unless he does recollect it.

The Attorney-General: I agree; but we must try to find out from him.

The Commissioner: Do try, but as to the events of this morning, I want to be as sure as I possibly can.

The Attorney-General: Your Lordship must know how he recollects it before you can tell what value to attribute to the evidence.

The Commissioner: That is why I want to know whether he does recollect at all.

The Attorney-General: I quite agree. (*To the Witness.*) Do you recollect coming up again from your dinner?

The Commissioner: He cannot recollect; there is no use his saying to me he can recollect. He may know he did come up.

The Attorney-General: Your Lordship will hear what happened afterwards, and you will find that he does recollect.

The Commissioner: I can quite imagine that if he met some particular person, he might possibly recollect it; otherwise it is impossible.

16449. (*The Attorney-General - To the Witness.*) We may be quite sure about this - that you did not stop down at dinner all that night? - No.

16450. After you had had your dinner, did you have any conversation at all with Mr. Phillips? - Yes, we chatted for a long while.

16451. Where was it you had this chat? - In the Marconi room.

16452. So that you had come up from your dinner to the Marconi room? - Yes.

16453. Do you remember how long it was after you went down to dinner that you had this chat with him in the Marconi room? - Somewhere about 20 minutes to half an hour.

16454. (*The Commissioner.*) What is this 20 minutes that you remember? - For my dinner - about 20 minutes to half an hour I have for my dinner.

16455. I understand now from you that you recollect not only coming up from your dinner (that you did come up, of course we know), but you recollect 20 minutes' conversation with Mr. Phillips. Is that what you mean to say? - No, I was asked how long was it after I went down for my dinner before I returned, and I say it was between 20 minutes and half an hour.

The Attorney-General: He did not say that he had 20 minutes' conversation with Mr. Phillips. The question I put to him was that he had some conversation with Mr. Phillips in the Marconi room, and I asked him how long that was after he had gone down to his dinner, so as to get some idea of the time.

The Commissioner: You asked him how long the conversation was.

16456. (*The Attorney-General - To the Witness.*) It was in answer to that you said 20 minutes to half an hour? - Yes.

16457. In talking to him, was communication established, can you tell me, with Cape Race? - No.

16458. Was it established during that evening? - Yes.

16459. Do you remember about what time? - Just before I turned in.

16460. What time would that be? - Between half-past 8 and 9 o'clock.

16461. Who established that communication? - Mr. Phillips.

16462. When did you relieve Mr. Phillips? - I was due to relieve him at 12 o'clock.

16463. At 12 o'clock that night? - Yes.

16464. Why was that? - He had had a very busy night the night before.

16465. If I understood aright, what you said to my Lord at the beginning your duty would be from 2 o'clock in the morning to 8 o'clock in the morning? - Yes.

16466. But on this particular occasion you relieved him at 12 at night? - At 12.

16467. (*The Commissioner.*) You came on duty then or intended to come on duty two hours before your ordinary time? - Yes.

16468. (*The Attorney-General.*) That was, as I understand from what you said just now, because he had had a very busy time; was that it? - Yes.

The Commissioner: You said, Mr. Attorney, that he knew that Phillips had got into communication with Cape Race. I want to know how he knew that.

16469. (*The Attorney-General - To the Witness.*) How did you know that Phillips had got into communication with Cape Race? - I heard him sending the preliminaries as I was turning in.

16470. What do you call the "preliminaries"? - He was sending to Cape Race when I turned in

the time that -

16471. (*The Commissioner.*) Tell me what he was saying; let me hear it, and how do you know he was sending it. He did not speak it? - I was reading what Mr. Phillips was sending, Sir, from his apparatus.

16472. I want to understand it. Phillips was sending a message by means of the machine? - Yes.

16473. Were you looking at him while he was doing it, or looking at the machine? - No.

16474. How do you know what it was that he was sending? - I could hear the make and break of his key.

16475. Do you mean to say that you listened, and by that means knew what the message was? - Yes.

16476. Why were you listening to the message? - You know, I tell you at once, Mr. Bride, your memory is of such an extraordinarily accurate kind that I wonder whether you are really giving us - I do not mean for a moment to say you are not telling us the truth, but I doubt whether you can remember such things with accuracy; I could not, but my memory is not nearly as good as yours. Do you mean to tell me that at this distance of time or from the Sunday when you landed at New York you recall having listened to a message which did not concern you, and remember what it was? - It was not a message which concerned you? - The message did concern me indirectly.

16477. In what way? - Because I had refused it in the first place when it was offered to me; I did not answer it.

16478. You have not told us that: What was that? - It was the message of the "Californian" - the ice report of the "Californian" which he had offered to me, and which was explained a minute or two ago.

16479. I thought you were talking about Cape Race? - We are talking about Cape Race now. I remember these things, because they constitute my work, and they are big things, as far as I am concerned. It was one of the biggest -

16480. If I were to ask you to give me particulars of all the messages that you had taken on the 13th, could you recollect them now? - No.

The Attorney-General: Nor has he been asked.

The Commissioner: I asked if he could remember them.

The Witness: I am not offering to give you particulars of the messages which were sent on the 14th.

16482. I am talking about this one particular message to Cape Race? - I was to tell you that Mr. Phillips was transmitting the time we had on board our ship, also his distance and bearing from Cape Race, and the number of messages he had for Cape Race, which is the usual thing when establishing communication with a land station.

16483. (*The Attorney-General.*) See if you can tell us in your own way, without my suggesting it to you, why should you particularly remember getting into communication with Cape Race? - It was just before I went to bed; I was not asleep, and I had nothing else to do but to lie and listen.

16484. Is it important to you to get into communication with Cape Race? - It was that night.

16485. Had you been in communication with Cape Race before on that voyage? - No.

16486. Is it of importance for you when you can get into communication with it that you should at once send messages? - It is.

16487. (*The Commissioner.*) Do I understand that messages collect together before you get into communication with Cape Race which have to be transmitted when you get into communication with Cape Race? - Yes, they do.

The Commissioner: That explains it.

16488. (*The Attorney-General.*) One thing more your Lordship will follow. (*To the Witness.*) Is that your first means of communication with America on your voyage? - Yes.

16489. So that, of course, you would be anxious whatever messages you have got to send to America to get into communication with Cape Race and then transmit them? - Yes.

16490. (*The Attorney-General.*) Your Lordship sees why he would remember that. (*To the Witness.*) So that on this particular occasion you have told us now and explained to my Lord why you recollect that. Now will you tell me, when you came up at 12 o'clock and relieved Mr. Phillips did you find any telegrams still to relay to Cape Race? - As far as I can recollect Mr. Phillips told me he had cleared all the traffic to Cape Race.

16491. He had got a considerable accumulation? - Yes.

16492. Now, the only other thing I want you to tell me is, did he tell you - can you recollect, whether he said when it was that he had finished relaying the telegrams to Cape Race? - He did not say.

16493. Was this conversation that you have told me of directly you came up? - Yes.

16494. That is 12 o'clock? - Yes.

The Commissioner: After the collision.

16495. (*The Attorney-General.*) I am just going to ask about that. (*To the Witness.*) Tell us in your own way; how did you know first of all there had been a collision? - Mr. Phillips intimated that he thought we had struck something from the fact of feeling the shock.

16496. You yourself had not felt it? - No.

16497. Had you been asleep? - Yes.

16498. Did you remain in the room with Mr. Phillips at 12 o'clock? - Yes.

16499. At that time were you sending any messages? - No.

16500. Did the Captain come in to you? - He did shortly afterwards.

16501. Between the time of your coming up and the Captain coming in to you had you sent any messages? - No.

16502. Or received any? - No.

16503. Then what did the Captain say? - The Captain told us he wanted assistance.

16504. I am not quite sure that I understand what you mean by that: assistance where? - He gave us to understand he wanted us to call C.Q.D.

16505. That is to say that what the Captain wanted you to do was to call for assistance from other vessels? - Yes.

16506. And you were to send out this signal C.Q.D.? - Yes.

16507. Did you hear any conversation between Mr. Phillips and the Captain about this? - Yes.

16508. Beyond what you have just told us that you were to call for assistance? - The Captain gave him the latitude and longitude of the "Titanic," and told him to be quick about it or words to that effect.

16509. Then what did Mr. Phillips do? - He started to call C.Q.D.

16510. After the Captain had come in, the first message was sent out, C.Q.D. was by Mr. Phillips; is that right? - Yes.

16511. I do not know whether you can help us at all with regard to the time a little more than you have. You have told us you came up at 12 o'clock, and that then you heard this conversation between the Captain and Mr. Phillips. Could you give us any idea of the time - how long had elapsed after your coming up at 12 o'clock, or coming into the room with Mr. Phillips? - Not with any accuracy.

16512. Give us the best estimate you can? - I do not think I could.

16513. Do you remember what was the first vessel to answer your C.Q.D. call? - The

"Frankfurt."

16514. Do you remember what the "Frankfurt's" answer was? - "O.K. Stand by."

16515. "O.K." - is that "All right"? - Yes.

16516. What was the next? - The "Carpathia."

16517. What was the message from the "Carpathia," so far as you can recollect it? - She transmitted her position and told us she had turned round and was coming along as fast as she could.

16518. To your assistance? - Yes.

The Commissioner: Did the "Frankfurt" transmit her position? - No.

16519. (*The Attorney-General.*) So as far as I follow from what you have told us, the "Frankfurt's" message was "O.K. Stand by"? - Yes.

16520. What did you understand that to mean? - That he had got my message and would let me hear from him in a minute or so.

16521. It meant to say "All right," that he had got your message. "Stand by" - that is. "Wait and I will communicate with you later"? - Yes.

16522. He would have to communicate with the Commanding Officer? - Yes.

16523. You received those two messages, the one from the "Frankfurt" and the other from the "Carpathia;" what did you do then? - I went to report to the Captain.

16524. And Mr. Phillips remained in the room? - Yes.

16525. Did you report to the Captain? - Yes.

16526. Where was he when you reported to him? - He was on the boat deck, the starboard side, if I remember.

16527. What was he doing? - He was superintending the loading of the lifeboats.

16528. Do you recollect any other message? - Yes.

16529. What was the next you recollect? - The next one was the "Olympic."

16530. What did you do about that? - We received several messages from the "Olympic" from time to time, but to the best of my recollection they were not delivered because Captain Smith was busy and we presumed he would be worried, and we let them go.

16531. (*The Commissioner.*) What was the effect of the messages? - They merely said - one message I remember was that the Commander of the "Olympic" told Captain Smith to have his lifeboats ready.

16532. (*The Attorney-General.*) We know what the "Olympic's" messages are. I wanted to get from him what was done. (*To the Witness.*) Do you remember the Captain coming in and telling you about the vessel? - The Captain kept in communication with us; we either went to him or he came to us.

16533. What about? - He came in and told us at one time she would not last very long, and he informed us when the engine room was flooded.

16534. Was that before or after you had had the message from the "Carpathia;" do you recollect? - After.

16535. If I follow you correctly, you have got the message from the "Frankfurt," and you have got the message from the "Carpathia" that she was coming to your assistance, and then you got the message or messages from the "Olympic"? - Yes.

16536. And other vessels? - The messages from the "Olympic," spread over to the time when we left the cabin; from the time we first established communication, Captain Haddock was sending us communications until the time we left the cabin for good.

16537. He was communicating with you, sending you messages throughout? - Yes.

16538. Now, I want you to tell me after that, and before you left for good, as you have told us, did you have any discussion or conversation with Mr. Phillips about the relative strength of the

signals of the "Frankfurt," and the "Carpathia"? - Yes.

16539. What did he say? - Mr. Phillips was of the opinion that the "Frankfurt" was the nearer of the two vessels as the strength of the "Frankfurt's" signals was greater than those of the "Carpathia."

16540. Did you establish communication with the "Baltic" at all? - Yes.

16541. Did you send her a message? - I myself informed the "Baltic" of the condition of things.

16542. When you say the condition of things, would you tell us as well as you can to the best of your recollection - I know it is rather hard for you at this moment, but so far as you can? - I explained to the "Baltic" that we had had a collision, and we were sinking fast.

16543. When you sent that message was Mr. Phillips there? - No.

16544. Where had he gone? - He had gone outside to have a look round.

16545. When he came back did you tell him? - Yes.

16546. Did you tell him - I mean of the communication you had established with the "Baltic"? - Yes.

16547. And the message you had sent? - Yes.

16548. Did he tell you what he had found out? - Yes.

16549. What did he say? - He told me the forward well deck was awash.

16550. Did he tell you anything else? - He told me, as far as I remember, that they were putting the women and children in the boats and clearing off.

16551. Was anything said about a list, do you remember? - There was a heavy list to port.

16552. Did you notice that? - Yes.

16553. (*The Commissioner.*) You noticed that yourself? - Yes.

16554. (*The Attorney-General.*) Of course, your Lordship recollects we have got a good many of these messages, and they can be referred to at the proper time; I do not want to take him through them all, and we do not depend on memory at all for them, as your Lordship remembers. I wanted him to tell today the story so as to bring him to the point of leaving the Marconi room. (*To the Witness.*) After he came back and told you that, do you remember the Captain coming in? - Yes.

16555. What did he tell you? - He told us to clear out.

16556. (*The Commissioner.*) To clear out of the room? - Yes.

16557. (*The Attorney-General.*) To clear out - why? - It was very evident the ship was sinking.

16558. That you were to shift for yourselves - to do the best you could? - Yes; words to that effect.

16559. Do you remember whether at that time you were called up? - Yes; Mr. Phillips took the 'phones when the Captain had gone away and he started in to work again.

16560. That was after the Captain had come in and told you to shift for yourselves? - Yes.

16561. When did he get to work again? - Of course I could not read what Mr. Phillips was receiving, but I could read what he was sending, and I judged that the "Carpathia" and the "Frankfurt" had both called up together, and the "Frankfurt" had persisted in calling and was interfering with Mr. Phillips in reading the "Carpathia's" message.

The Commissioner: The one message was blurring the other.

16562. (*The Attorney-General.*) I did not know whether your Lordship heard it. (*To the Witness.*) Did Phillips say anything to you about it? - Yes; he expressed his opinion of the "Frankfurt" and then told him to keep out of it, to stand by.

16563. He told the "Frankfurt" to keep out of it and stand by? - Yes.

16564. Did he then communicate with the "Carpathia"? - Yes.

16565. To the best of your recollection, what was it he said? - To the best of my recollection he

told the "Carpathia" the way we were abandoning the ship, or words to that effect.

16566. After that did you do anything further? Did you try to call any further ships? - Mr. Phillips called once or twice more, but the power was failing us and I do not think we were getting a spark, as there were no replies.

16567. Why was that? - The power was failing us.

16568. (*The Commissioner.*) Where did you get your power from? - From the engine room.

16569. From the main engines? - Yes.

16570. (*The Attorney-General.*) The power was decreasing from there, and you could not get sufficient power to generate your spark? - That is so.

16571. Did you and Philips leave? - Yes, we left the cabin.

16572. What did you do? - We climbed up on top of the Marconi cabin and the officers' quarters.

16573. That was right on the boat deck? - Yes.

16574. Do you recollect at all whether at that time there were persons on the deck? - Yes, there were.

16575. Many? You could not tell? - I could not tell.

16576. After you got on to the roof, what did you do? - They were trying to fix up a collapsible boat that was up there, and I went to help them.

16577. That was on the top of the officers' quarters? - Yes.

16578. You went to help them? - Yes.

16579. Did you get it down from the top deck to the boat deck? - Yes.

16580. With all the men who were assisting? - Yes.

16581. What happened to it then? - It got swept off.

16582. That was the collapsible? - Yes.

16583. When it got swept off, did it float? - Yes.

16584. Do you remember at all whether this was on the port or starboard side? - On the port side.

16585. It was on the port side you got the collapsible? - It was at the side of the forward funnel on the top of the officers' quarters.

16586. What happened to you - did you get into the collapsible? - Yes.

16587. Was it floating all right when you got into it? - It was upside down.

16588. Had it capsized? - Yes.

16589. When you say you got into it, was that after the "Titanic" had sunk? - No, it was before the "Titanic" had sunk.

16590. How did you come from off the boat deck? - I was swept off with the boat.

16591. Was the water then rising all the time? - Yes.

16592. And eventually you were swept off and the water was rising? - Yes.

16593. And as the collapsible boat was swept off into the water you also were swept off; is that correct? - Yes, we went over together.

16594. (*The Commissioner.*) Just let me understand exactly where that collapsible boat was; was it in front of the forward funnel? - It was on the port side of it, right alongside of it.

The Attorney-General: Your Lordship will recollect there are the two emergency boats on each side.

16595. (*The Commissioner.*) Which is the collapsible boat?

The Witness: This one (*Pointing on the model.*)

16596. Am I to understand that at this time the water was flush with that deck? - Yes - no, it was flush with A deck; we pushed it over from that deck on to A deck.

The Attorney-General: That is exactly what Mr. Lightoller explained.

16597. (*The Commissioner - To the Witness.*) Then the water was flush with the boat deck? - Yes.

16598. And swept this boat off into the sea and you with it? - Yes.

16599. (*The Attorney-General.*) Let us be quite clear about it. Do you know which is the A deck? - I have always been given to understand the boat deck was the A deck.

16600. That is what I thought was your impression. The collapsible boat you are speaking of was the one which was on the port side on the deck house. Is that right? - On the deck house, yes.

16601. (*The Attorney-General.*) Your Lordship will remember there is an emergency boat, then a collapsible, then one on the top and the same on the starboard side, and that makes the four Englehardt collapsibles. (*To the Witness.*) That one which was on the port side you got down from the deck-house on to the boat deck, as we call it, and then the water washed it off? - Yes.

16602. And washed you off? - Yes. The last I saw of Mr. Phillips he was standing on the deck-house.

16603. (*The Attorney-General.*) My learned friend reminds me, my Lord, that this is dealt with by Mr. Lightoller, at page 318, Question 14035, and this is what he said about it: "I called for men to go up on the deck of the quarters for the collapsible boat up there. The afterend of the boat was underneath the funnel guy. I told them to swing the afterend up. There was no time to open her up and cut the lashings adrift. Hemming was the man with me there" - (we are to call Hemming) - "and they then swung her round over the edge of the coamings to the upper deck, and let her down on to the boat deck. That is the last I saw of her for a little while." (*To the Witness.*) You do not recollect in such detail, I understand? - No.

16604. You told us the collapsible boat capsized. Did you get on to the collapsible boat? - I swam away from it.

16605. Why? - I do not know.

16606. Then what happened to you? - I joined it again later on, three-quarters of an hour to an hour I should estimate, and I climbed on top of it.

16607. You got back again, or, at any rate, you got to the same collapsible boat you say three-quarters of an hour to an hour afterwards? - I should estimate the time to be that.

16608. (*The Commissioner.*) Had you a lifebelt on? - Yes.

(After a short adjournment.)

The Solicitor-General: My Lord, the Attorney-General has been called away. Perhaps your Lordship will allow me to finish the witness?

The Commissioner: Yes.

16609. (*The Solicitor-General - To the Witness.*) I think you had just got to the point when you found yourself in the water? - Yes.

16610. Tell us what it was that happened to you? - I swam away from the "Titanic," saw the "Titanic" go down, and climbed on top of the collapsible boat for the second time, was picked up from there by the "Titanic's" lifeboat, and taken on board the "Carpathia."

16611. I want to imitate your own brevity about it as far as I can; but did you get on to the collapsible boat at once, or were you in the water for some little time? - I was in the water for some little time.

16612. Do you mind telling us about it? - I was in the water, I should estimate, nearly three-quarters of an hour. It may have been more. It was some time after the "Titanic" sank.

16613. I only want you to tell us about it. I have looked up your evidence in America. Did you find yourself at the under-side of the collapsible boat? - I was on the under-side of the boat, yes.

16614. I want you to tell us about it? - I was on the underside of the boat. After I had been there two or three seconds I cleared myself and swam away from it.

16615. The collapsible boat is a flat kind of thing like a raft? - Yes.

16616. You mean, you found yourself on the underside of that? - Yes.

16617. (*The Commissioner.*) In the water? - Yes.

16618. Knocking your head against the bottom of it? - I was upside down myself. I was lying on my back.

16619. (*The Solicitor-General.*) You were lying on your back, and found yourself on the underside of this raft? - Yes.

16620. Was there an air space between the underside of that and the top of the water? - I could not find it.

16621. Then you were in the water? - Yes.

16622. (*The Commissioner.*) You cannot have been very long there? - Oh, no.

16623. You must have got out of that position? - Yes, I did.

The Commissioner: What is this material to?

16624. (*The Solicitor-General.*) It is not very material except that one likes to be satisfied we have got hold of the same gentleman who gave evidence in America. I read here: "You remained under the boat how long?" and you are recorded as giving an answer: "I should say about three-quarters of an hour or half" Is that right? - No. Senator Smith pressed that question, and I could not give him any idea, he said: "How long did it seem?" and I said: "It seemed a life time."

16625. The next question is "Was there a breathing space under the boat when it was turned over in that way?" and you are recorded as having answered "Yes, Sir." Did you mean, no? - No, I do not think I said anything like that.

16626. "So that you got away from it as quickly as you could? - (A.) Yes, Sir. (Q.) Then you got out of it and got on it. At any rate, there seems to be some confusion. Now, going back a minute or two to the practice - supposing a message comes to the Marconi room for the Captain, and it is heard, taken down, I suppose, by either you or Phillips. Do you see? - Yes.

16627. Just tell us what happens; what would you do in a case like that? - In a case like that I should take it along myself to the Captain.

16628. What is it you would take along? - The message.

16629. Well, I suppose it is a piece of paper? - Yes, a piece of paper. It would be enclosed in an envelope.

16630. Would it be enclosed in an envelope? - Yes.

16631. Then there is not any ship's messenger or boy who does this; you do it yourself? - Well, you can have one, but by the time you have rung for him to come up, and he has come up, you could have taken it yourself and be back again.

16632. (*The Commissioner.*) You are close to him? - We are close to the Captain on the "Titanic."

16633. (*The Solicitor-General.*) And would it be part of the duty of you or Phillips, as the case may be, to get such messages delivered? - Yes.

16634. If the message is addressed to the Captain, is it your duty to give it to him personally, or where do you put it, or what do you do with it? - It is our duty to ascertain somehow or other, that the message is delivered to the Captain to give it to a responsible man - the Captain's steward - or take it ourselves.

16635. I think you told the Attorney-General that there had been a number of messages during the voyage, of different sorts, for the Captain? Is that so? - Yes.

16636. As far as you know, were those messages delivered? - Yes.

16637. As far as they came, when you were on duty, did you deliver them? - I delivered them

myself. I delivered several that came when Phillips was on duty.

16638. Are these messages that came to the ship for the Captain paid for message by message, or are they included in some rate? - Some of them may be paid for; they may be messages from passengers on other ships; they may be Master's service messages, or they may be franked messages from the office, or from the Captain of another ship to our Captain.

16639. Let us take the Master's service messages - we have heard of them? - They deal with the navigation of the ship, and anything relating to the shipping company.

16640. Are those paid for message by message? - No, they are free between ship and ship.

16641. And supposing it was the other way about - supposing Captain Smith was sending a message which was a Master's service message to another ship, would that be paid for, or does that go free? - That is likewise free.

16642. Now let us take the messages for passengers? - If Captain Smith was sending a message to passenger it would go free of charge, because the Marconi Company allow the Captain and the officers of the ship a grant of so many words free of charge.

16643. It is my fault; I did not quite mean that. You had passengers on board, I suppose who wanted to send messages? - Yes.

16644. Now, when they want to send a message what is done? Is it written down, or how does it happen? - The passenger goes to the purser's office, is handed a form, and writes down his telegram, and the purser charges him for it, and, incidentally, it works back to the Marconi Company.

16645. (*The Commissioner.*) And the money is paid how? - To the purser on the majority of ships.

16646. And does the purser account to the Marconi Company for the amount of money at the end of the voyage? - Yes. In the case of the "Titanic" the message was sent up by a pneumatic tube to our office.

16647. (*The Solicitor-General.*) Sent up by pneumatic tube from the purser's office to you? - Yes. Here was a ship going to America with a number of people on board, some of them Americans; can you tell us by the time you got into touch with the mainland, with Cape Race, had you got an accumulation of messages waiting to be sent to America?

16648. (*The Commissioner.*) He told us that, you know?

The Witness: I had a very large accumulation.

16649. (*The Commissioner - To the Witness.*) Phillips worked them off. How are you paid? - I am paid by the Marconi Company.

16650. Yes. I did not mean that, but are you paid a fixed salary or according to the number of messages? - We are paid a fixed salary.

16651. Your pay does not depend upon the number of messages sent? - No.

16652. Do you know how you are on the articles of the ship? - Yes.

16653. What does the ship pay you? - Is a month in some ships; in the White Star Line I received a fixed salary.

16654. How much did you receive from the White Star Company? - I have not received anything.

16655. But how much were you to receive? - I could not say; I think it was £ 2 5s. a month.

The Solicitor-General: I have it here. As you said, you are on the articles of the ship's company. What I have here is the office copy, which is forwarded to the Registrar-General of Seamen, and I see here, "H. S. Bride." That is you, is it not? - [No Answer.]

16656. "Aged" - I cannot read it. What is your age? - 22.

16657. "London," and then there is an address given.

16658. (*The Commissioner.*) While you are on the question of age, will you tell me what age

Phillips was? - He was somewhere between 24 and 25, I believe.

16659. (*The Solicitor-General.*) Phillips is entered here as 24. (*To the Witness.*) Now, "Bride, London," I cannot read what it says about the name and official number and the port she belonged to - that is your last ship, I suppose - what was it? - The "Anselm."

16660. Yes, that is it, and you are written down as "Telegraphist"? - Yes.

16661. £2 2s. 6d. a month. I suppose you are paid a salary by the Marconi Company? - Yes.

16662. (*The Commissioner.*) What salary do you get from the Marconi Company? - £4 a month.

The Solicitor-General: We deliberately refrained from asking Mr. Turnbull, the Marconi gentleman, the details about the agreement with the White Star because he was not prepared with the documents, and we thought it would be better to recall him on that part of the case so that we will not pursue it.

16663. I think you stated it was about 3 o'clock in the afternoon on this Sunday when you heard the "Californian" message? - I said 5.

16664. Five, you said? - Yes.

16665. I thought you said 3, but you say it was 5 o'clock by ship's time? - Yes, between 5 and half-past.

16666. You knew it was an ice message? - Yes.

16667. I think you stated to the Attorney-General that you were engaged in adding up your accounts? - Yes.

16668. And then you went on adding up your accounts, and paid no attention to this message? - No.

16669. Then some time afterwards, I forget whether you gave us the time, you happened to hear it repeated? - Yes, that is correct.

16670. Then you had not written it down when you heard it the first time? - No.

16671. You knew it was a message to the "Titanic"? - Yes.

16672. Reporting ice? - Yes.

16673. You did not write it down? - No.

16674. You took no notice of it at all, but went on adding up your accounts? - Yes.

16675. Then, if you had not happened to hear that message repeated to another ship nothing would ever have been heard of that message? - Yes, it would.

16676. Well, forgive me. It gave the latitude and longitude. You had written nothing down when the message first came? - No.

16677. Do you suggest that without writing anything down, and being busy with accounts, you can trust yourself to carry in your head the latitude and longitude which had been given in the message? - No, I had read the text of the message, which mentioned three large bergs. I had not got the latitude and longitude, and I should have called the "Californian" if she had not transmitted it at a very short period afterwards, and asked her for the latitude and longitude.

16678. The latitude and longitude you could not have carried in your head? - No.

16679. The only way of getting that message would have been to call the "Californian" afterwards to get the latitude and longitude? - Yes.

16680. You happened to hear it repeated, did you say, a quarter of an hour or twenty minutes afterwards? - Yes.

16681. Are you sure about the time? - Yes.

16682. Had you finished your accounts by that time? - No.

16683. Were you still on your accounts? - Yes.

The Commissioner: What are those accounts?

16684. (*Sir Robert Finlay.*) What were you doing? - I was writing up an abstract of all the

telegrams sent the day before.

The Solicitor-General: That is the *procès-verbal*.

16685. (*Sir Robert Finlay - To the Witness.*) Is that what has been called the *procès-verbal*? - No, the telegrams; it gives the place where the telegram originated from and where it is going to, the station it is sent to; and the cost of the telegram, and the costs of the coast station, our charge, and everybody else's charge, one by one.

16686. Then when you heard it repeated you recognised it as being the message which had been sent to your ship? - Yes.

16687. And wrote it down and took it on to the bridge? - Yes.

16688. Now with regard to the payment of service messages, that, I understand you to say, is covered by the arrangement between the steamship company and the Marconi Company? - We are told to make no charge for that.

16689. No charge is made for that. Then all such messages as were sent on to Cape Race, trade and private messages, would be an extra payment to the Marconi Company - to your company? - Messages that were sent on to Cape Race at the request of passengers would be paid messages; messages sent to Cape Race on behalf of the company would be free messages.

16690. What I said was, trade and private messages sent on to Cape Race would be paid for extra? - Yes.

16691. They would not be included in the service messages? - No.

16692. I think you used the expression - I am not sure whether his Lordship caught it - that there was a very large accumulation of those messages? - Yes.

The Commissioner: That is the accumulation Phillips cleared off while the witness was asleep?

16693. (*Sir Robert Finlay.*) How long was Phillips occupied in clearing off those arrears of messages for Cape Race? He began at 8.30? - Yes.

16694. When did he finish? - I should estimate he could not have finished before nine anyhow from the batch he had, but I could not give you any idea as to when he did actually finish.

16695. I think you saw Phillips about 10 minutes before the collision, did you not? - No; after the collision.

16696. I want to ask you about what you said in America before the Committee of the Senate on this point. Were you asked this question, and did you give this answer: "Were you working with Cape Race, or was Phillips, to your knowledge, just before the collision with the iceberg? - (A.) As far as I recollect, Phillips had finished working with Cape Race 10 minutes before the collision with the iceberg. He made mention of the fact when I turned out." Did you say that, and is that true? - I said that, but I could not remember what he said now.

16697. But did you say that? - I said that to Senator Smith, but I could not recollect now what Phillips told me after I had turned out.

16698. Was what you said to Senator Smith true? - Well, I was on oath at the time.

16699. I presume what you said was true? - Yes.

16700. (*The Commissioner.*) Then what you stated just now must be a mistake? - What was that?

16701. That this man had finished his work about 9 o'clock. - I said he could not have finished sending the batch of telegrams before 9. At the same time Cape Race would have a number of telegrams to transmit to him as was proved by the "Californian" The "Californian" said she heard Cape Race sending him telegrams.

16702. (*Sir Robert Finlay.*) You know Phillips was engaged in communicating with Cape Race right on from half-past 8 to 10 minutes before the collision? - Apparently so, yes.

16703. Well, have you any doubt about it? - No. I do not think so. I am judging by the amount of work that was got through.

16704. He was engaged during these hours from half-past 8 to 10 minutes before the collision in communicating with Cape Race these trade and private messages? - Yes.

16705. We shall be able to get all those messages, I suppose, from the Marconi Company? - Yes.

16706. There is one other point. You told us that the ship to which you overheard the message repeated from the "Californian" was the "Baltic"? - Yes.

16707. Have you any reason to doubt the correctness of what you said? - I have since; but at the time I was sure of it, as far as my memory served me.

16708. Still, as far as your memory serves you, it was the "Baltic"? - Yes.

The Commissioner: Do you want to ask anything more, Mr. Solicitor?

The Solicitor-General: There is one thing I am not quite clear about. I understand my friend is going to recall these two officers. It does not arise in any way out of cross-examination. It is the message which he does know of from the "Californian." I do not myself quite follow at present what it was that he did with it, according to his own recollection, and it might be important.

The Commissioner: He took it to the bridge and gave it to an officer.

16709. (*The Solicitor-General.*) That means he wrote it down on a piece of paper?

The Witness: Yes.

16710. (*The Commissioner.*) And put it in an envelope? - No, that particular message was not put in an envelope.

The Solicitor-General: May I ask about it?

The Commissioner: Yes.

Re-examined by the SOLICITOR-GENERAL.

16711. This is the message from the "Californian"? - Yes.

16712. And it refers to the three icebergs, and gave the latitude and longitude? - Yes.

16713. Did you personally hear the message? - Yes.

16714. Did you write it down? - Yes.

The Commissioner: Which message are you now talking of?

The Solicitor-General: The only one that he says he remembers - the one from the "Californian," which says they had passed three icebergs and gave the latitude and longitude.

16715. (*The Commissioner.*) I understood he got that twice. (*To the Witness.*) Is not that so? - No, the first time I did not take it down.

16716. Yes, I know, but you received it. It came to your ears? - It came to my ears, yes.

16717. That is what I call receiving it? - I took no notice of it.

16718. And because you were busy you took no notice of it? - Yes.

16719. And that message contained, or there was comprised in it, the latitude and longitude where the ice was supposed to have been seen? - Yes.

16720. You took no notice of that message, but went on with your accounts? - Yes.

16721. For something like an hour and a half? - No.

16722. How long? - Between a quarter of an hour and 20 minutes.

16723. I thought it was an hour and 20 minutes? - No.

16724. And then you got it again? - Yes.

16725. And then you took it down and did not put it in an envelope? - No.

16726. But took it to the bridge and gave it to an officer on the bridge? - Yes.

16727. The only difference is that I thought there was an interval of more than an hour between getting the first message and getting the second message? - No.

16728. (*The Solicitor-General.*) I am going to ask your Lordship to allow me to test it, because

it is important to get the time. (*To the Witness.*) Take this in your hand. You will see it is a "Californian" *procès-verbal*. You are familiar with that sort of document (*Handing same to the Witness.*) Do you see the page before you is the page for the 14th April? - Yes.

16729. And is it the "Californian" *procès-verbal*? - Yes.

16730. Did you see an entry about exchanging Trs. with the "Titanic"? - Yes.

16731. What is the time? - Five-twenty.

16732. Is that New York time? - Yes.

16733. If it is 5.20 New York time, it would be later according to your ship's time, would it not? - Yes, ship's time.

The Commissioner: It would be about 7.20.

16734. (*The Solicitor-General.*) Yes. (*To the Witness.*) Do you know Mr. Evans? - Yes.

16735. That is the operator on the "Californian"? - Yes.

16736. He has given evidence, you know, and he says at half-past 7, ship's time, there or thereabouts, the "Titanic" stated that they had got a message about the ice, about the three icebergs; he puts that at half-past 7, you see. Now, Mr. Bride, does not that correspond with his entry 5.20 New York time? - [*No answer.*]

The Commissioner: Put it to him again.

The Solicitor-General: I do not wish to seem to be pressing him.

The Commissioner: No. It is because I do not want him to be bothered that I want you to put it to him again.

16737. (*The Solicitor-General.*) I put before you just now, and you have before you now, the *procès-verbal* of the "Californian"? - Yes, 5.20 Trs. with M.G.Y.

16738. Is not "M.G.Y." the "Titanic"? - "M.G.Y." is the "Titanic." It says on the top "New York time."

16739. And do you agree that 5.20 New York time would mean on your ship something like half-past 7? - Yes.

16740. And are not all those entries on that *procès-verbal* made in order of time line after line? - Yes.

16741. Just give us the time immediately in front of the one I called your attention to? - 5.5.

16742. That is 15 minutes before; what is the time immediately following the one I called your attention to? - 5.35.

16743. You have no doubt those entries were made at the time when each thing occurred? - I have no doubt at all.

16744. Does not that show that there were messages being exchanged between the "Titanic" and the "Californian" at 5.20? - Yes.

Perhaps you had better look at the message which at that time was being sent by the "Californian" about 7. Is not that better, my Lord? (*To the Witness.*) Just see if you can help us now about it (*Handing message to the Witness.*)

The Commissioner: There is no record in the *procès-verbal* of the "Californian" of two messages having been despatched.

The Solicitor-General: That is right, my Lord. I will have it looked at.

The Commissioner: There is no record of two messages having been sent.

16745. (*The Solicitor-General.*) No, my Lord, I am told not. (*To the Witness.*) Have you before you now the "Californian's" record of the message about ice? - Yes.

16746. Just look at it, because I only want to get it clear. That message that you have before you now, what time, New York time, is it sent off? - Five-thirty-five.

16747. That corresponds exactly. And is that a message about "latitude, 42 deg. 3 min. N., longitude, 49 deg. 9 min. W. Three large bergs five miles southward of us. Regards. - Lord"? -

Yes.

16748. That actual message is being sent to the "Antillian," I think? - Yes.

16749. So far as regards the language of that message, the latitude and longitude and the three bergs, does it resemble the one which you heard? - Yes.

16750. Now just think? - With the exception that I cannot recollect the "regards" or the signature or any name or address.

16751. You probably would not remember the address or the signature? - No.

16752. But as regards latitude and longitude and three bergs, that is the same sort of thing? - Yes.

16753. Now that is sent off between five and six, New York time. Do not you think that the message you heard must have been heard by you between five and six, New York time? - No. To the best of my recollection it was between five and six, ship's time.

16754. If there was a message sent from the "Californian" to the "Titanic" between five and six, ship's time, that would be about three o'clock, New York time? - Yes.

16755. Now will you look in the *procès-verbal* of the "Californian," and see whether there is any reference to any message sent between three and four, New York time, to the "Titanic"? - No, because the first signals he has down with the "Titanic" are at 5.20, when he exchanges Trs.

16756. That is the one I called your attention to.

Does not exchanging Tr.'s mean that he has then got into communication with the "Titanic" for the first time? - Yes.

That is what it means. It starts the communication?

The Commissioner: Does it all come to this, that his own memory is quite defective about it?

16757. (*The Solicitor-General.*) Assuming those records are right, you must be making a mistake about the time, must you not? - I do not think I am making any mistake about the time.

16758. But assuming those records are right? - Assuming those records are right, yes.

16759. Assuming they are right, you are making a mistake? - Yes.

Sir Robert Finlay: It is a matter of argument. Then, my Lord, I desire to recall Mr. Lightoller and Mr. Boxhall.

16760. (*The Commissioner.*) I want to ask this witness another question. (*To the Witness.*) The only ice message that you heard anything at all about was the ice message from the "Californian"? - That was the only one.

16761. Now, be very careful. Is it the only one that you heard anything at all about while you were on the "Titanic"? - The only one.

16762. Had you any conversation with Phillips about ice messages? - I cannot recall any.

16763. Can you recall any conversation with Phillips in which he mentioned an ice message having been received by him? - No.

16764. Then, so far as you know from your own knowledge, or from conversation which you had with anybody on board the ship, there was no ice message received, except the "Californian's"? - As far as I am concerned, that was the only one.

16765. The only one you either know of or heard of? - Yes.

16766. Do you remember the Captain coming to tell you and Phillips to clear out? - Yes.

16767. Can you tell us what time of night that was? - No.

16768. You have a clock in your room, have you not? - We have two.

16769. You have a clock with the ship's time? - Yes.

16770. Have you any recollection of having seen or looked at the clock when you were told to clear out? - I had been looking at the clock whilst I was getting my P.V. entered up, my *procès-verbal*, but cannot recall any of the times now.

16771. You cannot tell us when it was that the Captain came in and told you to clear out? - No.

Mr. Lewis: May I ask a question, my Lord?

The Commissioner: Yes.

16772. (*Sir Robert Finlay.*) May I ask the witness one question? (*To the Witness.*) When you are entering up the *procès-verbal* was there any reference to any other ice? - I am talking of the time when we were calling for assistance.

Examined by Mr. LEWIS.

16773. When you returned to the Marconi room on the last occasion did anything unusual occur? - We had a lady inside there who was in a fainting condition, sitting down in a chair.

16774. Have you made a statement at any time that you found Mr. Phillips being attacked or his lifebelt being removed? - Someone was taking the lifebelt off Phillips when I left the cabin.

16775. Do I understand you to state that you thought it was a stoker who was taking this lifebelt off Mr. Phillips? - I presumed from the appearance of the man that he was someone in that line of business.

16776. This would have been a few minutes before you left the room? - Yes.

16777. Was he dressed in stoker's gear? - Yes.

16778. Do I understand that you hit him, or what? - Well, we stopped him from taking the lifebelt off.

16779. "We," you say? - Yes.

16780. I understood the report was that Mr. Phillips was engaged at this time with his work? - Yes.

16781. Sending messages; and that you forced this man away? - Well, I forced the man away and it attracted Mr. Phillips's attention, and he came and assisted me.

16782. Is your recollection of this matter very clear? - It is fairly clear.

16783. Would you know the man again if you saw him? - I am not likely to see him.

16784. You are supposed to have hit him? - Well, I held him and Mr. Phillips hit him.

16785. Mr. Phillips hit him? - Yes.

16786. That is the difference between what you say and what I read. You are absolutely positive on this question? - I am positive on it, yes.

16787. Now, with regard to the installation, did you have any spare transmitters on board? - We had a standard 5 kilowatt set, as supplied by the Marconi Company, and we had emergency gear also.

16788. Was that out of gear at any time? - We had had some trouble with it the night before.

16789. For how long was it out of gear? - For five and a half to six hours.

16790. That would have been on the Saturday? - Yes.

16791. Late on Saturday? - From 11 o'clock Friday night till half-past four or five Saturday morning.

16792. Nothing occurred to it while you were on watch; I know you were off and did not go on watch again till 12. But during your watch was there any defect? - What time was this? When are you talking about?

16793. On the Sunday? - There was nothing the matter with the apparatus on the Sunday.

16794. When you reported at 12, you did not hear from Mr. Phillips whether there had been any defect? - Apparently there had not been considering the traffic he had got through.

Examined by Mr. HARBINSON.

16795. (*Mr. Harbinson.*) I should like to ask two questions, if I may. (*To the Witness.*) Do you

remember how long it was after the collision when you learned that the "Carpathia" was coming to your assistance? - The "Carpathia" was the second boat to answer our call.

16796. Can you remember how long that was after the collision? - No, I could not tell you; it was within a very short space of time after we sent out our first distress signal.

16797. And you took that message to the Captain, you told us? - Yes.

16798. Now, do you know if the Captain communicated the substance of your message to any of the officers or to the crew? - I passed the word myself, as I went to find the Captain.

16799. To whom did you pass it? - To anybody whom I happened to go close by.

16800. Did you pass it to any of the officers? - Not to my knowledge.

16801. But you gave it out that the "Carpathia" was coming to your assistance? - Yes.

(The Witness withdrew.)

Sir Robert Finlay: Now I want to recall Mr. Lightoller.

CHARLES HERBERT LIGHTOLLER, Recalled.

Further examined by Sir ROBERT FINLAY.

16802. You have heard that a message was sent, according to the evidence, to the "Titanic," for transmission to Cape Race, from the "Amerika"? - Yes.

16803. Which would reach the "Titanic" about 2 p.m.? - Yes.

16804. You know the nature of that message? - I heard it, yes.

16805. And that a message is said to have been sent from the "Mesaba" which could not reach the "Titanic" before about 10 p.m.? - Yes.

16806. You have heard that? - Yes, I have heard of that also.

16807. Did you ever hear of any such messages? - Nothing whatever.

16808. What was the course of business with regard to messages which are communicated by the Marconi operators to the Captain or officers? - It is customary for the message to be sent direct to the bridge. If addressed "The Captain," or "Captain Smith," it is delivered to Captain Smith personally, if he was in the quarters or about the bridge. If Captain Smith is not immediately get-at-able, if not in his room or on the bridge, it is then delivered to the senior officer of the watch. Captain Smith's instructions were to open all telegrams and act on your own discretion.

16809. And are you positive that you never heard anything of either of those telegrams? - Absolutely positive.

16810. What were you doing during the day; just recapitulate in this connection what you were doing. In the afternoon, about 2 o'clock, where would you be? - I was below.

16811. When did you come up? - At 6 o'clock.

16812. And from 6? - From 6 till 10, with the exception of half an hour for dinner.

16813. You were on the bridge? - I was.

16814. And nothing was said by anyone about such telegrams? - There was no telegram received by me nor did I hear of any telegram.

16815. Were you in communication with the Captain and with other officers during that time? - Between six and ten?

16816. Yes? - I was in communication with the Chief Officer when I relieved him, and with the First Officer when I was relieved by him for dinner, and with the Commander when he was on the bridge, as well as junior officers.

16817. How often, and for how long, did you see the Commander on the bridge? - He came on the bridge about five minutes to 9, and remained with me till about twenty or twenty-five past nine.

16818. A message such as that from the "Mesaba" would be one, of course, of great importance? - I have no doubt it would have been immediately communicated to me if it referred to pack ice, as I believe it does.

The Solicitor-General: May I ask him a question or two about it?

Examined by the SOLICITOR-GENERAL.

16819. How many messages about ice on the 14th have you any knowledge of? - I have a distinct recollection of the message that the Commander brought on the bridge to me, and which I mentioned as having read while he held it in his hands.

16820. You told us that was about a quarter to one? - Yes.

The Solicitor-General: I will give your Lordship the reference, if I may. That will be found in this witness's evidence at page 302, Question 13466. Perhaps I may read two or three before that. Your Lordship had asked: "What time was it?" and I had said: "So far, my Lord, he has said it was between 12.30 and 1 in the middle of the day"; and then I said to Mr. Lightoller: "(13460.) Can you fix at all as between those times? - (A.) About 12.45 as near as I can remember. (Q.) Very well; about a quarter to 1? - (A.) Yes. (Mr. Laing.) I have the wording of it," and he handed to me the wording of the "Caronia" message. I read that to the witness. Then I said at Question 13463: "You had not heard anything about that before you went off your watch at 10 o'clock? - (A.) No. (Q.) Can you help us? Would 9.44 a.m. "Caronia's" time coming from New York be likely to be later than your 10 o'clock watch coming to an end? You see, you went off duty at 10? - (A.) Yes. (The Commissioner.) Did Captain Smith tell you when he had received the Marconigram? - (A.) No, my Lord. (The Solicitor-General.) And the first you knew of it was when Captain Smith showed it to you at about a quarter to one? - (A.) Yes. (Q.) So far as your knowledge goes, is that the first information as to ice which you had heard of as being received by the "Titanic"? - (A.) That is the first I have any recollection of." That is that one.

The Commissioner: Where is that last question?

16821. (*The Solicitor-General.*) The very bottom question on page 302. (*To the Witness.*) That is the "Caronia's" message, so that we may fairly treat that as identified and brought to your notice in that way? - Yes.

16822. Now apart from that message, were not other messages, in your belief, received to the knowledge of the officers about ice on the 14th? - To my belief there were perhaps some messages, but I can give no information and I cannot recollect with any degree of distinctness having seen them.

16823. I will tell you why I put the question, and I think my Lord will remember it. I put it to you for this reason. I asked you if you recollected when you were here the other day, whether Mr. Moody, when he calculated that you would reach the ice at 11 p.m., had, you thought, used the "Caronia" message, and you told me your impression was he had used another message; is not that so? - Precisely.

16824. That is in the middle of page 304, Question 13531. You will see the answer: "I directed the Sixth Officer to let me know at what time we should reach the vicinity of the ice. The junior officer reported to me, "About 11 o'clock." (Q.) Do you recollect which of the junior officers it was? - (A.) Yes, Mr. Moody, the Sixth. (Q.) That would involve his making some calculations, of course? - (A.) Yes. (Q.) Had this Marconigram about the ice, with the meridians on it, been put up; was it on any notice board, or anything of the sort? - (A.) That I could not say with any

degree of certainty. Most probably, in fact very probably, almost certainly, it would be placed on the notice board for that purpose in the chart room. (Q.) At any rate, when you gave Mr. Moody those directions he had the material to work on? - (A.) Exactly. (Q.) And he calculated and told you about 11 o'clock you would be near the ice? - (A.) Yes." Then the next question and answer: "That is to say an hour after your watch finished? - (A.) Yes. I might say, as a matter of fact, I have come to the conclusion that Mr. Moody did not take the same Marconigram which Captain Smith had shown me on the bridge, because, on running it up just mentally, I came to the conclusion that we should be to the ice before 11 o'clock by the Marconigram that I saw." Then your Lordship says: "In your opinion, when, in point of fact, would you have reached the vicinity of the ice? - (A.) I roughly figured out about half-past 9. (Q.) Then had Moody made a mistake? - (A.) I should not say a mistake, only he probably had not noticed the 49° wireless" - that is the "Caronia" one you had seen? - Yes.

16825. "There may have been others, and he may have made his calculations from one of the other Marconigrams. (Q.) Do you know which other Marconigram he would have to work from? - (A.) No, my Lord, I have no distinct recollection of any other Marconigrams. (Q.) Because it is suggested to me that there was no Marconigram which would indicate arrival at the ice-field at 11 o'clock? - (A.) Well, my Lord, as far as my recollection carries me, Mr. Moody told me 11, and I came to that conclusion that he had probably used some other Marconigram"? - Exactly.

16826. As a matter of fact, if one takes the Marconigram, for instance, from the "Baltic," which we proved today, it would give a later time than 9.30, and it would bring you to something like 11 o'clock. Have you noticed that? - No, I have not. I think it will be found so.

Sir Robert Finlay: Which message?

16827. (*The Solicitor-General.*) I am calling his attention to the circumstances. The "Caronia" message mentioned your getting to ice as soon as you got to the 49th meridian? - Exactly.

16828. I do not like to make a suggestion unless the Admiral thinks it is correct, but I think that is substantially so. (*To the Witness.*) You see what I mean? - Yes.

16829. And your impression at the time was not that Mr. Moody had made a mistake in his calculations, but that he had used another Marconigram? - Exactly. You will quite understand that all I am quoting is purely from memory. I am trying as much as I possibly can, of course, to assist, and it is just these mere facts as I recollect them with regard to 11 o'clock. There is nothing to identify 11 o'clock in my mind, merely what I recollect, and also with regard to the Marconigrams. I put that down as the most feasible explanation of the 11 o'clock, but I cannot say, of course, that Mr. Moody actually had seen other Marconigrams.

16830. Oh, no; you have been perfectly fair and candid about it, as far as I am concerned, if I may say so. You did not ask Mr. Moody to make the calculation again or check it? - No.

16831. You accepted his statement that his calculation showed 11 o'clock? - Yes.

16832. I think one also ought to put it from this point of view. Let me take these telegrams in order and see which of them would come in your watch, as far as one can judge. Your watch was from 6 to 10 a.m. and 6 to 10 p.m.? - Exactly.

16833. You also, I think, relieved Mr. Murdoch, you told us, between half-past 12 and 1, at lunchtime? - Yes.

16834. And during your evening watch, from six to ten you were off for a certain time to dinner? - Exactly.

16835. Now those are the times for which you are responsible. The "Caronia" message by your ship's time would get to your ship about 11 o'clock.

The Commissioner: Ship's time?

16836. (*The Solicitor-General.*) Yes. (*To the Witness.*) Or something of the sort? - Yes.

16837. It was acknowledged at 9.44, New York time, and, adding two hours, will make it

between 11 and 12? - Yes.

16838. You would have finished your morning watch by then? - I should.

16839. And you would be off duty? - Yes. I may incidentally mention the fact that I should be on the bridge between a quarter to 12 and a minute or two past 12 taking the noon position; I should be there with the Commander and the Chief and First Officers.

16840. But at any rate you did not hear anything of the "Caronia" message at that time? - Nothing.

16841. You did hear of the "Caronia" message at about a quarter to one, when you were relieving Mr. Murdoch while he had lunch? - About that time, yes.

16842. The next message in order of time that is suggested is the "Amerika" message, which merely goes through the "Titanic"? - Yes.

The Solicitor-General: And that would go through apparently about 2 o'clock?

Sir Robert Finlay: No; it ought to have been received about 2, but it could not go on till 8.30. It would be put up with other messages and transmitted after 8.30 to Cape Race.

The Solicitor-General: You are quite right. It would be in the custody of the Marconi room at some time about 2, and presumably would be kept until they got into communication with Cape Race.

Sir Robert Finlay: Yes.

16843. (*The Solicitor-General.*) When it arrived you were off duty. Assuming this evidence is right it would be in the Marconi room at 6 o'clock when you came on duty again? - Yes.

16844. You heard nothing of that? - Nothing.

16845. The next one is the message from the "Baltic" which, as I pointed out just now, would give the position of the ice at about 11 p.m.? - Yes.

16846. That message from the "Baltic" would get to your ship at about 1 o'clock? - I think so, 1 p.m.

16847. You would be off duty? - Yes.

16848. Do you observe that if you told Mr. Moody when you came on duty at 6 p.m. to calculate when he would meet ice, the "Baltic" message would be a later message in point of time than the "Caronia" message? - I see.

16849. Then the "Californian" message? - If I may interrupt you to make it a little clearer; when I gave Mr. Moody instructions (I think if I did not say it in my evidence, I ought to have done) I used words to the effect that would guide him to look for the earliest ice, to let me know at what time we should be up at the ice. He would naturally look at the easternmost.

16850. When you gave him instructions, as far as you knew there was only one ice message? - Yes.

16851. You did not know of two? - No.

16852. Then if I take the "Californian" message, it appears that that message passed at about half-past 7, ship's time. That is right, Sir Robert, I think.

Sir Robert Finlay: Yes. Of course, there is a conflict between the *procès-verbal* and the other witness.

16853. (*The Solicitor-General - To the Witness.*) You were on duty between 6 and 10? - Yes.

16854. So that that message, if it arrived at 7.30, would arrive during your evening watch? - Yes.

16855. But you are off duty at some time between 6 and 10, in order to get dinner? - Yes.

16856. What is the sort of time you are off duty? - Half-an-hour. I think that is 7.5 to 7.35, as near as I remember.

16857. And who took your place when you were off duty? - Mr. Murdoch, the First Officer.

16858. You knew nothing of the "Californian" message at all? - Nothing whatever.

16859. Then the last one, the "Mesaba" message, according to the evidence given, would reach your ship about 10 o'clock? - Yes.

16860. That is when you would be changing watch, and Mr. Murdoch would be taking your place? - Yes.

16861. (*The Commissioner.*) You told Mr. Moody you wanted him to ascertain the time when you would meet the most easterly of the ice. Was that so? - That is the impression I wished to convey, whether I actually used the word easterly I do not recollect, but he would naturally conclude that, I should judge.

16862. The information in the "Caronia's" telegram would indicate that the ice there referred to was considerably to the north of the track? - I believe so.

16863. Is it possible that Mr. Moody may have calculated the position of the ice given by the "Baltic's" telegram? - It is possible, but it is most probable that he would pay the greatest attention to the longitude regardless of the latitude.

16864. But if he did calculate according to the "Baltic's" telegram, he would ascertain the time at which the ice would be arrived at as 11 o'clock? - Quite so.

16865. And the "Baltic's" information was to the effect that ice was on the track? - A little to the north.

16866. (*The Solicitor-General.*) If your Lordship will turn to page 366, Mr. Lowe's evidence, you will see why I think it well to put it to this gentleman. (*To the Witness.*) Let me tell you how the matter stands. You are on duty from 6 to 10 in the evening and about half-past seven according to the "Californian" witnesses, there was a message sent from the "Californian," of which you know nothing? - That is right.

16867. You, as a matter of fact, were off for dinner for half an hour from seven to half-past? - Yes.

16868. I am referring to the questions beginning 15778. Did you see anything at all of a piece of paper, not in an envelope - a small piece of paper - a square chit of paper about 3 by 3 with the word "ice" on it any time between 6 and 8? - No.

16869. What would be meant by seeing a small piece of paper on the chart room table? Which room is it? - Leading out of the wheelhouse on the afterpart of the port side.

16870. It is the thing which is marked on my plan as the chart-house then? - Yes.

16871. Is there a table there? - There is.

16872. And supposing there is a message about ice and it cannot be given personally to the Captain, where would such a message be put? - It would not be put anywhere; it would be brought out on the bridge to the senior officer of the watch.

16873. Whoever he was? - Whoever he was.

16874. This little room, the chart-house, is immediately aft of the wheelhouse? - On the port side, yes.

16875. You heard nothing of that? - Nothing.

16876. And you were off for dinner for half an hour? - Yes.

16877. (*The Commissioner.*) Why would the piece of paper with the word "ice" upon it be placed there? - I may say I do not quite follow what you mean by the word "ice" unless you are alluding to a message written on a chit of paper.

16878. This is the evidence. He is asked on page 366, Question 15779: "You were on duty from 6 to 8? - (A.) I was. (Q.) Did you hear anything about any messages about ice? - (A.) There was a chit on the chart room table with the word 'ice' on" - meaning "ice" on the piece of paper.

The Solicitor-General: Will your Lordship read the next two or three questions.

16879. (*The Commissioner.*) Yes. "You mean a little piece of paper with 'ice' written on it? - (A.) A square chit of paper about 3 by 3. (Q.) On the chart room table? - (A.) On our chart room

table. (Q.) What is that, 'Our chart room table'? - (A.) The officers' chart room table, and the word 'ice' was written on top and then a position underneath. (Q.) Can you remember what the position was? - (A.) I cannot." What is this chart room table? - It consists of the top of a chest of drawers. In those drawers are all the charts, necessarily big drawers, to contain the charts fully laid out, and also drawers for navigational books, instruction books, and so on.

16880. Would that chit of paper be placed there by somebody with the position marked upon it so that a chart might be consulted for the purpose of finding out where that ice was? - A track chart is always lying on that chart room table. I quite understand what a chit of paper is. There are little pads, position pads, and deviation pads, and it is customary to tear off one of these chits and write on the back; and it would have been left on the chart room table, lying on the top of the chart.

16881. (*The Solicitor-General.*) Were you in Court here this morning when Mr. Bride gave evidence? - I was.

16882. Did you hear him say that the message heard from the "Californian" he wrote down on a bit of paper, but he did not put it in an envelope? - Yes.

16883. And if the message from the "Californian" came at half-past 7, then it would be on that watch of Mr. Lowe's that he is referring to here, 6 to 8? - Yes.

16884. (*The Commissioner.*) You knew nothing of that. Are these messages which come from the Marconi room written on chits of paper? - No, my Lord.

16885. They are on forms? - On proper telegraph forms. My explanation of that chit of paper would be that an officer has copied from some wireless telegram; he has noticed that there has been an ice-position on, and he has just scribbled down on a piece of paper "ice," and the position, and then has probably gone to the chart room, found the position, and marked it on the chart, and left the paper there, instead of crumpling it up and throwing it away; but I do not think that chit was of any importance, and I do not think it came from the Marconi room - except, I mean, as a copy of the wireless.

16886. (*The Solicitor-General.*) Do not say it is not of importance. When you say it had a position, you mean it stated probably the latitude and longitude? - Yes.

Do you know what Mr. Lowe says he did about it. Just look at page 370. There is a question asked by Sir Robert Finlay: "(Q. 15984.) You saw this chit, the note about the ice on the table? - (A.) Yes. (Q.) Did you work it out? - (A.) I worked it out roughly. (Q.) You were on watch 6 to 8? - (A.) Yes. I ran this position through my mind, and worked it out mentally and found that the ship would not be within the ice region during my watch, that is from 6 to 8. (Q.) You do not recollect what the figures were? - (A.) I do not. (Q.) But that was the result you arrived at? - (A.) That was the result I arrived at."

Sir Robert Finlay: May I ask one question on that?

Examined by Sir ROBERT FINLAY.

16887. You have been asked about the instructions you gave as to working out the time when you would get to the ice? - Yes.

16888. About what time was it you gave those instructions? - Soon after I came on deck. That is, soon after 6 o'clock.

16889. And when did you get the report? - It was some time later, because they were working stars; probably shortly before 7 o'clock.

16890. That, of course, was long before any "Mesaba" message could, by any possibility, have reached the "Titanic"? - Yes, I believe so.

16891. You have heard the "Mesaba" message, of course? - Yes.

16892. Is that a message which, if the Captain or any officer had got, he could have failed to communicate to his colleagues? - I think had that message been delivered, even to the Captain, he would immediately have brought the message out personally to the bridge; he would not even have sent it out, and he would have seen it was communicated to all the senior officers, as well as distinctly marked on the chart. It was of the utmost importance.

16893. And of a somewhat startling character? - Extremely so.

16894. The Captain, I think you said, had been on the bridge at 9.30? - From 5 minutes to 9 till 20 or 25 minutes past.

16895. (*The Commissioner.*) Will you tell me what messages, to begin with, about ice you saw on the 14th? - The one that the Commander brought on to the bridge in his own hands to me shortly after midday.

16896. Is that the "Caronia"? - I believe that is the "Caronia's" message.

16897. Now, did you see any other message about ice? - I cannot give any distinct recollection of having seen any other. You will quite understand we are in and out of the chart room, and I may have seen notices on the board. If they were there I should read them.

16898. I am talking about messages from the Marconi room. Would they be pinned up on a board? - Yes.

16899. You do not remember seeing any other than the "Caronia's"? - That is what I am explaining. If they were pinned up on this board and I was in the chart room - which we are frequently - I should notice them, make a mental note of the position of the ice, take the most easterly position, and then disregard the rest.

16900. That is to enable you to ascertain how soon you may expect to reach the ice? - Exactly.

16901. Can you tell me what other ice message besides the "Caronia's" you heard of? - I heard of none that I remember.

16902. Did you hear any conversation about any other ice message? - None.

16903. You did not hear anything about the "Californian's" ice message? - Of no message except that one I spoke of from 49 deg., to 51 deg.

16904. I daresay you have in your mind the messages which have been referred to? - Yes.

16905. The ice mentioned in the "Caronia's" message was the easternmost ice of all, was it not? - I believe so.

16906. Now, it is suggested that as you would want to know the most easterly ice you may have disregarded the other messages which indicated ice further west, and may only have bent your mind upon the most easterly ice. Do you think that is so? - Exactly, my Lord, with this reservation that had there been any mention of pack ice there is no doubt I should have fixed that telegram in my mind.

(The Witness withdrew.)

JOSEPH GROVE BOXALL, Recalled.

Further examined by Sir ROBERT FINLAY.

16907. You gave evidence the other day. Were you present when Mr. Lowe gave his evidence after you had been called? - Not all the time.

16908. Did you hear him speak about this chit on the chart room table? - No, I have not heard it till just now.

16909. You have heard of it today? - Yes, just this moment.

16910. Had you read his evidence? - No.

16911. Is it only today, just now, that you have got to know about the chit, with "ice" and the position marked? - That is all that I have heard of it, just this moment.

16912. Can you tell us anything about that chit? - Yes. The mentioning of it has refreshed my memory, and I remember writing it out.

16913. (*The Commissioner.*) You wrote it? - Yes, and it is the position of the "Caronia's" ice. I copied it off the notice board to save taking the telegram itself down. I copied it on a chit and took it into the Captain's chart room, and put it on the chart, and that is the ice that I must have put down between 4 and 6 in the evening.

16914. (*Sir Robert Finlay.*) You have heard, I daresay, of the message sent from the "Amerika" to the "Titanic" for transmission to Cape Race? - Only since I have read the evidence - that is all I had not heard of it before.

16915. Did you ever hear anything of any such message? - Not on board the ship.

16916. It is only in the evidence, since that you have heard of it? - Yes, I think reading over some of the Washington evidence or some of the telegrams that were read over in Washington was the first I heard of it.

16917. The evidence in America? - Yes.

16918. Now, with regard to the "Mesaba" message, you were on the 8 to 12 watch, I think? - Yes.

16919. Did any message from the "Mesaba" ever come to your knowledge, or did you ever hear anything about it? - I never heard anything of the "Mesaba's" message until the night we arrived in New York on the "Carpathia," and someone who had been talking to the Captain of the "Mesaba" had heard him say, or he told them that his ship had warned us that night; that was the first of the "Mesaba's" message that I heard.

16920. The "Mesaba's" message would have reached you about 10 o'clock, if it was transmitted to the "Titanic"? - Yes.

16921. You were on duty then? - Yes.

16922. You never heard about it? - No, I never heard a word about the ship.

16923. Was there any message during the time you were on duty, from 8 to 12, received by any of the officers on the bridge? - Not to my knowledge.

16924. You know of none. Was Captain Smith on and off the bridge during your watch? - Frequently.

16925. At what intervals did he come on the bridge? - The first that I remember seeing of Captain Smith was somewhere in the vicinity of 9 o'clock, but from 9 o'clock to the time of the collision, Captain Smith was around there the whole of the time; I was talking to him on one or two occasions.

16926. Were you talking to him on the bridge? - Sometimes in the officers' chart room and sometimes at his chart room door.

16927. What were you talking about? - I was discussing some stellar bearings I had had. I was also standing at his chart room door while he pricked off the 7.30 stellar position of the ship.

16928. Was anything ever said by the Captain about any such message as that that the "Mesaba" sent? - No, none whatever.

16929. You know what the message was? - Yes, I have read it this morning.

16930. It is a message of a somewhat startling character? - Yes, it is.

16931. It is a message that would have been mentioned in conversation if it had been received? - Undoubtedly.

16932. Was the position of the vessel pricked off? - Yes, the Captain pricked the position.

16933. At what time? - It would be pretty nearly 10 o'clock, I should think.

The Solicitor-General: He did it then, but it was the position found at 7.30.

16934. (*Sir Robert Finlay.*) Yes, he pricked it off at 10 o'clock, but it was the position the ship was in at 7.30? - Yes, the stellar position at 7.30.

16935. The observations having been taken at 7.30? - Yes.

16936. In the absence of the Commander, would it have been your duty to open any message sent to the bridge? - I would have taken it to the senior officer of the watch, and let him open it. Very often on dark nights they tell us to take them inside, and we open them inside and tell them the contents of the message.

16937. But you have never heard of any such message from the "Mesaba"? - No, nothing at all.

Examined by the SOLICITOR-GENERAL.

16938. You were one of the junior officers? - Yes.

16939. You are called the Fourth Officer. Do the Chief and First and Second Officers count as senior officers? - Yes.

16940. And one or other of those three, as I understand, is always responsible on the bridge? - Yes.

16941. So that you or any other junior officers would merely be there as subordinate to them? - That is true.

16942. You would never be in charge, I mean? - No, not at any time.

16943. Now I put to you the same question as I put to Mr. Lightoller. Can you tell us whether you know of more than one ice message? - Yes, the messages that I can recall are the "Caronia's," the "La Touraine," and there was another ice message which came shortly after the "La Touraine." I pricked the two of them off at the same time, but I cannot think where it was from.

16944. (*The Commissioner.*) "I recall the 'La Touraine' and another shortly after the 'La Touraine'?" - Yes.

16945. "And the 'Caronia'?" - And the "Caronia." They are the only three messages that I can remember.

16946. Now can you remember anything about the message shortly after the "La Touraine"? - No, only this, that the ice positions which it gave were to the north of the track; they were in all three cases.

The Commissioner: I am told the "La Touraine" was far away north.

16947. (*The Solicitor-General.*) I asked this witness the question before. Yes, it was a long way off. (*To the Witness.*) But you do not suggest that the "Caronia" message was so far away from your track as to be unimportant? - No, but it was to the north of the track.

16948. You say it was latitude 42, and latitude 42 is your turning point? - Yes, but that is longitude 47; that is two degrees east.

The Commissioner: That would be 10 miles, would it not, north of the track?

16949. (*The Solicitor-General.*) As I make out, about that. (*To the Witness.*) But we have been told, Mr. Boxhall, that this ice tends to set from north to south? - Yes, with the Labrador current.

16950. So that it is coming down from the north in a southerly direction, and this is a message of ice in latitude 42? - Latitude 42, yes.

16951. About 10 miles north of the track you were going? - Yes.

16952. And a message is sent in respect of ice in that position two days before?

The Commissioner: Is there to be any evidence as to the speed at which these bergs go south?

The Solicitor-General: I do not know, my Lord. I daresay Mr. Boxhall can help us about it a little.

16953. (*The Commissioner - To the Witness.*) Have you any notion how quickly these bergs

travel when there is no wind? - No, I have not. I cannot remember any details of the set of the current just at present.

16954. (*The Solicitor-General.*) We will see if we can get any information, my Lord. (*To the Witness.*) Is it a question of wind or a question of current? - It is a question of current.

16955. (*The Solicitor-General.*) It is not wind, your Lordship sees. (*To the Witness.*) Whether there is a wind or no wind, the current will flow? - Yes, but invariably we find a strong easterly set there; very often we find that the Gulf Stream -

16956. (*The Commissioner.*) The current changes? - Yes.

16957. It is not constant? - No, it is not; we can tell that by the temperature of the water.

16958. (*The Solicitor-General.*) No doubt we can get the current chart and show you, but I should like to put to you this. You say you saw the "Caronia" message? - Yes.

16959. The "Caronia" message was a message that said there was this ice in latitude 42 on 12th April. Do you realise that? - I do not remember the date of it.

16960. But it is important, is it not? - Yes.

16961. And you were going to pass about 10 miles south of that spot two days later? - Yes.

The Commissioner: That does not convey much to me, unless I know how the ice would have moved in the meantime.

16962. (*The Solicitor-General.*) I cannot prove all that at once, of course (*To the Witness.*) But as you understood the matter and understand it now, does that ice tend to be moved by the current southerly? - No, it did not strike me that it would be moving southerly. I have never heard of ice so far south as that before, and I have invariably found that the Gulf Stream is much stronger there than the Labrador Stream is, as far south as that.

16963. Have you ever heard of ice as far south as 42 degrees before? - No, I cannot say that I recollect ice being down as far south as 42 degrees.

16964. (*The Solicitor-General.*) I want to put two or three questions to you, in order because I want you to follow what I am suggesting. You say you know of some reports of ice, and that you examined them. Is that right? - Yes, that is true.

16965. Now, did you or did you not gather from any of those reports that the ship would soon be in the region of the ice? - No, I cannot say that I had paid particular attention to the ship's position that night; I had been too busy working it out, and I did not look it out on the chart; I did not realise the ship was so near the region of the ice.

16966. Up to the time of the accident had you seen several reports about ice? - I have seen the reports I have told you about.

16967. Had any of those reports that you had seen conveyed to your mind that your ship would soon be in the region of the ice? - Yes, they did convey that to my mind.

16968. Now, which of them? - The whole lot of them.

16969. Do you mean the message from "La Touraine" showing ice on the Bank of Newfoundland? - No, with the exception of "La Touraine." She was too far north, of course.

16970. Then it was not the "La Touraine" message? - No.

16971. Then if it was not the "La Touraine" message that conveyed to your mind that the ship would soon be in the region of the ice, what was it? - It must have been the "Caronia's" message.

The Commissioner: It was the only one that I know of that he had which would indicate ice in that neighbourhood, because I do not know what this middle message was, the one that came after the "La Touraine."

16972. (*The Solicitor-General.*) Then it was your view that the "Caronia" message did not show that there would be ice to the north of you, but that you would get to the region of that ice? - The positions from the "Caronia" message when I plotted them on the chart were all to the north of the track.

The Commissioner: They were, but that is not the question.

16973. (*The Solicitor-General.*) Let me put it to you again. I do not want to treat you in any way but quite fairly. We will leave the "La Touraine" out? - Yes.

16974. Did any of the messages that you saw about ice convey to your mind that your ship would shortly be in the region of the ice? - Yes.

16975. Which one? - This "Caronia" message.

The Commissioner: According to his evidence, the "Caronia" message was the only one which was of any significance. There was "La Touraine" and then another one after the "La Touraine," about which we know nothing - I know nothing.

The Solicitor-General: I cannot trace that at all.

The Commissioner: And then comes the "Caronia" and that is all.

16976. (*The Solicitor-General.*) Are messages about ice, so far as they are material to the ship, put up on a notice board? - Yes, as a rule.

16977. Was that done on this occasion? - Yes, I particularly remember now seeing the "Caronia's" message on the notice board.

16978. Do you remember seeing any other message except the "Caronia's" message on the notice board? - No, none that I remember - no other ice reports or other messages that I remember. I must add that there was a message which has come from somewhere or other about a tank steamer. I think we had two or three reports of a German tank steamer that was drifting about on the track without coal.

16979. (*The Commissioner.*) But not about ice? - No.

16980. (*The Solicitor-General.*) Listen to this message. I am going to read it to you and see if it reminds you of anything. "A German oil tank steamer 'Deutschland,' Stettin to Philadelphia, not under control"? - Yes, I had that in my mind.

16981. Do you know that is part of the message from the "Baltic" about ice? - Yes, I have seen that message today, or heard it read out.

16982. Does your recollection serve you now to show that the message I am referring to is a message that was on the notice board? - No, it does not.

16983. (*The Commissioner.*) You said you remembered seeing a message about a tank steamer on the notice board? - Yes, but this message on the notice board about the tank steamer had been there two or three days, and this "Baltic's" message I find today was only received on the Sunday.

Sir Robert Finlay: There were other messages about the tank steamer, my Lord.

16984. (*The Solicitor-General.*) Perhaps Sir Robert will prove that. (*To the Witness.*) The "Baltic" message - which, of course, was a message to you about ice in this very neighbourhood? - Yes.

16985. Does also happen to contain a reference to a tank steamer? - Yes.

16986. Now I am not speaking about tank steamers, but messages about ice. Just give us your recollection. In your recollection was there one message or more than one message about ice on the notice board? - There is only one message I can recall and that is the "Caronia's" message.

16987. Do you mean that, so far as you remember, there was no other message, or that you cannot remember the terms of more than one? - I cannot remember any more than the one.

16988. The one message? - That is all.

16989. I must call your attention to the answer which you gave on the 22nd May, on page 354, Question 15318. You are asked by Mr. Asquith this question, "At the time when you came on watch at 4 o'clock" - that is 4 o'clock in the afternoon of Sunday? - Yes.

16989a. ". . . had you heard anything about ice being in the neighbourhood? - (A.) Yes, I had seen reports of ice, and put them on the chart." Is that right?

Sir Robert Finlay: I think if you read the next question and answer -

16990. (*The Solicitor-General.*) I am going on. Is that right?

The Witness: Yes.

16991. Had you received more reports than one and put more than one report on the chart? - Yes.

16992. About ice? - Yes.

16993. Then the next question was, "Reports which had been received earlier on the same day, do you mean? - (A.) No, I cannot say from my own recollection that they were received on Sunday, but subsequently I have heard that some of them, or one of them, that I put on the chart was received on the Sunday, and that I put it on between 4 and 6. All the ice marked on the Captain's chart I put down myself." What I want to know is, your recollection serving you candidly, do you remember whether there were on the notice board more than one report about ice? - There must have been more reports on there, because I spoke about reports yesterday that we had had on leaving Southampton or leaving Queenstown about the ice, and those undoubtedly would be on the notice board.

16994. (*The Commissioner.*) Are these reports not taken down from time to time; do they remain on the notice board? - The reports received for the ensuing voyage are kept there all the voyage.

16995. (*The Solicitor-General.*) That is the best you can tell us about it? - That is the best I can tell you.

The Commissioner: This passage you have read does not appear to be perfectly clear, because it may refer, reading the whole of it, to reports about ice on an earlier date.

16996. (*The Solicitor-General.*) Of course it may be. As I gather from the witness, whatever be the period to which they refer, it does show there was more than one report about ice on the notice board. That is how it stands, does it not? - Yes.

16997. Now there is another matter. You say that it was you who wrote out this chit of paper? - Yes.

16998. Now, do not hurry about it. Just think a minute, because I have a reason for asking. What was the message from which you got that position? - Something about west-bound steamers reporting ice from latitude 42° to longitude 49° to 51°.

16999. That is the "Caronia" message? - That is the "Caronia" message.

17000. Are you sure? - Yes, I feel pretty sure of that.

17001. Then just follow this. We will just test it. If that is the case, then you would already reach the eastern boundary of the danger zone some time before the collision? - Yes.

17002. Do you know that another of your officers looked at that chit, and made a calculation in respect of it? - No, I did not know.

17003. (*The Solicitor-General.*) It is so, my Lord; there is a reference to it.

The Witness: Yes, I have heard that just now. That is what reminded me of this chit. I have heard that only a moment or two ago.

17004. Now what I am referring to. Mr. Lowe says he saw this chit, which you speak of, and he says he made calculations. 'I ran this position through in my mind, and worked it out mentally, and found that the ship would not be within the ice region during my watch, that is from 6 to 8.' Do you still think it was the "Caronia" message? - Oh, yes, I feel perfectly confident that it was the "Caronia" message.

17005. Because you mean the "Caronia" message would show reaching the place at some time like half-past 9? - I did not calculate it out; I had not the slightest idea when she would reach the region of the ice or of the "Caronia's" position rather.

17006. How could that be; I thought you told us the other day that it was you who had worked

out these positions and marked them on the chart? - There is no need to work them out at all; you just prick them off on the chart.

17007. Did you do that? - Yes, I pricked them off.

17008. This particular message? - Yes.

17009. Then that would mean you would mark the line on the chart? - No, that is not necessary to mark a line, just mark the positions, the two longitudes, the boundaries of the ice.

17010. Do you remember what time it was you wrote this chart? - No, I cannot recall that, but I have been told I did it between 4 and 6 in my watch on deck.

17011. Who told you that? - Some of the other officers - I do not remember who. They said the ice was marked down there in the 4 to 6 watch. I know there was no one else did it on my watch on deck but me, from 4 to 6.

17012. Then, as I understand it, after that, as far as you are concerned, your attention was not called to any other message about ice? - No, none whatever.

17013. Not to the "Californian" message at half-past 7? - No.

17014. Were you on duty then? - No, I was not on duty until 8 o'clock.

17015. You came on at 8? - Yes.

17016. You did not hear about that? - No.

17017. And not the "Mesaba" message, which, if it came, came later? - No, I never heard anything at all about the "Mesaba" message.

(The Witness withdrew.)

Sir Robert Finlay: I will recall Mr. Pitman. This will be very short, my Lord.

HERBERT JOHN PITMAN, Recalled.

Further examined by Sir ROBERT FINLAY.

17018. You were Third Officer, as we know? - Yes.

17019. You were on duty, we have heard, from 12 to 4 in the afternoon, and then from 6 to 8 on this Sunday? - That is correct.

17020. Did you ever hear anything about the message from the "Amerika" stated to have been received about 2 p.m. for transmission to Cape Race, or about the "Mesaba" message? - Nothing whatever.

Examined by the SOLICITOR-GENERAL.

17021. I will put the same question to you. How many messages about ice on this 14th you know of? - I can only recollect one.

17022. We have been told that messages are posted in the chart room. Did you see any message posted in the chart room? - Yes, only one; that is the "Caronia" message.

17023. You are quite clear about that? - Well, there were a few other messages posted there, but they related to the time we left Southampton.

17024. We are talking about ice? - Yes, there was ice on those reports.

17025. I refer to what you said on page 346. I am going to read you five or six questions and answers beginning at 14921. Mr. Asquith asked you: "Was it within your knowledge that the ship would probably meet with ice that evening? - (A.) We knew that we should be in the

longitude of ice. (Q.) Who told you that? - (A.) I saw it in a Marconigram. (Q.) Do you know from which ship that Marconigram had come? - (A.) I have no idea. (Q.) Did you particularly concern yourself with that matter? - (A.) No. I simply looked at them, and saw that there was no ice reported on the track." Now listen to this: "Did you see one Marconigram or two Marconigrams? - (A.) Two, I think" Is that right? - (A.) No, I am not absolutely certain about that.

17026. But you were absolutely certain three minutes ago that there was only one, were not you? - Yes, I can only recall one.

17027. Just get your memory, now, to serve you as well as it can. I am sure you will. Just tell us frankly. Do you remember posted in the chart room one, or more than one, Marconigram? - I am not certain.

17027a. I do not want to treat you other than fairly, but just listen to the next answer. You were asked, "Were these posted" - those are the two you have just spoken of - "in some part of the ship? - (A.) Yes, in the chart room. (Q.) And you read them, did you? - (A.) Yes." Is it not clear to you that when you gave evidence on the 22nd May your then impression was that there were two separate messages about ice posted in the chart room.

17028. (*Sir Robert Finlay.*) It is quite clear he says, yes. I think.

The Witness: It may be, but I am not clear on that.

17029. (*The Solicitor-General.*) When did you cease to be clear? - I have forgotten that I said there were two there.

The Commissioner: I think the right question would be, when was he first clear, if ever.

The Solicitor-General: You will see it was not the learned Counsel that suggested two to you; he suggested that you had seen one, and you corrected him and said, "No, two."

Sir Robert Finlay: Forgive me; what the learned Counsel said was: "Did you see one Marconigram or two Marconigrams?" and the witness says: "Two, I think."

17030. (*The Solicitor-General.*) I think I am quite right. Two questions further up he was asked: "Do you know from which ship that Marconigram had come?" and his answer was: "I have no idea. (Q.) Did you particularly concern yourself with that - matter?" Up to that time Mr. Aspinall has not known anything of more than that one. The witness says "No, I simply looked at them." And then he is asked: "Did you see one Marconigram or two Marconigrams?" and he says: "Two, I think"? - I think it quite possible there were two there, but one related to the oil tank steamer.

17031. Let us keep to the same point. Did not you understand me just now to be asking about messages about ice? - Yes.

17032. And did not your answers refer to messages about ice? - No, I think you asked me about Marconigrams on the notice board.

17033. Is that the explanation? - Yes.

17034. Now I will put it beyond the possibility of doubt. As far as your knowledge goes, Mr. Pitman, had you ever seen or heard of more than one Marconigram about ice on the 14th April? - One only.

17035. (*The Solicitor-General.*) Now, my Lord, may I refer you to page 349. (*To the Witness.*) I want you to hear your answers and just consider. You were asked by Mr. Scanlan at Question 15107: "Was the whole of the knowledge that you had of icebergs obtained from the chart? (*The Commissioner.*) From the chart room. (*Mr. Scanlan.*) From the chart in the chart room? - (A.) No, from the Marconigrams." That is more than one, is it not?- Then the next question is: "Were any Marconigrams handed to you from 12 to 4? - (A.) Not to me. (Q.) Had you seen any Marconigram that reached the ship with reference to ice from 12 to 4 on Sunday? - (A.) I saw two that reached the ship that day." Now, is that right? - That is correct. They did not relate to

ice.

17036. I will read the question again. The question was: "Had you seen any Marconigram that reached the ship with reference to ice from 12 to 4 on Sunday?" That was the question. Did you hear it? - Yes.

17037. That is with reference to ice, do you see? - They did not relate to ice.

17038. But your answer is: "I saw two that reached the ship that day. I have no idea what time they arrived." Then I ought to read on, I think: "You saw two that day? - (A.) Yes. (Q.) Do you know whether they were Marconigrams that had come the previous day, on the Saturday? - (A.) No, they came on the Sunday. (Q.) Are you quite sure of that? - (A.) Yes. (Q.) Did you read them? - (A.) Yes, I read one - yes. (Q.) You read one, but you did not read the other? - (A.) No, not to remember what was on it." Now, do you mean to represent that when you were asked those questions you thought Mr. Scanlan was asking about the tank steamer? - No, I do not know what he was relating to.

17039. The next question was: "With respect to the one that you did read, can you tell us what was on it? - (A.) No, no more than it stated. "Ice in longitude 40 to 51 W." (Q.) Where did it come from? - (A.) I have no idea." Is that the best you can tell us about that matter? - That is it.

The Commissioner: That looks as if he had only read one telegram.

The Solicitor-General: Yes, but that is a plain question.

17040. (Sir Robert Finlay - *To the Witness.*) You went off duty at 8? - Yes.

(The Witness withdrew.)

HAROLD GODFREY LOWE, Recalled.

Further examined by Sir ROBERT FINLAY.

17041. You were on duty from 6 to 8? - I was.

17042. Did you ever hear anything about a message from the "Amerika" to be sent on to Cape Race about ice? - No.

17043. Or about a message from the "Mesaba"? - No.

Examined by the SOLICITOR-GENERAL.

17044. You have told us before about the chit that you saw, the little piece of paper on the chart room table. Can you tell us when you saw it? - I suppose it must have been shortly after 6.

17045. Shortly after 6? - Yes.

17046. What had it on it actually? - It had the word "ice," and then a position underneath the word "ice."

17047. What do you mean by a "position"? - That means to say a latitude and a longitude.

17048. (*The Commissioner.*) Where the ice was? - Where the ice was, my Lord, yes.

17049. (*The Solicitor-General.*) Did you recognise the writing? - I did not. I suppose I only looked at it casually.

17050. I think you told us before that when you saw it, you reckoned on the chart when you would get to it? - I did not say when we would meet it; I said that I worked it out mentally, and that I found that we should not come to that position during my watch from 6 to 8. That is what I meant to imply.

17051. I think that is exactly what you said. You are quite right. You cannot tell us more about it than that? - I cannot.

17052. I will put the same question to you, and that is the only other thing I want to know. How many reports about ice - I am not talking about tank steamers - did you hear of? - I do not remember having heard of any, and that is the only one that I saw. They may have been on the notice board, and I may not have looked at the notice board. I do not remember looking at the notice board, and that is the only paper or note that I saw referring to ice, as I have stated.

(The Witness withdrew.)
(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Friday, 24th May, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

FIFTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.) MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.) MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.) MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)
MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

HAROLD THOMAS COTTAM, Sworn.

Examined by the SOLICITOR-GENERAL.

The Commissioner: Is this still upon the messages?

The Solicitor-General: This is the Marconi operator on the "Carpathia."

The Commissioner: Oh, yes.

17053. (*The Solicitor-General - To the Witness.*) Were you the Marconi operator on board the s.s. "Carpathia"? - I was.

17054. Is that a steamer of the Cunard Line? - Yes.

17055. And on the "Carpathia" were you the only operator or had you someone with you? - I was the only one.

17056. I think you had taken up your duties on the "Carpathia" last February had you not? - Yes, about February 10th or 11th, I cannot remember when.

17057. And had been doing the work as a Marconi operator on it from that time up to April the 14th or 15th? - Yes.

17058. Which way was she bound at the time you heard of the accident? - She was bound east from New York to Gibraltar.

The Solicitor-General: We have been supplied by the Marconi Company with a print showing the *procès-verbal* of this gentleman's communications with the "Titanic." They are arranged in order of time and it is convenient to have them in that form. It is the same document that I handed up yesterday, the letter of the 7th May.

The Commissioner: I have it.

17059. (*The Solicitor-General.*) I have some other copies and I will hand them up to your Lordship's assessors. (*Handing copies to the Court and to Witness.*) (*To the Witness.*) Have you before you now the *procès-verbal* for the material time? - Yes.

17060. I see that *procès-verbal* of yours contains the entries in order of time up to the time when you heard of the disaster and then, I think, your *procès-verbal* breaks off? - Yes.

17061. I suppose, owing to the emergency you could not keep a regular record? - No.

17062. (*The Solicitor-General.*) Your Lordship appreciates that everything in this printed document which is after the time that the disaster is known to the "Carpathia" has been reconstituted since. It is not an actual copy of the document. (*To the Witness.*) Will you tell us when it was that your ship first got into touch with the "Titanic" on the 14th April. Will you look at page 3 of the print? - 5.10 p.m.

17063. That is New York time? - Yes.

The Commissioner: One hour and 50 minutes later, ship's time?

The Solicitor-General: It varies from hour to hour, but substantially it is that.

The Commissioner: It is about two hours.

The Solicitor-General: Yes, one gets it substantially if one says 7 o'clock. (*To the Witness.*) Your entry is "Trs. with steamship 'Titanic' bound west." We were told yesterday about the Trs,

are they time rushes? - Yes.

17064. And does that show that you were then first getting into communication with the "Titanic"? - Exactly, the first communication.

17065. What is the meaning of your entry following that "one S message received." What is an S message? - An S is an ordinary public message from the public on the "Titanic" - from a passenger on the "Titanic."

17066. You mean a member of the public? - Yes, from a passenger on the "Titanic" to one on ours.

The Solicitor-General: I have it here; it is merely a private message from one passenger to another.

The Commissioner: You need not trouble about that.

17067. (*The Solicitor-General.*) Your next entry is "5.30 p.m. signals exchanged with the 'Titanic' at frequent intervals until 9.45 p.m." Would those signals be merely to keep in touch or would they involve the sending of private messages? - Merely to keep in touch.

17068. I see you record at 10 "Good night" to the "Mount Temple" and then at 11.20 p.m. you got your first entry about the disaster? - Yes, that is what I stated in New York, but I found since it was 10.35 I got the first signals.

17069. It was earlier than that, was it? - Yes.

The Commissioner: Just have that explained.

17070. (*The Solicitor-General.*) I will. (*To the Witness.*) Will you tell us how you know that? - By a chit of paper which I scribbled out at the time.

Sir Robert Finlay: I understood this was a copy of the *procès-verbal*?

The Commissioner: Yes.

The Solicitor-General: I do not think Sir Robert perhaps heard what I did interpose to explain, and what the witness said that as soon as the disaster happened, and from that time forward he did not keep his *procès-verbal* and therefore it had been reconstituted by the Marconi Company from that point.

The Commissioner: Oh, but I understood that up to and inclusive of this message which you are reading it was part of the *procès-verbal*, but after they first heard of the disaster then the *procès-verbal* stops.

17071. (*The Solicitor-General - To the Witness.*) How is it? - Right up to the time of the disaster, right up to the time I heard the first signal from them the *procès-verbal* was never touched.

17072. (*The Commissioner.*) Did you enter in that *procès-verbal* the important telegram telling you of the calamity? - No, my Lord, I did not.

17073. You did not? - No.

17074. (*The Solicitor-General.*) You have the document before you? - Yes.

The Solicitor-General: Let me see it. (*The same was handed.*)

The Commissioner: Then the *procès-verbal* is of no value.

Sir Robert Finlay: This is merely from recollection afterwards.

17075. (*The Commissioner - To the Witness.*) Your *procès-verbal* does not relate at all to the disaster? - No.

The Solicitor-General: If you will look, you will see the last two entries in ordinary writing are the entries of 5.30 p.m. and 10 p.m.; the very last entry is 10 p.m. and then in a different writing and with a different pencil there has been something added "'Titanic' disaster; apparently too busy to keep entries," or something of that sort.

The Commissioner: What does P.V. mean?

The Solicitor-General: P.V. is *procès-verbal*.

The Commissioner: "Apparently too busy to keep *procès-verbal* going." Will you allow me to ask him a question, or would you rather put it yourself?

The Solicitor-General: I would very much sooner you did, my Lord.

17076. (*The Commissioner - To the Witness.*) Just look at this document and tell me whether the last entry with the hour opposite to it, 10 p.m., is in your writing (*Handing document to the Witness.*)? - It is, my Lord.

17077. Now, that is subsequent to the disaster, is it not? - Yes.

17078. And, therefore, you did write something on your *procès-verbal* which happened subsequent to the disaster? - Yes.

17079. Now will you read what it is? - Subsequent to the disaster?

17080. Yes, after the disaster. - No, I did not write anything after the entry at 10 p.m.

The Commissioner: The entry at 10 p.m. would probably be after the disaster.

17081. (*The Solicitor-General.*) Yes, my Lord; but not after he had heard of it. That is the point. (*To the Witness.*) At the time when you wrote down that entry, 10 p.m., had you on your ship heard of the disaster? - I had not.

The Commissioner: I do not understand that; 10 p.m. means midnight.

The Solicitor-General: It does not follow the "Carpathia" picked up the first message sent out into the air. She picked up the first message calling for help later than her hour of 10 p.m.

The Commissioner: When did she pick it up?

The Solicitor-General: That is it.

The Witness: 10.35 p.m., New York time.

17082. (*The Commissioner.*) Then will you read to me what 10 p.m. says? - 10 p.m. is "Good night to the 'Mount Temple'; his signals very weak."

17083. The "Mount Temple" was getting out of range, I suppose? - Yes.

The Commissioner: I do not understand this, Sir John. The "Titanic" was well within range at this time; in fact, she had been within range for quite a long time.

The Solicitor-General: Yes.

17084. (*The Commissioner - To the Witness.*) If she was well within range and did dispatch a Marconigram to you immediately after the collision - I do not know whether she did or not - you would have heard it at once I suppose? - Yes.

The Commissioner: So that if you did not hear it, as you say, until 10.35, which would be about half-past 12 ship's time, it must have been because the "Titanic" did not dispatch a message to you?

The Solicitor-General: May I suggest your Lordship should look at one piece of evidence to check it. If your Lordship will look at page 211 you will find there the evidence of a witness named Durrant. Just to remind your Lordship, you will remember he was Marconi operator on the "Mount Temple," and we called him because he had kept the receiver to his ear and had noted down what he had overheard through this critical period, this ship having turned and going to the rescue. If your lordship will remember what we did with him was, we took his *procès-verbal*, and asked him to read out the entries in order of time, correcting the time all the way through by adding one hour 55 minutes to the New York time. Now if your Lordship will look at Question 9451 I asked him: "Tell us the ship's time when you first got a message as to the 'Titanic' being in distress? - (A.) 12.11 a.m." Your Lordship appreciates this is one hour 55 minutes on from New York time. Then if you read down five or six answers, the bottom question on the page first brings in the name of the "Carpathia." It is Question 9458. "That would be 21 minutes after midnight? - (A.) Yes. (Q.) What was it you heard then? - (A.) I have got down here 'Titanic' still calling C.Q.D.; is answered by the 'Carpathia'" that is this operator. And that your Lordship sees is recorded by the "Mount Temple" operator Durrant as having occurred 21

minutes after midnight, ship's time, which would be the same thing.

The Commissioner: Yes, about the same thing.

17085. (*The Solicitor-General.*) Yes, about the same thing as we are speaking of now. (*To the Witness.*) You had no one to help you on board the "Carpathia"? You cannot work all the 24 hours. What were you doing or preparing to do about 11 o'clock that night? - Well just previous to having received the signal I was taking the long-distance news from Cape Cod.

17086. That is news that is being sent to the ship from the mainland? - Yes.

17087. Were you going on working, or were you going to bed? - I was going to turn in directly afterwards.

17088. (*The Commissioner.*) What happens to the instrument when you turn in? Is there any one there to gather up messages that may come? - No, my Lord, nobody at all.

17089. And I suppose you sleep eight hours, or something like that out of the 24? - About eight, yes.

17090. That is supposed to be the regulation. So that for one-third of the time there is, so to speak, no operator on the ship? - No, my Lord.

17090a. (*The Solicitor-General.*) This was between 11 and 12. I think you said you were preparing to turn in? - I was.

17091. I want you to tell us two or three things about it. You gave evidence in America about it. Had you begun to take your clothes off? - I had taken my coat off.

17092. And you were in course of going to bed? - Yes. I should have been turning in in about 10 minutes or a quarter of an hour.

17093. And had you still got the receiver in your hand or by your side? - No, it was on my head.

17094. Were you waiting for something? - Well, I was waiting for a confirmation of a previous communication I had had with the "Parisian."

17095. (*The Commissioner.*) You always have the receiver on your head, have not you? - Not always.

17096. Do not you sit with it on your head? - The greater part of the time we do, yes.

17097. (*The Solicitor-General.*) You do not go to bed with it, I presume? - No.

17098. You were waiting for a confirmation of some message you had sent? - Yes, I was.

17099. Where were you expecting it to come from? - From the "Parisian."

17100. As soon as you got that confirmation, had you intended to turn in? - Yes.

17101. And while you were waiting with your coat off, preparing to go to bed and expecting this confirmation, did you hear a message from the "Titanic"? - Well, no, not just then.

17102. Explain it? - After I had waited a long enough time to get this confirmation, I wrote out the chit of the previous communications during the day and reported them to the bridge. After reporting them I returned to the cabin, and I sat down, and I asked the "Titanic" if he was aware there was a batch of messages coming through from Cape Cod for him, and his only answer was, "Struck a berg; come at once."

17103. Now tell us, as nearly as you can, it is only a recollection, I understand - what it was which the "Titanic" said to you? - She said, "Come at once; we have struck a berg," and sent his position, and then he sent C.Q.D.

The Solicitor-General: Your Lordship sees that just corresponds to what was overheard: "Struck iceberg, come to our assistance. Sends the position."

The Commissioner: Yes.

17104. (*The Solicitor-General - To the Witness.*) You heard that, and what did you do? What was your reply; what did you do? - I confirmed it before reporting it to the bridge.

17105. Does that mean you got it repeated? - No, I did not get it repeated. I asked him if he

intended me to go straight away to the bridge and get the ship turned round immediately, and he said, "Yes, quick."

17106. Did you go to the bridge? - Straight away, yes.

17107. You reported it to your Captain? - To the officer on watch first, and, from him, to the Captain.

17108. Then what was done about the "Carpathia"? - She was turned round immediately.

17109. And made for the position? - And headed for the position, yes.

17110. Then you, I suppose, would go back to the Marconi room, to your instrument? - Yes, I did; I went right away.

17111. Up to this time had you sent the "Titanic" any news of where you were? - No, not up to then. I went straight away back to the cabin and sent our position.

17112. Who gave you your position? - The Captain gave me our position.

17113. Then you were in a position to tell the "Titanic" where you were? - Yes.

17114. And did you tell her that you were coming to her assistance? - I did.

17115. Just look at this print we have before us. We understand it is not an actual copy of your *procès-verbal*. We have: "11.30 p.m. Course altered, proceeding to the scene of the disaster." Is that an estimate? - Yes, that is a rough estimate, because I made no P.V. of that at all.

17116. Just let us follow what you did after that. Your ship is turned round and making for her. Did you endeavour to keep in touch with the "Titanic"? - I did the whole time.

17117. The whole time? - Yes.

17118. Could you overhear what the "Titanic" was trying to say to other ships? - I was helping the "Titanic" to communicate.

17119. Would you explain that? - Well, the "Titanic" told me when I had sent the position, he said he could not read signals because of the escape of steam and the air through the expansion joint, so I helped him with the communications.

17120. Will you repeat that? - He could not read the incoming signals on account of the escape of steam and the air from the expansion joint; the water rushing into the hollow of the ship was driving the air through the expansion joint.

17121. The expansion joint is a joint that runs across the deck? - Yes, right across the deck just outside the cabin.

17122. Outside where he would be? - Yes.

17123. You would very likely know; would you expect, then, that a great escape of steam, blowing off steam, or a great rush of air, would interfere, in your experience, with messages? - Certainly; it would not be the noise only; it would be the trembling of the ship.

17123a. (*The Commissioner.*) But mainly the noise? - Mainly the noise, yes, my Lord.

17124. (*The Solicitor-General.*) And he told you he could not read the messages coming to him clearly? - He said he could not read them well.

17125. What did you do? - I simply stood by. First of all, when I got back he was in communication with the "Frankfurt"; when I came back from the bridge and sent my position he was in communication with the "Frankfurt."

17126. You heard that? - Yes, I heard that.

17127. (*The Solicitor-General.*) Now, my Lord, I will just put the thing I have on page 212. I have a record here of something he said to the "Frankfurt." (*To the Witness.*) Tell me if this is what you remember. It is at Question 9470: "'Titanic' gives position and asks, 'Are you coming to our assistance?' 'Frankfurt' replies, 'What is the matter with you?' 'Titanic' says, 'We have struck an iceberg and sinking. Please tell Captain to come;' and the 'Frankfurt' replied, 'O.K. Will tell the bridge right away.' Then the 'Titanic' said, 'O.K., yes, quick.'" That is a record taken down by your colleague on the "Mount Temple"? - Yes.

17128. Does that bring to your mind what you heard? - It does to a certain extent, but it was some 20 minutes afterwards.

17129. It was later than that, was it? - When the "Titanic" first sent her position the "Frankfurt" operator got up apparently and he came back in twenty minutes and asked what was the matter.

17130. You mean there was an interval of time? - Yes, there was.

17131. Could you hear what passed between the "Titanic" and the "Frankfurt" then? - I did not hear it all because I was running backwards and forwards from the bridge reporting the whole time.

17132. Tell us what you did hear? - After that the communications ceased from what I could hear.

17133. (*The Commissioner.*) What time would that be? That would be close on the foundering? - Oh, no, my Lord.

17134. What time would it be? - I should say about 10.45 New York time. I could not be certain about times at all.

17135. That would be half an hour before the foundering.

17136. (*The Solicitor-General.*) About that. (*To the Witness.*) You have told us what you know about the "Frankfurt." Now tell us this. Do you remember assisting in communications with the "Olympic"? - I did.

17137. Was that before or after the "Frankfurt" incident? - After; some time after.

17138. Tell us what you recollect about the communications with the "Olympic"? - First of all I heard the "Olympic" calling the "Titanic" - a master's service message, and as the "Titanic" did not reply I came to the conclusion that he was not reading the signals at all, so I asked the "Titanic" if he was aware that the "Olympic" was calling him with a message, and he said he was not, so I said: "Go ahead and call." He called and afterwards got in communication with the "Olympic."

17139. So you really got the "Titanic" to get into communication with the "Olympic"? - Yes.

The Solicitor-General: There is a reference to that, my Lord, in Durrant's evidence.

The Commissioner: I see it - "'Titanic' says weather clear and calm, engine room getting flooded."

17140. (*The Solicitor-General .*) That is it. (*To the Witness.*) Did you hear the message about the engine room that the "Titanic" sent to the "Olympic"? - He sent it to me.

17141. He sent it to you, too. What was the message he sent to you? - He said: "Come as quickly as possible, old man, the engine room is filling up to the boilers."

17142. (*The Commissioner.*) "Engine room is filling up to the boilers"? - Yes.

17143. (*The Solicitor-General.*) In order to fix the time one has to have reference to Durrant's evidence that he was noting the time by the clock. At Question 9508 I say: "Then six minutes after that, at 1.27 - what was it you heard at 1.27? - (A.) - 'Titanic' calling C.Q.D., says engine room flooded.'" That does apparently give ship's time for it. Did you hear any message from the "Titanic" about people being put into the boats? - No, there was none to that effect at all.

17144. Did you hear any message from the "Titanic" asking that other people should get their boats ready? - No, there was none.

17145. And after the message to the "Olympic," which you heard, and the message to you about the engine room getting flooded, did communications continue between you and the "Titanic"? - That was the last I heard of the "Titanic," that message. At 11.55 New York time, that was.

17146. You can fix that time? - Yes, 11.55 New York time.

The Commissioner: What is the meaning of: "Twelve-twenty a.m. . . Signals very broken" and

"12.28 a.m. - 'Titanic' calls C.Q.D. His signals blurred and end abruptly."

17147. (*The Solicitor-General.*) Can you help us about this? - I think that is false. The signals were good right away to the end.

The Commissioner: Then where does this information come from which has been made up somewhere?

The Solicitor-General: I am just inquiring from Mr. Turnbull about it. One wants to understand. Mr. Turnbull tells me that this *procès-verbal*, the second part of it, when times come, is accurate as regards times, but it is built up from the records of various ships. As your Lordship was told yesterday, the *procès-verbals* all go into the office, and they have pieced together the entries of different ships, so as to give us a chronological statement.

The Commissioner: This paper is incorrectly headed "*Procès-verbal* of the s.s. 'Carpathia.'"

The Solicitor-General: It is, my Lord.

The Commissioner: It is a mixture.

The Solicitor-General: Yes; it is none the worse for that, only it is not accurately described as the "*procès-verbal* of the 'Carpathia.'" I will take one instance which strikes one. Take: "12.28 am. - 'Titanic' calls 'C.Q.D.' His signals blurred and end abruptly." I have in my hand the *procès-verbal* of the "Virginian," and the "Virginian" gentleman apparently kept it right through this time. He did not break off like Mr. Cottam. Here, I see, "12.27" -

The Commissioner: The "Virginian," I suppose, was out of reach.

The Solicitor-General: She did not, of course, get to her, but she could hear, and it reads, "12.27 M.G.Y." (that, I think, means the "Titanic") "calls C.Q." - it says "C.Q." here - "unable to make out his signal; ended very abruptly, as if power suddenly switched off. His spark rather blurred or ragged. Called M.G.Y. and suggested he should try emergency set, but heard no response."

The Commissioner: Very well. This document is evidently a shortened account of the messages received by different ships.

The Solicitor-General: That is it.

The Commissioner: After the time when this gentleman stopped recording in the *procès-verbal* of the "Carpathia."

The Solicitor-General: That is right. I think your Lordship may take it that where times of the clock are printed on the document they are actually copied from an entry.

The Commissioner: From some information from some ship.

The Solicitor-General: Yes, from one or other of the ships.

Sir Robert Finlay: It is a document of very little value.

The Commissioner: Well, that may be. At present, Sir Robert, I do not see, except as part of the story, that it is of any significance. It is after the accident. It is part of the story, but it is really of very little assistance in this Inquiry.

17148. (*The Solicitor-General - To the Witness.*) After that time did you continue to try to call up the "Titanic" from time to time? - I did, at frequent intervals.

17149. And, as we know, you did not get any further communication? - No.

17150. I do not think we need go through what follows. You had a number of messages, I see, to a number of ships finding that they also were going to the same spot? - Yes.

17151. And when was it you heard that the disaster had occurred? I suppose you did not know till you actually came there and saw the boats? - No, I did not know that the "Titanic" had gone down.

17152. (*The Commissioner.*) There is this signal or extract, I do not know where it comes from: "Daybreak. 'Carpathia' arrives on the scene of the disaster." What time is daybreak, New York time? - I cannot remember, I am sure.

17153. (*The Solicitor-General.*) You must have taken enough interest to see the boats when they came in sight? - Yes.

17154. Had day broken? - No, it was not daybreak; it was pretty dark when the boats were picked up. Day broke just after that, just after we had picked the first boat up.

The Commissioner: It does not matter.

17155. (*The Solicitor-General.*) I do not think it matters at all. (*To the Witness.*) And the boats were picked up, as we know? - Yes.

17156. No doubt you had a great many messages to send after you had got these poor people on board? - Yes, I did.

17157. As far as I have been able to check it at present, the only other matter I want is this one thing. Will you take this message in your hand and tell me whether it is a message which you sent, after rescuing these people, from the "Carpathia." Do you recognise it (*Handing document to the Witness.*)? - Yes I do.

17158. Just read the message out, will you? - "To Captain 'Olympic.' Mr. Ismay orders 'Olympic' not to be seen by 'Carpathia'; no transfer to take place. (Signed) Rostron, Captain of 'Carpathia.'" [No Answer.]

17159. Is that the Captain of the "Carpathia"? - Yes.

17160. (*The Commissioner.*) Let me see it. Is this what you call a chit? - Yes; that is a chit of paper.

17161. Pinned or stuck on to an ordinary form? - Yes, pasted on an ordinary form.

17162. There is nothing written on the form? - Only the number of words you will see there in red ink.

17163. "To Captain 'Olympic.'" Now, where was the "Olympic" at this time?

17164. (*The Attorney-General.*) A long way? - The "Olympic" was heading towards the scene of the catastrophe at that time.

17165. "Mr. Ismay's orders, 'Olympic' not to be seen by 'Carpathia.'" What is the meaning of that? Do you know what it means? - I presume it was not advisable for the survivors of the "Titanic" to see the "Olympic," the sister ship to the "Titanic."

17166. Why not? I do not understand it at all.

The Solicitor-General: It would appear, I suggest, though Mr. Ismay will no doubt explain it to you, that Mr. Ismay was giving a direction as to the course, or the respective courses to be taken by the two ships, that they were not to come within range of one another.

The Commissioner: The "Olympic" and what?

The Solicitor-General: And the "Carpathia." Of course, the "Olympic" is a White Star ship.

Sir Robert Finlay: I understand it was merely this: The "Olympic" is so very like the "Titanic" that if the survivors on the "Carpathia" had seen the "Olympic" it might have been supposed, "Here is the 'Titanic,' not lost after all." I mean it was some idea of that kind, sparing the feelings of people on board the "Carpathia."

The Attorney-General: We only want the message.

The Commissioner: The only thing is, it was unintelligible to me.

The Attorney-General: It is something which Mr. Ismay will, no doubt, explain when he comes, but it was desirable to have it now.

Sir Robert Finlay: May I see it, my Lord. (*The same was handed to the learned Counsel.*)

Examined by Sir ROBERT FINLAY.

17167. No one hears a message coming on the Marconi system unless he has the apparatus to his ear? - No, he does not.

17168. There is no signal, no sound to call attention? - There is no detector to show.

17169. Of course, you were the only operator on board the "Carpathia"? - I was.

17170. You are asleep for, say, eight hours, and you do not keep on the apparatus at meal times? - No, not exactly.

17171. Nor all the time otherwise? - Oh, no, there is no necessity; in some parts of the ocean, of course.

17172. And while you do not happen to have it on, whatever number of hours out of the 24 that may be, no message would be taken up? - No, no message would be registered at all.

17173. Now with regard to this document, which is headed: "*Procès-verbal* of the s.s 'Carpathia'" - was this prepared by you? - No, this was not.

17174. Who prepared it? - It was prepared by our company from the *procès-verbals* of the various ships that were in the vicinity of the catastrophe at the time.

Sir Robert Finlay: Will your Lordship look at the second paragraph of the covering letter of the 7th May, 1912?

The Commissioner: Yes.

Sir Robert Finlay: "We annex hereto a copy of the *procès-verbal* of the 'Carpathia' station, dating from the time at which this vessel first entered into communication with the 'Titanic,' which was some five hours previous to the collision, until the 'Carpathia' arrived in New York with the survivors some four days later." This is not the *procès-verbal* of the "Carpathia" at all.

The Witness: Well, it is in a sense; it is a reconstituted *procès-verbal*.

The Commissioner: It is not anything of the kind. The first three entries on page 3 are, as I understand, taken verbatim from the *procès-verbal* of the "Carpathia"? - Exactly.

The Commissioner: And none of the others are taken from the *procès-verbal* at all because there is no *procès-verbal* of the "Carpathia."

17175. (*Sir Robert Finlay - To the Witness.*) That is so, is it not? - That is so.

17176. You had nothing to do with this letter saying that a copy of the *procès-verbal* of the "Carpathia" was annexed? - Nothing at all.

The Commissioner: It is, as I understand, a compilation?

The Attorney-General: That is what it is.

The Commissioner: Of a number of messages recorded by a number of ships.

The Attorney-General: We have had it put together. It is only right to say this. Your Lordship will understand this document of the 7th May was prepared in answer to a request made by us. As your Lordship knows, we have been working at very great pressure, and we asked the company to let us have, as soon as they could, some information with regard to the messages of the "Carpathia." They prepared this, and in their office they call it a *procès-verbal*. It is stated later on that it is a log of further communications effected. There is no doubt about it. It is a compilation, as your Lordship says, from documents in their possession, every one of which can be produced and will be produced.

The Commissioner: They can be; I hope they will not be.

The Attorney-General: It may not be necessary.

The Commissioner: It is immaterial.

The Attorney-General: Except up to a certain point.

Sir Robert Finlay: I understand you do not regard some of the times put there as right?

The Witness: Not so much the times; it is the entries opposite the times I do not agree with.

17177. You said in regard to one entry it was false. Which entry was that? - It may not have been the time.

17178. Something about it was false. Which entry was that? - The one at 12.28.

17179. What is false about that "12.28 a.m. 'Titanic' calls 'C.Q.D.' His signals blurred and end

abruptly." What is false about that? - Well, he did not do that at all. His last message was, "Come as quickly as possible; our engine room is filling up to the boilers," and his signals were perfectly right to the end of the message.

17180. Then this is purely imaginary?

The Solicitor-General: Sir Robert, I do not think you could have been following.

Sir Robert Finlay: I have been following only too well.

The Solicitor-General: I do not know whether you were following too well, but if you were following you would have heard me read from the *procès-verbal* of the "Virginian" and explain to my Lord that this entry, 12.28 a.m., was copied from the "Virginian" *procès-verbal*, and was there in their records.

Sir Robert Finlay: Be it so.

The Solicitor-General: Do not call it imaginary.

Sir Robert Finlay: It is purely imaginary, so far as the "Carpathia" is concerned.

The Commissioner: Yes, that we understand, but apparently it was information which has been gathered from another ship.

Sir Robert Finlay: Oh, yes.

The Commissioner: And which the Marconi Company have placed at the service of the Board of Trade.

The Attorney-General: Yes, that is it, information to us.

Sir Robert Finlay: So be it. In that sense there is no objection whatever.

The Commissioner: And any way, Sir Robert, it appears to me immaterial.

Sir Robert Finlay: I will not spend time upon it.

The Commissioner: What happened after the event does not matter much.

17181. (*Sir Robert Finlay.*) With regard to hours, can you help me about hours - with regard to the first message, here it is put in "11.20 p.m. Heard 'Titanic' calling 'S.O.S.' and 'C.Q.D. Answered him immediately" and so on. I understand you to say that time should be, you think, 10.35? - 10.35 exactly.

The Attorney-General: I think the witness explained. I do not know whether you caught it, that he had said in America 11.20. That appears here.

17181a. (*Sir Robert Finlay.*) I had. (*To the Witness.*) How do you get at the 10.35? - I had another chit of paper with that on. I got it directly after Cape Cod had finished the first round of press. I know he finishes at half-past 10 so that I know it must have been at 10.35.

17182. This is New York time you are speaking of? - Yes, New York time right throughout.

17183. Where did you have this chit of paper? - It was on the desk in the "Carpathia" when I left her.

17184. When you left her? - Yes.

17185. Had you that in New York? - I had not the chit of paper, no; it was in my bag; I have found it since.

17186. You have found it since? - Yes.

17187. In America in giving evidence you said 11.20; is that so? - Yes.

The Attorney-General: About 11.20 New York time.

17188. (*Sir Robert Finlay - To the Witness.*) Since that you have found a bit of paper which shows it was 10.35? - Yes, not only that; the mere fact of my standing by directly after the first round of press proves that it was somewhere near 10.35.

17189. I am not finding fault with you in the slightest degree. When did you write down this chit? - It must have been when I was working at the time of the catastrophe. I cannot remember when I wrote it down, or I should have had it all the time.

17190. Have you got it? - It is somewhere in my bag, I think.

17191. Is your bag here? - No.

17192. Where is your bag? - It is at the office, the Marconi office.

The Commissioner: Well, I do not know that it is of much importance, but you might get it for us at some time.

The Attorney-General: What is it that is wanted?

The Commissioner: The piece of paper upon which he made the right record of the time?

The Attorney-General: Yes, 10.35.

Sir Robert Finlay: You can get that for us.

The Witness: I think I can - I will try.

17193. The only other question I have to ask you is about the last message. In New York I think you said "It was 11.55 New York time when I received the last message from the "Titanic"?" - It was exactly.

17194. How do you fix that time; did you make a note of that? - By the clock.

17195. Did you make a note of that? - Oh, yes.

17196. (*The Commissioner.*) Where? - I memorised it. There is no written note or record of details of the catastrophe at all.

17197. (*Sir Robert Finlay.*) You did not make a note of that? - I did not.

17198. You remember it? - I do, distinctly

17199. That would be New York time? - New York time.

17200. Was your clock New York time? - Yes.

17201. It was? - Yes.

Mr. Cotter: With your Lordship's permission can I ask the witness a few questions.

The Commissioner: Not on this part of the case. If you want to ask him about some other part, yes. You will not help me at all by interfering in this.

Mr. Cotter: It is affecting the crew.

The Commissioner: Oh, yes; anything of that kind you can ask.

Examined by Mr. COTTER.

17202. Do you remember the survivors being taken on the "Carpathia"? - I do, some of them.

17203. How long after they had been taken on board was it when you sent the list of names of the passengers saved to New York? - I cannot remember, I am sure.

17204. Do you remember ever sending a list of the crew saved to New York? - I do, yes.

17205. When was that? Do you remember? - I cannot remember times at all. I have no records, and I could not tell you.

17206. Was it the same day, or the day after, or when you got to New York? - I should say it would be on the Tuesday, I could not say for certain.

17207. Did you send a list of the crew at the same time as you sent a list of the passengers; I mean the details, the names? - No; the first and second class passengers went to the "Olympic"; the crew went to the "Minnewaska."

17208. How long after? - I do not know; I cannot remember.

17209. Was it 24 hours? - I could not say, I am sure; I have no record of it.

The Attorney-General: Does your Lordship wish to ask this witness any questions?

The Commissioner: No.

The Attorney-General: What I propose to do is this. What I have asked the Marconi Company to do is to prepare in form a document with a copy of the messages - not a translation of them, but a copy of the messages which were received by the "Titanic" or sent by the "Titanic" from the 12th to the 14th up to shortly after the striking. That, I think, is the important matter which

your Lordship asked for.

The Commissioner: Yes.

The Attorney-General: We will have the messages on one document so that you will see with what ships the communication was being made, from what ships ice reports were being sent, and at what time.

The Commissioner: You will let me have a copy of that?

The Attorney-General: Yes, we will have it printed so that my friends can also have it.

The Commissioner: I wish to direct Sir Robert Finlay's attention to this. I should like, opposite each one of those messages, a reference to the evidence showing whether the message was communicated to the bridge or not - the evidence that bears on that point.

The Attorney-General: So far as it is before the Court?

The Commissioner: So far as it before the Court; because my anxiety is to know, as I said yesterday, what was the state of Captain Smith's and the officers' knowledge of these messages at the time of the disaster.

The Attorney-General: Yes, I quite appreciate that.

Sir Robert Finlay: I will see that is put in, my Lord. As I understand it, your Lordship would like to have a reference, opposite each message, to the evidence bearing on the point whether it was communicated to Captain Smith or the other officers.

The Commissioner: I prefer the expression "to the bridge."

Sir Robert Finlay: I said, "To Captain Smith or the other officers."

The Commissioner: Very well.

The Attorney-General: That must be checked.

Sir Robert Finlay: Oh, certainly.

17210. (*The Commissioner - To the Witness.*) Can you explain to me why, if the "Virginian" heard the message from the "Titanic" at 12.28, New York time, you did not hear it? Would it be perhaps that you had not the cap, or whatever you call it, on your head? - Well, I had the telephone on my head the whole time, because I was waiting for a message -

The Commissioner: Can you explain to me, Mr. Attorney, why that message of 12.28, which as I understand is obtained from the *procès-verbal* of the "Virginian," was not heard by the "Carpathia"?

The Attorney-General: We have to work out what 12.28 "Virginian" means.

17211. (*The Commissioner.*) Of course you have, because it does not mean exactly the difference of one hour 55 minutes; it depends upon the position. (*To the Witness.*) But what I cannot understand is why, if the "Virginian" was hearing these signals from the "Titanic," you were not hearing them. I can understand it, you know, if you had not got the instrument over your ears at the time. When you run from the office to the bridge are you able to keep this instrument on your head? - Oh, no, my Lord.

17212. Then if you were running to the bridge you might put it off your head and you would not hear? - Well, yes, if I put it off my head to go to the bridge I would not hear.

17213. And you were running to the bridge at this time, were you not? - No, I did not run to the bridge then.

17214. I thought you were going to the bridge to communicate the messages? - I did most of them.

17215. Then if messages came while you were on your way to the bridge or on your way back from the bridge you would not hear them? - No, I would not; but I was waiting to give the "Titanic" a message at the same time that he sent me this one.

The Commissioner: I am afraid you do not quite follow, but I do not think it matters.

The Attorney-General: While your Lordship's mind is upon it, you had better just look at this:

We have here the *procès-verbal* of the "Virginian," which I will hand up to you and you will see there written out, "12.27 M.G.Y. calls C.Q.; unable make out his signal; ended very abruptly, as if power suddenly switched off - his spark rather blurred or ragged. Called M.G.Y., and suggested he should try emergency set, but heard no response." (*The same was handed to the Commissioner.*)

The Commissioner: That is enough. It justifies the extract that is put in here.

The Attorney-General: It is obvious, if you look at it, that it has not been made after the event. It is there in the middle of the page, in its proper order.

(The Witness withdrew.)

FREDERICK FLEET, Sworn.

Examined by the ATTORNEY-GENERAL.

17216. Frederick Fleet, you have been in the employ of the White Star Company for some seven years, have you? - Yes.

17217. And you went on the trial trip of the "Titanic," did you not? - Yes.

17218. As look-out man? - Yes.

17219. And then you signed articles at Southampton as look-out man? - Yes.

17220. And went this voyage that ended so disastrously? - Yes.

17221. Before you went on the "Titanic," had you been look-out man for a number of years on the "Oceanic"? - Yes.

17222. That was also in the North Atlantic service? - Yes.

17223. How many years? - About four years.

17224. Had your eyes been tested by the Board of Trade? - Yes.

17225. You have gone through an examination? - Yes.

17226. And got a certificate? - I had one, but I lost it.

17227. Lost it? - In the "Titanic."

17228. But, at any rate, you had got it before you went this voyage in the "Titanic"? - Yes.

17229. Your watch as look-out man, I think, was from 4 to 6 and 10 to 12? - Yes.

17230. Is that 4 to 6 in the day? - And night.

17231. And 10 to 12 in the day and night? - Yes.

17232. Your mate, I think, was Lee? - Yes.

17233. (*The Attorney-General.*) Lee has been examined, and you will find his evidence at page 72. (*To the Witness.*) And it was your duty to relieve Jewell. You did relieve him that night? - Yes, and Symons.

17234. Jewell was the first witness called. Jewell and Symons were the two? - Yes.

17235. When you relieved Jewell and Symons on Sunday, 14th April, at 10 o'clock you went to the crow's-nest? - Yes.

17236. Was any word passed to you when you relieved them? - Yes.

17237. Tell us what it was? - They told us to keep a sharp look out for small ice and growlers.

17238. Did they say whether they had had any orders to do that? - Yes, they said they had had orders from the bridge.

17239. They got the orders from the bridge? - Yes, and passed it on to us.

17240. They had had orders to do that whilst they were on the watch and then they gave the word to you when you were going to take up the duties of look-out men? - Yes.

17241. Then you remained in the crow's-nest with your mate Lee, and the other two left? - Yes.

17242. Did both of them say anything to you about this, or only one? - One, Symons.

17243. Did Lee say anything to you about it? - No.

17244. Up to that time had you heard anything at all about ice? - No.

17245. Now at the time you went into the crow's-nest, which would be at 10 o'clock on that night, was the sky clear? - Yes.

17246. The sea we know was very calm? - The sea calm.

17247. The stars shining? - Yes.

17248. Could you clearly see the horizon? - The first part of the watch we could.

17249. The first part of the watch you could? - Yes.

17250. After the first part of the watch what was the change if any? - A sort of slight haze.

17251. A slight haze? - Yes.

17252. Was the haze on the waterline? - Yes.

17253. It prevented you from seeing the horizon clearly? - It was nothing to talk about.

17254. It was nothing much, apparently? - No.

17255. Was this haze ahead of you? - Yes.

17256. Was it only ahead, did you notice? - Well, it was only about 2 points on each side.

17257. When you saw this haze did it continue right up to the time of your striking the berg? - Yes.

17258. Can you give us any idea how long it was before you struck the berg that you noticed the haze? - No, I could not.

17259. Can you tell us about how long you had been on duty before you noticed the haze? - I could not say. I had no watch.

17260. I want you to give us some idea. You came on duty at 10 o'clock. We know that the berg was struck at about 11.40. That gives us an hour and 40 minutes, during which time you were in the crow's-nest all the time. That is right, is it not? - Yes.

You say the first part of the watch it was clear and then there came this change which you have described. I want you to give some idea of when it was you noticed the change - when it got to a haze.

17261. (*The Commissioner.*) We do not want you to guess, you know; if you cannot tell us you must not guess.

The Witness: Well, I daresay it was somewhere near seven bells.

17262. (*The Attorney-General.*) Somewhere near seven bells, which would be half-past 11? - Yes.

17263. Did you say anything to your mate about it? - Well, I told him there was a slight haze coming.

17264. Is that Lee? - Lee.

17265. At the time that you noticed the haze was there anything in sight? - No.

17266. Did it interfere with your sight ahead of you? - No.

17267. Could you see as well ahead and as far ahead after you noticed the haze as you could before? - It did not affect us, the haze.

17268. It did not affect you? - No, we could see just as well.

17269. You did not report it then, I gather from that? - No.

17270. You did not say anything about it to the bridge? - No.

17271. (*The Attorney-General.*) I think it is necessary to direct your Lordship's attention to Question 2408 at page 73 of Lee's evidence. I have asked him his story in detail, but I think it is necessary to put it to him now. I will read it. (*To the Witness.*) Just listen to this, Fleet. This is a

question put to your mate and I will read you his answer. "Did you notice this haze which you said extended on the horizon when you first came on the look-out or did it come later? - (A.) It was not so distinct then - not to be noticed. You did not really notice it then - not on going on watch, but we had all our work cut out to pierce through it just after we started. My mate" - that is you - "happened to pass the remark to me. He said 'Well if we can see through that we will be lucky.' That was when we began to notice there was a haze on the water. There was nothing in sight"? - Well, I never said that.

17272. You never said it? - No.

The Commissioner: I may tell you, Mr. Attorney, I am not at all disposed to give credit to that man's evidence on that point. It is quite inconsistent with all the other evidence.

The Attorney-General: I thought it right to call your Lordship's attention to it, and put it to the witness. I put the conversation to him, and he has given his answer, and there it rests. Your Lordship has to determine which you accept. I gather from what your Lordship said just now - I want to be clear that I am right - that his evidence with regard to the haze as interfering with his sight is the matter which you say is not satisfactory.

The Commissioner: Yes, I will tell you at once. My impression is this, that the man was trying to make an excuse for not seeing the iceberg, and he thought he could make it out by creating a thick haze.

The Attorney-General: There is some other evidence, but I will direct attention to it later, when we come to deal with it. I am not sure, but my impression is that up to this moment we have no evidence of anybody who was watching, except these two men; I mean there is no officer who has been able to give evidence as to this, no officer was actually looking or watching at the time.

The Commissioner: Or seeing?

The Attorney-General: Or seeing. Of course, I mean who have been called before you. I am speaking of evidence. The only evidence we have got of persons who were actually looking out is the evidence of Lee and this witness.

The Commissioner: We have evidence of the state of the sky before the accident and after the accident.

The Attorney-General: Yes.

Sir Robert Finlay: And Mr. Boxhall, I think, was on the bridge.

The Commissioner: I mean the evidence before and after the accident is that the sky was perfectly clear, and therefore if the evidence of the haze is to be accepted, it must have been some extraordinary natural phenomenon - something that sprang up quite suddenly, and then vanished.

The Attorney-General: Yes.

The Commissioner: However, this witness denies he said it.

The Attorney-General: It is all in a very small compass, the evidence with regard to this, and certainly Lee's evidence is the strongest about the haze. I do not think any witness goes as far.

The Commissioner: It was so thick that you would have great trouble, as he said, cutting through it.

The Attorney-General: Yes, I think that is the only evidence to that effect.

17273. (*The Commissioner - To the Witness.*) I understand you to say that whatever it was, it made no difference to the look-out? - Yes, my Lord.

17274. (*The Attorney-General.*) Who was it first saw the berg? Was it you or Lee? - Well, I do not know.

17275. Well, which of you gave the signal? - I did.

You were looking ahead. Will you tell my Lord what it was - what you saw?

The Commissioner: This is the three bell signal.

17276. (*The Attorney-General.*) Yes, we are coming to it, the three bell signal, something ahead. (*To the Witness.*) Now describe to my Lord what it was you saw? - Well a black object.

17277. A black object. Was it high above the water or low? - High above the water.

17278. What did you do? - I struck three bells.

17279. Was it right ahead of you, or on the port or starboard bow? - Right ahead.

17280. You struck three bells immediately, I suppose? - Yes, as soon as I saw it.

17281. What did you do next? - I went to the telephone.

17282. Was that on the starboard side of the crow's-nest? - Yes.

17283. You went to the telephone, and - ? - Rang them up on the bridge.

17284. Did you get an answer? - Yes.

17285. Did you say anything to them at once, or did they answer you before you told them? - I asked them were they there, and they said yes.

17286. Yes? - Then they said, "What do you see?" I said, "Iceberg right ahead." They said, "Thank you."

17287. Then you dropped the telephone, did you? - Yes.

17288. What did you do next? - I kept the look-out again.

17289. You were approaching the berg meanwhile? - Yes.

17290. Are you able to give us the distance, or about the distance, the berg was from your ship when you first saw it? - No.

17291. And except for what happened you have nothing to guide you as to the time either, have you? - No.

17292. We must get it from the events. Did you notice any change in the heading of your vessel after you gave this report? - After I rang them up on the 'phone and looked over the nest she was going to port.

17293. You were looking over the nest. Were you still on the starboard side of the nest? - No; my place is on the port, but I went to starboard to telephone.

17294. Did you remain there when you dropped the telephone, or did you go back to your own place? - I went back to my own place again.

17295. It would be on the port side of the crow's-nest? - On the port side.

17296. You saw her head turn to port, I think I understood you to say? - Yes.

Was the vessel still turning to port when she struck the berg, can you tell us?

(After a pause.)

17297. (*The Commissioner.*) Do not say you can if you cannot? - She went to port all right, and the berg hit her on the starboard bow.

17298. (*The Attorney-General.*) She went to port. Do you mean she had a slight turn to port? - Well, going to port.

17299. She was still going to port when the berg struck her? - On the starboard bow.

17300. When you saw the vessel strike you felt it, did you; could you see it? - Certainly.

17301. What did you see when that happened? Your vessel, as I understand you, was going to port. Then you say she struck an iceberg. Tell us what you saw. You were in the crow's-nest, watching it were you not? - Yes.

17302. Did you see any ice come on the deck? - Yes, some on the fore-castle head and some on the well deck.

17303. Could you tell how high, at all, the berg was? - No, I could not.

17304. You could not tell us in feet, of course, or measurement in that way, but can you give us any idea; was it as high as you were? - Just a little bit higher than the fore-castle head.

17305. (*The Commissioner.*) Now someone can tell me how high from the water was the forecastle head? - I do not know.

The Commissioner: No, you cannot; but someone can.

The Attorney-General: About 40 to 50 feet, I think.

Sir Robert Finlay: About 55 feet, my Lord.

17306. (*The Commissioner - To the Witness.*) This berg that you struck must have been higher than the forecastle head because ice fell from it on to the forecastle head and on to the well deck, so I suppose it must have been higher than the forecastle head. That would be so, would it not? - Yes.

17307. Now, how much above the forecastle head did this berg stand, about. Can you show me in this room, I mean. If you cannot, do not try? - No, I do not know.

The Commissioner: It is far better to say you do not know.

17308. (*The Attorney-General - To the Witness.*) You will tell me if you can? - I cannot say; I do not know.

17309. Was it as high as you were on the crow's-nest? - No, it was not.

17310. Not as high as that? - No.

17311. But above the forecastle head? - Yes.

Sir Robert Finlay: Mr. Wilding has just verified it again, and finds it was 55 feet above the waterline.

The Attorney-General: I think the crow's-nest is about 40 feet above the deck.

Sir Robert Finlay: Above the forecastle, yes.

The Attorney-General: One can form some impression of the height.

The Commissioner: In the crow's-nest you know he would be looking down upon this when it struck, and not looking up to it. He said that the berg was not as high as the crow's-nest.

The Attorney-General: Yes, he is quite clear about that. What I have got from him is: It was not as high as the crow's-nest, but it was higher than the forecastle head, and that is about as much as we could expect to get.

The Commissioner: It may have been standing about 75 feet above the surface of the water.

17312. (*The Attorney-General.*) Yes, that is probably as near as we should ever get to it. (*To the Witness.*) You say the berg passed, did you? - Yes.

17313. As you were looking over to the starboard side of the ship? - Yes.

17314. Could you give us some idea of what it looked like when it came. Was it a great big mass that passed you, or was it a small mass that you could see? - Well, a great big mass.

17315. Do you mean like a great block? - Yes.

17316. When you saw it first could you form an idea of what height it was? - No.

17317. Well, it looked smaller, presumably? - Yes.

17318. Then did you remain on the crow's-nest? - Yes.

17319. Until eight bells? - Till eight bells went.

17320. At eight bells, in the ordinary course, you were relieved? - Yes.

17321. I think then Hogg and Evans relieved you. Now, will you tell me, supposing there had been a haze, would it be your duty to report it at all to the bridge? - I have never reported haze yet.

17322. They would be on the bridge, you mean, and see it for themselves; is that what you mean? - Yes.

17323. Did you have any conversation with your mate, Lee, after you struck? - Well, I told him I thought it was a narrow shave - after we had hit it, after we had hit the ice.

17324. (*The Commissioner.*) It was a little more than a shave? - That was only my idea.

17325. (*The Attorney-General.*) You thought it was not anything very serious? - No, it was

such a slight noise; that is why I said it.

17326. You thought it was nearly serious, but not quite? - Yes.

17327. (*The Attorney-General.*) I do not propose to take him right through the story of what happened with regard to the boats. We have heard enough, I submit, about that. (*To the Witness.*) You were eventually saved in boat No. 6? - Yes.

17328. (*The Attorney-General.*) Your Lordship will remember we have had some evidence about that from the Quartermaster, Hichens, but your Lordship shall have all that in the digest we are making for your Lordship. It is the one in which Major Peuchen was also. There is only one thing I would ask. (*To the Witness.*) Do you remember how many women there were in the boat, in boat No. 6? - About 23 or 24.

17329. (*The Commissioner.*) And how many altogether, including the crew? - Well, about 28 or 29; there was only me and Hichens of the crew.

17330. Twenty-four women. Were there any men passengers? - Two - one first and one-third, and two crew.

17331. And that was the whole boatload? - Yes.

The Attorney-General: That does not quite agree with the evidence of Hichens, the Quartermaster. That you will find at page 43.

The Commissioner: Will you tell me the effect?

The Attorney-General: He says this at Question 1106: "How many people did you take on board? - (A.) 42, all told." He said there was one seaman besides himself, and 40 passengers, and of that 40 all were women except one man and one boy. That is his evidence, and he went through it in some detail. The passenger was Major Peuchen, your Lordship will remember.

The Commissioner: Yes; if that witness is right, this witness is probably making a mistake about the number of women.

The Attorney-General: I think so.

The Witness: I am not making any mistake at all.

17342. You are not? - I am not.

17343. Did you count them? - I did.

17344. Very well. How many were there? - I said 24 women. I know what I am talking about.

Well, I should hope so. Do not be angry about it. We are not making any attack upon you; we are only calling attention to the evidence.

The Commissioner: Do not take offence. No one intends to annoy you.

The Attorney-General: No one is casting an imputation upon you.

The Commissioner: We only want you to state the truth, that is all.

The Witness: Well, I am telling the truth.

The Commissioner: I am sure you are doing your best.

17345. (*The Attorney-General - To the Witness.*) Perhaps you can tell us this. Did you count the women there were? - I was in the boat when they were passed in.

17346. And you were in the boat, I suppose, when Major Peuchen got in? - Yes.

The Commissioner: There is no doubt at all - we have not had the figures proved, but I suppose there is no doubt at all - about the numbers that were saved ultimately?

The Attorney-General: No.

The Commissioner: They were all saved on board the "Carpathia"?

The Attorney-General: That is right.

The Commissioner: And there is no doubt about the numbers the "Carpathia" took?

17347. (*The Attorney-General.*) No. (*To the Witness.*) Perhaps you can tell me this: Were there any more women on the boat deck at the time your boat was lowered? - Well, I cannot say; I think there were.

17348. There were some? - But they would not come in.
17349. Did you hear them asked to come in; did you hear them told to get into the boat? - Yes; Mr. Lightoller asked if there were any more women.
17350. There were women there, you think? - I think there were; I am not quite sure, though.
17351. But they would not get into the boat? - No.
17352. At any rate, none came forward to get into the boat? - No.
17353. As I understand, you were there passing them into the boat? - Yes.
17354. When none came forward the order was given to lower away. Is that right? - Yes.
17355. Did you notice when you got into the boat and were in the boat before daybreak, any icebergs? - It was only at daybreak we noticed them.
17356. At daybreak you saw a good deal, did you not? - Yes.
17357. Icebergs? - And fields of ice.
17358. All round you? - Yes.
17359. If I understand you aright, whilst you were in the boat, from the time you were in the boat till daybreak, you did not notice any icebergs. Is that right? - That is right.
17360. And when day broke you saw them all round you? - Yes.
- The Commissioner:* Well, that is not unimportant.
17361. (*The Attorney-General.*) I am not quite sure that I understand. You said just now, in answer to a question that I put to you that you saw ice all round when the day broke? - At daybreak.
17362. So that you had passed it, but had not seen it. Is that what you mean? You had been going through some ice? - Oh, I do not know. I am only just telling you when we were in the boat.
17363. That is what I am asking about, in the boat; you got into the boat, and you pulled away for some time? - Towards a light; we got ordered to. We got an order from Mr. Lightoller to pull for a light which was on the port bow.
17364. You did pull towards it? - We tried to get up to it.
17365. But you could not? - No.
17366. It was a white light, was it not. Then, when you were pulling towards that light you did not see any ice. Is that right? - That is right.
17367. But when the day did break you found that there was ice, if I understand you aright? - All round us.
17368. Not only in front of you, but all round? - All round the horizon like.
17369. (*The Commissioner.*) And icebergs? - Yes.
17370. (*The Attorney-General.*) Icebergs and field ice. There is only one other question I want to put to you; When you were in the "Oceanic" and employed there as the look-out, did you have glasses? - Yes.
17371. Glasses provided for you in the crow's-nest? - Yes; every trip.
17372. Were they kept in the crow's-nest? - No; at the end of the voyage we took them back to the Second Officer.
17373. But whilst on the voyage they were kept somewhere in the crow's-nest? - Yes, in a bag.
17374. Did you ask for glasses? - I did not, but Symons did.
17375. You had better tell us what he said? - He said there were none aboard for us, intended for us.
17376. There was a locker there for glasses, was not there? - Yes, in the nest.

Examined by Mr. SCANLAN.

17377. I understand you had glasses in the crow's-nest during the journey from Belfast to Southampton? - Yes.

17378. Were those glasses marked in any special way? - It had on one side of it, "Second Officer," and on the other, s.s. "Titanic."

17379. Were those taken from you at Southampton? - Yes.

17380. Will you tell me how long have you been of the rank of look-out; how long you have held that position? - About four years. All the time I was in the "Oceanic."

17381. The only boats on which you have been a look-out man are the "Oceanic" and the "Titanic"? - Yes, that is all.

17382. Is it your evidence that on every trip on the "Oceanic" you had glasses? - Every trip.

17383. Now, I want you to go back for a moment to the appearance of this iceberg when you first saw it. When you first saw it, did it appear as a very small object? - A small object.

In giving evidence in America as to this -

17384. (*The Commissioner.*) Did you call it a small object? - I said it was the size of a small table.

Mr. Scanlan: He gave a description of it in America, which I am anxious to bring to your Lordship's notice.

The Commissioner: Quite right.

Mr. Scanlan: I will read to you the evidence which you gave in America, and you can just tell me if it is correct?

Sir Robert Finlay: What day?

17385. (*Mr. Scanlan.*) It is the 24th April: - "(*Senator Burton.*) You say when you first saw that iceberg that it was about the size of these two tables"? - That is right; that is the way I put it.

The Commissioner: We have not got the tables here.

17386. (*Mr. Scanlan.*) We have plenty of tables, my Lord. (*To the Witness.*) When Senator Burton was asking you that question, were there two small tables in the room? - The two tables were in the room, which I mentioned to him.

17387. Were the two tables in the room any bigger than *those (Pointing.)*? - I do not know.

17388. At all events, is it correct to say when you first saw this iceberg it appeared to be very small. Is that so? - [No Answer.]

The Commissioner: Did he give any answer to the question?

Mr. Scanlan: I do not think he has, my Lord.

The Commissioner: Very well, I am quite satisfied to leave it where it is.

The Attorney-General: There was an eloquent look - I do not know whether your Lordship caught that.

The Commissioner: What was the look? What was it, Mr. Scanlan?

Mr. Scanlan: This is the question -

The Commissioner: Yes, I heard the question; I heard no answer, and I am now told that, in place of an answer, there was an eloquent look. Did you see the eloquent look?

17389. (*Mr. Scanlan.*) I did not, my Lord. I have not as good an eye as the Attorney-General. (*To the Witness.*) If it is not troubling you too much, Mr. Fleet, would you tell his Lordship this; when you first saw the iceberg, the first sight of it you caught at the distance you were from it, did it appear as a very small object? - Yes.

17390. Was this a good night for seeing; would you describe it as a clear night, or a night in which it was difficult to see? - It was not difficult at all.

One of the officers who was on the bridge up till 10 o'clock, said this. He was asked this question: "Then you both realised at the time, that since it was a flat calm it would be more difficult to see the ice? - (A.) As far as the case of the berg was concerned, yes, it would be more

difficult; naturally you would not see the water breaking on it if there were no wind." Was it an ordinary clear night, or did you experience some difficulty as look-out man?

The Commissioner: He has just said he experienced no difficulty. He has told us so several times, you know.

17391. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) Could you see water breaking on the iceberg when you noticed it? - No.

17392. I think you said when you were being examined that you said to your mate Lee that there was a slight haze coming? - Yes.

17393. I want to make this perfectly clear. Is it your evidence that there was a haze that night? - No, there was not. I said there was a slight haze.

Could you recall now how long you had observed the haze before -

The Commissioner: He told us once that he could not.

Mr. Scanlan: He was asked, I think, how long after he came on the watch.

The Commissioner: He was asked by the Attorney-General, and he told us that he could not; and as I myself have very grave doubts about there being a haze at all, I can understand his having a difficulty in saying how long before the collision it was that he saw it.

Mr. Scanlan: As your Lordship made that observation in reference to the haze, I thought I might refer your Lordship to the evidence of Mr. Symons, at page 268.

The Commissioner: By all means.

17394. (*Mr. Scanlan.*) The question was asked by Mr. Laing, at Question 11983. (*To the Witness.*) You know George Symons; you know Symons was also a look-out man? - Yes.

He was asked: "While you were on the look-out up to 10 o'clock, what sort of a night was it? - (A.) Pretty clear, Sir; a fine night, rather hazy; if anything, a little hazy on the horizon, but nothing to speak of."

The Commissioner: Then the next question.

17395. (*Mr. Scanlan.*) "Would you describe it as a very clear night? - (A.) Yes. (Q.) With stars? - (A.) Yes." Do you agree with this description of the night - "fine night, rather hazy; if anything a little hazy on the horizon."

The Witness: Not when I went on the look-out; it was not hazy.

17396. But when the haze did come was it like that? - A slight haze.

17397. And did it extend right round the horizon? - No.

17398. It did not extend all round? - No.

17399. Was it right in front of you? - Right in front.

17400. (*The Commissioner.*) I understand you to say two points on each bow? - Two points on each bow; that is in front.

17401. (*Mr. Scanlan.*) Do you think if you had had glasses you could have seen the iceberg sooner? - Certainly.

17402. How much sooner do you think you could have seen it? - In time for the ship to get out of the way.

17403. So that it is your view that if you had had glasses it would have made all the difference between safety and disaster? - Yes.

17404. (*The Commissioner.*) Would it depend upon whether you had the glasses up to your eyes, or not? I suppose having the glasses in the box would not have been any good to you? - When I have to keep a sharp look-out I have the glasses in my hand, if there are any there, till my watch is finished.

17405. Glasses in your hand will not help you to see anything unless you had them up to your eyes? - I put the glasses before my eyes. I pick things out on the horizon with the glasses.

Mr. Scanlan: Is it your experience on vessels where you have had glasses that the glasses

enabled you to pick out objects more quickly than you would have done with the naked eye?

The Commissioner: No doubt; that is his evidence, at all events.

17406. (*Mr. Scanlan.*) You were told when you went on watch that you had to keep a sharp look-out. In these circumstances, if there had been glasses in the crow's-nest would you have used them? - Yes.

17407. Constantly? - Yes.

17408. After all, you are the man who discovered the iceberg? - Yes.

17409. (*The Commissioner.*) Did you know at the time you went into the crow's-nest, which was at 10 o'clock that night, that there were no glasses in the box or bag? Did you know that? - I knew that as soon as we left Southampton.

17410. And you knew it when you went into the crow's-nest at 10 o'clock the night of the 14th April? - Yes.

17411. You also knew that you were to keep a look-out for ice; who told you that? - Symons.

17412. Did you say at the time, "But we have got no glasses"? - No, I did not; he knew we had none.

17413. Do not you think, if it was necessary to have glasses in order to do what you were told to do, to keep a sharp look-out, you should go to the bridge or telephone to the bridge and say, "I am told to keep a sharp look-out, and I have not got any glasses"? - They would know that.

17414. But did not you call their attention to it? - No. I did not.

17415. (*Mr. Scanlan.*) On that point did you report or did one of your mates report in Southampton that there were no glasses in the crow's-nest? - Symons went up, and asked Mr. Lightoller.

The Commissioner: I know that; I have heard that already.

17416. (*Mr. Scanlan - To the Witness.*) Were you told when this report was made on the absence of glasses that there were none intended for the look-out? - Yes, they told us that, or told Symons that, and he told us.

17417. Was that what was conveyed to you? - Yes.

17418. Then you had to accept that as the provision of the ship? - That is it.

17419. If you had complained would you have got yourself into trouble with your superior officers? - No, I should have been told the same, I suppose.

17420. Have your eyes been tested? - I got tested at Washington in the Marine Hospital lately, while I have been at Washington.

17421. That is since the accident? - Yes.

17422. (*The Commissioner.*) Were your eyes all right? - Yes.

The Attorney-General: I think they were tested before.

17423. (*The Commissioner.*) But you have had your eyes tested since the accident? - Yes.

17424. And they have been found all right? - Yes.

17425. (*Mr. Scanlan.*) When were your eyes tested before the accident? - I do not know; it may have been a couple of years or a year.

17426. When were they tested, and where? - Southampton, by the Board of Trade.

17427. When this test was made by the Board of Trade, was it made by a doctor? - Oh, I do not know; it got done by the Board of Trade; I do not know who it was through.

The Commissioner: I should have thought that any person who knew how to do it could easily test eyesight. I daresay you know how it is done?

Mr. Scanlan: There is some importance attaching to this, because there is a rule of the Board of Trade about this.

The Commissioner: What is it?

Mr. Scanlan: I understand that a test is supposed to be made, but I am told it is not invariably

carried out, and I am instructed to direct your Lordship's attention to it in connection with the rules, and I thought it would be a convenient part of the examination to do so.

The Commissioner: Quite.

17428. (*Mr. Scanlan - To the Witness.*) Now I want to ask you this question. Before you left the "Titanic" did you observe the lights of any ship in your neighbourhood? - Well, there was a light on the port bow.

17429. Did you see this light on the port bow before you left the crow's-nest? - No, it must have been about 1 o'clock.

Did you observe it before you left the "Titanic"?

17430. (*The Commissioner.*) He says he saw it at 1 o'clock. (*To the Witness.*) When did you leave the "Titanic" - at what time? - I think I got into the water in the boat about 1 o'clock.

17431. And it was about that time that you saw this light? - Or just a little before it - about that time.

17432. (*Mr. Scanlan.*) Will you describe to my Lord the kind of light it was? - A white light.

17433. (*The Commissioner.*) What did you think it was? - I had no idea; I just saw a light, that is all.

17434. You did not know whether it was a masthead light or a stern light, or what it was? - No.

17435. Did you know it was the light of some ship? - Yes.

17436. (*Mr. Scanlan.*) During this last watch of yours on the "Titanic" from 10 to 12, did you hear at any time from the bridge, or get any advice from the bridge about the look-out you were to keep? - No.

17437. Or about ice being expected? - No. The only order we got was from Symons, to keep a sharp look-out.

17438. The only order you got was an order which had been passed along to you by the look-out men whom you relieved? - That is all.

Examined by Mr. COTTER.

17439. In your four years' experience on the "Oceanic" did you ever see ice at any time? - No.

17440. You could form no judgment how far you could see an iceberg? - No.

Examined by Sir ROBERT FINLAY.

17441. You have been asked as to what Symons said about the night. Will you listen to this question. It follows after the one which was read to you. It is on page 268, Question 11987. It is about the glasses. This is the question put to Symons about the glasses: "If you were on the look-out on a fine clear night, would you rather trust to the eye than a binocular to pick up anything? - (A.) Yes; you use your own eyes as regards the picking up anything, but you want the glasses then to make certain of that object." Do you agree to that? - Yes.

17442. That is right: For picking up anything would you trust to the eyes, and then having picked it up -? - You look with glasses to make sure.

17443. Then as regards picking up an iceberg or anything else, you would pick it up with the naked eye at first? - That is all we had to do that night - use our eyes.

17444. Yes, but do not you see -? - I see what you mean.

17445. Do you agree with this. This is what Symons says: "You use your own eyes as regards the picking up anything, but you want the glasses then to make certain of that object." Do you agree with that? - Yes.

17446. On the White Star Line I think they have special look-out men? - Special?

17447. Yes? - I do not know.

17448. You were one of them, were you not? - Yes.

17449. You signed on as a look-out man? - Yes, I signed on as a look-out man.

17450. I mean that is your work? - Yes.

17451. That is the practice on the White Star Line, is it not? - Yes, that is it.

17452. To have special look-out men. Do you know whether it is the practice on other lines? - I do not know; it is the only company I have been on the look-out.

The Attorney-General: They sign on as look-out men.

17453. (*Sir Robert Finlay.*) Yes, for that purpose. (*To the Witness.*) Now, with regard to this light which you saw when you put off from the ship, had you any doubt that that was a ship's light? - I could not tell what it was; it might have been a sailing ship or it might have been a steamer.

17454. (*The Commissioner.*) Was it a ship's light? - Yes.

17455. (*Sir Robert Finlay.*) You are quite clear about that? - Yes.

17456. You were rowing towards it? - Yes.

How came the two men to get into your boat?

The Commissioner - To the Witness: Two men passengers were in your boat, you know.

17457. (*Sir Robert Finlay.*) How came they to get in? - One man we found out afterwards was underneath the thwarts. The Major got into the boat as we were in line with the square ports; he came down the life-line.

17458. We have heard that Major Peuchen was ordered in by Mr. Lightoller? - Yes.

17459. And he came down in the way you have described? - Yes.

17460. Were any women left behind who were willing to go? - I could not say.

17461. Were there any women on deck when you left? - I think there were.

17462. Were they willing to go into the boat? - I could not say. Mr. Lightoller sang out for more women and none seemed to come.

17463. None came? - None came.

17464. You did not leave behind any women who wanted to get into the boat I suppose? - [No Answer.]

17465. I understood you to say some time ago the women on the deck refused to get in? - I did not say refused.

17466. Well I thought you did? - Did you?

Would not get in. What did you say to it? I want to understand.

The Commissioner: As far as I am concerned you need not trouble him with any more questions.

17467. (*Sir Robert Finlay.*) I am obliged to your Lordship. (*To the Witness.*) Now just one or two questions with regard to the iceberg. Did you describe it when you gave evidence in the United States, on the other side of the water, as a black mass when you saw it? - Yes.

17468. And did you say that you estimated that it was 50 or 60 feet above the water? - Did I say that? No, I said it was little higher than the fore-castle head when he asked me that.

17469. I will just read you what you said on 23rd April, at page 16, about it. "I reported an iceberg right ahead, a black mass." Is that right? - Yes, that is right.

17470. And then on page 18 - this is also on the 23rd April - this question is put to you: "How large did it get to be finally when it struck the ship?" - that is the iceberg. "(A.) When we were alongside it was a little bit higher than the fore-castle head. (Q.) The fore-castle head is how high above the waterline? - (A.) Fifty feet, I should say. (Q.) About fifty feet? - (A.) Yes. (Q.) So that this black mass, when it finally struck the boat, turned out to be about fifty feet above the water? - (A.) About fifty or sixty. (Q.) Fifty or sixty feet above the water? - (A.) Yes. (Q.) And when

you first saw it it looked no larger than these two tables? - (A.) No, Sir." Was that about the height, as far as you can judge? - [No Answer.]

The Commissioner: I think we can form our own opinion as to the height of it; obviously it must have been above the forecastle head because ice fell from it on to the forecastle.

Sir Robert Finlay: Yes, my Lord.

The Attorney-General: Higher than the forecastle, and lower than the crow's-nest.

17471. (*Sir Robert Finlay.*) As your Lordship points out, it must have been higher than 55 feet; how much higher we do not know. (*To the Witness.*) Did you notice where the blow was struck, where the "Titanic" was struck? You said on the starboard bow? - Just before the foremast.

The Commissioner: That means just in front, on the starboard side of the crow's-nest?

17472. (*Sir Robert Finlay.*) Yes, my Lord, exactly. (*To the Witness.*) Did the "Titanic" answer the helm, going to port, while you were still at the telephone? - I do not know.

17473. Well, just let me recall to your memory what you appear to have said in America. On the 23rd April, at page 18, you are asked this: "Do you know whether her engines were reversed?" That is the "Titanic's" engines. You say, "Well, she started to go to port while I was at the telephone. (Q.) She started to go to port? - (A.) Yes; the wheel was put to starboard. (Q.) How do you know that? - (A.) My mate saw it and told me. He told me he could see the bow coming round." Is that right, that the ship was going round to port while you were still at the telephone? - Yes.

17474. And then the same thing on the 24th April, page 3, "Did you notice how quickly they turned the course of the boat after you sounded the gongs? - No, Sir; they did not do it until I went to the telephone. While I was at the telephone the ship started to move." That means to answer her helm to answer the starboard helm and turn to port? - Yes.

17475. There is only one other matter. Do you remember any conversation with Mr. Lightoller about the look-out and seeing the berg. Just let me read you what Mr. Lightoller said. It is page 343, my Lord. Mr. Lightoller is asked this at Question 14884: "Did you have any talk with Fleet, the look-out man? - (A.) On the "Carpathia"? (Q.) Yes? - (A.) Yes. (Q.) He has not been called yet, but you might tell us what he said? - (A.) I asked him what he knew about the accident, and induced him to explain the circumstances. He went on to say that he had seen the iceberg so far ahead. I particularly wanted to know how long after he struck the bell the ship's head moved, and he informed me that practically at the same time that he struck the bell he noticed the ship's head moving under the helm. (Q.) That is what you told us before? - (A.) Yes. (Q.) Did he tell you anything else? - (A.) With regard to distance? (Q.) No, with regard to weather or conditions? - (A.) Oh, yes. He said it was clear. (Q.) That is really what I wanted to know. - (A.) Oh, yes. (Q.) Did he say anything about haze? - (A.) No, he never said anything about haze. (Q.) He never complained about haze, or anything of that sort? - (A.) No." Is that right? - Well, I am not going to tell him my business. It is my place in Court to say that, not to him.

17476. (*The Commissioner.*) You really do not understand. That gentleman is not trying to get round you at all? - But some of them are, though.

The Commissioner: They are not, indeed. I can see you think most of us are, but we are not. We only want to get from you your own story. We want nothing else.

17477. (*Sir Robert Finlay.*) You know Mr. Lightoller? - Certainly I do.

17478. Did you have any conversation with him? - Yes.

The Commissioner: That is all we want to know.

Mr. Harbinson: There are a couple of questions suggested by Sir Robert Finlay's examination I should like to put.

Examined by Mr. HARBINSON.

17479. Did I understand rightly that when you left the boat deck there were some women left behind on the boat deck? - [No Answer.]

The Witness: (After a pause.) Is there any more likes to have a go at me?

The Commissioner: Well, I rather sympathise with him. Do you want to ask him anything more?

The Attorney-General: Oh, no.

The Witness: A good job, too.

17480. (*The Commissioner.*) I am much obliged to you. I think you have given your evidence very well, although you seem to distrust us all.

The Witness: Thank you.

(*The Witness withdrew.*)

The Attorney-General: I have been looking to see what this eyesight test was that has been spoken of. There is none obligatory on the men, but under the regulations relating to the examination of masters and mates in the marine under the Board of Trade. There is a rule which says that any person serving or intending to serve in the Mercantile Marine, if desirous of undergoing an examination for form vision or colour vision must make application, and he pays a fee of one shilling, and then he can be examined and get a certificate. It is purely voluntary.

The Commissioner: Is that what you were referring to?

Mr. Scanlan: Yes, my Lord. I am informed that the rule is not carried out.

The Attorney-General: It is not obligatory; it has nothing whatever to do with the men, but it is a test imposed upon masters and mates, and there is a superintendent who applies a test for that purpose.

The Commissioner: It seems to me very desirable that there should be some test for a look-out man.

Mr. Scanlan: What I have been instructed to apply for is that such a test be made obligatory with regard to look-out men.

The Commissioner: That will come at the proper time.

The Attorney-General: You agree it is not obligatory at the present time, Mr. Scanlan?

Mr. Scanlan: Yes.

GEORGE ALFRED HOGG, Sworn.

Examined by the ATTORNEY-GENERAL.

17481. You have been at sea for some 13 years and able seaman for 10, I think? - Yes.

17482. You have been in the employ of the White Star Line how long about? - Four years, I should think, off and on.

17483. All the time as look-out man? - No.

17484. Were you first an able seaman and then became a look-out man? - Yes, able seaman, boatswain's mate, and look-out man.

17485. Was that the order? - That is what I have been in those ships.

17486. The White Star ships? - Yes.

17487. How long have you been a look-out man? - I went one trip in the "Adriatic" and three days in this ship. That is all.

17488. And you have also been employed in ships of the P. and O. Company and the Royal

Mail? - Yes.

17489. The Union Castle? - Yes.

17490. And other lines? - Yes, and other lines.

17491. And you have acted as look-out, I suppose, in some of those lines? - They do not carry look-out men; everybody takes their turn.

17492. You have acted as look-out, but you did not sign as look-out? - That is so.

17493. In these other vessels, as far as I understand you, there was no question of signing as look-out man. It is only in the White Star that has happened in your experience? - Yes.

17494. Do you remember when the "Titanic" was leaving Belfast - you signed on the "Titanic" as look-out man, we know - were a pair of glasses given you? - Yes.

17495. For the crow's-nest? - Yes.

17496. Who gave them to you, do you remember? - Mr. Blair, the acting Second Officer then.

17497. Mr. Blair, who was then acting as Second Officer? - Yes.

17498. Did you notice how they were marked? - "Theatre, marine and field." "Second Officer, S.S. 'Titanic.'"

17499. That was on one side, was it? - Yes.

17500. Was "Theatre, marine, and field" the same? - No, you worked them as you wanted to use them.

17501. When you left the ship at Southampton, what did you do with those glasses? - Mr. Blair was in the crow's-nest and gave me his glasses, and told me to lock them up in his cabin and to return him the keys.

17502. Who returned the keys? - I gave them to a man named Weller, as I was busy on the fore-castle head.

17503. As far as you were concerned, the glasses, you were told, were to be locked up in the cabin of the Second Officer? - I locked them up.

17504. And they were locked up. When the ship left Queenstown were there any glasses in the crow's-nest? - There were none when we left Southampton.

17505. Did you ask for them? - Yes.

17506. When you left Southampton? - I did not exactly ask for them, but my mates asked for them at that time.

17507. Did you ask for them at all after you left Queenstown? - After I left Queenstown.

17508. You personally asked for them? - I personally asked.

17509. Whom did you ask? - Mr. Lightoller.

17510. Will you tell us what you said to him, quite shortly, about it? - I said, "Where is our look-out glasses, Sir?" He made some reply, I did not exactly catch it. "Get them later," or something like that.

17511. At any rate, you did not get any? - I did not get any.

17512. You went on your look-out duties without glasses for the rest of the time? - Yes.

17513. Have you had experience of glasses; have you used them much? - Never before; only in the White Star Line.

17514. But had you used them before you were on this voyage? - On another ship.

17515. Of the White Star Line? - In the "Adriatic."

17516. You had never had them in any ship you have been on except in the "Adriatic," which was another ship of the White Star Line you had sailed in? - No other ship except the White Star.

17517. Did you find them of use? - Well, I believe in my own eyesight.

17518. Do you mean you believe in your own eyesight better than you do the glasses? - Yes.

17519. It is suggested - I only want to know how far you agree with it - that it is easier, or just as easy, to pick up an object that you may see on the horizon with your own eyesight as it would

be with the glasses? - You might not see the object, but if you think it is a ship you might just see the smoke.

17520. With your own sight? - Yes, with your own sight. You would not see the ship first; you would see the smoke first.

17521. Would you see it any better with glasses? - You would put the glasses up to your eyes then and make sure.

17522. What it comes to, if I understand that, is you pick it up with your eyesight, and then if you want to see as well as you can what it is you would use the glasses? - That is what they are handy for, Sir.

17523. But not for picking up things, you mean? - No, I pick up things with my own eyesight.

17524. I should like to know what your experience is in the use of these glasses. Is that what the rest of the men who were on the look-out with you have done? Is that the way the glasses are used - when you have picked up an object to look closer? - I could not say; I am speaking for myself. I do not know what they did with the glasses.

17525. On this particular night, Sunday the 14th, when the collision happened, your mate was Evans, was he not? - Yes.

17526. You were not on duty - you did not go on duty till 12 o'clock? - Twelve.

17527. That is right? - That is right.

17528. You relieved Fleet and Lee? - Yes.

17529. What were you doing when the collision happened? - Asleep.

17530. Did you feel anything at all of it? - None.

17531. Did you know anything of it at all until you had to get up? - I knew there was an accident because everybody rushed up into the fore-castle. I asked what was the matter and what the confusion was about.

17532. What did they say? - They said she had hit something.

17533. What was the last watch you had had before you relieved Fleet and Lee at midnight? - 6 to 8.

17534. And whom did you relieve at 6? Was it also Fleet and Lee? - I relieved Lee and Fleet at 6.

17535. Did you get any warning about ice?

The Commissioner: Do you mean at 12 o'clock?

The Attorney-General: No.

The Witness: At 6?

17536. Yes, that is what I mean? - All that was handed over to me was, "Nothing doing; keep a look-out for small ice."

17537. You did hear it at 6 o'clock "Keep a look-out for small ice"? - Yes, but I believe it is the usual password in the nests in these ships.

17538. I do not understand what you mean by that? - I do not believe they got it from the bridge at the time.

17539. Never mind where they got it from. You got it from them? - Yes.

17540. Who gave it to you? - Fleet and Lee - I think Lee gave it to me.

17541. You say you believe it is a usual password. Had you ever had it given you before, a password of that kind? - Sometimes.

17542. But I mean on this voyage? - Yes. I believe I did: I would not be quite sure. It seems a password there from what I can see of it.

17543. (*The Commissioner.*) I do not understand what you mean by a "password." What do you mean? - A joke, Sir. I should think.

17544. (*The Attorney-General.*) A joke to the look-out men to keep a look-out for ice? - This is

what is passed on to one another.

17545. Have you any recollection of their doing that to you on that night at 6 o'clock in the evening? - At 6 o'clock in the evening: "Nothing doing; keep a look-out for small ice."

17546. (*The Commissioner.*) I am not sure that I understand you when you say you regarded that as a joke. What do you mean? - Well, as I say, it seems a password.

17547. Do you mean by "a password" a mere matter of form? - That is what they always seemed to say to me, Sir.

17548. What? - "Keep a look-out for ice" as we relieved each other.

17549. But I suppose they do not say that to you on board ship when you are going through the tropics? - No, there were no tropics there at that time.

17550. It is not a message that you get on all voyages at all times? - I never heard it before.

17551. (*The Attorney-General.*) How often had you heard it, if at all, before 6 o'clock that evening? - I heard it several times before that.

17552. How often had you heard it before. You say several times. Do you mean half-a-dozen times? - I have no idea how many times it was.

17553. But several times? - Several times.

17554. Several days before? - We were only out about three days.

17555. I know. - A couple of days before.

17556. Do you mean that every time you went and relieved them they gave you that password, as you call it? - Yes.

17557. Daytime or nighttime? - Any time they would pass it along to one another.

17558. (*The Attorney-General.*) This is quite new, my Lord, but I will pass on. (*To the Witness.*) At 12 o'clock, when you went there, did you get any message about ice then when you relieved them that night after the collision? - We got a message we had hit one.

17559. When you went to relieve them at 12 o'clock, was anything said to you then? - Nothing was passed on to me at all then.

The Commissioner: I do not see what the importance of this is.

17560. (*The Attorney-General.*) Not of that, but I thought he might say something else. I quite agree it is of no importance at all. (*To the Witness.*) Eventually you were saved in boat No. 7? - Yes.

The Attorney-General: We have had evidence about that boat, so I am not going into any particulars about it. I will tell your Lordship why we have called him. We wanted to exhaust the look-out-men. You have had five out of six before you now. The only one who has not been called is Evans, and I do not think it is necessary to call him, because he goes on with this witness, to relieve at 12 o'clock.

The Commissioner: It is of very little importance.

The Attorney-General: Very little. It was only so that your Lordship should see him as the relieving watch.

Examined by Mr. SCANLAN.

17561. On the ships of the P. and O., the Royal Mail, and the Union-Castle Lines is there a crow's-nest? - In the Royal Mail there was a crow's-nest when I was there in several ships.

17562. Was it the practice on the Royal Mail boats to have look-out men on the fore-castle head or the stem head, as well as in the crow's-nest? - Not stationed men.

17563. Are they sent there from time to time? - Everybody takes their trick as an able seaman.

17564. Are other seamen stationed at the stem head? - At the stem head if she has not a crow's-nest.

17565. I mean, even when there is a crow's-nest, is it usual at nighttime, or if there is a haze, to station additional look-outs? - Double the look-outs, yes.

17566. (*The Commissioner.*) That, I suppose, would depend upon the character of the haze? - Yes, my Lord.

17567. (*Mr. Scanlan.*) Would there not be a double look-out put on, no matter what the haze was, if it was at night? - If it was very thick; if it was a slight haze they would not double the look-out.

17568. Have you been on any of those lines when ice was reported? - No, not in those ships.

Examined by Sir ROBERT FINLAY.

17569. Only one question. Were you told to get the Jacob's ladder ready? - Yes.

17570. Is that a rope ladder? - Yes.

17571. Where was that to be used? - I could not say. I left it on the boat deck. I was told to throw it down as soon as I fetched it up from the fore-castle head.

17572. Who gave you the order? - The boatswain.

Sir Robert Finlay: I only asked that, my Lord, in connection with what was said about the gangway doors, your Lordship recollects, at the side of the ship. He says the boatswain told him to get the rope ladder, the Jacob's ladder, which was obviously, I suggest, for use when those gangway doors were opened, and then he was told to throw it down; it was not used.

(The Witness withdrew.)

GEORGE THOMAS ROWE, Sworn.

Examined by Mr. BUTLER ASPINALL.

The Attorney-General: Mr. Rowe will give you some evidence, my Lord, about the starboard collapsible boat.

17573. (*Mr. Butler Aspinall - To the Witness.*) Were you serving as Quartermaster on board the "Titanic" at the time of this accident? - Yes.

17574. I think you have served as Petty Officer in the Royal Navy? - Yes.

17575. And you have also served as Quartermaster in the "Majestic" and "Oceanic"? - Yes.

17576. And have been in the service of the White Star Company for the last two years? - Yes.

17577. And during that time have you been voyaging in the Atlantic? - Yes.

17578. Now you were saved in the starboard collapsible boat? - Yes.

17579. On the 14th, when were you first on duty that day? - 8 to 12 in the forenoon; 4 to 6 in the dog watch, and 8 to midnight.

17580. Now 8 to 12 you were on duty. Were you steering at any time? - 4 to 6, the first dog-watch

17581. Did you hear any talk amongst the officers whilst you were steering about ice? - No.

17582. You heard nothing mentioned? - No.

17583. During that watch, did you alter the course at any time? - Yes.

17584. Do you remember when it was? - Yes, at 5.45.

17585. At 5.45 you altered course? - Yes.

17586. Now, before you altered course, do you remember what course your vessel was steering? - Yes.

17587. What course was she steering? - S. 85 deg. W.

17588. By the compass in front of you, I suppose? - By the steering compass.

17589. That is all you would know about it? - Yes.

17590. At 5.45 to what did you alter it? - N. 71 W.

17591. (*Mr. Butler Aspinall.*) Mr. Pitman, the Third Officer, gave evidence about this matter at page 351, Question 15173: "Do you know at what time the course that the steamer was to take was mapped out that day? - (A.) Yes, noon. (Q.) And, so far as you know, was the steamer's course deflected at all from the course that had been marked out at noon; did it vary to the south, or in any way from the course which had been marked out at noon? - (A.) Yes, I considered we went at least 10 miles further south than was necessary. (Q.) Do I understand you rightly that in marking the course at noon, the course was marked ten miles further south than you considered necessary? - (A.) No. We had a certain distance to run to a corner, from noon to certain time, and we did not alter the course so early as I anticipated. Therefore, we must have gone much further south. (Q.) When did you alter the course? - (A.) 5.50. (Q.) Who was responsible for the alteration? - (A.) The Commander. (Q.) To whom did he give the order? - (A.) The officers of the watch. (Q.) Do you know their names? - (A.) Mr. Wilde. (Q.) Were you there? - (A.) No. (Q.) Do you know what conversation took place? - (A.) No. (Q.) But you say he gave instructions to alter the course of the ship? - (A.) The course was altered at 5.50. They were the Commander's orders. (Q.) Ten miles further south. Was any record made of that at the time? - (A.) No, and I thought that the course should have been altered at 5 p.m. (Q.) Why did you think so? - (A.) Judging from the distance run from noon." Have you any reason to remember that time, 5.45? - Yes.

17592. Will you tell me what it was? - We always make a practice of what we call rounding the corner, and the man at the wheel generally takes notice of it.

17593. And did you take notice of it on this occasion? - Yes.

17594. And you noticed the time? - Yes.

17595. Now that is the dog watch. You came off duty -? - At 6 o'clock.

17596. Then at eight did you go on duty? - Yes.

17597. Your watch, then, would be 8 to 12. Now, during any part of that time were you at the wheel steering? - No, on the poop.

17598. You were on the poop aft, were you? - The whole time.

17599. (*The Commissioner.*) From 8 to 12 you were on the poop? - Yes.

17600. (*Mr. Butler Aspinall.*) Were you on the poop when you felt a jar? - Yes.

17601. And that proved to be a collision with an iceberg? - Yes.

17602. What did you do? - I thought it was something unusual being a fine night, and I went on the bridge and waited for orders to come through the telephone.

17603. Before you went on the bridge did you go and look at the taffrail; did you look at the patent log? - I did, after the iceberg was cleared.

17604. Then you first went to the bridge? - Yes.

17605. Did you see the iceberg? - Yes.

17606. Did you look up at it? - Yes.

17607. Then did you go back and have a look at the register of the patent log? - I went on the bridge to find that out. The log was on the port side of the bridge.

17608. What did it register? - 260.

17609. Do you know, of your own knowledge, when the patent log is set on board this ship? - Yes.

17610. When? - At noon.

17611. So that that would mean that since noon up to the time you had looked at it, she had run 260 knots, would that be? - Miles.

17612. You mean nautical miles? - It is marked "miles" on the log itself.

The Commissioner: That means 260 knots.

17613. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) How long after the ship struck do you think it was you looked at this patent log - ten minutes or a quarter of an hour? - About half a minute.

The Commissioner: What does this work out at?

Mr. Butler Aspinall: I worked it out, and I make it, subject to correction, very nearly 22 knots.

The Attorney-General: That is right.

Sir Robert Finlay: Twenty-one and three-quarters.

The Attorney-General: It is rather more than that; it is between 21 3/4 and 22, but it does not matter.

17614. (*Mr. Butler Aspinall - To the Witness.*) I do not want to go into this matter at great length, but did you, after that, see some boat in the water? - Yes.

17615. Do you know which boat that was? - No. I should think it was either 13 or 15.

17616. And was anything said by one of the officers to you about that boat? - No.

17617. Are you sure of that? - I telephoned up to the fore bridge.

17618. Did this happen? Did you ask if the bridge knew that a boat was in the water? - Yes.

17619. Where were you when you asked the bridge that? - On the after bridge at the telephone.

17620. How did you ask them; by the telephone? - Yes.

17621. And what was the answer? - The answer was "No, is there." I said "Yes."

17622. And that is all you know about that incident? - They asked me if I was the Third Officer and I said no.

17623. What did you do? - I said "I am the Quartermaster."

17624. That is all you know about that matter? - That is all.

17625. After that did you notice that the boats were being lowered? - No.

17626. Were the covers taken off the boats? - I could not say.

17627. Later on were you saved in the starboard collapsible boat? - I was.

17628. And did Captain Smith tell you to go into it? - Yes.

17629. Were you told to take charge of it? - No, I was not told to take charge because I was in charge.

17630. Who got into that boat? - The boat was partially full when I got into it; I had 53 women and 3 children in the stern. Chief Officer Wilde was asking for more women. There were none forthcoming, and two gentlemen got in.

17631. Who were the two gentlemen who got in? - One was Mr. Ismay.

17632. And who was the other? - I never saw the man before.

17633. You do not know his name now? - Well, I know by the papers.

The Commissioner: Let me know his name.

17634. (*The Attorney-General.*) I think from the American evidence it is a Mr. Carter? - Yes; Mr. Carter.

17635. (*Mr. Butler Aspinall.*) Did you know at the time that it was Mr. Ismay? - Yes.

17636. You had seen him about, had you? - Yes.

17637. How came it these two gentlemen came in? You said they got in. How came they to get

in? - There were no more passengers in the vicinity to get in.

17638. Did anybody tell them to get in? - I never heard anybody.

17639. You did not hear anybody say, "Get into that boat"? - No.

17640. No officer? - No.

17641. They got in. This was the starboard collapsible boat? - Yes.

17642. Then was the boat lowered to the water? - It was lowered to the water, yes.

17643. When the boat got down to the water, how many people were in it? - 39.

17644. How was that number made up. Were there two gentlemen? - Yes.

17645. And how many crew? - Myself, three firemen and one steward.

17646. And the rest of the people were what? - What I thought were women and children.

17647. Did they prove to be women and children? - No, not at daybreak.

17648. Why? Tell me about that? - I found four Chinamen aboard.

17649. Where were they? - I could not see at the time.

17650. They were in the boat somewhere? - They were in there at daybreak.

17651. How they got in you do not know, I suppose? - No.

17652. (*The Commissioner.*) Were they all women and children, with the exception of three Chinamen? - Four Chinamen and Mr. Ismay and Mr. Carter.

17653. I have the two male passengers. Were the rest all women and children with the exception of the crew and the four Chinamen? - And the two gentlemen.

17654. (*Mr. Butler Aspinall.*) How many women would that be? - I cannot say how many women, because there were children there as well - 28, I think.

The Attorney-General: It would be 28 if he is right about the 39.

Mr. Butler Aspinall: Mr. Pearcey, who was a third class pantry steward, gave evidence about this boat. He took the view that there were some 60 or 70 people in. I will give your Lordship the reference to that. It is page 231. He was a pantryman who, your Lordship will remember, picked up two babies on the way to the boat.

The Commissioner: Yes.

17655. (*Mr. Butler Aspinall.*) He goes on at page 238 and sums it up at Question 10417, that there were "66 passengers and 5 of the crew - 71" - he took that view. (*To the Witness.*) You do not think there were as many? - I am certain.

17656. That boat remained in the water and none of the passengers were taken out, and all of them were put out of the collapsible into the "Carpathia"? - Yes.

17657. Before you left the ship did you see anything of the light of another vessel in the neighbourhood? - Yes.

17658. What light was that? - A white light, bright.

17659. What sort of distance did you think it was? - Four or five miles.

17660. Was anything said by you about it to anybody, or did any of the officers mention it to you? - They did not mention it to me, personally, but we were Morsing to her.

17661. You were not, were you? - The Fourth Officer and myself.

17662. After you had got into the boat and before you got to the "Carpathia," did you notice that same light? - Yes.

17663. What I think you meant to tell us was, the ship had struck an iceberg, and then, after that, before you got into the boat, you saw this light? - I went on the fore bridge.

17664. While you were on the bridge? - Yes.

17665. And afterwards you go away in the starboard collapsible boat and see some light? - Yes.

17666. At about the same sort of distance? - About the same.

17667. When you saw this light did you notice whether the head of the "Titanic" was altering

either to port or starboard? - Yes.

17668. You did notice? - Yes.

17669. Was your vessel's head swinging at the time you saw this light of this other vessel? - I put it down that her stern was swinging.

17670. Which way was her stern swinging? - Practically dead south, I believe, then.

17671. Do you mean her head was facing south? - No, her head was facing north. She was coming round to starboard.

17672. The stern was swung to the south? - Yes.

17673. And at that time you saw this white light? - Yes.

17674. How was it bearing from you? - When I first saw it it was half a point on the port bow, and roughly about two points when I left the bridge.

17675. Did you notice before you left the ship whether she had a list either way? - Yes.

17676. When did you first notice that? - When I left the after bridge to go on the fore bridge.

17677. Which way was she listed? - To port.

17678. Was it a big list or a small list? - When I left she would be about six degrees.

17679. When you left what? - When I left the ship.

17680. In the boat? - Yes.

17681. Was it increasing? - I could not say.

17682. You did not notice? - No.

17683. Did you take any part in firing distress rockets? - Yes.

17684. How long do you think it was from the time you commenced firing the rockets till you finished firing the rockets? - From about a quarter to one to about 1.25.

17685. Yes, that is right. You gave evidence in America about it, and I see what you said there was: "I assisted the officer to fire them" - that is, rockets - "and was firing distress signals until about five and twenty past one." That is accurate? - Yes.

(After a short adjournment.)

The Attorney-General: Before your Lordship proceeds with this witness's evidence, there is a matter which is, I think, of considerable importance upon which I would like to have some direction from you.

In Question 26, the last Question, the Court is invited to make any recommendations or suggestions that it may think fit, having regard to the circumstances of the casualty, with a view to promoting the safety of vessels and persons at sea. When the Court resumes after the adjournment and we proceed to deal with the evidence as to the construction of the vessel, it occurs to me it would be well to know how far your Lordship proposes to make recommendations with regard to watertight compartments, and as to any system which you may think should be adopted in the future.

The reason why I am asking your Lordship for some direction is that I can quite follow that after you have heard the evidence you may come to a conclusion that some improvement should be made in some particular form of the system adopted in the "Titanic." Of course, your Lordship came to that conclusion. If we were to inquire into that, of course, the evidence we should put before you would be directed to giving some indication of what is done, in other systems or in other vessels, in the way of some other method of construction.

What is troubling me at the moment with regard to the preparation of the evidence is whether we are to put before you evidence which will enable the Court to say which is the best system in the Court's opinion. The difficulty in regard to that is that if we are to inquire into it it would mean that we should have to put before you all the evidence that can possibly be obtained in

reference to watertight compartments, and the various systems adopted. That would, no doubt, make a very serious inroad upon the time of the Commission.

Your Lordship may know also that there has been an Advisory Committee appointed by the Board of Trade to inquire into this and to report upon it. The point I desire to draw your Lordship's attention to is whether or not we are to pursue that method, namely, of giving evidence enabling you to pronounce upon the best system, or whether you think that in this Inquiry it would be better to confine the evidence to indicating generally the systems which may be adopted by other vessels, for the purpose of enabling you to report whether or not you think there may be some improvement in the present method of construction.

Your Lordship will see that if we are to pursue the more extended Inquiry it means getting together a great deal of evidence which we have not as yet got, and which must, of course, occupy a great deal of time. I would like to know whether you think it would be advisable to take the more extended form of Inquiry and to get all that evidence, or whether you would propose to confine yourself to considering the advisability of any improvement in the system, which will be proved before you, which was adopted in the "Titanic."

The same observations would apply with reference to boats, because at a later stage we shall call before you the evidence from the Board of Trade of the course that has hitherto been pursued, and the precautions that are taken by the Board of Trade with reference to boats. There again the question will arise whether this Court proposes to recommend particular boats or a particular form; for example, of collapsible boat, or whether it would confine its recommendations to more accommodation in the shape of boats, if you should think that to be advisable. Possibly, your Lordship may consider whether it is necessary to have more collapsible boats or more lifeboats.

Both of these matters are very vital to us in the preparation of the evidence we are going to lay before you. I should respectfully submit to the Court that it would be almost impossible to go into the wider consideration of both points, and, if you think fit to make recommendations that they should then be carried out by some special committees which may be appointed by the Board of Trade, or in such other form as may be deemed desirable.

It is for that reason that I am making the application to you so that we may be able both to form some opinion as to how long this Inquiry will last, and also as to the nature and extent of the evidence which we shall have to call before you; because it is useless to deal with evidence of that kind from day to day. It must be carefully prepared so as to be laid before the Court in the best form.

If your Lordship can assist us with regard to that I shall be very glad, so that we may occupy the time between now and the re-assembling of the Court in determining the evidence to be laid before you when we resume.

The Commissioner: Well, Mr. Attorney, I regard the main object of the present Inquiry in which we are engaged here to be to ascertain the cause of this loss, and to fix, as far as we can, the blame on those who are properly to be blamed for it, if there be anybody. Our object also is to inquire into the loss of life following upon the disaster, and to report as to whether the means that were at hand were sufficient for the purpose of preventing loss of life, and, if not, in what respect those means were deficient.

Those are the two main objects that we have to deal with, and it is, in my opinion, very undesirable that the Report that we have to make should be delayed for more than a reasonable time. It is desirable that it should be dealt with, and that the Report should be made as speedily as possible. If we were to sit here to hear scientific evidence and expert evidence which would enable us to report in detail upon all the means that should be taken for the purpose in the future of averting a calamity such as this, we should be a very long time over it; indeed, speaking for

myself, I should have to be instructed thoroughly in matters on which I am comparatively ignorant at the present time.

But, at the same time, I think it will be possible for the Board of Trade to gather together in a comparatively short time general evidence bearing upon these subjects which will enable us probably to say to what particular methods affecting construction and the provision of means for life-saving, attention should in the future be directed. And, inasmuch as I understand there is a Departmental Committee appointed for the purpose of inquiring into these matters, it appears to me that it would be a mistake if we were to inquire into the same matters, and that it would be sufficient if we were to confine our attention to what I may call general recommendations, leaving it to that tribunal which has been appointed for the very purpose of enquiring into these matters in detail, to act upon the recommendations as they think proper. I do not know whether I have expressed a view that will enable you to collect your evidence?

The Attorney-General: Yes, my Lord, I think so.

The Commissioner: I do not propose to sit here for six or twelve months, and we might have to do that, you know, in order to go into all the details which would possibly enable us to make useful recommendations upon questions of a scientific character. I do not think that when I was appointed Wreck Commissioner in connection with this matter it was ever contemplated or intended that we should do any such thing. Our great object is to ascertain the cause of this loss, and to see whether, the loss having happened, there were provided sufficient and proper means for saving the lives that were put in peril by the accident. When we have done that we can direct our attention generally to the question as to whether improvements are not possible both in the construction of the ship and in the provision of life-saving apparatus; and then, in a general way, and not in particular, make our recommendation.

The Attorney-General: I am much obliged, my Lord. That will enable us to prepare evidence to meet your Lordship's views, which we are very glad to have had expressed; and, of course, it will make it much shorter. At the same time we will call general evidence of that character on both the points I have mentioned; and if there is any evidence that your Lordship thinks will be of assistance, if you will indicate it, when we have called that, we will take care to have it brought before you either in respect of the Board of Trade matter or with regard to watertight compartments.

Mr. Scanlan: My Lord, may I draw your Lordship's attention in this matter to Question 26. It has reference to the Board of Trade and the administration of the Merchant Shipping Acts. I submit that at the institution of this Commission it was contemplated and expressed most distinctly in the place where the setting up of this Commission was mentioned, that the conduct of the Board of Trade itself -

The Commissioner: You need not go into that. I have not been dealing with that at all. I shall expect evidence from the Board of Trade as to the steps that they have taken to keep their requirements up to date.

Mr. Scanlan: Yes, my Lord.

The Commissioner: The observations that I have been making are not directed to that part of Question 26 at all, but to the last part of Question 26, the last few lines.

The Attorney-General: May I point out - I do not know if my Friend caught it - that I particularly drew your Lordship's attention to the fact that it was only with regard to the last few lines, and I said I was going to call evidence from the Board of Trade.

The Commissioner: Yes. I do not think you need fear that this tribunal will not inquire and not require evidence into the conduct of the Board of Trade previous to this disaster.

Mr. Scanlan: Yes, my Lord.

The Attorney-General: I shall call whatever evidence is required about that.

The Commissioner: I do not know whether you think that will be the proper course, Sir Robert?

Sir Robert Finlay: I entirely agree, my Lord, if I may say so. I think if this Tribunal were to be invited to go into detail as to particular improvements, either in construction or with regard to the boats to be used, it would occupy so vast a space of time that the report upon the matters for which this Tribunal was really constituted, would be very unduly delayed. I entirely agree that it would be desirable that the evidence brought forward should be of a general nature, so as to enable the Court to indicate what are the points on which improvements may be possible, leaving the details to be investigated by committees or tribunals specially appointed for the purpose.

The Commissioner: Very well. Now here is the witness. Are there any questions?

Mr. Scanlan: I have no question, my Lord.

The Commissioner: Very well. I am delighted to hear that.

Examined by Sir ROBERT FINLAY.

17686. This collapsible boat you got into, was it the last boat put off from the starboard side?
Yes.

17687. When you put off, was the vessel awash in the fore-well deck? - Yes.

17688. The fore-well deck was under water? - Yes; the fore-castle head was not submerged.

17689. With regard to the situation of the patent log that you examined, where was that; what part of the vessel was that streamed from? - The port side of the after bridge.

17690. The after bridge? - Yes.

17691. The docking bridge? - Yes.

17692. That is right aft of the upper deck? - Yes.

17693. The port side of that docking bridge aft? - Yes.

Examined by Mr. HARBINSON.

17694. Was this collapsible lowered by the davits that lowered the emergency boat on the starboard side? - Yes.

17695. Were you present when the emergency boat was lowered? - No, not the emergency boat.

17696. It was the same davits that lowered No. 1 boat that lowered your boat? - Yes.

17697. I think you told us you took away all those women and children that you have mentioned, roughly speaking 28 women and children, with the crew, in your collapsible? - Yes.

17698. That was after No. 1 boat went? - Of course, because we were the last one to leave that side.

17699. And you were lowered by the same davits? - Yes.

17700. (*The Commissioner.*) Did you see the "Titanic" go down? - Yes.

17701. You know how the foundering has been described to us by some witnesses; that is to say that she was down by the head. Supposing *this* is the head (*indicating*), that she was down by the head in *that* way and then before she went down her afterpart righted itself and lay on an even keel, as far as the keel went, on the surface of the water. Is that so? - I could not say that. I was looking at her practically stem on - what we call stem on.

You were looking at her stem on; very well.

(*The Witness withdrew.*)

The Commissioner: How many more witnesses from the ship do you require.

The Attorney-General: I think after this witness is called there are three or four with reference to other boats which you have not yet had evidence about. It will necessarily be short in view of what you have said. It is merely to prove they were in the boat, and who were in it.

SAMUEL HEMMING, Sworn.

Examined by Mr. RAYMOND ASQUITH.

17702. You were a lamp-trimmer on the "Titanic," I think? - Yes.

17703. Do you remember the evening of Sunday, the 14th? - Yes.

17704. Do you remember reporting to Mr. Murdoch, the First Officer, that all the lights had been placed? - Yes.

17705. About what time was that? - I think about a quarter-past 7.

17706. Do you remember what he said to you when you reported that? - Yes.

17707. What did he say? - I was walking off the bridge, and he called me back, and he said: "Hemming, when you go forward get the fore scuttle hatch closed, there is a glow left from that, as we are in the vicinity of ice, and I want everything dark before the bridge."

17708. Where is the fore scuttle hatch? - On the fore-castle head.

17709. Did you carry out those orders? - I closed it myself.

17710. When the ship struck, I think you were asleep? - Yes.

17711. Were you awakened by the jar? - Yes.

17712. What did you do? - I came out of the room, put my head out of the port to see what we struck, and could not see anything.

17713. Did you hear a noise? - I heard a hissing noise.

17714. Did you go and try to find out what that was? - I did.

17715. Where did you go? - Right forward under the fore-castle head.

17716. Will you describe what you did and where you went? - I went there and could not see anything, so me and the storekeeper took the hatch off the storeroom and went down to see if she was making water and she was dry. We went down as far as the tank top.

17717. Do you mean a storeroom in the fore part of the ship? - Yes, right forward, in the very fore part.

17718. Would that be the storeroom above the four-feet tank? - Yes, directly above it.

17719. When you got down to the storeroom what did you find? - Nothing; everything was dry.

17720. You could not find any sign of damage? - No.

The Commissioner: Just tell me where it is.

Mr. Raymond Asquith: I will point out what I think he means. Your Lordship sees this tank in the blue (*pointing on the cartoon.*) I think he means the place just above that, marked "Store."

The Commissioner: Very well, that is sufficient; I see where it is now.

17721. (*Mr. Raymond Asquith - To the Witness.*) Was the store-room you went to immediately forward of the chain-locker? - Yes. That is the place where you pointed out just now.

17722. You told us you did not see any sign of damage? - No.

17723. Did you still hear the hissing noise? - Yes.

17724. What did you do then? - I came up to ascertain where the noise was coming from, and I went on the fore-castle head again, and I found it was coming from an exhaust pipe in the four-feet tank.

17725. Was that a pipe which came out on the top of the fore-castle? - Underneath the fore-castle head.

17726. (*The Commissioner.*) What purpose does it serve? - It is the air exhaust for the water going into the tank.

17727. (*Mr. Raymond Asquith.*) Was that a pipe which connected with the four-foot tank? - Yes.

17728. Do you know whether the four-foot tank had water in it when you started on the voyage or not? - I could not say.

17729. At any rate, you found air coming out of this exhaust pipe? - Yes.

The Commissioner: That indicates that water was coming into the tank.

17730. (*Mr. Raymond Asquith.*) Yes, my Lord, that is the effect of it. (*To the Witness.*) Was the air coming out with considerable force? - It was.

The Commissioner: That would indicate, would it not, that the vessel had been injured in the fore part forward of the collision bulkhead?

17731. (*Mr. Raymond Asquith.*) Yes, that is the importance of this witness. We have never got the wound so far forward before. (*To the Witness.*) Did you see the Chief Officer shortly after that? - Yes.

17732. What did you say to him? - He asked me what it was. I said: "It is the air coming out of the four-foot tank. She must be making water there."

17733. Nothing more? - He said: "All right." I said; "The store rooms are dry though." He said; "All right," and went away.

17734. I think you saw the carpenter after that? - The joiner.

17735. Did he tell you something about there being water in the ship? - Yes.

17736. What did he say? - He said she was making water in 1, 2, and 3, and the Racquet Court.

17737. What did he mean by 1, 2, and 3? - 1, 2, and 3 holds.

17738. Shortly after that, did you see the boatswain? - Yes.

17739. What did he say to you? - He told us to turn out; that the ship had half an hour to live, from Mr. Andrews; but not to tell anyone, but to keep it to ourselves.

17740. I did not hear what you said about Mr. Andrews? - The boatswain told us to turn out; the ship had only half an hour to live, from Mr. Andrews, but not to tell anyone. The boatswain heard it from Mr. Andrews, and he told us.

17741. (*The Commissioner.*) When was this; how long after the jar which you heard? - About 10 minutes, I should say.

17742. (*Mr. Raymond Asquith.*) After this, did you go at once up on deck? - As I was ordered to, to go to the boats.

17743. And you stood up to help with the boats? - Yes.

17744. Which side of the ship were you? - The port side.

17745. When you were told by the joiner there was water in 1, 2, and 3 holds, what did you understand by that? - That she was making water there.

17746. Yes, but by 1, 2, and 3 holds? - The cargo holds.

17747. Did you understand hatches by holds? - Yes.

17748. Three hatches? - Yes.

17749. You told us you went up on deck and helped with the boats. Did Mr. Lightoller ask you to get some lamps? - No.

17750. Did someone tell you to go and get the lamps? - I had a message from the Captain.

17751. Did you go and get some lamps? - Yes.

17752. You knew where they were because you were the lamp-trimmer? - Yes.

17753. Did you put some lamps in some of the boats? - Yes.

17754. How many boats did you put lamps in? - I could not say. All those boats were on the davits.

17755. All the ones which had not been lowered? - Yes.

17756. Were oil and wicks in the lamps? - Yes.

17757. After you had done that did Mr. Lightoller give you an order about one of the collapsible boats? - Yes.

17758. What collapsible boat was that? - The port foremost.

17759. The port collapsible boat? - Yes, forward.

17760. Did you help to lower that boat and fill it? - Yes.

17761. After you had done that did you go to another collapsible boat? - Yes.

17762. Which one was that? - The port one at the top of the officers' house.

17763. The port collapsible on the top of the officers' house? - Yes.

17764. Did you see that launched? - No.

17765. What did you do to that boat? - Helped to clear it away.

Mr. Raymond Asquith: That was the one launched upside down.

The Commissioner: It never was really launched.

Mr. Raymond Asquith: No.

The Commissioner: It was washed off the deck by the water.

17766. (*Mr. Raymond Asquith - To the Witness.*) Then you went over to the starboard side and helped with the starboard collapsible? - I did not help with the boat; I helped with the starboard falls.

17767. Shortly after that you jumped into the sea, did you not? - Yes.

17768. And swam to another lifeboat? - Yes.

17769. Which was No. 4, I think - and were picked up by that? - Yes.

I think we have already heard what that boat did, so I will not ask you about that.

Examined by Mr. SCANLAN.

17770. Can you tell us when you were told that the ship was in the vicinity of ice? - Mr. Murdoch told me when I put the lights out that night.

17771. Can you tell us at what hour Mr. Murdoch told you that? - About a quarter-past 7. I would not be sure on the point.

17772. Would you repeat, if you can, exactly what Mr. Murdoch said to you about ice? - The words he said were: "Hemming, when you go forward see the fore scuttle hatch closed, as we are in the vicinity of ice, and there is a glow coming from that, and I want everything dark before the bridge."

17773. The object of stopping the glow, I suppose, was to give the people on the bridge a better chance of seeing ahead? - Yes.

17774. You are sure it was a quarter-past 7? - About a quarter-past 7; I am not sure of the time.

Examined by Mr. HARBINSON.

17775. The boatswain told you that Mr. Andrews had said the ship had only half an hour to live? - Yes.

17776. And to tell no one? - Yes, to keep it to myself.

17777. Did he mean that Mr. Andrews had said the ship had only half an hour to live and to tell no one, or was it the boatswain himself who told you to tell no one? - The boatswain himself told me to tell no one.

17778. He did not say whether Mr. Andrews had said to tell no one? - No, I do not know anything about that.

Examined by Sir ROBERT FINLAY.

17779. How many lamps did you bring up? - Fourteen.

17780. Were they all full of oil? - All full of oil.

17781. And properly trimmed? - All brought up alight. I lit them myself.

17782. Did you supply them yourself to a good many boats? - Yes.

17783. You did not put those 14 yourself, as I understand it, all into the boats? - No.

17784. But they were there for the use of the boats? - They were there for the use of the boats.

(The Witness withdrew.)

WILFRID SEWARD, Sworn.

Examined by Mr. BUTLER ASPINALL.

17785. Were you Second class Pantry Steward on the "Titanic"? - Yes.

17786. And I believe you were in your bunk when you felt the shock? - Yes.

17787. You got up, and after you got up, did you look after the second class passengers, or help to look after them? - I went to sleep again.

17788. I do not want the whole story. You did, after a time, get up? - Yes.

17789. And then you knew that it was necessary to help the passengers? - Yes.

17790. Did you help your second class passengers, put lifebelts on them and warn them about what they were to do? - I put lifebelts on lots of passengers, not knowing what class they were.

17791. Had you a boat assigned to you according to the boat list? - Yes.

17792. I think you had seen the boat list? - Yes.

17793. You knew your boat was No. 3? - Yes.

17794. Finding that people were taking to the boats, you went to your boat? - I went to No. 5 boat first.

17795. But eventually you went to your boat? - Yes.

17796. And when you got to your boat were there people being put into it? - No.

17797. Later on were they put into it? - Yes.

17798. I do not want the whole story; we have heard it so often. Was that boat lowered to the water? - Yes.

17799. Were there about 58 people in that boat - 60 people, say? - Between 50 and 60.

17800. I think you were in it? - Yes.

17801. And a steward? - No other steward.

17802. Were there some firemen and sailors in it? - Yes.

17803. How many do you think? - About 15.

17804. Fifteen firemen and sailors? - Yes.

17805. Of the 15, about how many do you think were firemen? - There would be 10 firemen and four sailors.

17806. Who else was in the boat? - First class and second class passengers.

17807. Were they men or women? - Men and women.

17808. How many do you think were men? - About 10 men.

17809. And how many women? - The rest were women and children.

17810. But how many? - I have not the exact numbers.

Mr. Butler Aspinall: We can do the sum.

Examined by Mr. COTTER.

17811. Who got you out of your bed that night? - The Second Steward.

17812. Did he give you any orders? - No, not special orders, only to get on deck.

17813. And you went to the second cabin instead? - I went to my own place.

17814. What did you do when you got to the second cabin; did you go into the dining-room? - I went into my own place to see the boat list.

17815. Did you go into the second cabin dining-room? - No.

17816. Where did you go to put the lifebelts on people? - Down on the companions.

17817. Do you remember seeing the emergency door open on E deck? - All emergency doors were open at that time.

17818. How long after the collision was this? - About three-quarters of an hour.

17819. Were any general orders given at all throughout the ship in the stewards' department? - To get all the passengers on deck and see they had lifebelts.

17820. That was the order? - That was the order.

17821. Do you remember seeing any bulkhead doors closed along that deck? - No, I could not see that; it would be inside.

Examined by Sir ROBERT FINLAY.

17822. Was there difficulty about getting people into the boats? - They did not seem to wish to get into the boats.

17823. Your room would be aft off the main alleyway? - Amidships.

17824. I suppose you would go along by the main alleyway? - Yes.

17825. In doing that, did you see the stewards attending to the people? - The stewards were doing the best they could.

17826. Were there many third class passengers you saw? - They were all third class passengers I saw then.

17827. Coming along? - Yes, going to the emergency door.

17828. Were there biscuits and stores being got out from the storekeepers? - They were bringing them up from the store rooms for the boat at that time.

(The Witness withdrew.)

The Attorney-General: That, my Lord, subject to evidence as to boats 8, 10, and 16, will be all the evidence of the officers and crew on board the vessel. I propose, when we resume - we have not been able to get the witnesses here today - to call one man only from each of those three boats to identify the boats, and tell us how many passengers there were, and to subdivide them as far as we can in the way we have done. With that exception that will exhaust all the evidence with reference to the ship. I do not know whether your Lordship would find it convenient that we should adjourn now and not start a new matter.

The Commissioner: Very well.

The Attorney-General: I propose also, if it meets with your Lordship's approval, to let all the witnesses from the ship, that is all the crew who have been detained in this country, go, and go

about their business. I do not propose to detain them any longer.

The Commissioner: So far as I am concerned I do not want them kept. I do not know whether any of the gentlemen here desire any of them.

Sir Robert Finlay: I think not, my Lord.

(Adjourned to Tuesday, 4th June, at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Tuesday, 4th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

SIXTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

ALFRED CRAWFORD, Sworn.

Examined by Mr. BUTLER ASPINALL.

17829. Is your name Alfred Crawford? - Yes.

17830. And were you serving on the "Titanic" as first class bedroom steward on the 14th April of the present year? - Yes.

17831. I believe you were on watch on that evening? - Yes.

17832. At about 11.45 did you feel the shock? - Yes, I did.

17833. You subsequently learned you had struck an iceberg? - Yes.

17834. I think you got up and assisted passengers to put on their lifebelts. I do not want you to tell us the whole story. We have heard it very many times. I am just going to take you to the few main points. Later on I think you went to No. 5 boat and then eventually to No. 8 boat? - Yes, I did.

17835. No. 8 was your proper boat? - Yes.

17836. Did you assist to get the ladies into the boat? - Yes.

17837. I think some ladies, one in particular at any rate you can tell us of, refused to leave her husband, did she not? - Yes, Mrs. Straus. [Ida Straus.]

17838. And she and her husband were left behind? - Yes.

17839. I believe you got all you could in and the boat was lowered to the water's edge? - Yes.

17840. Now, before the boat was lowered down, did Captain Smith ask you how many crew were in the boat? - Yes.

17841. And how many crew were in the boat? - There were two in the boat.

17842. Besides yourself? - No, he told me to get in then.

17843. That made three? - Yes; and another man got in as well, making four.

17844. Did the boat get away with four of the crew in it? - Yes.

17845. How many passengers were in it? - I should say about 35.

17846. What were they; were they women? - All women.

17847. And before you left the ship's side did Captain Smith give you any directions with regard to a light? - Yes, he pointed to a light on the port side, the two masthead lights of a vessel, and told us to pull for there and land the people and return to the ship.

17848. Did you see those lights yourself? - I did.

17849. And what did you think they were? - I thought they were a vessel with two masthead lights.

17850. A steamer's masthead lights? - Yes.

The Commissioner: Is there anyone here representing the "Californian"?

Mr. Cooper: Mr. Dunlop will be here in a few minutes.

The Attorney-General: Somebody will be here, because we are calling somebody from the "Californian" today, and we have given them notice of it.

17851. (*Mr. Butler Aspinall - To the Witness.*) I do not know whether you are a judge of distance of lights at sea, but what would you say? - I should say she was 5 to 7 miles away from us.

17852. The Captain gave the directions? - Yes, he pointed the ship out.

17853. Having got down to the water's edge did you obey that direction as well as you could? - We did.

17854. And rowed in the direction of that light? - Yes, we pulled all night in the direction of the steamer.

The Commissioner: Does 5 to 7 miles away agree with the information from the "Californian" as to the position she took up when she anchored?

Mr. Butler Aspinall: It is widely different, my Lord.

The Commissioner: That is what I was thinking. The distance would be about 20 miles, would it not?

Mr. Butler Aspinall: Yes; 19 was in my mind - 19 to 20.

The Commissioner: We have had the log of the "Californian."

Mr. Butler Aspinall: We have.

The Attorney-General: The point your Lordship is upon is one which wants a little clearing up. Our attention has been directed to the same point.

The Commissioner: Very well, I will not say anything more about it now.

17855. (*Mr. Butler Aspinall - To the Witness.*) I was asking you your view of distance. It was a good night for seeing lights - a clear dark night? - Yes, clear and very dark.

17856. You say you pulled all night, but were you ever pulling at any speed?

- I could not say the speed. We were pulling the whole night, the four of us.

17857. Who was steering? - A lady was steering.

17858. Did these ladies behave well? - Yes, very well indeed.

17859. One lady was steering. Did any of the ladies assist at the oars? - They assisted the men, yes.

17860. They did? - Oh, yes.

17861. Pulling towards these lights, you would have your back towards them, I suppose? - Yes.

17862. Do you know what happened about those lights? - There was a lady at the tiller; she reported the sidelights in view.

17863. You say she was at the tiller? - Yes.

17864. Did she show a knowledge of steering? - Oh, yes.

17865. Do you know her name? - The Countess of Rothes.

17866. And was she making reports, as it were, from time to time to you about these lights? - Yes.

17867. And what happened in the end about these lights? - When daybreak came we saw another steamer coming, and we turned round and left that one; we could not seem to make it.

17868. What was the last you yourself saw of those two lights you told me about? - It seemed as if the vessel was turning round and leaving us.

17869. How long before it was daylight was that? - I could not say the exact time, but not long before daylight.

17870. Did you yourself ever see any sidelights? - Yes.

17871. You did? - Yes.

17872. What sidelight or sidelights of that steamer did you see? - There was the red and the green light.

17873. You saw them both? - Yes.

17874. I suppose you turned round to look? - Yes, I stopped rowing then.

17875. Did you see those sidelights on one or more occasions? - On the one occasion.

17876. (*The Commissioner.*) I do not understand that. Do you mean to say you saw both the red and the green lights at once? - We drifted.

17877. I know you did; but you say you saw them both at the same time, as I understand? - We were bow on.

Mr. Butler Aspinall: He might, my Lord.

The Commissioner: Of course he might; if he was in such a position as to see the vessel stem on he might see both.

17878. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) Do you think the vessel's head was pointing right towards you? - Yes.

17879. How long have you been serving on the sea? - Since 1882.

17880. So that you have had a good deal of experience? - Yes.

17881. Is it your view that at the time you looked and saw the sidelights of that steamer that you were about dead ahead of her? - Yes.

17882. Is that your view? - Yes.

17883. Can you at all accurately fix the point of time when you saw those two sidelights? - I cannot say.

17884. You cannot help us at all? - No.

17885. Later on you were picked up by the "Carpathia"? - Yes.

17886. At daylight did you see any icebergs about you? - Yes.

17887. Many? - Six or seven, I should say, round us.

17888. Those were bergs; were they large bergs? - There were one or two very large ones.

17889. And was there ice as well? - There was no field ice there.

17890. There was not? - No.

17891. Only the bergs? - Only the bergs.

Examined by Mr. SCANLAN.

17892. Do you know at what time lifeboat No. 8 was lowered and launched? - After 1 o'clock, I should say.

17893. There was still some other lifeboats to be launched? - Yes; there was No. 10 to go.

17894. You have stated that, in addition to the crew, there were only 35 passengers? - Yes.

17895. What additional room do you think you had in this boat, No. 8, for passengers? - I should say there was room for another 20 more.

17896. The "Titanic" did not sink and disappear for, I think, about an hour after your boat was lowered? - No.

17897. Can you give any explanation of this boat No. 8 being lowered and launched with only 35 passengers? - No. The only thing is that Mr. Wilde, the Chief Officer, said there were quite enough in that boat to be safe to lower it.

17898. Was that in reference to the strength of the falls? - Yes.

17899. And the tackle for lowering? - I should say that is what he thought.

17900. (*The Commissioner.*) That is rather a leading question, and I am not satisfied about it, Mr. Scanlan. (*To the Witness.*) This boat was being lowered, like the others, from the davits? - Yes, my Lord.

17901. And being lowered a long way? - Yes.

17902. From the davits to the water? - Yes.

17903. Does it occur to you that Mr. Wilde might have thought that the load in her was quite

enough? - Yes, I think that is about what he thought. He said there was quite enough in it to lower from the davits.

The Commissioner: That is what I mean, Mr. Scanlan. I do not know that it alters your point at all, but I think that the idea was that these boats slung out from the davits at that great height from the water might buckle; not that the davits themselves were insufficient, or that the falls were insufficient; they were probably strong enough; but that there was a fear that the boat might collapse and throw the whole of them into the water.

Mr. Scanlan: What has occurred to me is that some explanation is needed of the despatch of these boats with such a small number.

The Commissioner: You are quite right.

Mr. Scanlan: Considering that the boat accommodation was insufficient.

The Commissioner: What occurred to me was that you were putting the blame on the davits and the falls, and I do not think myself, at present, that the davits and the falls had anything to do with it, but it was the fear of the boat buckling and throwing the people out.

17904. (*Mr. Scanlan.*) I quite agree, my Lord. (*To the Witness.*) The davits were quite new? - Yes.

17905. And all the equipment of this lifeboat? - Yes.

17906. The falls were perfectly new? - Yes, I think so.

17907. Was any difficulty experienced in lowering No. 8? - None whatever.

17908. No. 8 was on the port side? - Yes.

17909. And you had been assisting at the lowering of some other boats? - No. 5.

17910. When No. 5 was lowered, can you say what its complement of passengers was? - I could not say; the boat looked very full.

The Commissioner: You may ask him; I do not know that he saw No. 5 lowered.

17911. (*Mr. Scanlan - To the Witness.*) Did you? - Yes. I saw No. 4 and No. 5 lowered to the water.

17912. No. 5 and No. 4? - No, not No. 4.

17913. (*The Commissioner.*) And No. 5, you say was full? - Yes.

17914. (*Mr. Scanlan.*) Had it considerably more passengers in it than you had in No. 8? - I could not say about that. The boat was crowded and looked very full. I was standing alongside of her.

17915. And there was no difficulty in lowering No. 5? - None whatever.

17916. Did you think, yourself, there would have been any difficulty in lowering No. 8 if it had been filled to its utmost capacity with passengers? - I could not say.

The Commissioner: I think, Mr. Scanlan, there was one boat lowered with 70 in it?

Mr. Scanlan: Yes.

The Commissioner: And it did not buckle.

17917. (*Mr. Scanlan.*) That is so, my Lord, and there is considerable evidence on that point. (*To the Witness.*) You did not see any difficulty yourself in regard to lowering this boat? - No, I was in the boat; I could not see any difficulty in going down in the boat.

17918. It did not suggest itself to you as a difficult matter to lower one of these boats filled with the full complement of passengers? - No.

17919. Did you know amongst other members of the crew that you had insufficient boats to take off all the people? - No, I could not say that.

17920. When No. 8 was being lowered were there many passengers on the boat deck on the port side? - There were a few, and Mr. Wilde told them to go along to No. 10 and get into that.

17921. Do you mean a few women passengers? - Yes.

17922. And those women passengers were sent along to another boat? - Yes, No. 10.

17923. (*The Commissioner.*) I do not like an expression of that kind. When you say "a few," give me a notion of how many? - I should say about 20 or 30 probably, my Lord.

17924. (*Mr. Scanlan.*) And were there many men passengers on the deck near at hand at that time? - Yes.

17925. So that if those who were responsible for ordering the lowering of No. 8 desired a full complement of passengers for it, they had the passengers there on deck ready to come in? - Yes.

17926. Was there any other officer superintending the lowering of No. 8? - I did not notice.

17927. Except Mr. Wilde? - Only the Captain, he came there; he came there and lowered the forward falls - he assisted in doing so.

17928. (*The Attorney-General.*) Which boat was this? - No. 8.

17929. (*The Commissioner.*) As I understand, you crossed over from the starboard side to the port side? - Yes, I went to my proper boat.

17930. (*Mr. Scanlan.*) Then you have stated that the crew you had for the boat consisted of two and yourself? - Four altogether.

17931. There were three in addition to you? - Yes.

17932. Who were the other three? - Two were sailors and one worked in the kitchen, and myself.

17933. Two sailors and a kitchen hand? - Yes.

[There were no Questions 17934-39.]

17940. Was that crew sufficient to manage this boat in the sea? - Yes, I think it was.

17941. Did not you have to get the assistance of some of your passengers? - It was not really necessary to have their assistance; they helped, to keep themselves warm.

17942. You did get their assistance in any case? - Yes, they volunteered.

17943. Did they give you assistance in the lowering? - No.

17944. In keeping the boat off the side? - No.

17945. Had you any difficulty there whatever? - No.

17946. (*The Commissioner.*) There was a list to port, was there not? - Yes.

The Commissioner: They would not want to keep off the side; the list would keep them off.

17947. (*Mr. Scanlan.*) Yes. (*To the Witness.*) But you needed someone to steer, did you not? - The Countess of Rothes volunteered to steer.

17948. If she had not been steering, you would have required someone permanently? - Yes.

The Commissioner: Never mind. You are going too far. *If* she was not there and *if* he was not there, does not help me.

17949. (*Mr. Scanlan - To the Witness.*) Did you consider it necessary for the rowing of the boat to have four men, two on each side, at the oars, in addition to the services of one person at the tiller? - If we had had more it would have been better for us, naturally.

Mr. Scanlan: It would have been better.

The Attorney-General: "Better for us," he said.

17950. (*The Commissioner - To the Witness.*) Can you tell me now what better would have happened than that you were saved, if you had had more? You were saved? - Yes.

17951. Then what better would have happened to you if you had had three or four more; you would have kept out three or four more passengers, but what better would have happened to you than did happen? - We might have pulled quicker to this vessel - that is all I thought.

17952. Do you mean you could have pulled this distance to this vessel? - We thought so when we left the ship, Sir.

17953. (*Mr. Scanlan.*) I want your opinion on this point, as a man of some experience. Would four men in ordinary circumstances be sufficient to row a big boat like No. 8?

The Commissioner: I know what the answer to that would be; the answer is, No.

17954. (*Mr. Scanlan - To the Witness.*) It would have been insufficient? - It would not be sufficient.

The Commissioner: But it happened to be sufficient on this night.

17955. (*Mr. Scanlan.*) In specially calm weather, my Lord. (*To the Witness.*) In ordinary circumstances how many men do you think would be sufficient to row a boat like this? - I cannot say; I am not on deck, and I cannot say.

17956. You have not had much experience of rowing yourself? - Well, I have done a bit.

17957. Was the kitchenhand an experienced man at all? - Yes.

17958. He was? - Yes.

17959. And the two sailors? - Yes.

17960. Was any order given to you to keep within hail of the "Titanic"? - No, we were told to make for the steamer and return to the ship.

17961. And return to the "Titanic"? - Yes, and return to the "Titanic."

17962. (*The Commissioner.*) What were you told to do, to make for the light? - To make for the light, land the passengers, and return to the ship.

17963. Who gave you that order? - Captain Smith.

17964. The gentleman who gave you that order must, I suppose, have thought that the lights that were visible were close to? Did Captain Smith say to you, "Make for those lights"? - He did.

17965. "Put your passengers on board that ship with those lights and then come back here"? - Yes, my Lord.

The Commissioner: Then I presume - I do not know - that he must have thought those lights were close to. I do not at present think he is right about that. He may very well have been told to keep away, to go out a bit and be ready to go back.

17966. (*Mr. Scanlan.*) I will ask him to give the exact order he got, my Lord. (*To the Witness.*) Will you tell my Lord exactly what the Captain said to you as to what you were to do when your boat was lowered; what order did you get? - He pointed in the direction of the two lights, and said: "Pull for that vessel; land your people and return to the ship." Those were Captain Smith's words.

17967. And did you think you would go to that ship and land your passengers, and go back to the "Titanic" and pick up more? - We did at the time.

17968. (*The Commissioner.*) This was about 1 o'clock in the morning? - About 1, yes.

Examined by Mr. HARBINSON.

17969. In what direction were the lights that you saw? - On the port side.

17970. Before the boat was launched, did you see the lights? - No, not till Captain Smith pointed them out.

17971. It was he who directed your attention to them? - Yes.

17972. After the boat was launched that you were in, did you see any rockets sent up? - Yes, from the "Titanic." I also saw the Morse code being used.

17973. About how many rockets did you see sent up? - I should say I saw about a dozen go up; probably more.

17974. A dozen rockets from the "Titanic"? - Yes, they kept going up.

17975. And you could see those quite distinctly? - Yes.

17976. And should those lights have been seen by the steamer towards which you were pulling? - Yes.

17977. Those rockets should have been seen? - Yes, I think they ought to have been seen.

The Commissioner: Well, we know they were, Mr. Harbinson.

17978. (*Mr. Harbinson.*) Yes, my Lord. (*To the Witness.*) Seen distinctly? - Yes, I should think they ought to have been at the height they were sent up from the "Titanic."

17979. Now, can you tell me about how long after the impact with the iceberg was it that you knew that the "Titanic" was doomed? - Well, I should say about 20 minutes.

17980. Did you get any instructions from Captain Smith or any of the officers as to what you should do then? - The order came down below to see the passengers out, and get the lifebelts on and put them on the boat deck.

17981. I think you told us you were one of the first class bedroom stewards? - Yes.

17982. Did you see any of the stewards of the second or third class carry out the order which had been given? - No.

17983. And you know nothing about what took place there? - No.

17984. So far as you were concerned, you attended to the first class? - Yes.

17985. Did you know before you left the "Titanic" that the "Carpathia" was coming to the assistance of the "Titanic"? - No.

17986. You had not been told anything about it? - No.

Examined by Mr. ROBERTSON DUNLOP.

17987. When you saw the lights of this steamer on your port side, do you know how the "Titanic" was then heading? - I could not say what course.

17988. Not the course, but was she heading for New York or heading for Europe? - She was heading for New York.

17989. (*The Commissioner.*) How do you know that? - She seemed to be going the way we were going.

17990. That is another matter altogether. If she had swung round, you know, then she was not heading for New York? - I cannot say whether she had swung round or not.

17991. (*Mr. Dunlop.*) Did you notice whether the "Titanic" had swung round? - I did not.

17992. If the "Titanic" had swung round, do you think you would have noticed it? - No, I do not think so.

17993. Was the vessel you saw apparently heading the same way as the "Titanic" was heading? - It seemed to be coming *this* way, towards the "Titanic."

17994. Was she to the southward of you, or to the northward of you? - I could not say.

The Commissioner: He does not know these things; a steward does not know these things.

17995. (*Mr. Dunlop.*) What lights on her did you see - one masthead or two masthead lights? - Two masthead lights.

17996. How far do you estimate they were from you when you saw them first? - Between five and seven miles I should say, at the most.

17997. Did they appear to remain stationary, or go away, or come nearer to you? - They seemed to be stationary.

17998. Did you see her Morse signalling at all? - No.

17999. If she had been Morse signalling you would have noticed that, would you? - I should think so.

18000. At what time was it you first saw her? - Just after one, when the Captain pointed it out.

18001. And how long had you her under observation? - Nearly all the night.

18002. What happened to her afterwards; did she come nearer to you, or did she disappear? - I could not say. We saw the "Carpathia" coming up, and we turned round and made for that one.

18003. (*The Commissioner.*) Your interest in the "Californian," if it was the "Californian," ceased as soon as you saw the "Carpathia"? - Yes, my Lord.

The Commissioner: Very naturally.

18004. (*Mr. Dunlop.*) When you saw the "Carpathia," was the other vessel in sight? - No, I did not notice her.

18005. When did you lose sight of this other vessel? - Just as it got daylight.

18006. Was she so far away that you were not able at daylight to see the ship herself? - We never looked for her after that.

18007. Did you lose sight of her before you saw the "Carpathia"? - I do not remember.

18008. At what stage did you begin to lose sight of this vessel whose lights you say you had seen? - Only when we saw the "Carpathia" coming, that is all.

The Commissioner: Can you give me the position of the "Carpathia" at the time she received the position of the "Titanic," Mr. Attorney?

The Attorney-General: I do not know that I can at the moment. We shall be able to tell you, but I do not think we can now.

The Commissioner: Was she to the southward or the northward?

Sir Robert Finlay: I think those on the "Carpathia" thought she was to the northward.

The Commissioner: Who thought so?

Sir Robert Finlay: A witness from the "Carpathia."

The Attorney-General: We have not had a witness from the "Carpathia."

Sir Robert Finlay: I mean the "Californian."

The Attorney-General: My Lord's question was directed to the "Carpathia," not the position of the "Californian."

The Commissioner: No, the "Carpathia."

The Attorney-General: My friend, Sir Robert Finlay, understood it was with reference to the "Californian."

The Commissioner: No; I was thinking of the questions which had been put to the witness which were questions about the "Carpathia." I want to know if anyone can tell me where the "Carpathia" was at the time she received the position of the "Titanic"?

The Attorney-General: The only possibility of answering the question today would be by seeing what was said in the American evidence. We have no evidence at present; we shall call some.

The Commissioner: Very well.

The Attorney-General: You shall have the information later.

18009. (*Mr. Dunlop - To the Witness.*) How long before you saw the "Carpathia" was it that you last remember seeing the other steamer? - I could not say how long.

18010. Did the other steamer at any time appear to be steaming towards you? - No, she seemed to be stationary there.

18011. At no time steaming towards you? - No.

18012. Did you see any other vessel besides the "Carpathia" after the "Carpathia" came in sight? - After we were picked up the "Californian" came on the scene.

18013. Did you see the "Mount Temple"? - No.

18014. Did you see any sidelight of this vessel? - Yes.

18015. Which sidelight? - I saw both lights.

The Commissioner: He said he saw both, you know.

18016. (*Mr. Dunlop.*) You saw two masthead lights and two sidelights? - Yes.

18017. While she was lying apparently stationary? - Yes; we drifted.

Examined by Mr. LEWIS.

18018. Can you say what class of passengers they were in the boat? - I think they were nearly all first class; I would not be sure.

18019. There were no women left when you left the ship? - Yes.

The Commissioner: Yes, there was one lady, Mrs. Straus. [Mrs. Ida Straus.]

18020. (*Mr. Lewis.*) There was no other lady there? - There were several other ladies there. They were taken to No. 10 boat.

18021. Did the other ladies refuse to go into the boat? - I only heard Mrs. Straus refuse.

18022. There were a number of men left, you said. Did any of them try to get into the boat? - No.

18023. Were you there all the time the boat was being prepared to be lowered? - Yes.

18024. But you have no recollection of any man or any men trying to get into the boat? - No.

18025. Or being refused. After you left, and you found you could not approach the lights, was any suggestion made that you should return to the ship? - During the pull across one sailor offered to return to the ship, but all the ladies said, "Why not obey the Captain's orders?"

18026. (*The Commissioner.*) And you were the Captain? - No, Captain Smith - "Obey the Captain's orders."

18027. (*Mr. Lewis.*) Captain Smith said you were to make for the ship, land your passengers, and return? - Yes.

18028. And the ladies objected? - Yes.

18029. Did the men agree with the suggestion? - Yes, I think so.

18030. And it was because the men objected you did not return? - Yes.

The Commissioner: No, that is not right at all. It was not because the ladies objected. The ladies *did* object.

18031. (*Mr. Lewis.*) I will put it in another way. (*To the Witness.*) I understood you to say a suggestion was made in the boat that you should return, seeing you could not approach the light? - Yes.

18032. I understand you to say every man in the boat agreed with that suggestion? - I did not understand you.

The Commissioner: I did not understand him to say that.

The Witness: No.

18033. (*Mr. Lewis.*) They did not agree? - Oh, no.

18034. Did they express any opinion upon it? - No, none of the crew spoke.

The Commissioner: Are you asking all these questions at random, or have you some instructions upon which you ask them?

Mr. Lewis: I have evidence that a suggestion was made in the boat that they should return to the ship.

The Commissioner: I asked you, do you ask these questions at random or have you some instructions upon which you put them?

Mr. Lewis: I have evidence from a witness, who will give evidence later, I understand, that a suggestion was made in the boat that they should return to the ship.

The Commissioner: Are those instructions in writing?

Mr. Lewis: Yes, my Lord.

The Commissioner: Let me look at them, and I will ask a few questions of the witness. (*The document was handed to the Commissioner.*)

18035. (*To the Witness.*) Do you remember a man, an A.B. named Jones - T. or J. Jones? - Yes. [Thomas William Jones.]

18036. Do you remember him? - Yes.

18037. Was he sent for some lamps? - Not to my knowledge. The lamp-trimmer put the lamp

in the boat before we lowered.

18038. Was Jones's boat No. 8? - Yes, my Lord.

18039. Was he one of the men in your boat? - Yes, my Lord.

18040. Do you remember Captain Smith asking him if the plug was in his boat? - No, I do not remember that.

18041. Did Jones put the plug in himself? - I could not say. I stood on the deck and Jones was in the boat.

18042. Do you remember a man trying to get in and being prevented? - No, I never saw that.

18043. Do you remember a child being brought and put into the boat? - No, we had no child in the boat.

18044. Did you hear Captain Smith turn round and say, "Any more women or children for this boat. We have plenty of time if the women will get in there"? - No, I never heard that.

18045. Then you did not hear him shout three times, "Any more women or children for the boat"? - Not for that boat, no.

18046. I am talking of that boat. Did you hear him shout that for any boat? - No.

18047. Then it is right to say that this man Jones suggested going back to the "Titanic"? - He did.

18048. And that the ladies said, "You must carry out Captain Smith's orders"? - Yes.

The Attorney-General: Your Lordship says "the ladies" said that; there is some question about that. Perhaps your Lordship would ask him what he means.

The Commissioner: I am putting it from this statement. The statement here is - I suppose it is proposed to call this man at some time - "Most of the ladies objected."

The Attorney-General: That, if your Lordship will permit me, is rather different. I have documents before me. It may be necessary to go into this matter more fully. When your Lordship said "the ladies" suggested going back it would include Lady Rothes.

The Commissioner: I was inaccurate. I ought to have said "most of the ladies."

The Attorney-General: Perhaps the witness might tell us with regard to it, because Lady Rothes is rather concerned about that.

18049. (*The Commissioner - To the Witness.*) Did the lady who was steering object to go back? - I did not hear her; I was in the forward part of the boat.

18050. You saw the ship go down? - Yes.

18051. Did you hear the cries of the people as the ship went down? - We heard a little, but we were a long distance away.

The Commissioner: Thank you, Mr. Lewis; this quite accords with what you were suggesting.

Mr. Lewis: I am obliged to your Lordship; I have no further question, my Lord. I should like to ask whether I have to submit documents in future to your Lordship or whether I am entitled to ask the witnesses questions.

The Commissioner: You are quite entitled to ask the questions.

Mr. Lewis: Thank you, my Lord.

Examined by Mr. HOLMES.

18052. You have not told us what distance you rowed in the direction of these lights? - I should say between 3 and 4 miles; by the time the morning came we were furthest away from the "Carpathia."

18053. Did they ever appear to get any nearer? - No.

18054. Do you think the other boat was moving? - I thought probably she might have been drifting.

18055. You thought they were drifting? - The other ship was drifting.

18056. In the same direction as yourselves? - No, it seemed as if she was drifting away from us.

18057. Well, that would be in the same direction? - Yes.

Examined by Sir ROBERT FINLAY.

18058. How far off were you from the "Titanic" when you heard the cries? - I should say a mile and a half.

18059. You had been obeying the orders to row in the direction of these lights? - Yes, of the other vessel.

18060. You say that you saw at some time both the sidelights of that other vessel? - Yes, we were right bow on to it; I could see both the lights.

18061. For how long was it that you were able to see both the sidelights of that other vessel? - I did not see them long.

18062. Only a short time? - Only a short time, that was all.

18063. After that, did you see one sidelight? - I did not look any more; I had my back to it, and was pulling all the time.

18064. You mean you only looked round for a short while? - Yes.

18065. So that what was happening after that or before that you cannot tell us at all? - No.

The Commissioner: I am told that with four men, a boat of this size, carrying about 35 passengers in such a sea as we know there was, would not move along quicker than about two and a-half to three miles an hour.

Sir Robert Finlay: They must have gone very slowly.

The Attorney-General: Perhaps that is rather more than they did; that is a little more than they did with four men rowing. I should have thought they would have done a little less than that. I certainly do not suggest they would have done more. I should have expected rather less.

18066. (*Sir Robert Finlay - To the Witness.*) According to the best of your judgment how far off were these lights when the Captain said "Row there and come back"? - Between five and seven miles, I should say.

18067. You say at that time two masthead lights? - Yes.

18068. Nothing else? - Nothing else.

18069. At that time, in your judgment, were the masthead lights stationary or moving? - They seemed stationary.

18070. What deck were you on when the collision took place? - On B deck, forward.

18071. Did you see to getting the passengers cleared out of that part of the ship? - Every one.

18072. Every one? - Yes.

18073. Did you do anything in the way of closing doors? - I closed all the doors up.

18074. What doors do you mean? - The cabin doors - the state-room doors.

18075. After the people were cleared out? - Yes.

18076. You said, besides that lady who refused to leave, there were some other ladies on deck? - Yes, there were several ladies round the boat.

18077. What became of them? - They went in No. 10 boat, I believe.

The Attorney-General: Not Mrs. Straus.

18078. (*Sir Robert Finlay.*) I said the other ladies. (*To the Witness.*) Mrs. Straus refused to go at all? - She refused to go without her husband.

18079. And she remained? - Yes.

18080. And the other ladies went in boat No. 10? - I believe so.

18081. (*The Commissioner.*) You did not see them go? - No, Sir.

18082. You were already in the sea in No. 8? - Yes.

18083. (*Sir Robert Finlay.*) How do you know they went in No. 10? - The Chief Officer told them to go along to No. 10 boat and get in there.

18084. You heard him give that order? - Yes.

Re-examined by the ATTORNEY-GENERAL.

18085. I want you to help us upon this if you can. Did you see the "Carpathia" lights, or did you see her in daylight first? - I saw her lights coming round.

18086. You say you saw her lights? - Yes.

18087. Do you remember what lights? - I saw a big ship lit up, and we turned round and went back to her.

18088. You turned round and went back to her; but what I want to know is, where was she? I want to get at that if I can from what you saw of her lights. Do you remember? - She was coming over *that* way and we were going *this* way (*demonstrating*).

18089. You mean you were coming *this* way and she was coming *that* way? - Yes.

The Commissioner: It does not help me for this witness to say, "She was coming *that* way and we were going *this* way."

The Attorney-General: It helps us to fix the position; we cannot do more than that at present. We can follow what he means having followed out where the "Carpathia" was to some extent. We make her a little to the S.E.

The Commissioner: South and east.

18090. (*The Attorney-General.*) Yes, almost exactly S.E.; but we will work it out later, and your Lordship will see from the evidence of the captain of the "Carpathia" it will be made clear. That is calculating it according to the evidence already given in America. He did not give his position, but he did give a position at one time, and said how many miles he steamed after it, and from that we work out she would have been to the S.E. (*To the Witness.*) At any rate, in the way you were heading in your boat the "Carpathia" was astern of you? - No, she was on the quarter.

18091. That is quite right; she was on your quarter? - Yes.

18092. And then you turned round and went to her? - Yes.

That is sufficiently near. There was one question your Lordship put to the witness. I think it is the first time we have heard of the order from Captain Smith to which he deposed. He said something to the effect - I am not giving his exact words - that the orders of Captain Smith were that they were to row the boat to the light, that is, to the ship of which he had seen the lights, and to put the women on board and then come back, no doubt with the object of fetching more. It is right to say with regard to this witness that there are two other witnesses who were in this boat who deposed to the same thing. We have not got them.

The Commissioner: The proof that Mr. Lewis has of Jones says the same thing.

The Attorney-General: Jones has been examined in America, and I have his evidence before me; but I am speaking of something apart from Jones.

The Commissioner: What occurs to me - I do not know whether it is right - as to what the Captain probably meant is this. This is one o'clock in the morning, and my opinion is the Captain knew that she was a doomed ship at that time, and what he meant was: "Go to the light, put your passengers off, and come back to this place."

The Attorney-General: Yes, quite.

The Commissioner: It is different from saying "Come back to this ship."

The Attorney-General: Yes.

The Commissioner: Perhaps he would not say it in words, but it would mean to come back to pick people up.

The Attorney-General: According to one lady who has given evidence in America, what he said was: "Put these women in safety and come back for others."

Sir Robert Finlay: Of course, it is possible the Captain might have thought that ship would make for them.

The Attorney-General: Yes.

The Commissioner: Of course, it is, and very natural, and that may, to a large extent, explain it.

(The Witness withdrew.)

EDWARD JOHN BULEY, Sworn.

Examined by Mr. BUTLER ASPINALL.

18093. (*Mr. Butler Aspinall.*) This witness was in boat No. 10, my Lord. (*To the Witness.*) Were you serving as an A.B. on the "Titanic" on 14th April? - Yes.

18094. I do not want you to tell the whole story, but you left the ship in boat No. 10, did you not? - Yes.

18095. You felt the shock; I think you were awake at the time. You then helped with some of the boats? - Yes.

18096. And later on you left in boat 10. Were there any crew with you in boat 10? - Yes.

18097. Who? - An able seaman forward, Evans, and a fireman and a steward.

18098. Who else was in the boat besides those members of the crew? - Women and children.

18099. How many? - I should say about 50, 50 to 55.

18100. All women and children? - All women and children.

18101. Then, I think, having got that boat down to the water's edge, you pulled away, and then you were later on joined by one of the officers in another boat, Mr. Lowe? - Yes.

18102. We have seen him, and he has told us the story, and I think the result of his coming up was that he got his boat full. He put out a great many of his passengers into other boats and then went away with you in his boat, did he not? - Yes.

18103. To pick up any of the poor people who were in the water? - Yes.

18104. He has told us the story in a great deal of details. You succeeded in picking up some, I believe? - Yes.

18105. And then later on you were picked up by the "Carpathia"? - Yes.

Examined by Mr. SCANLAN.

18106. Had you a sufficient crew for rowing this boat No. 10? - No.

The Commissioner: Oh, do not ask that question again please; they were sufficient to get the boat in safety to the "Carpathia."

Mr. Scanlan: There is one point I wish to submit to your Lordship at a later stage; that is, if there had been proper rules with regard to the manning of boats there would have been a greater number of men on board to man each lifeboat, and that they could have done better work in saving passengers than they did.

The Commissioner: But what do you mean - better work when they were once in the water?

Mr. Scanlan: Yes.

The Commissioner: They could not have saved more than the whole, you know, and they did save the whole.

Mr. Scanlan: There were not two-thirds of the people saved for whom it is alleged the lifeboats on the "Titanic" had capacity.

The Commissioner: I know that. That is a very important point; but at present I am thinking about your reiterated question as to whether there were sufficient men in the boat to manage the boat when she was once in the water. I have heard that question so often that I am beginning to get a bit tired of it.

18107. (*Mr. Scanlan.*) If I have asked the question sufficiently often to convince your Lordship of the point of view I am instructed to lay before you, I feel I have done sufficient. (*To the Witness.*) Had you any difficulty in lowering that boat? - I did not lower it.

18108. Was there any difficulty in lowering No. 10? - No difficulty, to my knowledge.

Examined by Mr. HARBINSON.

18109. I believe, after the collision you found some ice on the deck? - Yes, on the well deck.

18110. Was there much? - A couple of tons.

18111. Of block ice? - Of block ice.

(The Witness withdrew.)

ERNEST ARCHER, Sworn.

Examined by Mr. BUTLER ASPINALL.

Mr. Butler Aspinall: This is boat 16. I told your Lordship we were going to call a man from boat 15. We have called several, and we are not going to call any more for that.

The Commissioner: Then this is the last?

18112. (*Mr. Butler Aspinall.*) Yes, this is the last from the boats, my Lord. (*To the Witness.*) Ernest Archer, were you serving as an A. B. on the "Titanic" on the 14th April of this year? - Yes.

18113. And do you remember the "Titanic" hitting an iceberg? - Yes.

18114. I think you were asleep at the time. You got up, went on deck, and helped to uncover and lower boats? - Yes.

18115. And then later on did you go away in boat No. 16? - Yes.

18116. Were there any of the crew in it besides yourself? - Yes, five.

18117. Who were they? - Another able seaman, two firemen, a steward, and a Master-at-arms.

18118. (*The Commissioner.*) There were seven, then, were there?

Mr. Butler Aspinall: Yes, seven, including himself.

The Witness: No, six.

18119. Six and yourself? - No, six with me; one A.B. and myself, two firemen, a steward, and a Master-at-arms.

18120. (*The Commissioner.*) Six? - Yes.

18121. (*Mr. Butler Aspinall.*) Who else was in the boat? - All women and children.

18122. How many in all? - About 50.

18123. And how many of the 50 were children? - Five, I believe.

18124. I think you rowed away from the ship and at daybreak were picked up by the "Carpathia"? - Yes.

Examined by Mr. SCANLAN.

18125. I think you were not stationed in this boat in which you left? - No.

18126. The boat you were stationed to was No 7? - Yes.

Examined by Sir ROBERT FINLAY.

18127. Were you able to say what class passengers they were, the women on your boat? - I should say second and third class.

18128. As far as you know? - As far as I know.

(The Witness withdrew.)

ERNEST GILL, Sworn.

Examined by Mr. ROWLATT.

The Attorney-General: Your Lordship will remember this was the assistant donkeyman of the "Californian," with regard to whom some statement was made by the other witnesses of the "Californian." The only point was he was referred to as a deserter at Boston. The suggestion at one time was that he had made a statement which was not true in America about the distress signals having been sent up, and there was a suggestion at one time made that in consequence of a story which he had put forward, which would not bear examination, he had deserted the vessel at Boston. It is no longer necessary to clear that up, because Mr. Gill's story, as told in America, has - I do not want to say more than this - been very much confirmed by the evidence which we have put before the Court of the various officers - your Lordship will remember we called a number of them - and also of Gibson, the Apprentice; so that it is not necessary now to go into his story, whatever it may be, as your Lordship will see the substance of it is no longer in dispute, and he was fully justified in what he said in America. The officers have now borne out the substance of his statement.

18129. *(Mr. Rowlatt - To the Witness.)* Ernest Gill, is that your name? - Yes.

18130. Were you second donkeyman on board the "Californian"? - Yes.

18131. On April 14th? - Yes.

18132. Do you remember her being stopped in the ice on that Sunday evening? - Yes, I was on watch at the time.

18133. How long did you stay on watch? - Four hours.

18134. When did your watch end? - 8 to 12 - it finished at 12 o'clock.

18135. Before you went off watch did you see a steamer? - Yes.

18136. Just tell us what you saw? - I was coming along the deck to call my mate and looked over the starboard rail and saw a large steamer. It could not have been anything but a passenger boat - she was too large. I could see two rows of lights which I took to be porthole lights, and several groups of lights which I took to be saloon and deck lights. I knew it was a passenger boat. That is all I saw of the ship.

18137. How far off do you judge she was? - She was a good distance off; I should say not more than 10 miles, and probably less.

18138. Did you notice whether she appeared to be moving? - I did not stand to look at the ship, but I supposed she would be moving. I did not expect a ship to be lit up like she was and

stationary, and nothing to stop her, because I could see the edge of the ice flow, the edge of the field of ice; it appeared to be 4 or 5 miles away.

18139. Could you see the edge? - Yes.

18140. Between you and the ship? - Yes, what appeared to be the edge.

18141. Then, I think, you turned in? - Yes; I went and called my mate first.

18142. (*The Commissioner.*) I want to understand it. You saw this ship on your starboard side? - Yes.

18143. You thought she was 10 miles away, or about that? - She could not be more than that.

18144. And between you, the starboard side of your ship, and this large vessel which you saw, this passenger boat, could you see the edge of what you call the ice-field? - Well, what appeared to be the edge, Sir. It was darker.

18145. What you took for the edge? - Yes.

18146. And you thought that was five miles away? - About that, yes.

18147. So that the ice that you were in - you were in the ice-field at this time? - Yes.

18148. So that the ice that you were in extended for about five miles on your starboard side? - About that.

18149. And in the direction of this steamer that you were looking at? - Yes; the port side, too; there was ice on the port side.

The Commissioner: Oh, yes, I understand that.

18150. (*Mr. Rowlatt - To the Witness.*) You went and called your mate? - Yes.

18151. Did you take him up on deck? - No.

18152. You only talked to him about it? - Yes.

18153. I do not think it is important to get what you said to him, but shortly after that did you go up on deck again? - Yes.

18154. And smoked a cigarette? - Yes.

18155. Did you see the steamer then? - No, I could not see anything of the steamer at all. She had disappeared. She had either steamed away, or I do not know what she had done. She was not there.

18156. (*The Commissioner.*) What time was this? - After one bell.

Mr. Rowlatt: Between half-past 12 and 1.

The Commissioner: I do not understand that.

18157. (*Mr. Rowlatt.*) Did you see anything in the direction where the steamer had been? - I had pretty nearly finished my smoke and was looking around, and I saw what I took to be a falling star. It descended and then disappeared. That is how a star does fall. I did not pay any attention to that. A few minutes after, probably five minutes, I threw my cigarette away and looked over, and I could see from the water's edge - what appeared to be the water's edge - a great distance away, well, it was unmistakably a rocket; you could make no mistake about it. Whether it was a distress signal or a signal rocket I could not say, but it was a rocket.

18158. Now can you tell me whether that was in the same direction from you as the steamer had been that you had seen? - It was slightly astern of where I had seen the steamer. The steamer was more than ahead of us, just on our quarter, as we say, and the light was more astern. It was more abeam of our ship.

18159. Do you know whether your ship was lying in the same position on both occasions? - We were lying there.

18160. Stopped, I know, but do you know whether she had swung at all? - I could not say; I do not suppose she would stop in the same position all the time; a current was running.

18161. Was the rocket in the same direction as what you thought to be a falling star? - Yes, in the same direction.

18162. Did you watch for any more? - I stayed for about 3 or 4 minutes after that, but it was extremely cold, and I was just dressed in a thin flannel suit and I did not care to stay any longer on deck. I went below.

18163. You did not see any more? - No, no more.

18164. The next thing you know was the morning? - Yes.

18165. What time were you called in the morning? - Twenty to 7 - 6.40.

18166. Was the vessel under way then? - Yes.

18167. You do not know how long she had been under way? - No.

18168. You were told then to hurry up and assist in getting the boats ready, and so on? - Yes, the Chief Engineer came.

18169. Were you out of the ice by then? - Yes, we had cleared the ice. There were some large bergs in the vicinity, but no field ice; we were clear of that.

18170. Then we know you came up with the "Carpathia," and so on. I think you were served with a subpoena in America, were not you? - Yes.

18171. And was that the reason why you did not get back to the "Californian" before she sailed? - Yes.

18172. I think you came back by the "Cestrian," the next boat of the same company? - Yes.

18173. You had no intention of deserting the "Californian"? - Oh, not a bit, Sir.

Examined by Mr. ROBERTSON DUNLOP.

18174. As I understand, you came on deck for a moment at midnight and then went to your cabin? - At midnight? No.

18175. After you went off duty at midnight I understand you went forward to your cabin? - Yes.

18176. And on your way forward you saw the lights that you have described? - Yes.

18177. Then did you go to your cabin? - Yes.

18178. And remain there for some time? - Yes.

18179. While you were in your cabin did you hear the noise of ice? - Yes.

18180. What kind of noise was it? - A grinding noise.

18181. Grinding against your ship's side? - Yes, I was as close to the ship's side as I am to you; it kept me awake; I could not sleep for it.

18182. Was it a noise of thick field ice? - No, just a grinding, rubbing noise.

18183. Of field ice that was surrounding you? - Yes. Supposing somebody was taking a barrel along the road where I was sleeping, and it scraped along the side - that was just the noise. It was not very loud, but just a grinding noise.

18184. Was it thick ice which was around you? - No.

18185. The ice was sufficient to make a noise to prevent you from sleeping, apparently? - Yes.

18166. And then you came on deck? - Yes.

18187. To smoke a cigarette? - Yes.

18188. And it was while you were smoking a cigarette that you saw what you took to be a rocket? - Yes, I was certain of it.

18189. Did you mention the fact to anybody? - Yes, to several people.

18190. At the time did you report this rocket to anyone? - No, Sir.

18191. Was there anyone on the bridge? - I could not say, there should be.

18192. Whether anybody else saw that rocket you at that time did not know? - I do not see how they could help it. There is a look-out man and a Quartermaster, and there is the officer of the watch. I do not see how they could help but see it.

18193. Did it occur to you that what you saw was something which you ought to report to the officer who was in charge of your ship? - No, I had no business to report it.

18194. And after you had finished your cigarette, you went down to your cabin and turned in and slept till you were called the next morning? - Yes.

18195. You did not attach much importance at the time apparently to what you say you had seen? - No, not any importance. It was a signal, and other people on the ship, the proper people would attend to that. It was nothing to do with me.

18196. And it was not till after you had heard of the loss of the "Titanic" that it occurred to you that this signal that you had seen might have been of some importance? - Yes.

18197. And until then you did not mention this signal to anyone on board the ship, did you? - I did not have the chance.

The Attorney-General: I do not quite follow. Is it suggested that signals were not sent up?

18198. (*Mr. Dunlop.*) No, I am not suggesting that. (*To the Witness.*) What I am suggesting is that neither you nor anyone who saw those signals attached at the time any importance to them? - I do not know whether anybody else did who saw them, but I did not.

The Attorney-General: What he said was, "It was nothing to do with me."

The Commissioner: He is a donkeyman, working in the engine room.

18199. (*Mr. Dunlop.*) Yes; and I suppose interested in rendering assistance. (*To the Witness.*) If there was any chance of earning salvage you, as a donkeyman, would be one of the persons interested? - Yes, Sir; but that is not the question; we are not talking about salvage.

18200. (*The Commissioner.*) Have you ever benefited by a salvage action? - No, Sir.

The Commissioner: You are living in hopes, I suppose.

18201. (*Mr. Dunlop.*) You have not taken part in one? - No.

18202. But I suppose, like all seamen, you are on the outlook to get a bit out of a salvage service if you can render assistance to a vessel in distress? - In the first place, we have to render the assistance, and what is coming to us afterwards - well, we get it.

18203. When you were lying stationary that night in the ice did you appreciate that you were waiting there till daylight because it was dangerous to proceed through the ice? - Yes.

18204. And when you went down to your room after 12.30 you thought, I suppose, that your vessel would not get under way until daylight? - I did not give it a thought.

Examined by Sir ROBERT FINLAY.

18205. You saw the lights of this vessel, if I followed you rightly, on your starboard side? - Yes, on the starboard side.

18206. When you first saw these lights on your starboard side you had two masthead lights? - Yes.

18207. Not a sidelight? - Not steaming lights, not red or green lights, but plenty of sidelights, if you call them sidelights; I mean for illumination.

18208. Was the vessel that carried these lights moving? - Well, I did not stay long enough to see whether she was moving or in what direction she was going. She was there; she was a ship passing; and I had no interest in her, merely that she was a ship. She was a big ship, I could see that at a glance; in fact, I did not think she was a British ship; I thought probably she would be a German boat, and I made that remark to my mate as I woke him up.

18209. You could not make out whether she was moving or not? - No.

18210. (*Mr. Dunlop.*) There is one question I should have asked, if your Lordship will allow me. (*To the Witness.*) When you saw the lights of this steamer, how was she heading with reference to you; was she heading in the same direction as you were at that time? - That I could

not say; I did not stay long enough to observe which way she was going. No doubt if I had stayed another minute I could have been sure of the direction.

18211. But you have, have you not, stated what the heading of this vessel was when you first saw her? - Yes, but, of course, they said was she moving. I did not think the ship would be standing still with nothing to stop her.

18212. Have you ever stated that the vessel you saw was heading in the same direction as the "Californian"? - Yes, I have made that remark.

18213. Is that right or wrong? Do you want to correct it? - Well, I am not sure whether she was going in that direction or not. On second thoughts I cannot be sure.

18214. On second thoughts you appreciate now that if that other vessel was heading in the same direction as you were she was heading towards Europe? - Well, I do not know.

18215. Do you think she was heading towards Europe or towards New York? - I do not know about that. I am not a sailor. I do not know anything about the latitude or longitude. My compass is the steam gauge.

Re-examined by the ATTORNEY-GENERAL.

18216. Have you been seen by the Solicitors of the "Californian" since you have been home? - How do you mean? Will you be more explicit?

18217. I am anxious to understand from you whether since you returned to this country you have made a statement to anybody? - Yes.

18218. Was that the Solicitor representing the owners of the "Californian"? - No, a Board of Trade Official.

18219. To the Board of Trade? - Yes, at the Wrecks' Office.

18220. That, of course, we know; that is the deposition. Do you mean you have made no other statement? - None whatever.

18221. And you have not been seen by anybody? - No.

18222. I am not suggesting there is any harm in it; I only want to know the fact? - No, I am telling you the truth; you asked me and I am telling you.

18223. You are perfectly right. You are justified in what you have said in America by what has transpired since. I am not going to ask questions, my Lord, in detail about it because your Lordship has the evidence of the "Californian" before you; but I want to say this, so that my friend, Mr. Dunlop, may understand the contention, that I disagree entirely with his observation that, according to the evidence, nobody paid any attention to these rockets. I have the evidence.

The Commissioner: It is not in accordance with my recollection.

The Attorney-General: Nor with mine. I only say it so that my friend may not think I am passing it because I admit the statement; I differ entirely from it.

(The Witness withdrew.)

JOSEPH BRUCE ISMAY, Sworn.

Examined by the ATTORNEY-GENERAL.

18224. Mr. Ismay, are you a member of the firm of Ismay, Imrie and Company; they are the managers of the Oceanic Steam Navigation Company, Limited? - Yes.

18225. And that Company was the owner of the "Titanic"? - Yes.

18226. You are also, I think, managing director of the Oceanic Steam Navigation Company, Limited? - Yes.

18227. I do not want to go in elaborate detail into the constitution of the Company or the American company, but I must ask you just one or two questions so that my Lord may understand how this matter stands. It is a little complicated. But apparently the Oceanic Steam Navigation Company, Limited, is an English company, is it not? - Yes.

18228. With its registered office at Liverpool? - With its registered office at Liverpool.

18229. And the Oceanic Steam Navigation Company owns all the White Star Line steamers? - Yes, the Oceanic Steam Navigation Company is the legal name of the Company.

18230. That is the Company, and it owns the vessels which are generally spoken of as the White Star Line? - Yes.

18231. The White Star Line runs from New York to Liverpool, does it? - Yes.

18232. And New York to Southampton? - Yes, and to many other ports as well.

18233. And also from Liverpool to Australia? - Yes.

18234. And from Liverpool to New Zealand? - Yes, and to Canada.

18235. I was going to ask about that - and also the Mediterranean? - Yes.

18236. And from Boston to the Mediterranean? - Yes.

18237. And from Montreal to Liverpool? - Yes.

18238. Then there is the Mississippi and Dominion Line. Has that anything to do with the Oceanic Steam Navigation Company? - No.

18239. That is another? - It is a separate company altogether.

18240. That is another company controlled by what I may call for convenience, the American Shipping Trust? - Yes.

18241. Is the International Mercantile Marine Company the name of the American company? - Yes.

18242. What one speaks of for convenience as the American Shipping Trust? - Yes.

18243. I do not mean to suggest that it is a Trust - there is some objection, I believe, in America to calling it a Trust, but I only want to get the fact so that we may see where we are about it. That is the American company? - Yes.

18244. Is the share capital of the Oceanic Steam Navigation Company held by the American combination? - Yes.

18245. That I have referred to for convenience to save a long name as the American Trust. Are the Oceanic Steam Navigation Company's shares a most important branch of the American Company's assets? - Yes.

18246. I think it represents very nearly half the total tonnage controlled by the American Trust? - Very nearly.

18247. Then the American Trust also controls the Mississippi and Dominion Line, does it not? - Yes.

18248. It runs from Montreal to Liverpool? - And from Avonmouth to Canada.

18249. Then there is the British North Atlantic? - Yes.

18250. Does that also run from Liverpool to Canada? - Yes.

18251. Is that also an English company the shares of which are held by the American Trust? - Yes.

18252. Then I think there is also the Atlantic Transport Company, is there not? - Yes.

18253. And are the shares held in the same way by the American Trust? - Yes.

18254. The Atlantic Transport Company is an English registered company? - Yes.

18255. And that also runs from London to New York? - From London to New York and from the Continent to Baltimore and between London and Philadelphia also.

18256. I think, with the exception of some American lines, and one other which I am about to call attention to, the Leyland Line, that represents substantially the shipping controlled by the American Trust, does it not? - There is the American Line and the Red Star Line.

18257. I said with the exception of the American Lines? - Yes.

18258. There is one other Company which I must refer to, because it will interest my Lord in reference to this Enquiry; the American Shipping Trust also controls the Leyland Line, does it not? - It holds a controlling interest in the Leyland Line.

18259. (*The Attorney-General.*) My Lord, the Leyland Line, you will remember, would be the owners of the "Californian," that is the point of it. (*To the Witness.*) And you have mentioned the Red Star, which was an American Line, which is also owned by the American Trust? - Yes, the American Line running between Southampton and New York.

18260. (*The Commissioner.*) How many lines of steamers does the American Trust control? - Do you mean how many companies, my Lord, or how many different lines?

18261. I mean how many companies altogether - British companies? - Five, I think it is.

18262. How many American companies does it control? - Two.

18263. Then the American company holds substantially, though not completely, all the share capital in these different companies? - Yes, with the exception of the Leyland Line.

18264. You told me they had a controlling interest? - Yes, there is a controlling interest in the Leyland Line.

The Attorney-General: In the Leyland Line it is only a controlling interest, as I understand.

The Commissioner: That is to say, they hold the majority of the shares.

18265. (*The Attorney-General.*) That is it, my Lord. (*To the Witness.*) Does the tonnage of these vessels owned or controlled by the American Trust in the way you have described represent about a million tons altogether? - I think it is rather less than a million tons, but very nearly a million tons.

18266. In round figures it is a million tons? - Yes, in round figures it is a million tons.

18267. But the White Star Line and these other vessels which are owned originally by British companies still run under the British flag, do they not? - Yes.

The Commissioner: They are registered, I suppose?

The Attorney-General: They are registered as belonging to the English company. The only point of that is, that it is not the Company but the shares of the Company that are held by the Trust.

The Commissioner: Although these ships, including the "Titanic," are registered under the British flag, they are in fact American property?

The Witness: A certain amount of the stock in the International Maritime Company is held in this country, but to what extent I have not the slightest idea.

18268. But the American company, as I understand, is an American company constituted according to the laws of America.

The Attorney-General: Your Lordship is perfectly right in the questions you have put, with this qualification, that a number of the shares in the American company are held by persons in this country who I suppose were the original owners of shares in the various English companies.

The Witness: Very likely so.

18269. (*The Commissioner.*) Some of the shares may be owned by Frenchmen, I suppose? - Certainly.

18270. I should like you to tell me what is the object of an American company managing its

affairs through the English Laws affecting English companies; why do they do it? - I am afraid I cannot answer that question, my Lord.

18271. I should think you ought to know. You know that in substance the "Titanic" was an American-owned ship? - That is true.

18272. In substance, and I want to know why an American company should manage its ships, or why it registers its ships under English management or under the English flag? - Those ships could not be registered under the American flag.

18273. Why not? - Because the ships are built, I suppose, in this country.

18274. Then according to the laws of America can no ship that is not American-built be registered there? - No; you cannot register a foreign ship; you cannot get the American flag for a foreign-built ship. She must be built in the country.

18275. Now, will you tell me where the business of this American company is transacted; is it in New York, or in London, or Liverpool, or in Southampton? - I am president of the American company, and it is worked in Liverpool; we have a committee in London, a British committee.

18276. And there are no American gentlemen on the Board? - In America, yes; there is a Board of Directors in America. The Chairman of the Board of Directors is an American, and there are a great many Americans on the Board, and English people.

18277. (*The Attorney-General.*) I suppose it works out in this way, that the shares are held by the English company, and the ship is registered in consequence as a British ship? - Yes.

18278. Then the shares in the company which owns the ship are the shares which are held by the American Trust? - That is true.

18279. Now, I want you just to tell me about the building of the "Olympic" and the "Titanic," two sister vessels. I am not going to ask you the details of the construction, I am going to keep that for skilled witnesses, and those who have had more to do with it and who know - but generally speaking, first of all, have you any financial interest by way of shareholding or otherwise in the firm of Harland and Wolff? - Absolutely none.

18280. Or any of those which take an active part in the management of the Oceanic Steam Navigation Company? - I do not quite follow you there. For instance, Lord Pirrie, who is a Director of the Oceanic Steam Navigation Company, is also a Director of Harland and Wolff, but he is the only gentleman that has an interest in both the Company and the shipbuilding yard.

18281. That is what I thought. Now one other general question with regard to the construction of vessels by Harland and Wolff; are they constructed under contract at a lump sum in the ordinary course, or are they constructed at cost price plus a percentage? - Cost price, plus a percentage. We build no ships by contract at all.

18282. So that what it amounts to, if I follow you correctly, is, that there is no limit placed by you upon the cost of the vessel? - Absolutely none. All we ask them to do is to produce us the very finest ship they possibly can; the question of money has never been considered at all.

18283. Do you give your orders for the construction of a vessel in writing? - Yes.

18284. Then substantially it is as you say? - We simply pass a letter between us. Messrs. Harland and Wolff would write us a letter, and we would confirm it.

18285. To the effect that you are to pay them a certain commission or percentage upon the cost price? - Yes, that is referred to in the letter.

18286. And is that the system practically upon which Messrs. Harland and Wolff have constructed your steamers for the White Star Line? - Yes, practically the whole fleet has been built upon those terms.

18287. And the "Olympic" and "Titanic" were both built upon those terms? - Exactly.

18288. The plans would be drawn and submitted, of course, to you or your company? - Yes, and discussed between us and then settled on.

18289. Will you give me approximately what the cost of the "Titanic" was? - A million and a half sterling.

18290. Now you were on board the "Titanic" on this voyage? - I was.

18291. You sailed in her as a passenger? - I did.

18292. You joined her first, I think, at Southampton? - Yes.

18293. Then you went to Cherbourg, and from Cherbourg to Queenstown? - Yes.

18294. As we know, she left Queenstown on the 11th April? - Yes.

18295. She carried mails as well as passengers? - Yes.

18296. That was under contract which you had with the British Government? - Yes.

18297. That contract is, of course, in writing? - Yes.

18298. Can you produce it? - I have not got it here, but it can be produced.

18299. I am not asking you for it at the present moment, but you will produce it for inspection either by the Court or by anyone who is interested in the Enquiry represented here who thinks it may be of value? - Yes.

18300. I only want to ask you one question with reference to it. Under that contract are you bound to keep up a certain rate of speed? - No.

18301. What I wanted to know was whether there was any such condition in the contract that your vessels must be constructed to steam at 20 knots or anything of that kind? - That I am not quite clear about. There is some reference in the contract. I think we are allowed to run a ship with mails even at 18 knots.

18302. I think you said in America 16, but we will look at the contract and see how that is? - It is down in writing.

18303. But the substance of it is that you are not bound to proceed at any rate at anything like the speed at which your vessels can go? - No, there is no penalty for not making a certain speed; in other words, we get paid a lump sum.

18304. Now, on Sunday, the 14th April, do you remember dining in the evening? - I do.

18305. With the Doctor? - Yes.

18306. On this very fateful day? - Yes.

18307. Did the Captain dine with you? - He did not.

18308. (*The Attorney-General.*) My Lord, you appreciate why I ask that? - The Doctor dined with me; there was nobody else at our table.

18309. But the Captain was in the restaurant dining, I think, with somebody else? - Yes, I believe he was; in fact, I know he was.

18310. At all events, you say he was not dining with you that evening? - No, I never spoke to him at all; I had nothing to do with him at all.

18311. You were a passenger on the vessel, but I suppose you travelled as a passenger because of your interest in the vessel and in the company which owned it? - Naturally I was interested in the ship.

18312. I mean, you had nothing to do in New York; you travelled because you wanted to make the first passage on the "Titanic"? - Partly; but I can always find something to do.

18313. I mean to say, you were not travelling in the "Titanic" because you wanted to go to New York, but because you wanted to travel upon the maiden trip of the "Titanic"? - Yes.

18314. Because in your capacity as managing director or as President of the American Trust you desired also to see how the vessel behaved, I suppose? - Naturally.

18315. And to see whether anything occurred in the course of the voyage which would lead to suggestions from you or from anybody? - We were building another new ship, and we naturally wanted to see how we could improve on our existing ships.

18316. That was the real object of your travelling on the "Titanic"? - And to observe the ship.

18317. What I want to put to you is that you were not there as an ordinary passenger? - So far as the navigation of the ship was concerned, yes.

18318. That I will ask you some questions later on about. I am not suggesting that you controlled the navigation, but what I suggest to you is that it would not be right to describe you as really travelling on that ship as an ordinary passenger, because of the interest you had in the "Titanic," and because of your natural watchfulness as to the behaviour of the "Titanic" on her first voyage? - I looked upon myself simply as an ordinary passenger.

18319. You have told us in what capacity you were travelling across the Atlantic? - Yes.

18320. (*The Commissioner.*) Did you pay your fare? - No, I did not.

18321. (*The Attorney-General.*) You recognise, do you not, that my Lord's question is one which rather disposes of the ordinary passenger theory, does it not; however, I will not press it? - I think if I had crossed on any other ship going across the Atlantic, I should have travelled exactly on the same terms.

18322. (*The Commissioner.*) If you had travelled in a Cunarder you would not have paid? - No.

18323. (*The Attorney-General.*) Now I think we understand what you mean when you say you were travelling as a passenger. Now on this day, on the 14th, did you get information from the Captain of ice reports? - The Captain handed me a Marconi message which he had received from the "Baltic" on the Sunday.

18324. He handed you the actual message as it was delivered to him from the "Baltic"? - Yes.

18325. Do you remember at what time it was? - I think it was just before lunch.

18326. On the Sunday? - Yes, on the Sunday.

The Attorney-General: Your Lordship remembers the message from the "Baltic." I am going to hand up to you a little later a document which gives the messages in their proper order of dates, but this is the one I am referring to now - I will read it. It is sent at 11.52 a.m. to Captain Smith, "Titanic": "Have had moderate, variable winds and clear, fine weather since leaving. Greek steamer 'Athenai' reports passing icebergs and large quantity of field ice today in latitude 41.51 N., longitude 49.52 W." If your Lordship will take this list you will see how convenient it is (*Handing up a copy*). We will have some more printed to hand up to the Assessors.

The Commissioner: Yes, it would be very convenient for all my colleagues to have a copy of this before them.

The Attorney-General: Yes; we have got them printed. Strictly speaking, of course, we shall have to prove these, and they will be proved. If your Lordship will look at page 2, or, perhaps, it would be better if you will look at page 1 first to see how this is compiled. First of all, you have the copies of messages received by the "Titanic" between midnight of the 11th April, 1912, up to the 14th of April, 10.25 New York time, when her distress signals were first received. That is what I said we would have done before we adjourned. If your Lordship will look at page 2 you will see the message of the "Baltic" in the middle. It is referred to as the message book No. 77. You see it is to "Captain Smith, 'Titanic.'" "You have it, no doubt.

The Commissioner: Yes.

The Attorney-General: That is the one which contains a further reference after the figure which I just gave you, "Greek steamer 'Athenai' reports passing icebergs and large quantity of field ice today in latitude 41.51 N., longitude 49.52 W. Last night we spoke German oiltank 'Deutschland,' Stettin to Philadelphia. Not under control. Short of coal, latitude 40.42 N., longitude 55.11." Now if your Lordship would like to complete this whilst you have got it before you, you will find, if you turn to the bottom of page 4 of the same document, the answer, "Time received 12.55 p.m. To Commander of 'Baltic.' Thanks for your message and good wishes. Had fine weather since leaving - Smith." Your Lordship will recollect that both these messages are said to be New York time. According to the description we have got here of the message sent

and the message received, that is according to the evidence you have already got from the Marconi Company, New York time.

The Commissioner: I have got it marked in my own note that the message was sent out by the "Baltic" at 3.19.

The Attorney-General: I think that is too late. You say, sent out by the "Baltic."

The Commissioner: Yes.

The Attorney-General: That would be too late; it must be rather before two, anything from one to before two.

The Commissioner: Two o'clock. Your opening was not quite in accordance with what we know today.

The Attorney-General: The statement in the affidavit, I agree, is not quite the same as we have now got it.

The Commissioner: There is a substantial difference.

The Attorney-General: Yes, we know the facts now.

The Commissioner: I rather gathered from the Solicitor-General's examination that the difference was of no consequence, but it seems to me to make a substantial difference. There was only one message from the "Baltic."

The Attorney-General: That is all as far as we know, and we have been examining into it because of what was said originally by the Captain of the "Baltic" upon affidavit, upon which the statement was made if your Lordship remembers.

The Commissioner: However, this is the printed message in this document.

18327. (*The Attorney-General.*) Yes, that is quite right. I rather think my learned friend did say something with regard to it. He agreed that it made a difference, of course, because it did not agree with the statement in the affidavit, and we mentioned that we would enquire into it, and we have got it now. Of course, there is the message, and, as you will appreciate, we attribute very great importance to that particular message; we think it is of very great importance. (*To the Witness.*) Now what I want to understand from you is this - that message was handed to you by Captain Smith, you say? - Yes.

18328. Handed to you because you were the managing director of the company? - I do not know; it was a matter of information.

18329. Information which he would not give to everybody, but which he gave to you. There is not the least doubt about it, is there? - No, I do not think so.

18330. He handed it to you, and you read it, I suppose? - Yes.

18331. Did he say anything to you about it? - Not a word.

18332. He merely handed it to you, and you put it in your pocket after you had read it? - Yes, I glanced at it very casually. I was on deck at the time.

18333. Had he handed any message to you before this one? - No.

18334. So that this was the first message he had handed to you on this voyage? - Yes.

18335. And when he handed this message to you, when the Captain of the ship came to you, the managing director, and put into your hands the Marconigram, it was for you to read? - Yes, and I read it.

18336. Because it was likely to be of some importance, was it not? - I have crossed with Captain Smith before, and he has handed me messages which have been of no importance at all.

18337. Surely he had had other reports which, as far as I follow from your evidence, he had not said anything about? - Not a word.

18338. He had had other Marconigrams during this voyage, at any rate? - I daresay he had, and I had no knowledge of them.

18339. So I understand. Therefore he singled out this one apparently to give to you for you to

read it? - Yes.

18340. And, as I understand you, you took it from him and read it? - Yes.

18341. And you kept it for the time being? - Yes, I put it in my pocket.

18342. Where was the message handed to you by Captain Smith? - On deck.

18343. Were you alone? - No, I was not.

18344. Were there other passengers present? - There were.

18345. Did you read the message to them? - I did not.

18346. Did you say anything to the passengers about it? - I spoke to two passengers in the afternoon. At that time I did not speak to anybody.

18347. (*The Commissioner.*) When you say the afternoon, what time was it that the Captain handed you this message? - I think it was just before lunch.

18348. (*The Attorney-General.*) That would be somewhere near 2 o'clock? - I should think it would be somewhere about 20 minutes past one. No, I am wrong; I think it would be about 10 minutes to one.

18349. I rather think you must be making a mistake about that. When you were examined in America you said, "It is very difficult to place the time. I do not know whether it was in the afternoon or immediately before lunch. I am not certain." - I think I was rather trying to place the time by the time we had lunch. I know it was immediately before we had lunch, and now when I come to think of it, when we go west, we have lunch at 1 o'clock, and coming east we have lunch at half-past one, so that it must have been half-past one when he handed me the Marconigram. That is to the best of my knowledge and belief.

18350. I suggest to you that probably what you said in America was accurate, that you were not certain whether it was in the afternoon or immediately before lunch? - I am practically certain it was before lunch.

The Commissioner: Now, just think. The information that we have at present is that this telegram, or whatever it is called - the Marconigram - arrived on the "Titanic" at about 2 o'clock.

The Attorney-General: 1.40 really.

The Commissioner: 11.52, as I understand, by New York time.

The Attorney-General: That is right. According to the evidence we have got that would be about 1.40 or 1.45.

The Commissioner: Very well, that is 20 minutes to 2, and then he says 20 minutes past 1.

The Witness: It was the hour of lunch I was trying to fix the time by.

18351. (*The Attorney-General.*) Very well. Now let us take it that you received it immediately before lunch. You said nothing about it then, as I understand you? - No, I did not.

18352. But having read it, you put it in your pocket? - Yes.

18353. And did you then go down to lunch? - Yes, I went down to lunch.

18354. Were you alone at lunch? - I was.

18355. You lunched alone? - Absolutely.

18356. Then you spoke about it in the afternoon to two lady passengers? - Yes.

18357. Will you tell me to whom you spoke? - I spoke to Mrs. Thayer and Mrs. Ryerson. [Mrs. Marion Thayer and Mrs. Emily Ryerson.]

18358. Will you tell us what you said? - I cannot recollect what I said. I think I read part of the message to them about the ice and the derelict - not the derelict, but the steamer that was broken down; short of coal she was.

18359. Did you understand from that telegram that the ice which was reported was in your track? - I did not.

18360. Did you attribute any importance at all to the ice report? - I did not; no special importance at all.

18361. Why did you think the Captain handed you the Marconigram? - As a matter of information, I take it.

18362. Information of what? - About the contents of the message.

18363. The ice report? - About the contents of the message. He gave me the report of the ice and this steamer being short of coal.

18364. It conveyed to you at any rate that you were approaching within the region of ice, did it not? - Yes, certainly.

18365. Did Mrs. Ryerson say anything to you about slowing down in consequence of this ice report? - I have no recollection of it at all.

18366. Will you pledge yourself that she did not? - Yes, I think I can.

18367. Up to this time had you been increasing the number of revolutions? - I believe the revolutions were increased from 70 to 72 and up to 75.

18368. You had begun at 70, I suppose? - We began at 68.

18369. Was that when you left Queenstown? - When we left Southampton.

18370. When you left Southampton you began at 68? - Yes.

18371. What would that give in knots? - I cannot tell you; it is easily worked out.

18372. Then we know, I think, that 75 gives between 21 $\frac{3}{4}$ and 22 knots; we have got that in evidence already? - Yes.

18373. You started, you said, at 68. Did you then get to 70? - I believe she went at 70 from Cherbourg to Queenstown.

18374. When was it you first got to 75? - I really have no absolute knowledge myself as to the number of revolutions. I believe she was going 75 on the Sunday.

18375. But really, Mr. Ismay, if you will just search your recollection a little. Remember that this question of speed interested you very materially. You, as Managing Director of the Company, were interested in the speed of the vessel? - Naturally.

18376. And when the report was made to you, as I suppose it was, that she had increased to 75 revolutions, you were aware, I think, that it was not quite her full speed? - 78 I believe was her full speed.

18377. Seventy-eight was her full speed, and she had got to 75? - Yes, that is right.

18378. Your intention was, was it not, before you reached New York, to get the maximum speed of 78? - The intention was that if the weather should be found suitable on the Monday or the Tuesday that the ship would then have been driven at full speed.

18379. Which would be 78? - Yes, 78.

18380. So that your intention was to increase the speed at which she was travelling already on the Sunday of 75 revolutions, if the weather was satisfactory, to 78 on the Monday or the Tuesday? - Yes, to increase the speed to 78 if the conditions were all satisfactory.

18381. When she was proceeding at 75 revolutions were all her boilers on? - I believe not. I have no knowledge of that myself.

18382. Were the single-ended boilers on? - I have no knowledge of it myself. I was told they were not - at least, I have heard they were not.

18383. That none of the single-ended ones were on? - That is as far as I know.

18384. Then I will just refer you to what you said in America with regard to this? - As far as I know the single-ended boilers were not on on the Sunday.

18385. "The full speed of ship is 78 revolutions?" - Yes.

18386. "She worked up to 80. As far as I am aware she never exceeded 75 revolutions. She had not all her boilers on, none of the single-ended boilers were on. It was our intention if we had fine weather on Monday afternoon or Tuesday to drive the ship at full speed." Is that correct? - Yes, quite.

18387. With whom would you discuss this question of driving her at full speed on the Monday or Tuesday? - The only man I spoke to in regard to it was the Chief Engineer in my room when the ship was in Queenstown.

18388. Is that Mr. Bell? - Yes.

18389. The Chief Engineer? - Yes.

18390. Can you tell me on what day it was that she first made the 75 revolutions on this voyage? - I think it would be on the Saturday.

18391. And when was it that you discussed the question of putting her at full speed on the Monday or the Tuesday? - On the Thursday when the ship was at anchor in Queenstown Harbour.

18392. Will you explain that. It is not quite clear why you should discuss the question in Queenstown? - The reason why we discussed it at Queenstown was this, that Mr. Bell came into my room; I wanted to know how much coal we had on board the ship, because the ship left after the coal strike was on, and he told me. I then spoke to him about the ship and I said it is not possible for the ship to arrive in New York on Tuesday. Therefore there is no object in pushing her. We will arrive there at 5 o'clock on Wednesday morning, and it will be good landing for the passengers in New York, and we shall also be able to economise our coal. We did not want to burn any more coal than we needed.

18393. Never mind about that, that does not answer the question I was putting to you. I understand what you mean by that, that you did not want to get there till the Wednesday morning at 5 o'clock, and that therefore it was not necessary to drive her at full speed all the time? - No.

18394. But the question I am putting to you is this, when was it that you discussed putting her at full speed on the Monday or the Tuesday? - At the same time.

18395. You have not told us about that? - That was when Mr. Bell was in my room on Thursday afternoon, when the ship was at anchor at Queenstown.

18396. But what was said about putting her at full speed? - I said to him then, we may have an opportunity of driving her at full speed on Monday or Tuesday if the weather is entirely suitable.

18397. Then you did know on the Sunday morning that in the ordinary course of things between that and the Monday evening you might be increasing your speed to full speed? - I knew if the weather was suitable either on the Monday or the Tuesday the vessel would go at full speed for a few hours.

18398. And I suppose you knew that in order to get the full speed of the vessel, the maximum number of revolutions, it would be necessary, presumably, to light more boilers? - I presume the boilers would have been put on.

18399. Do you know in fact that they were lighted on the Sunday morning? - I do not.

The Attorney-General: Your Lordship will remember that evidence; I will give the reference to it, but we have got the evidence I think that they were lighted at eight o'clock on Sunday morning, the five single-ended boilers?

Mr. Laing: No, no.

The Commissioner: Were they lit at the time of the collision?

The Attorney-General: I do not think the single-ended ones were, but I think you will find that more boilers were lit on the Sunday morning; that is the point, but I think not the single-ended ones.

The Commissioner: Where is the reference to these particular ones that you suggest were lit on the Sunday morning?

The Attorney-General: I think your Lordship will find it at page 69, in Barrett's evidence, Question 2217, where he was asked, "Then, as far as you know, there was no reduction in speed?" And your Lordship will see that the answer to that is: "There were two main boilers lit

up on the Sunday morning, but I could not tell you whether they were connected with the others or not. (Q.) You mean two main boilers which had not been lit up before? - (A.) Yes, they were lit up. (Q.) That is extra? - (A.) Yes. (Q.) On the Sunday morning. - (A.) Yes. (Q.) That is why you told me that there had been eight boilers out, and afterwards you thought there were only five or six out, is that it? - (A.) Yes." Then your Lordship says: "What he said was five boilers, certainly, and perhaps eight." Then it is cleared up at Question 2222: "(*The Solicitor General.*) That is what you said, Barrett - you said five boilers were out, certainly, and perhaps eight. Now just explain why you say that?" And he said, "When you light a boiler up it will take twelve hours before you can connect it with the others to get steam on as a rule in a merchant ship as far as my experience goes."

Then he is asked, "These three, the difference between the five and the eight, were they lit up? - (A.) Those three were lit up on the Sunday morning." Then at Question 2226 he was asked, "Do you know in which section they were? - (A.) In the after section - the next one to the after section. That would be No. 2 section." Now, the aftermost section your Lordship will see is the one in which there are the single-ended boilers. He is not referring to those. He is referring to the after boilers in No. 2 boiler room, which are the double-ended.

The Solicitor-General: He is referring to those (*Pointing to the plan*).

The Commissioner: That is a double-ended boiler.

The Solicitor-General: Yes, that No. 2 is a double-ended boiler.

The Commissioner: The other ones, further aft, are single ones.

The Attorney-General: Yes, my Lord, that is right; and those were never lit. But if your Lordship will now look at Question 2232, you will see that Barrett was asked, "Can you tell me when those two or three main boilers were lit on the Sunday morning - about what time? - (A.) As near as I could say, 8 o'clock in the morning. (Q.) Then they may have been connected that same night? - (A.) Yes." There is some other evidence about it, but as far as I know there is no suggestion that this evidence is not correct. What it amounts to is that it took 12 hours apparently before they were connected. They were lit at 8 o'clock on the Sunday morning. That was the reason the question was put by the Solicitor-General, "Then they may have been connected that same night?" and the answer is "Yes." That is how the evidence stands.

The Commissioner: This man is what is called a leading fireman.

The Attorney-General: Yes, my Lord. He was a very important witness. He was a leading stoker.

The Commissioner: He describes himself as a leading stoker.

The Attorney-General: Yes, my Lord, I think that is right.

The Commissioner: I do not know what the "a" means.

The Attorney-General: In one particular section, I think.

The Commissioner: How many leading stokers are there?

The Attorney-General: I could not say, my Lord, but I imagine it means a leading stoker in a particular section; probably that is what it means.

Sir Robert Finlay: He was the leading stoker in No. 6 Boiler Room.

The Commissioner: Can you tell me which is No. 6 Stokehold?

The Attorney-General: Quite the foremost one of all, my Lord. We have had evidence about water going in there.

The Commissioner: Quite the foremost?

The Attorney-General: Yes, my Lord; it is described there as No. 6 Boiler Room.

The Commissioner: Was that the stokehold where he was located?

The Attorney-General: Yes, that was Barrett's.

The Commissioner: He was not located in this stokehold where the boilers were lit up?

The Attorney-General: No, my Lord.

Sir Robert Finlay : There is just one other question, Barrett was asked at 2358 on page 66: "With regard to the revolutions, did you keep the same revolutions all Sunday, so far as you know? - Yes."

The Attorney-General: Yes.

The Commissioner: If, Mr. Attorney, they kept the same revolutions all the Sunday, which I understand means up to the time of the collision, then these three boilers had not begun to operate upon the engines, apparently?

The Attorney-General: Probably not.

Sir Robert Finlay: I understand that, even if the boilers were connected, it would not follow that there were more revolutions. That would depend upon what was done in the engine room.

The Attorney-General: That would not follow.

The Commissioner: I suppose, Sir Robert, the object of lighting up extra boilers is to get additional speed.

Sir Robert Finlay: Not entirely, my Lord. The thing may work easier. Greater speed can be attained if they choose, but as a matter of fact the evidence is that they did not exceed the 75 revolutions, which the witness said they got on the Sunday, up to the time of the collision.

The Commissioner: It leads me to think that Barrett, or whatever his name was, may be inaccurate about the time when these additional boilers were lit.

Sir Robert Finlay: It may have been a little later, your Lordship means?

The Commissioner: Yes.

Sir Robert Finlay: It would probably take 12 hours before they could be connected.

The Commissioner: You see, according to the evidence of Mr. Ismay, they would not want the additional speed until Monday or Tuesday.

Sir Robert Finlay: Yes.

The Commissioner: It is evident from Mr. Ismay's evidence that they did want additional speed. If the weather was clear and the circumstances favourable, they would want additional speed on Monday and Tuesday.

Sir Robert Finlay: Yes, and coal being the object at the time one would suppose they were not lit up quite so hurriedly.

The Commissioner: Well, I am not quite so sure. This was the first voyage of a new ship.

The Attorney-General: Monday was very close at hand, after all.

Sir Robert Finlay: But you do not want more than 12 hours.

18400. (*The Attorney-General.*) Very well. (*To the Witness.*) At least we know this, Mr. Ismay, that certainly there was no slowing down of the vessel after that ice report was received? - Not that I know of.

18401. You knew, of course, that the proximity of icebergs was a danger; you knew that much, did not you? - There is always danger with ice - more or less danger with ice.

18402. I suppose you are familiar with the reason of the different tracks which are marked upon the charts? - Perfectly.

18403. Different tracks for different seasons of the year? - Yes.

18404. And that is for the purpose of avoiding ice, is it not? - Not entirely.

18405. I will not argue with you about entirely, but, at any rate, it is an important factor? - It is.

18406. And for that reason you get, I think, I am right in saying, a more southerly track during a certain period of the year? - That is true.

18407. Had you no curiosity to ascertain whether or not you would be travelling in the region in which ice was reported? - I had not.

18408. (*The Commissioner.*) I thought you said just now that you knew that this was the point

at which you were approaching the region of ice? - I knew we were approaching the region of ice, yes.

18409. (*The Attorney-General.*) How did you know that? - How did I know what?

18410. How did you know that you were approaching the region of ice? - By this Marconi message.

18411. The Marconi message which you had received from the "Baltic"? - Yes.

18412. And you knew, did you not, that you would be in the region of ice some time on that Sunday night? - I believe so, yes.

18413. Now, I should like to understand who told you that? - I think the information I got was from Dr. O'Loughlin, who said we had turned the corner.

18414. That is the doctor with whom you had dined that night in the restaurant? - Yes.

18415. Was he the doctor who always travelled with the ship? - He had been in the service over 40 years.

18416. As a doctor? - Yes.

18417. But did you tell him about the Marconigram? - I did not.

18418. I do not quite understand then how you mean what he said to you? - He made the remark at dinner, "We have turned the corner."

18419. Did you know what turning the corner meant? - Yes, I knew that.

18420. You knew, I suppose, that you would alter your course then? - Yes, I knew that.

18421. And you would alter your course, I think, more to the northward? - Yes.

18422. And you knew that that would bring you nearer to the region of ice which had been reported to you? - I could not say exactly where the ice was. I do not understand latitude and longitude.

18423. Do you mean that? You are giving evidence here in the Court. Would you reconsider that statement, that you do not know the meaning of latitude and longitude? - I said the Marconi message did not convey any meaning to me as to the exact position of that ice.

18424. Did it not convey to you that it was possible to ascertain whether the latitude and longitude designated in that Marconigram would be a track that you would have to cross? - For me to ascertain that?

18425. Yes? - No. That is for the Captain of the ship. He was responsible for the navigation of the ship. I had nothing to do with the navigation.

18426. Yet you were the Managing Director and he thought it of sufficient importance to bring you the first Marconigram which he had shown to you on this voyage and to give it you, and then you put it in your pocket? - Yes.

18427. And you, of course, appreciated that that report meant to you that you were approaching ice, as you told us? - Yes.

18428. And you knew also that you would be approaching ice that night? - I expected so, yes.

18429. And that you therefore would be crossing the particular region which was indicated in that Marconigram that night? - I could not tell that.

18430. About that region? - Yes, I presume so.

18431. And therefore that it behoved those responsible for the navigation of the ship to be very careful? - Naturally.

18432. And more particularly if you were approaching ice in the night it would be desirable, would it not, to slow down? - I am not a navigator.

18433. (*The Commissioner.*) Answer the question. - I say no. I am not a navigator.

The Attorney-General: You are not quite frank with us, Mr. Ismay.

Sir Robert Finlay: The Attorney-General will forgive me; I do not think there is the slightest justification for that remark.

18434. (*The Attorney-General.*) You have told me now what your answer is. What was your answer? - I should say if a man can see far enough to clear ice, he is perfectly justified in going full speed.

18435. Then apparently you did not expect your Captain to slow down when he had ice reports? - No, certainly not.

The Commissioner: That is the evidence of one of the witnesses.

The Attorney-General: Yes, my Lord, I know.

The Commissioner: Of course, if you had got a perfect look-out and there is nothing to prevent you from seeing, then there is no occasion to slow down.

The Witness: I should say none at all.

18436. You could see the ice then a long way off, and it would not be necessary to slow down for icebergs? - Presumably so, yes.

18437. (*The Attorney-General.*) What is the object of continuing at full speed through the night if you expect to meet ice? Why do you do it? - What is the use of doing it?

18438. Yes? - I presume that the man would be anxious to get through the ice region. He would not want to slow down upon the chance of a fog coming on.

18439. So that, of course, the object of it would be to get through it as fast as you could? - I presume that if a man on a perfectly clear night could see far enough to clear an iceberg he would be perfectly justified in getting through the ice region as quickly as he possibly could.

18440. Now, I want to put a statement to you. Do you know a Mrs. Douglas? - I do not.

18441. Do you know a Mrs. Ryerson, of Philadelphia? - Yes, I met her on board the ship.

18442. And she, I gather from what you said just now, was one of the two lady passengers to whom you mentioned the Marconigram in the afternoon? - That is true.

18443. You showed her the wireless message, did you not? - I read it to her, I think.

18444. Now, I want to put to you this: Did she say to you (*I am speaking now of what took place on the Sunday. I will put the whole conversation to you, and see if it helps your recollection*): "Of course you will slow down," and did you reply, "Oh, no; we will put on more boilers to get out of it"? - Certainly not.

18445. It seems to have been rather in accordance with your view, that the faster you could get out of the region the better? - Assuming the weather was perfectly fine, I should say the Captain was perfectly justified in going full speed.

18446. That means that your view is not only would he be justified in going the 75 revolutions, but he would be justified in going the 78? - If the weather conditions had been satisfactory.

18447. And, according to your view, what do you say as to the weather conditions? - So far as I could judge, it was a perfectly fine, clear night.

18448. So that on a perfectly fine, clear night, with the expectation that you are coming within the region of ice, your view is that the Captain would be justified in increasing his speed? - I do not see any reason why he should not, so long as he could see sufficiently far to clear the ice.

The Commissioner: I suppose if you had a perfectly good and reliable look-out and could see the ice at a sufficient distance to enable you to steer clear of it that would be sufficient.

The Attorney-General: Assuming the "ifs" which your Lordship has put, yes.

The Commissioner: Yes, that is what I mean. Those are the "ifs" he assumes.

The Attorney-General: Quite so. Assuming that you can see far enough to get out of the way at whatever speed you are going you can go at whatever speed you like. That is what it comes to.

The Witness: Assuming you can see far enough to clear the ice.

18449. I want to get at what your view was with regard to it; whether it is right or wrong is a question, of course, which the Court will decide. But it seems to me that what you have just told us in your answer is not very different from what I put to you, or not substantially different from

what I put to you, from the conversation you had with Mrs. Ryerson? - I did not have any such conversation with Mrs. Ryerson.

18450. I will not argue it further, so long as you have admitted the view that it would be best to go as fast as you could to get out of the region of ice? - I say he was justified in going fast to get out of it if the conditions were suitable and right, and the weather clear.

18451. I think we understand. Now, did you have any conversation with Captain Smith at all, between the time of his giving you the wireless message and the impact with the iceberg, about ice? - The only conversation I had with Captain Smith was in the smoking room that night. As he walked out of the smoking room he asked me if I had the Marconi message, and I said, Yes, I had, and I gave it to him.

18452. What time would that be? - I think it was 10 minutes or a quarter-past seven.

18453. (*The Commissioner.*) You had not been on the bridge? - I had never been on the bridge during the whole trip.

18454. (*The Attorney-General.*) Did he say why he wanted you to give him back the message? - He said he wished to put it up in the officers' chartroom.

18455. (*The Commissioner.*) What would be the object of putting the Marconigram up in the chart room if good navigation dictated going on at full speed? - I presume he put it up for the officers' information, my Lord.

18456. According to you, it did not matter? - Not if the weather was clear.

18457. As it was? - As it was.

18458. (*The Attorney-General.*) Then, when the Captain asked you for the message and you gave it back to him, did you have any conversation with him then? - No further conversation at all.

18459. Did you not ask him whether your vessel would come at all within that latitude and longitude indicated in the "Baltic" Marconigram? - I did not.

18460. And he said nothing to you about it? - He did not.

18461. But you understood that you would be there during that night? - Yes, I understood that we would get up to the ice that night.

18462. Now, the thing that is not clear to me is why it was that you understood that you would get to the ice that night if it was not from the Marconigram, and that you understood what the latitude and longitude there indicated meant? - The doctor told me we had turned the corner, and I knew, when we had turned the corner, we must be getting towards the ice region.

18463. (*The Commissioner.*) How did you know that? - Because we were going directly up North.

18464. No. You were turning almost directly West? - No. You come down to a point and then you go up.

18465. You did not go up North. You went straight west? - It is what is always known as turning the corner.

18466. You seem to know a good deal about this navigation of the Atlantic? - I am afraid I do not.

18467. (*The Attorney-General.*) What is the latitude and longitude of turning the corner? - I do not know.

18468. Have you no idea? - No, I have not.

18469. Have you never looked? - I may have looked, but I have no idea of the latitude and longitude.

18470. (*The Commissioner.*) I want to have it quite clear from you. Is your position this, that in clear weather, whether it be day or whether it be night, there should be no reduction or need be no reduction in the speed, although the master of the ship knows that he is in the ice region? -

That is right.

18471. That is your case? - Yes. If the conditions are all perfectly satisfactory, and he can see far enough to clear the ice.

18472. (*The Attorney-General.*) When you speak of the region of ice I want to be quite clear that we mean the same thing. You said that when the doctor told you that you had turned the corner you understood you would get to the region of ice that night? - That we must be approaching the ice region.

18473. Do you mean by the ice region, the region which is indicated on the chart? - I could not tell, because I had not got the chart. After you turn the corner I should think it is anywhere about - I really could not tell, but of course I know where it was we struck the ice.

18474. Would you have ordinarily have expected to have come into the region of ice on that Sunday night; was that what you expected would happen? - I expected that we would be in the region of ice on the Sunday night.

18475. Before you had seen the Marconigram? - Oh, no.

18476. Then, if I follow you, it was because of the Marconigram that you expected to come into the region of ice that night? - Oh, yes.

The Attorney-General: Your Lordship will see why I asked him the question. He might have meant something else, but he does mean on account of the Marconigram.

The Commissioner: Yes.

18477. (*The Attorney-General.*) Now I want to be quite clear about this. Is it your statement to my Lord that from first to last on that Sunday you never had any conversation with Captain Smith about ice? - Absolutely.

18478. Or with any other officer? - Or with any other officer.

18479. Including the Chief Engineer? - Including the Chief Engineer.

18480. Or, as I understand you, with Dr. O'Loughlin? - No, nor with him.

18481. Or with anybody, if I correctly appreciate your evidence, except for the statement that you made to Mrs. Ryerson and another lady? - That is true.

18482. When you told them the substance of the Marconigram? - That is true.

18483. (*The Commissioner.*) I want to ask a question. You have told the Attorney-General that it was the Marconigram which led you to the conclusion that after you had turned the corner you would be approaching the ice region? - Yes. I knew when we had turned the corner that we would be approaching the ice region.

18484. I want to have this quite clear. I understood you to say to the Attorney-General that you came to that conclusion because of what was in the Marconigram? - Largely.

18485. Then the Marconigram was unintelligible to you, was it not, unless you understood the latitude and longitude? - It was unintelligible to me as far as latitude and longitude were concerned.

18486. But the latitude and longitude were the things which would tell you where the ice was? - Yes.

18487. And the only things in the Marconigram which would tell you where the ice was? - Yes.

18488. Then I am quite at a loss to understand why it is you say that you came to the conclusion that you would be in the ice region because of the Marconigram? - Because of the Marconigram and having turned the corner.

18489. Is it both? - Yes, the two together.

18490. Now what information in the Marconigram led you to the belief that you were approaching the ice region? - Because I presumed the man would not send the Marconi message to us unless the ice was there and that we were approaching it. He knew where we were.

18491. Then what you mean is this, that you presumed the "Baltic" had sent a message, without knowing whether it was right or wrong, apprising you of ice in your track? - Yes, or it must have been very close to the track.

18492. Near it? - Yes.

18493. Is that what you mean to say? - Yes.

(After a short adjournment.)

18494. *(The Attorney-General.)* You occupied a cabin on B deck? - Yes.

18495. Did you occupy a suite there? - I did.

18496. That is on the port side of the vessel? - The starboard side, I think.

18497. No, it is the port side - at least, I think so, if it is the one I mean. Do you remember the number? - I think it was 52 or 56, or something like that.

18498. Will you just look at the plan and you will see. *(The witness examined the plan.)* I will remind you of what you said in America. At one time you were not quite sure of the number. You thought it was 52? - I think some other gentleman said he had that room.

18499. That is right; some other gentleman said he had it? - Yes, but I still think I had 52. The passenger plan would show that. The plan of the accommodation in the office would show which room I had.

18500. It is not very important. If your Lordship will look at B deck, it is on the port side - what is called the bridge deck. You will see the staircase which is marked there, and then "First class," and then there is a boiler casing amidships, and then on the port side you will see B 52, 54, and then a bathroom, and then 56. It is either 52 or 56, I understand that you occupied? - Or the corresponding rooms on the other side.

18501. *(The Commissioner.)* You do not mean on the other side of the ship? - Yes; I am not certain which side it was - the corresponding rooms.

18502. *(The Attorney-General.)* Very well. I do not think it matters much. At the time of the impact you were in bed and asleep? - I was.

18503. You were awakened by the impact? - Yes.

18504. Did you realise what had happened? - I did not.

18505. Did you then get up? - I stayed in bed a little time, and then I got up. I really thought what had happened was we had lost a blade off the propeller.

18506. You got up, and where did you go? - I went along the passageway out of my room and I met a steward.

18507. Did you ask him what had happened? - I asked him what had happened.

18508. What did he say? - He told me he did not know.

18509. Then what did you do? - I went back to my room and I put a coat on, and I went up on to the bridge.

18510. Was Captain Smith there? - He was.

18511. Then did you ask him what had happened? - I did.

18512. And what did he tell you? - He told me we had struck ice.

18513. Did you ask him anything further? - I asked him whether he thought the damage was serious, and he said he thought it was.

18514. What did you do then? - I then went downstairs again; down below.

18515. Did you meet Mr. Bell, the Chief Engineer? - I met the Chief Engineer at the top of the staircase.

18516. Did you have some conversation with him - will you tell us what it was? - I asked him whether he thought the ship was seriously damaged, and he said he thought she was, but, as far

as I remember, he thought the pumps would control the water.

18517. This is what you said in America. Is this right? You were asked by Senator Smith: "Did the Chief Engineer of the 'Titanic' state to you the extent of the damage? - (A.) He said he thought the damage was serious, but that he hoped the pumps would be able to control the water"? - I do not know whether he said "he hoped" or "he thought"; it is to the best of my recollection. I cannot remember every word he said.

18518. I think in an earlier passage there is a statement made somewhat to that effect, that he thought the pumps would be able to control the water, but I am reading now from your own words given in answer: "He hoped the pumps would be able to control the water." What did you do then? - I think I went back to my room for a short time, but I am not absolutely certain.

18519. Did you hear any order given by Captain Smith? - I went up after that on to the bridge, and I heard Captain Smith give an order; I am not quite certain whether it was to lower the boats or to get the boats out; it was in connection with the boats.

18520. When you heard that order given on the bridge, what did you do next? - I went along the deck, and I think I spoke to one of the officers.

18521. You do not remember which officer it was? - No. I do not remember which officer it was.

18522. Did you help to get the boats out? - I rendered all the assistance I could.

18523. And to put the women and children in? - To put the women and children in.

18524. That was on the boat deck? - That was on the boat deck.

18525. And did you stay there until you left the ship? - Yes, practically. I do not think I ever left that deck again.

18526. Can you tell us at all how long it was after you felt the impact that you heard the order given by Captain Smith to get the boats out, or to lower the boats? - No, I really could not tell; it is very difficult indeed; it might have been 20 minutes, but it is very difficult to judge time.

18527. Did you see some of the boats lowered? - I did.

18528. On which side of the deck were you? - On the starboard side.

18529. When you were assisting with the boats? - Yes.

18530. Was there any confusion? - I saw no confusion at all.

18531. Did you see any attempts by men to force their way into the boats? - I did not.

18532. Or to get into the boats? - I did not.

18533. Were there a number of women and children on the deck? - There were.

18534. Did all those who were on the deck get away in boats? - All the women that I saw on deck got away in boats.

18535. Did you realise that they were not all the women and children who were on board the ship? - I did not.

18536. Did you know at all what was happening on the port side? - I did not.

18537. Did you hear any reports of the ship making water? - I did not.

18538. You were not told about that? - I was not.

18539. Did you notice any list? - When I left the ship she had a list to starboard.

18540. To starboard? - To port, I beg your pardon.

18541. Did you notice whether she had any list to starboard? - No, I did not.

18542. With regard to the four boats that you saw lowered, did you see whether they were full? - No, I could not tell that; I saw 3, 5, 7, and 9 lowered.

18543. How long did you remain on the "Titanic" after the impact? - I should think, as I said in Washington, an hour and a half, or perhaps longer than that.

18544. And meanwhile did you notice that the vessel was going down by the head? - I did.

18545. That, of course, increased as time went on? - It did.

18546. Did you think it was in a very serious condition? - As time got on I did.
18547. And that the ship was sinking? - I did.
18548. Did you tell anybody that? - I did not.
18549. So far as you know, were any of the passengers told that the vessel was sinking? - Not so far as I know.
18550. Do you remember the collapsible boat on the starboard side being lowered? - I do.
18551. You were present then? - I was.
18552. And were you assisting in helping the women and children in? - I was.
18553. Were there any other passengers there, I mean passengers other than women and children? - No, not that I saw.
18554. Was there any other boat on the starboard side; was there any boat left when the collapsible was being lowered? - I believe there was another collapsible on the top of the officers' house.
18555. But, except the collapsibles, had every boat been lowered? - Every wooden boat was away.
18556. All the eight on that side? - Yes.
18557. Did you see how many passengers were put into this collapsible? - No, I did not see at the time.
18558. Did she appear to be full? - She was very fairly full.
18559. Would you tell us what happened after you got the women and children in? - After all the women and children were in and after all the people that were on deck had got in, I got into the boat as she was being lowered away.
18560. There was no order to you to get in? - No, none.
18561. Did any other passenger get in? - One.
18562. That is a Mr. Carter? - Mr. Carter.
18563. Am I right, then, in this, that there were women and children and some members of the crew to man the boat and two passengers, yourself and Mr. Carter? - Yes, and four Chinamen were in the boat.
18564. Four Chinamen who, we have heard, were discovered after the boat was lowered? - Yes.
18565. That, your Lordship will remember, is Rowe's evidence. Did you see Mr. Andrews at all between the time of the impact and your leaving the vessel? - I did not.
18566. Before you got into the boat was any attempt made to call up other passengers to come up on to the boat deck? - That I do not know; I was never off the boat deck.
18567. You do not know? - I do not.
18568. Am I right then, Mr. Ismay, that you did not hear any such order given and you did not enquire whether any such order had been given? - Of passengers coming up from down below?
18569. Yes? - No, I did not.
18570. And you did not inquire whether any such order had been given? - I did not.
18571. Did you think then when you left the vessel that she was rapidly going down? - I did.
18572. Before you left the vessel did you see the rockets being sent up? - I did.
18573. That went on for some time? - For some time.
18574. When you got into the boat and she was lowered, how were you sitting? - I was sitting with my back to the afterend of the boat.
18575. Facing the bow? - Facing the bow.
18576. And did you assist with the oars? - I did.
18577. Did you see any light? - We saw a light a long way from us, which, I think, was a little bit on our starboard side.

18578. That is a little bit on the starboard side of the "Titanic" or your boat? - Of both.
18579. You were heading the same way? - Yes.
18580. Did you pull towards it? - We did.
18581. But without success? - We thought we gained on her, and then she seemed to draw away from us again.
18582. Then the light disappeared? - In daylight, yes.
18583. I say the light of the vessel disappeared? - Yes, when daylight came.
18584. Not till daylight came? - If you will excuse my saying so, I do not think it was a steamer at all; I think it was a sailing ship we saw.
18585. (*The Commissioner.*) Am I to understand that you do not think it was the "Californian"? - I am sure it was not.
18586. I am rather sorry to hear that? - This was on the starboard side of the ship. I understand the "Californian" was seen on the port side of the ship - or the ship that was supposed to be the "Californian." This light I saw was on the starboard side.
18587. Never mind about what side it was at all; have you come to the conclusion that the vessel whose lights were seen for so long a time was not the "Californian"? - No, Sir.
18588. I thought you said you had come to that conclusion? - No, I said that the light that we pulled for I do not think was the "Californian's" light.
18589. Then was there more than one light visible? - The only light I saw was the one we rowed for.
18590. Was there any other light visible? - I saw no other light. This was one plain, white light.
18591. (*The Attorney-General.*) There was very little wind that night? - Very little.
18592. Practically a dead calm, we have been told? - Yes, up to a certain hour in the morning, when the wind did get up.
18593. A sailing vessel would not have been making any way at all, or practically none? - Well, very little.
18594. The "Californian" is of course a vessel under the control of your company, the company of which you are president? - Financially, yes; so far as the management of the company is concerned I have nothing to do with it.
18595. I did not suggest you had, but it is one of those in the Leyland Line, the controlling interest of which is in the American Trust? - Quite.
18596. Did you continue pulling towards it all the time? - Yes, for a very long time.
18597. Did you continue pulling towards it till daylight? - No.
18598. Do you mean you gave it up? - We gave it up because the wind got up; a little sea got up and we were making no progress at all.
18599. Did you see the lights of the "Carpathia" before daylight? - No.
18600. You only saw her when day broke? - Yes.
18601. Can you tell me how long it would take to stop the way of the "Titanic"? - No, I could not tell you that, but I think we have the information with regard to the "Olympic."
18602. What is it? - I could not tell you.
18603. Then we will get it from somebody else. Have you considered the use of binoculars at all for your look-out men? - Yes, I have.
18604. You did use them, and supplied them, on the "Oceanic," I think? - I believe we did; I cannot speak from any absolute knowledge.
18605. We have heard that they were supplied? - Yes.
18606. And that they were supplied also on the "Titanic"? - I believe they had them on the run round from Belfast to Southampton; but I am simply repeating what I have seen in the papers, in the evidence.

18607. Had your company come to the conclusion that binoculars were of assistance to the look-out men? - I believe up to the year 1895 we used to supply look-out glasses to the look-out men, and since that date I think it has been left to the discretion of the commander whether he gives them look-out glasses or not.

18608. But if he elects to do it then you supply them? - We certainly would if they are asked for.

18609. Have you considered the use of searchlights? - I have not.

18610. That has never been considered by you? - It has never been considered by us at all.

18611. Do you give any special instructions to your captains with respect to what they should do when approaching ice? - No, we give them a general instruction that the safety of the lives of the passengers and the ship is to be their first consideration.

18612. Yes, those are your general instructions? - General instructions which are contained in our book of Regulations.

18613. But there are no special instructions, if I understand you correctly, with reference to the approach of ice? - No, not that I know of, not that I can think of.

18614. Have you also considered in your company the question of the track that the vessels should follow? - Yes, we follow the track which has been agreed to by all the various steamship companies, which, I think, was agreed to in 1895 - I really do not remember the year.

18615. Those are the tracks indicated on the chart? - Yes.

18616. And you always follow those? - We do.

18617. Do you get any special reports from your captains if they meet with ice on those tracks? - Yes, they would report it.

18618. There is a letter which it is simpler I should read upon this. There is a letter from your firm, Ismay, Imrie and Co., of April 26th of this year, to the Assistant Secretary of the Marine Department of the Board of Trade: "Sir, - We beg to acknowledge receipt of your communication of the 25th instant advising us of the question to be asked by Mr. Rowlands in the House of Commons on the 29th idem regarding Track Rules in the North Atlantic, and have to say that definite routes, according to the season of the year, have been agreed upon by the principal companies concerned, both British and otherwise, and that in abnormal times a variation of these routes is arranged by mutual assent. The details are circulated by Lloyd's for general information, and we think you are aware that the idea is not only to avoid ice as far as practicable, but also to obviate risk of disaster by keeping outward and homeward steamers on separate tracks. At the end of each voyage Commanders furnish us with a Track Chart, which is checked by our Marine Superintendent, and any deviation from the rule has to be explained, but when such deviation has been in the interests of safety, their action is always approved, and the only cases we can bring to mind where they have been censured is when other reasons, such as shortening the distance have obtained." I suppose that correctly states your view? - Quite true.

18619. I notice in that letter you say "in abnormal times a variation of these routes is arranged by mutual assent"? - I think on two occasions, when ice has been reported on the Southern track we have adopted a more Southern route, gone further South. I think it has been done on two occasions.

18620. So that I mean when ice is reported apparently what you do is to go further South, to get away from it? - Yes, if a great deal of ice is reported on the track then we should go further South. That would be done by mutual consent of all the steamship companies interested in the tracks.

18621. That would mean this that when you have a report of ice upon the tracks which you usually follow you give directions then to your captains to go further south? - No; I mean if there was a small quantity of ice reported on the track we certainly would not do it; if there was an

abnormal quantity of ice reported on the track then we probably would, in conjunction with the other steamship companies, agree to follow a more Southern route.

18622. Do you mean that is only done if the other companies assent? - If any one steamship company suggested going a more Southern route it would be very difficult indeed for any of the other steamship companies to decline to fall in with that suggestion. But that would only be done in the event of an abnormal quantity of ice being reported.

18623. The more Southern route being taken then to avoid the ice that is reported? - That is right.

18624. (*The Attorney-General.*) Your Lordship will remember there was one question (it is a small point) which we said we would put to Mr. Ismay when he came, about the Marconigram. It is at page 384. I said I would put it to him. I think it is pretty clear what is meant. If your Lordship will look at page 384, Question 17165, there was a Marconigram produced which contained these words: "Mr. Ismay's orders Olympic not to be seen by 'Carpathia'?" - Captain Rostron came into my room on board the "Carpathia" and told me he had received a Marconigram from Captain Haddock that the "Olympic" was coming to us as quickly as possible. He suggested that it was very undesirable that our passengers on board the "Carpathia," who were just settling down, should see the "Olympic," as it would only probably harrow their feelings; the "Olympic" coming to us could do no good whatever, and I therefore entirely agreed with his suggestion that it was undesirable the ship should come to us.

The Attorney-General: I believe the whole of the Marconigram is at Question 17158. I attribute no importance to it. The explanation seemed fairly obvious, but we said we would ask Mr. Ismay so that he could explain.

18625. (*The Commissioner.*) Are any sailing orders given to your captains before they leave England? - No special orders.

18626. No sailing orders are given to them before they sail on a voyage? - No. We always receive a letter from the Commander of the ship from his last port, to say that everything is satisfactory on board the ship.

18627. (*The Attorney-General.*) There are letters which are sent, as I understand, by the firm to their captains giving them general directions. I have not referred to them? - That is when they are put in command.

18628. I mean, there is nothing in any of these letters, so far as I have seen, which have been supplied by you, relating specifically to ice? - No, certainly not; those are general instructions.

18629. They are general instructions that they must regard the safety of passengers? - It is a general letter given to all our commanders when they are first appointed to the command of a ship.

18630. As far as I know, those are the only instructions which are given, at any rate in writing? - Those are all.

The Attorney-General: I did not trouble your Lordship with them, because I did not think they assisted as they do not relate to ice.

Examined by Mr. SCANLAN.

18631. Is it the case that since the disaster to the "Titanic" a more Southern route, both Westward and Eastward, has been agreed to by the companies? - Yes, it is.

18632. And at the present time are your ships and other liners in the Atlantic taking a more Southern route than the one which was taken at the time the accident happened to the "Titanic"? - They are.

18633. I think the difference in mileage which this alteration makes is about 150 miles? - I

could not tell you that.

The Commissioner: What do you mean by that; does it lengthen the voyage by 150 miles?

Mr. Scanlan: Yes, my Lord.

The Commissioner: How much further South is it?

Mr. Scanlan: I was going to ask that question, my Lord.

The Witness: I could not tell you that.

The Commissioner: I am told they would get to a point about 180 miles South; that is to say, the turning point is about 180 miles further South than the turning point in the old route.

18634. (*Mr. Scanlan.*) Yes. (*To the Witness.*) I suppose working on this track, you would be out of the region of the disaster to the "Titanic"? - Yes; but I think I am correct in saying that ice has been reported on this track.

18635. Since? - I believe so.

18636. But of your own knowledge you do not know? - No.

18637. (*The Commissioner.*) How much further South would you have to go to sight the Azores? - I am afraid I could not answer that, my Lord.

18638. (*Mr. Scanlan.*) Did your Company or did you yourself move in having this route altered? - I do not know what was done; I was in America at the time the alteration was made.

18639. (*The Commissioner.*) But have not you asked? - No, I have not.

The Commissioner: Is there anyone who can tell us, Sir Robert?

The Witness: Yes, Mr. Sanderson will be able to tell you.

Sir Robert Finlay: Mr. Sanderson will tell us.

The Commissioner: What does *he* say? Who was it suggested the alteration?

Mr. Sanderson: The matter was under discussion amongst the British lines, and about that time a telegram came from the Germans and asked if we would join with them in adopting a more Southern track, and we then got together and agreed on a Southern track, which has subsequently been altered again.

The Commissioner: That is while Mr. Ismay was in America?

The Witness: I was in America at the time.

Mr. Scanlan: I have the route map showing the alteration.

The Commissioner: I have it; I have the altered route.

18640. (*Mr. Scanlan.*) During the voyage had you any conversation with the Captain as to speed? - I had no conversation with the Captain with regard to speed or any point of navigation whatever.

18641. Or as to the time of landing? - Or as to the time of landing.

18642. And you gave him no instructions? - Absolutely none.

18643. On either of those points? - No.

18644. When you had the conversation with reference to speeding up, who was present? - Mr. Bell only and my secretary.

18645. Mr. Bell, your secretary, and yourself? - Yes.

18646. What is the name of your secretary? - Mr. Harrison.

18647. Is he a survivor? - He is not.

18648. I think it was decided then that some day in the course of the voyage you would run the ship up to her full speed? - It was.

18649. And you expected then to take 28 knots out of her? - I beg your pardon!

18650. You expected then that she would do 78 revolutions? - Yes.

18651. Who suggested that it was possible for you to arrive in New York on Tuesday? - Nobody.

18652. I thought you said in answer to the Attorney-General, that Mr. Bell said that you could

arrive on Tuesday night? - That we could not arrive - we could *not* arrive in New York on Tuesday.

18653. Did you fix with him the time it was suitable to arrive? - I told him I thought we should arrive at the Ambrose lightship about 5 o'clock on Wednesday morning.

18654. Had you made any calculations to enable you to come to this conclusion? - I had not.

18655. Now, Mr. Ismay, I want to ask you this question: What right had you, as an ordinary passenger, to decide the speed the ship was to go at, without consultation with the Captain?

The Commissioner: Well, I can answer that - none; you are asking him something which is quite obvious; he has no right to dictate what the speed is to be.

Mr. Scanlan: But he may as a super captain.

The Commissioner: What sort of a person is a "super captain"?

Mr. Scanlan: I will tell you as I conceive it, my Lord. It is a man like Mr. Ismay who can say to the chief engineer of a ship what speed the ship is to be run at.

The Commissioner: I do not know that he did. You know the Captain is the man who must say all those things.

Mr. Scanlan: I daresay, my Lord, but I think it is important that this conversation and this decision was not arrived at with regard to the speed of the ship in the presence of the Captain, but was arrived at at a meeting between this gentleman and the Chief Engineer.

The Commissioner: I suppose the Captain would or ought to know hour by hour what his ship is steaming?

Mr. Scanlan: I should think, my Lord.

The Commissioner: Never mind, we will not argue about it. The question you put to him is answered by me. You take my answer that he had no right at all to do anything of the kind.

Mr. Scanlan: I will take it that that would be his answer, my Lord.

The Commissioner: I do not know whether it would.

18656. (*Mr. Scanlan - To the Witness.*) Were the designs for the "Titanic," the plans and designs, submitted to you? - They were.

18657. The builders' plans? - They were.

18658. Those plans included the plans for the davits and lifeboats? - Yes, they would be on the plan.

18659. Did you examine those yourself? - I could not say whether I did or not.

18660. I want to draw your attention to a statement which appeared in the "Daily Mail" of April 18th. Let me put this to you: Is it correct to state that in the original plans and designs there was provision made for having four lifeboats on each pair of davits for the "Titanic," which would have meant a total of over 40 boats? - I have no recollection of it whatever.

The Commissioner: What is that? Is this the "Daily Mail's" statement?

Mr. Scanlan: It is, my Lord.

The Commissioner: Do tell me again what it is, because I do not understand it.

Mr. Scanlan: This is a statement of an alleged interview - I can see your Lordship does not believe everything the "Daily Mail" says -

The Commissioner: There is a great deal that I believe.

Mr. Scanlan: We all believe a great deal in it, my Lord - of an alleged interview between a representative of this paper and the designer of the "Titanic," the Right Honourable A. M. Carlisle, who was the late general manager of Messrs. Harland and Wolff, who built the "Titanic" and partly designed her. If your Lordship allows me to submit this point to the witness, I think it is of very great consequence. Amongst other things in this newspaper it was stated: "In working out the designs of the 'Olympic' and the 'Titanic' I put my ideas before the davit constructors and got them to design me davits which would allow me to place, if necessary, four

lifeboats on each pair of davits, which would have meant a total of over 40 boats.”

The Commissioner: A total of what?

Mr. Scanlan: Forty lifeboats.

The Commissioner: I do not know what is the meaning of it. I thought you said four lifeboats.

Mr. Scanlan: Yes.

The Commissioner: How are four lifeboats equal to 40?

18661. (*Mr. Scanlan.*) I mean, to place four lifeboats on each pair of davits, which would have meant a total of over 40 boats. (*To the Witness.*) Did you personally examine the designs for the lifeboats? - I did not.

18662. Who of your Company did examine the designs? - The design would be submitted to us by the shipbuilders.

18663. Will you tell me who, amongst your officials, would be responsible for accepting or rejecting a design of this kind? - I never saw any such design and I do not know that anybody connected with the White Star Line saw such a design.

18664. If there was a question of accepting or rejecting a design which provided for greater lifeboat accommodation than you had on the “Titanic,” I want to ask you whether it is you yourself or some subordinate of yours, or some associate of yours - ? - It would be done jointly between the shipbuilders and the managers of the White Star Line.

18665. Evidently you were not the manager who was responsible for examining this design? - I saw the design I have no doubt; I saw the design with the rest of the ship.

18666. I suggest to you that a design was submitted which would have provided sufficient lifeboats to take off everybody on board, and was rejected by the White Star Line? - I tell you I have never seen any such design.

18667. (*The Commissioner.*) Have you ever heard of it before? - No, I have not.

18668. (*Mr. Scanlan.*) Of course, I take it this is what you say, that you have no recollection of seeing the design at all? - No; I have no recollection of seeing any design which showed the “Titanic” fitted up for 40 boats.

18669. Or the fitting up of boats at all? - Oh, yes.

18670. You did see it? - Oh, yes.

Mr. Scanlan: Very well.

18671. (*The Commissioner.*) But I want to know. (*To the Witness.*) Have you ever until today heard that there was a design for the “Titanic” by which she was to be provided with 40 lifeboats? - No, my Lord.

18672. (*Mr. Scanlan.*) I take it your statement is, you personally have not seen it. Can you give any explanation of this circumstance that, while the boat capacity, according to your calculation and that of the Board of Trade, was to give accommodation to 1,178 passengers and crew, there were only 703 in all saved? - Can I give any explanation?

18673. Yes; what do you attribute it to? - I presume that the people were not put into the boats.

18674. Whose fault was that; whom do you blame for that? - I cannot blame anybody for it.

18675. Why were they not put into the boats? - That I cannot answer.

18676. I think the information you had from those you consulted on the ship before leaving her was that the ship was not likely to sink? - I had no conversation with anybody in regard to the ship sinking.

18677. In regard to whether or not the ship was likely to sink? - No.

18678. You had no such conversation? - No.

18679. When you were examined in America were you asked with regard to this. It is on page 924. Senator Smith asked you: “Did the Chief Engineer of the ‘Titanic’ state to you the extent of the damage? - (A.) He said he thought the damage was serious, but that he hoped the pumps

would be able to control the water. (Q.) How long was it after the impact? - (A.) I should think it would be perhaps half an hour afterwards - 35 or 40 minutes." I want to know, were you told at any time before you left the ship, by the Chief Engineer or the Captain, or by any of the officers of the ship that the ship was doomed? - No, I was not.

18680. We have heard a good deal in the course of this Enquiry of people being unwilling to leave the ship in the lifeboats. Do not you think if those in charge of the ship knew that she was doomed, and was about sinking, that they should have given this information to all the passengers?

The Commissioner: That is not a question to ask him. That is a question for me.

18681. (*Mr. Scanlan.*) So far as you know, I take it from your evidence that there was no general intimation conveyed to the passengers that the "Titanic" was sinking, and could not be kept afloat? - Not that I know of.

18682. You have ordered additional lifeboat accommodation for all your ships, I understand? - Yes.

18683. That is one of the first things you did on reaching America, according to your statement over there? - We have.

18684. And do you now in all your ships provide sufficient lifeboat accommodation to accommodate every passenger and every member of the crew? - Yes.

18685. Have you made any alteration in the manning of your ships in order to provide a greater number of men to lower and navigate your lifeboats? - I have no knowledge in regard to it.

18686. Do you know whether or not this has been done? - I do not.

18687. Does it not strike you, being a large shipowner and a man of great experience in shipping, that, seeing it took your crew on the "Titanic" over two hours to lower nineteen boats, including the collapsibles, and to give accommodation to 703 people, in order to have adequate provision for taking away say 2,500 people, you would require drastic alteration in the crew? - Naturally.

18688. (*The Commissioner.*) Will you paraphrase "naturally," and tell me exactly what you mean by it? - If you wanted to get the same number of boats out in the same length of time you would naturally want a greater number of crew to do it.

18689. If you wanted what? - If you wanted to get the extra boats out in the two hours you would want more men to do it.

18690. Are you talking about a possible 40 boats? - Yes, or whatever extra number of boats you put on.

18691. Then your "naturally" comes to no more than this, that it takes more men to work more boats? - Yes, if you want to put them out in the same length of time.

18692. (*Mr. Scanlan.*) Do you mean extra deckhands? - I do not think it is absolutely necessary to have a deckhand to lower a boat.

18693. To lower or man the boats? - Yes.

18694. You think that would require a greater number of men experienced in the manning and lowering of boats? - For the number of boats we had on board the "Titanic"?

18695. No. You state now that you have altered your system. Formerly you provided accommodation for a limited number. In the case of the "Titanic" it was for 1,100. The "Olympic" is a boat of the same size, and you had, I daresay, a similar provision on her, and now you have provision for 3,000, say - 2,500 to 3,000 - on the "Olympic." Do you agree with me in this, that it is necessary to have a larger number of trained men to look after those boats?

The Commissioner: This question, again, is put in the interests of your union.

Mr. Scanlan: If I may respectfully say so, it is put in the interests of this Enquiry, and to assist your Lordship.

The Commissioner: You know you are asking a question that does not assist me; it does not assist me at all. It is quite obvious that if you have more boats, you must have more skilled men to attend to them. You are asking something that is quite obvious.

18696. (*Mr. Scanlan.*) I will ask another question, my Lord, which, I think, will show the justification of my insisting on the point. (*To the Witness.*) You have doubled the boat accommodation on the "Olympic," is not that so? - I do not know whether it has been doubled or not; I know it has been considerably increased.

The Commissioner: Are you going to ask whether they have doubled the men on that?

Mr. Scanlan: I am not going to put it just that way, my Lord.

The Commissioner: That is what it is leading to, and it has nothing to do with this Enquiry.

18697. (*Mr. Scanlan.*) If I may respectfully say so, my Lord, it is not just that that I am going to ask. (*To the Witness.*) Can you tell my Lord what alteration, if any, has been made in the crew of the "Olympic" and your other ships to correspond with the increase you have made in boat accommodation?

The Commissioner: I will not have that question asked. I am not going to inquire into any such matter.

18698. (*Mr. Scanlan.*) Very well, my Lord. (*To the Witness.*) We have had it from a captain of a ship of the Canadian Pacific Railway fleet, the "Mount Temple," that his company issue instructions in regard to ice-fields that their captains are not to enter an ice-field under any conditions. I am reading from page 194 of the examination of James Henry Moore?

The Commissioner: "Those instructions we usually get, that we are not to enter field ice, no matter how light it may appear." That is it?

18699. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) I take it you do not issue any similar instructions to your captains? - We do not.

18700. He is also asked at Question 9264, "When you got warning there was ice ahead, what precautions did you adopt?" And then, at Question 9267: "Do you make any change in the look-out?" and the answer is: "If we expect to see ice we always double the look-out." You do not give any similar instructions to your captains about that. May I ask how many men they have on the look-out?

Sir Robert Finlay: Yes; I think the next two questions should be read on that.

Mr. Scanlan: "On this occasion, in daylight, when you were warned there was ice ahead, did you double the look-out? - (A.) No, because I made sure I could pass that ice. (Q.) At night, even going at 11 knots, do you double the look-out? - (A.) No, unless we expect to see ice."

Sir Robert Finlay: No; but it is the next question. "If you expect to see ice, do you double the look-out? - (A.) Oh, yes. (Q.) When you double the look-out, just explain to my Lord what you do. (A.) Put an extra hand on the forecastle head, besides the look-out in the crow's-nest. (Q.) In ordinary circumstances, have you two men in the crow's-nest? - (A.) Only one. (Q.) And one on the forecastle head. - (A.) Yes, or on the forward bridge. We have a look-out on the forward bridge. (*The Commissioner.*) Not in ordinary circumstances. (*Mr. Scanlan.*) No. (*To the Witness.*) In ordinary circumstances have you any man stationed at the forecastle head? - (A.) No. (Q.) Supposing there was ice ahead of you, would you double the look-out? - Certainly! There was only one man on the look-out."

18701. (*Mr. Scanlan - To the Witness.*) You do not issue any similar instructions to your captains? - We carry two look-outs always.

18702. (*The Commissioner.*) In the crow's-nest? - Yes.

18703. (*Mr. Scanlan.*) But you do not issue instructions; you carry two look-outs for fair weather and foul weather? - Yes.

18704. Who are there constantly day and night? - Yes.

18705. What I am trying to get from you is this: Do you take any extra precautions in circumstances of danger such as the proximity of ice? - No.

18706. You do not? - No.

18707. I put it to you that it would be a reasonable precaution and justified by your recent experience, to give such an order? - That is a matter which is entirely in the hands of the Commander of the ship; he can put extra look-outs if he wishes to, at any time.

18708. But do not you think it is a matter on which you might give instructions to your Captains? - I think it is unnecessary to give those instructions.

18709. You think the Captains should do it themselves? - If they think it necessary.

18710. And double the look-out? - If he thinks it necessary.

18711. Did you know that on the night of the accident the weather conditions made it difficult to keep the look-out and to see ice? Did you know that? - I did not.

18712. And that the state of the weather was giving considerable anxiety to the Captain, or giving some anxiety to the Captain and to Mr. Lightoller? - I did not.

The Commissioner: Does Mr. Lightoller say the weather was giving him any anxiety?

Mr. Scanlan: He describes the weather conditions as being quite abnormal, my Lord.

The Attorney-General: Yes, because it was so good.

The Commissioner: My recollection is that he said you could see perfectly well.

Mr. Scanlan: He states this, my Lord, if your Lordship will look at page 303, at Question 14197: "Can you suggest at all how it can have come about that this iceberg should not have been seen at a greater distance? - (A.) It is very difficult indeed to come to any conclusion. Of course, we know now the extraordinary combination of circumstances that existed at that time which you would not meet again once in 100 years; that they should all have existed just on that particular night shows, of course, that everything was against us." Then your Lordship asks: "When you make a general statement of that kind, I want you to particularise. What were the circumstances? - (A.) I was going to give them, my Lord. In the first place there was no moon. (Q.) That is frequently the case? - (A.) Very - I daresay it had been the last quarter or the first quarter. Then there was no wind, not the slightest breath of air. And most particular of all, in my estimation, is the fact, a most extraordinary circumstance, that there was not any swell. Had there been the slightest degree of swell I have no doubt that berg would have been seen in plenty of time to clear it." Then, again, your Lordship continues: "Wait a minute. No moon, no wind, no swell? - (A.) The moon we knew of, the wind we knew of, but the absence of swell we did not know of. You naturally conclude that you do not meet with a sea like it was, like a table-top or a floor, a most extraordinary circumstance, and I guarantee that 99 men out of 100 could never call to mind actual proof of there having been such an absolutely smooth sea. (Q.) But the swell got up later on? - (A.) Yes, almost immediately; after I was in the water I had not been on the raft, the upturned boat, more than half an hour or so before a slight swell was distinctly noticeable." At other points of his evidence also, my Lord, this point is brought out. Of course, he does state, in spite of that, that it was easy to see; but what I suggest is that this statement from Mr. Lightoller, taken in conjunction with the evidence of the three men who have spoken to a haze, shows that it was very difficult to see that night.

Sir Robert Finlay: I must point out that Mr. Lightoller is there speaking by the light of what he knew.

The Commissioner: I know. As I understand Mr. Lightoller, if you had put fifty men on the look-out in those peculiar abnormal conditions that he talks about, this berg would not have been seen.

The Attorney-General: That is so, my Lord.

The Commissioner: That is right, is it not?

Mr. Scanlan: I do not think it is, my Lord.

The Commissioner: Well, two could not see it - three could not see it, because there was a man on the bridge - and according to him they could not see it because it could not be seen; therefore, it seems to me to follow that if you put 50 men on the look-out they would not have seen it.

Mr. Scanlan: I wish to recall this to your Lordship's recollection. One man saw it - that is the man in the crow's-nest, Fleet.

The Commissioner: He saw it when it was too late.

Mr. Scanlan: He stated to your Lordship that if he had had glasses he could have seen it in sufficient time to have made the difference.

The Commissioner: I know. At present my opinion about glasses, and I may tell you at once (I may have to change it) is that they are intended to examine things which the eyesight has already picked up.

Mr. Scanlan: Yes, my Lord.

The Commissioner: That is my notion about binoculars.

Mr. Scanlan: That is exactly the position I am instructed to take up, but in the evidence of Fleet, what he said in America and what he said here practically - he was not the most communicative witness we had.

The Commissioner: Who was this?

Mr. Scanlan: Fleet, the man who looked at us all - the suspicious man.

The Commissioner: Yes, I remember.

Mr. Scanlan: He said in America that when this object was first sighted by him it was about the size of two tables. What he said to me on that point was that it appeared a very small object.

Sir Robert Finlay: But he also said that the moment he saw it he reported it as an iceberg.

Mr. Scanlan: I do not know.

Sir Robert Finlay: Yes, he did.

Mr. Scanlan: What I submit is that a man of this kind -

The Commissioner: What kind?

Mr. Scanlan: Like Fleet, a man in Fleet's position would not report this as an iceberg until he had looked at it for some time, and if he had had glasses when the small object appeared to him he could have decided earlier that it was an iceberg, and given warning.

The Attorney-General: He says he did report directly he saw the object.

The Commissioner: These men in the crow's-nest were to ring three bells directly they saw anything ahead.

The Attorney-General: He says he did.

The Commissioner: They were not to stop to look at it through glasses or do anything of the kind. What they were to do was to ring a warning bell and report what they saw.

Mr. Scanlan: In any case if your Lordship is not with me on that point, let me emphasise this; the people on the bridge did not see the iceberg at all. The man in the crow's-nest did. It might be that if the look-out had been doubled, and if there had been a man on the bows that he could have seen it.

The Commissioner: Well, you were crying in aid Lightoller, and my notion of the effect of Lightoller's evidence is that no number of men on the look-out would have made any difference.

Mr. Scanlan: He was not asked the question, like that, my Lord.

The Commissioner: No, he was not.

The Attorney-General: That is his evidence.

The Commissioner: That is what his evidence comes to. I will not say what I think of Mr. Lightoller's evidence at present.

Mr. Scanlan: If there was any difficulty whatever experienced that night in seeing ahead, do

not you think it would have been the proper thing to have doubled the look-out.

The Witness: I am quite certain it would have been done.

18713. Do not you think, as ice was reported in your track, and as you expected to be in the presence of ice, that the look-out should have been doubled? - I do not.

18714. Is it still your view that your captains and officers are discharging their duty in crossing the Atlantic, when ice is reported to them, in going ahead at full speed and taking no extra precautions? - So long as they can see the object far enough ahead to be able to avoid it.

18715. So long as they can see the object far enough ahead? - To be able to clear it.

18716. To be able to avoid it. Now, if you accept this statement from Lightoller that this was not a good night for seeing ahead, but that these circumstances he mentioned to my Lord, prevented anyone from seeing ahead, do not you think it would have been a wise precaution, at all events, to slacken speed?

Sir Robert Finlay: I must object to the question being put in that form. Mr. Lightoller did not say it was known at the time it was not a good night; he says they afterwards found out when they got down to the water that it was a dead calm.

The Commissioner: Well, I see no objection to the question.

Sir Robert Finlay: But it involves an assumption as to what Mr. Lightoller said. But I leave that in your Lordship's hands.

18717. (*Mr. Scanlan.*) If it was the fact on the night of the collision that it was impossible to see ahead with certainty a sufficient distance to enable you to turn the course of the ship in order to escape this iceberg and the ice which you were warned of as being in your track, do not you think the speed of the ship should have been slackened? - If it was certain they could not have cleared the object in going at that speed, certainly the speed ought to have been reduced.

Examined by Mr. ROCHE.

18718. There are two or three topics I want to ask you about. You remember the "Baltic" telegram communicating the fact of the ice? - Yes.

18719. And you remember you told us Captain Smith asked you to give it back to him and that you understood it was for the purpose of being put up in the Chart Room? - That is right.

18720. I think a doubt arose in my Lord's mind, and in some of our minds why that was to be done, if nothing was to be done, if the speed was not to be slackened. I do not know whether this has occurred to you as an explanation that it was to inform the officers what they were to keep a look-out for - namely, ice? - Certainly.

18721. That is a possible explanation. We know, I think, from Mr. Lightoller, that those were the instructions he left when he went off watch - to keep a sharp look-out for ice. That leads me to another matter. I understood you to say that you thought at the time there was no occasion to slacken speed if ice could be seen at a sufficient distance, but I want you to distinguish, if you will, what you thought then and what might be thought now as the result of experience? - So far as the speed of the ship is concerned, I would not think of interfering with the Captain. It is a matter for him.

18722. Of course, you would not interfere on the spot; but, of course, it is open for your company to give general instructions to your Commanders as to what they are to do under particular circumstances, including the vicinity of ice? - Yes.

18723. That is the topic I want you to bring your mind to. Of course, it all depends, if you are going full speed, on the look-out? - Yes.

18724. That is obvious; it all rests on the look-out. A great distinction arises between daylight and night with regard to look-out, does it not? - I should think it would be easier to see things in

the daylight than at night.

18725. Naturally, and particularly with regard to unlit objects, such as ice, your range of visibility at night must be comparatively small? - I should say that is so.

18726. And it is obvious from Mr. Lightoller's evidence that if the sea be smooth one of the main elements of safety, the power of seeing waves or surge breaking upon ice, is lacking. Now I want you to tell me whether your Company has considered the advisability of giving instructions now, in the light of events which have happened, in regard to the navigation of your ships when ice is in the vicinity.

The Commissioner: What has that to do with it?

18727. (*Mr. Roche.*) I have made the suggestion. It is obvious it is more for your Lordship than for the witness, but I wish to put the point. Have you considered that, or perhaps you have not had time? - I have not.

18728. It is a matter which, perhaps, you will take into consideration. Now, one other matter. You know, I suppose, from your knowledge of the general conduct of the business of the Company, that there are boat station lists on every ship? - Yes.

18729. And I daresay you know that the general scheme is that in a boat such as the "Titanic," which has 16 boats, two engineers are allotted to each boat? - I could not tell you how the boats' crews are picked out.

18730. We have been told so? - I could not tell you.

18731. You know, of course, that in this case of some 30 odd engineers not one was saved? - Yes.

18732. That, of course, renders it obvious that no engineers went in the boats, and that we know. Now, assuming that there is an increase of boat capacity so that all may be saved, passengers and engineers alike, it is clearly proper that the engineers should have a fair chance of getting to their boats, the boats to which they are allocated? - Yes.

18733. Have any general instructions been given at all by your Company that warning shall be given to those in the engine room enabling them to come up and get their places in the boats? - Not that I know of.

18734. That also would be a matter which it would be desirable, in the light of events which have happened, to consider? - Certainly.

Examined by Mr. HARBINSON.

18735. Is it a fact that there is a condition in the passenger contracts of the White Star Line that the Company shall not be liable for the careless or unskillful or negligent navigation of their servants or officers? - That I could not answer.

18736. You do not know that? - No.

18737. If there was such a condition, would you consider that a reasonable condition?

The Attorney-General: Oh!

The Commissioner: There must be some limit to this sort of examination. You will be enquiring into bills of lading next.

18738. (*Mr. Harbinson.*) My object in putting the question is that, if there is such a condition, and probably it may be proved before the Enquiry is finished that there is, that might have a bearing upon the sense of the responsibility of the Commanders of the vessels. (*To the Witness.*) You ship, I think, a different crew for each voyage; do you sign on a different crew for each voyage that one of your ships make across the Atlantic? - I suppose it hardly ever happens that the entire crew goes back in the same ship.

18739. They are signed on, as I understand - you will correct me if I am wrong - a few days

before the vessel starts? - As a rule.

18740. Do not you think it would be a better system if you could have continuous crews who understand the vessel, and, of course, who understand their boat stations, and so on? - Undoubtedly.

18741. Have you as yet given any consideration to the possibility of modifying the existing system and introducing the system I have suggested? - I think that is a matter which entirely rests with the men themselves.

18742. Do you think if that modification were made, and as far as possible continuous service crews employed? - What modification? I do not understand.

18743. That is the modification in favour of continuing the crews from voyage to voyage - longer service? - But there is nothing to prevent crews, when they are paid off, signing on again. They are paid off and signed on at the same time.

The Commissioner: Are you suggesting that all the crews should be compelled to remain on?

Mr. Harbinson: Yes, my Lord, in this way: My suggestion is that if crews were retained on boats -

The Commissioner: Supposing a man says he will not stay on, what are you going to do with him? He is landed at New York, and he says, "I am going to leave this ship." Do you suggest there should be some law or regulation to force him to come back to the ship?

Mr. Harbinson: No, my Lord; my suggestion is not that, but my suggestion is that if the men were not paid off they probably would remain on; and a further reason I say is this that they would not be paid off probably if there was work for them to do. Such things as shore gangs I understand are employed, and my suggestion is instead of being paid off these men should be kept while the boat lies in the harbour as a shore gang.

The Commissioner: But supposing they do not choose to remain, what is to happen then?

Mr. Harbinson: As I understand, the option is not given them.

The Commissioner: That may be, but I do not know what it is you want. If the men will not remain, is there to be some law to make them remain?

Mr. Harbinson: No, I could not go so far, and under the existing law I understand it cannot be done.

The Commissioner: No, I assure you it cannot be done. But are you suggesting such a law should be passed?

Mr. Harbinson: No, but an inducement should be held out by the Company for them to remain, and so far as possible to continue in the service on the same boat. That would make for greater safety in the case of emergency, because the crews would understand the ship and also their stations in the boats, and be able to act with more dispatch.

The Commissioner: Your suggestion is that the Company should take reasonable and practicable steps to secure the same crew for a considerable time to keep the same men employed on the vessel?

Mr. Harbinson: As far as possible, my Lord; that is so.

The Commissioner: That, of course, would be a good thing.

The Witness: Yes, and a certain number of men are retained; a certain number are kept on board every ship during the time she is in port to do the ship's work, and they go on what is called port pay.

18744. That is something less? - No, they get more, because we do not feed them on board the ship. But I do not think it would be feasible for a steamship company to keep the whole crew in port for three weeks and keep all those men on pay, because naturally the men want to go back to sea again; they would not wait to go back in the ship for three weeks.

Mr. Harbinson: On the question of feasibility, I read a letter written by a very distinguished

Admiral quite recently, and he said it was quite feasible that these shore gangs could be recruited from the men who were actually employed on the ships when those men would come ashore. Is that possible? - And not have any regular shore gang?

18745. And not have any regular shore gang, but recruit them from the men who travel backwards and forwards, when these men, for a time, want to remain on shore? - I am afraid it would be very difficult.

18746. Have you considered the suggestion? - No, I have not.

18747. If I gave you the date of the letter in the "Times" from this Admiral of the Fleet would you give it your consideration? - Certainly.

18748. I gather from you, in answer to the Attorney-General, that you yourself gave the instructions for the building of the "Titanic" and the "Olympic"? - Yes.

18749. I think to Harland and Wolff? - Yes.

18750. These ships constituted a departure as regards magnitude? - They did.

18751. Did your company carefully consider this new departure? - Certainly.

18752. And, of course, in considering them you considered the question of the flotability of these ships in cases of accident or emergency? - We did.

18753. And also, of course, the accommodation that they would provide for an additional number of passengers? - Yes.

18754. Did you give any special consideration to the question of providing additional lifeboat accommodation to cope with the additional number of passengers that you proposed to carry? - I do not think any special attention was given to that.

18755. Would not that have been a consideration that should have specially engaged you? - I think the position was taken up that the ship was looked upon as practically unsinkable; she was looked upon as being a lifeboat in herself.

18756. That is owing to the transverse bulkheads? - No; to the bulkheads and the power of flotation she had in case of accident.

18757. I understand that you considered that either of these steamers would float with two adjacent watertight compartments full? - Two of the largest compartments full.

18758. If that were so, and you considered those boats practically as lifeboats themselves and unsinkable, on that theory it was not necessary to carry any lifeboats at all? - Yes, because we might have to use them to pick up a crew from another ship.

18759. It was practically for that purpose you carried lifeboats? - Or landing, in the case of the ship going ashore.

18760. You did not consider having them for the purpose of saving the crew and passengers carried? - No, I do not think so.

18761. (*The Commissioner.*) Supposing there was a fire on board, might not you want lifeboats then? - Yes, if the passengers had to leave the ship on account of fire you would need lifeboats.

18762. I think your suggestion that lifeboats were only required for the purpose of saving the crews of other vessels is -? - Or, I said, of landing passengers in the case of the ship going ashore.

The Commissioner: I do not think that is right.

18763. (*Mr. Harbinson - To the Witness.*) Do you know if the builders; Messrs. Harland and Wolff - had you discussed the question with them? - No.

18764. Do you know whether or not, they accepted the view which you have now expressed? - No.

18765. Did you at that time consider the question when you were considering the construction of these boats, of launching lifeboats from a height, roughly speaking, of about 70 feet above the water? - No.

18766. You did not consider that question in conjunction with the builders? - No.

18767. Or the difficulties that might attend it? - No.

18768. You know now, of course, that it has come out in the course of this Enquiry that, except under the conditions which prevailed at the time of the "Titanic" accident, it would have been a very difficult operation to launch those boats? - In the case of a sea way?

18769. Yes? - It would have been difficult if we had only to lower them thirty feet.

18770. Yes, in heavy weather. Have you given any consideration to this question of launching the boats generally from a height further down? - We have not yet; we have hundreds of suggestions as to how we can lower boats.

18771. Instead of lowering them from davits seventy feet high? - Yes, we have had hundreds of suggestions how it could be done.

18772. Whether it would be feasible to launch them in a heavy sea from another part of the boat? - Yes; that we have not gone into. We have these plans.

18773. The collapsible boat that you left the ship in was launched from the davits on the starboard side that No. 1 boat was launched from. - Was it No.1?

18774. Yes, I think it was? - I think it was No. 2.

The Attorney-General: No. 1, on the starboard side.

18775. (*Mr. Harbinson - To the Witness.*) Did you see No. 1 boat launched? - I did not.

18776. Were you on the boat deck? - Yes, practically the whole time. I did not see No. 1 go.

18777. At the time prior to your boat being launched, did you know whether or not messages had been sent round the ship to rouse all the passengers? - I did not know it.

18778. And you did not know whether all the passengers had got off at the time you left the ship? - No.

18779. You had a crew of five, I think, in the boat you left by? - I thought there were four.

18780. Do you know, as a matter of fact, that the No. 1 boat had a crew of seven? - I know nothing about No. 1 boat; I never saw it at any time.

The Attorney-General: There were five in the collapsible.

18781. (*Mr. Harbinson.*) Thank you, Mr. Attorney. (*To the Witness.*) And seven in No. 1? - I do not know how many.

18782. You may take it from me that it has been given in evidence that there were? - Yes, but I know nothing about it.

18783. It does not strike you as a curious coincidence that those two boats should have respectively crews of five and seven when some of the other boats had not so many? - No.

18784. You told my Lord about this telegram that Captain Smith showed to you on the afternoon of Sunday, the 14th? - Yes.

18785. As a matter of fact you had discussed this question of speed with Mr. Bell in Queenstown. Now, would I be stating what was accurate if I said you were more or less partly responsible for the speed the "Titanic" was making going across the Atlantic? - I was not responsible for the speed of the ship in any degree.

The Commissioner: That is not a question to put to him.

18786. (*Mr. Harbinson.*) I will put it to him in this way, if I may. (*To the Witness.*) Did you say in America on the first day of the proceedings: "It was our intention, if we had fine weather on Monday afternoon or Tuesday, to drive the ship at full speed"? You say there, "It was our intention." You mean, I presume, it was the intention of yourself and the Captain? - It was the intention to run the ship for about four hours at full speed.

18787. You say, "It was our intention." It was the intention? - Yes.

18788. I suggest to you, you were one of those who were responsible for controlling the speed and generally directing it? - No, I was not.

The Commissioner: Oh, no; he was not responsible, and he had no business to interfere in such matters.

Mr. Harbinson: Perhaps I would be more accurate if I put it in this way.

The Commissioner: What I think you want to suggest is that he took upon himself to ask that it should be done. Apparently he did.

18789. (*Mr. Harbinson.*) It was his influence that was responsible for it, perhaps not actively for carrying it out, but he instigated it. (*To the Witness.*) You used the word "our" there, you notice? - It was the intention.

18790. And you say this further on page 3 in answer to a question. The question was put: "You spoke of the revolutions on the early part of the voyage? - (A.) Yes, Sir. (Q.) Those were increased as the distance was increased? - (A.) The "Titanic," being a new ship, we were gradually working her up." You see you use the same personal pronoun "we," incorporating yourself? - I could not say *I* was gradually working her up.

18791. You could have said "the Captain"? - I daresay I could.

18792. You said "we"? - Perhaps I should have said: "She was being gradually worked up."

The Commissioner: I have often been on these steamers, or similar steamers, and I have said to another passenger, "We are doing so many miles a day"; but I never imagined that I was interfering in the navigation or was responsible for it.

18793. (*Mr. Harbinson.*) No, my Lord, I should think your Lordship is much too good a maritime lawyer to ever dream of doing so. (*To the Witness.*) There is one suggestion I should very much like to make to you, Mr. Ismay, and it is this: It did strike you as rather an exceptional thing the Captain showing you this Marconigram with regard to the ice, the message that he had received from the "Baltic"? - No, it was not an exceptional thing.

18794. I suggest to you that the Captain in doing so, in showing this Marconigram to you, the Managing Director, was inviting an expression of opinion from you on the question of the speed that the vessel should take?

The Commissioner: Really, you must not ask such a question. Ask questions about facts, and then when you come, if you ever do come (I do not know we shall ever reach it) to the time when you make a speech, then you can make these suggestions to me, but at present confine yourself to asking the witness about facts. Have you any other question?

Mr. Harbinson: No, my Lord, I think not.

Examined by Mr. CLEMENT EDWARDS.

18795. Were there any financial relations at all except those for building the ship, between the International Mercantile Marine and Harland and Wolff, the builders? - Absolutely none.

The Commissioner: I do not know whether you have exhausted that question?

Mr. Edwards: My Lord, I have not.

The Commissioner: Very well, I will wait.

18796. (*Mr. Edwards - To the Witness.*) Had the International Company, or have the International Company, any shares in Harland and Wolff? - None.

18797. Have Harland and Wolff any shares in the International? - That is a matter which I know nothing whatever about.

The Commissioner: That is not what you want to ask.

18798. (*Mr. Clement Edwards.*) I am only laying the foundation, my Lord, for a certain other question. (*To the Witness.*) None of your boats are classed with either of the registration societies, are they? - They are not.

18799. Had they been classed with Lloyd's or the other registration societies, there would have

been an independent survey by the Surveyors of those societies? - I believe that is so.

18800. Before the "Titanic" sailed, was there any independent survey of her at all? - That I do not think I can quite answer, but I think she would have been surveyed by the Board of Trade.

18801. Except by the Board of Trade, do you know of any other survey? - No, not that I know of.

The Commissioner: Are any of the other big liners such as the Cunarders surveyed by any body except the Board of Trade?

Mr. Edwards: My instructions, my Lord, are that they are so surveyed.

The Commissioner: By whom?

Mr. Edwards: And that they are surveyed by the particular registration society by whom they are classified.

The Commissioner: Are the Cunarders classified?

Mr. Edwards: My instructions are that they are.

The Commissioner: Then are the steamers of the White Star Line the only steamers that are not classified?

Mr. Edwards: Of great lines I believe that is so, my Lord.

The Commissioner: Is that so, Sir Robert?

Sir Robert Finlay: I cannot at the moment tell your Lordship.

The Commissioner: (To the Witness.) Is it so? - I could not answer that.

The Commissioner: I understood - I may be wrong - that none of the steamers of the very big lines were registered at Lloyd's.

Mr. Edwards: My instructions are that, with the exception of the boats now controlled by this International Company, all the great lines are classified with either one or other of the three great registration societies.

The Commissioner: I am told it is not so, but I do not know.

Sir Robert Finlay: I understand that Lloyd's have no rules applicable to vessels of this size, such as the "Titanic."

The Commissioner: I am told that is so.

18802. (Mr. Clement Edwards.) I am coming to the question of Lloyd's rules in a moment. (To the Witness.) When you were considering the plans of the "Titanic" with your fellow directors, had you any discussion at all as to whether you should be classified? - No.

18803. Have you any knowledge as to the standard laid down by Lloyd's for the resisting strength of a bulkhead? - Have I any knowledge?

18804. Yes? - No.

18805. Have you any knowledge at all as to the standard laid down by Lloyd's or either of the other registration societies, as to the method by which watertight doors should be worked? - I have not.

18806. Have you any knowledge as to the standard of either of the registration societies of the relative height of the bulkhead in relation to the several decks? - I have not.

The Commissioner: Have you any information on this point, Mr. Edwards?

Mr. Edwards: Yes, my Lord.

The Commissioner: I wish you would put it to him, and suggest what the provisions in the "Titanic" were as compared with the requirements of Lloyd's.

Mr. Edwards: If this witness has no knowledge as to the relative -

The Commissioner: But I want *your* knowledge.

Mr. Edwards: At the right time, my Lord, if evidence has not been forthcoming I shall be in a position to submit -

The Commissioner: No, but cannot you tell me now?

Mr. Edwards: What counsel says, my Lord, is not evidence.

The Commissioner: Never mind that. I want to know: Can you tell me what the actual strength of the bulkheads in this vessel was, and what the requirements of Lloyd's are? Do you know?

Mr. Edwards: I shall be able through the necessary expert witnesses to do that.

The Commissioner: No; but can you do that?

Mr. Edwards: I should not attempt to do it, my Lord.

The Commissioner: Does that mean you cannot. I am asking if you can do it?

Mr. Edwards: With great respect, your Lordship -

The Commissioner: You decline?

Mr. Edwards: I propose conducting the cross-examination of this witness in accordance with the rules, and not putting forth the particular evidence upon which my instructions are based.

The Commissioner: You call it a cross-examination, and I rather agree with you that it is. I do not think it ought to be. I think it ought to be an examination conducted for the sole purpose of informing the Court, and when you ask him whether he knows the difference between the "Titanic" and the requirements of Lloyd's I want you to assist me by telling me, if you can, what the difference is?

Mr. Edwards: At the right time, my Lord.

The Commissioner: But *this* is the time I want it. I suspect you do not know.

Mr. Edwards: I shall not attempt to cross-examine you as to the foundation for that suspicion.

The Commissioner: There is plenty of foundation for it.

18806a. (*Mr. Edwards - To the Witness.*) You neither considered with your Board the relative standards of the different registration societies, nor are you in a position to say what those relative standards are? - I have already said so.

18807. (*The Commissioner.*) Will you let me ask him a question. (*To the Witness.*) Can you tell me whether you insure these vessels? - Yes, we do.

18808. Is there any other line of steamers that get their property insured at a less premium than yours? - No.

The Commissioner: Perhaps you do not appreciate what I am asking.

18809. (*Mr. Clement Edwards.*) Yes, my Lord, and I will follow it up with this further question. (*To the Witness.*) Is there any other line of steamers that offers to bear so large a proportion of the initial loss as your line of steamers? - I could not answer that.

18810. Am I right in saying that on the "Titanic" the initial loss which your Company bears is something like a quarter of a million? - I do not think it is quite so large; I think it is £200,000.

The Commissioner: If so, it shows the confidence that they have in their boats.

18811. (*Mr. Clement Edwards.*) Yes, my Lord; and it also shows that they appreciate the kind of element that would appeal to the insurers to enable them to get excellent terms of insurance. (*To the Witness.*) Can you tell me any other company that even approximates to your Company in the high proportion of initial loss the Company are prepared to bear before coming on the insurers? - I have no idea what the other steamship companies do in regard to their insurance.

18812. When the plans were considered by you and your co-directors, do you remember any discussion taking place as to the number of lifeboats that you should carry? - No, I do not.

18813. Do you know whether there was any discussion at all as to the extent to which safety might have been interfered with or militated against by the extra large decks on the top? - No, I certainly do not.

18814. Have you and your co-directors at any time considered the relation between the luxurious equipment of a ship of this kind and the safety of the crew and the passengers? - I do not understand your question.

18815. If there had been less of those high decks, take A deck - there would have been greater

safety, probably, would there not? - I should not think so.

18816. May I put this to you? If the bulkheads in the "Titanic" had gone much higher than they did, there would have been greater safety? - I presume there would.

18817. And if the bulkheads had been taken higher they would have interfered somewhat with the luxury of the super decks? - You mean to say, if they had been taken right away to the top? How high are you going to take them?

18818. I will put it this way; we will take it in stages. As I understand, the bulkheads go to Deck E? - They are shown on the plan.

18819. (*The Commissioner.*) Are you a ship constructor? - No, I am not.

The Commissioner: I think you had better wait until the evidence of the expert comes. You are suggesting to him, as I understand, that the bulkheads ought to have been carried higher?

Mr. Edwards: Yes, my Lord.

The Commissioner: I can perfectly understand that.

Mr. Edwards: If I may say so, my Lord, with respect, as I understand the position from this witness, it is this - that the plans of the "Titanic" are submitted to him and his co-directors, and they, in the last resort, decide what is to be the character of the ship.

The Witness: In conjunction with the shipbuilders.

Mr. Edwards: And my question is as to whether the directors, when deciding upon those plans, did direct their attention at all to the question of the effect that those plans, if adopted, was likely to have upon the safety of the people who were to be carried in the ships.

The Attorney-General: I mean to call a witness who can answer that.

The Commissioner: All I am suggesting is this. This gentleman is not the constructor of the ship, nor is he a naval architect, as far as I understand; and I think it would be better if you waited until witnesses of that character are called before asking these questions.

Mr. Edwards: With respect, my Lord, I agree.

The Commissioner: You are right to put the questions, but I suggest to you that you will probably find some witnesses far better qualified to answer them.

The Attorney-General: I prefaced the questions I put to Mr. Ismay by saying that I was not going to ask him questions on construction, because Mr. Sanderson is going to be called, and Mr. Wilding will be called, and they are the gentlemen who will answer any questions, with regard to the suggestions of my friend. I understood that Mr. Ismay, although he knows something about the plans, was not the gentleman who could probably deal with construction.

18820. (*Mr. Clement Edwards.*) I am obliged to the Attorney-General. (*To the Witness.*) I understand you to say that there are no printed instructions issued to your captains? - In regard to what?

18821. In regard to the sailing directions? - No; they have a book of general instructions. Every captain and officer has a book of these general instructions.

18822. (*The Commissioner.*) That is the red book, is it not? - Yes.

The Commissioner: Have you had a copy of it, Mr. Edwards?

Mr. Edwards: I have not, my Lord.

The Commissioner: I think you ought to have one.

18823. (*Mr. Edwards - To the Witness.*) Is that the book to which you refer? - Yes.

Mr. Edwards: I do not think it has been formally put in.

The Commissioner: I think it was not; it was handed up to me by Sir Robert Finlay.

Sir Robert Finlay: I think it was on the second day of the Enquiry.

The Commissioner: This is Ship's Rules and Uniform Regulations.

Mr. Edwards: Perhaps Mr. Ismay will formally produce it to the Court.

18824. (*The Commissioner - To the Witness.*) This is the book that you call the rules issued to

officers? - That is right.

18825. (*Mr. Clement Edwards.*) Just one other question. You stated your view was - and I presume it was the view of your Company - that the "Titanic" was unsinkable? - We thought she was.

18826. I am only going to ask you one question upon that, and that is this: What was the ground upon which you based that belief? - Because we thought she would float with two of the largest compartments full of water, and that the only way that those compartments were at all likely to be damaged was in case of collision - another ship running into her and hitting her on the bulkhead.

18827. I only want to get it for the purpose of future witnesses; you based the belief of her unsinkability upon what was said to you by building experts? - Absolutely.

18828. Now I will come to the question of the "Baltic" telegram. Did you before that particular Sunday know what was the practice with regard to Marconigrams received by the officers on the ship relating to the navigation of the ship? Did you know what it was the practice to do with those Marconigrams as soon as they had been received? - I believe the practice was to put them up in the chart room for the officers.

18829. Did you know that on Sunday, April the 14th? - Yes.

18830. Was not the Marconigram from the "Baltic" essentially a message affecting navigation? - Yes.

18831. Then will you say why, under those circumstances, with that knowledge, you put that Marconigram into your pocket? - Because it was given to me, as I believe now, just before lunchtime, and I went down and had it in my pocket.

18832. And you suggest that you put it in your pocket simply in a fit of absent-mindedness? - Yes, entirely.

18833. And had it occurred to you when you were talking to Mrs. Ryerson that you had absentmindedly put this message into your pocket? - It had not.

18834. It had not occurred to you? - No.

18835. And you still retained it in your pocket until it was asked for by Captain Smith late in the evening? - Ten minutes past seven, I think it was, he asked me for it.

18836. That is to say, it had been in your possession for something like five hours? - Yes, I should think so.

18837. And you seriously say it was put into your pocket in a fit of absentmindedness and retained for five hours? - Yes.

18838. Although you were discussing it with two of the lady passengers? - I was not discussing it with them.

18839. You mentioned it? - I mentioned it.

18840. And took it out and read it? - Yes.

18841. If you had not taken the view that the "Titanic" was unsinkable, would you have insisted in the plans for provision being made for a larger number of lifeboats? - No, I think not. She conformed to the Board of Trade requirements; in fact she was largely in excess of the Board of Trade requirements.

18842. I think you are sufficiently familiar with the Board of Trade regulations to know that the number of boats is treated in relation to the number of bulkheads, and bulkheads are treated in the regulations in relation to safety or unsinkability? - Yes.

18843. If you had not taken the view that the "Titanic" was unsinkable, would you or would you not have insisted upon provision being made for a larger number of boats? - I do not think so.

18844. So that the number of boats, in your view, had nothing at all to do with the relative

sinkability of the "Titanic"? - The "Titanic" had more boats than were necessary by the Board of Trade regulations.

18845. Will you answer the question? - What is the question?

18846. The question was this, that according to your view the number of boats had nothing to do with the relative sinkability of the "Titanic"? - No; I do not think so.

18847. So that if you had taken the view that the "Titanic" was not unsinkable you would not have had more boats provided? - No, I do not think so.

18848. You were one of those, as the Managing Director, responsible for determining the number of boats? - Yes, in conjunction with the shipbuilders.

18849. When you got into the boat you thought that the "Titanic" was sinking? - I did.

18850. Did you know that there were some hundreds of people on that ship? - Yes.

18851. Who must go down with her? - Yes, I did.

18852. Has it occurred to you that, except perhaps apart from the Captain, you, as the responsible Managing Director, deciding the number of boats, owed your life to every other person on that ship? - It has not.

The Commissioner: I do not think that is a question to put to him; that is an observation which you may make when you come to make your speech. It is not a question for him.

Mr. Edwards: I thought the witness ought to have an opportunity of answering before I attempted to make the observation.

The Commissioner: You will make that observation, if you think it worthwhile, when the time comes.

18853. (*Mr. Edwards - To the Witness.*) According to your statement you got into this boat last of all? - I did.

18854. So that if a witness says that you, in fact, got into the boat earlier and helped the women and children in, that would not be true? - It would not.

18855. I suppose you know that it has been given in evidence here by Brown? - Yes.

The Commissioner: What evidence?

18856. (*Mr. Clement Edwards.*) The evidence of Brown was that Mr. Ismay got into this particular boat some time earlier. On page 219, at Question 10520, the question was: "Was Mr. Bruce Ismay taking any part in connection with that boat? - (A.) Yes, he was calling out for the women and children first. He helped to get them into that boat, and he went into it himself to receive the women and children." That is not true? - No, it is not.

18857. Now, it has been given in evidence here that you took an actual part in giving directions for the women and children to be placed in the boats. Is that true? - I did, and I helped as far as I could.

18858. If you had taken this active part in the direction up to a certain point, why did you not continue and send to other decks to see if there were passengers available for this last boat? - I was standing by the boat; I helped everybody into the boat that was there, and, as the boat was being lowered away, I got in.

18859. That does not answer the question. You had been taking a responsible part, according to the evidence and according to your own admission, in directing the filling of the boats? - No, I had not; I had been helping to put the women and children into the boats as they came forward.

18860. I am afraid we are a little at cross purposes. Is it not the fact that you were calling out "Women and children first," and helping them in? - Yes, it is.

18861. Is it not the fact that you were giving directions as to women and children getting in? - I was helping the women and children in.

18862. Please answer my question. Is it not the fact that you were giving directions in helping them? - I was calling for the women and children to come in.

18863. What I am putting to you is this, that if you could take an active part at that stage, why did you not continue the active part and give instruction, or go yourself to other decks, or round the other side of that deck, to see if there were other people who might find a place in your boat? - I presumed that there were people down below who were sending the people up.

18864. But you knew there were hundreds who had not come up. That is your answer, that you presumed that there were people down below sending them up? - Yes.

18865. And does it follow from that that you presumed that everybody was coming up who wanted to come up? - I knew that everybody could not be up.

18866. Then I do not quite see the point of the answer? - Everybody that was on the deck got into that boat.

The Commissioner: Your point, Mr. Edwards, as I understand is this: That, having regard to his position, it was his duty to remain upon that ship until she went to the bottom. That is your point?

Mr. Edwards: Yes, and inasmuch -

The Commissioner: That is your point?

18867. (*Mr. Clement Edwards.*) Frankly, that is so; I do not flinch from it a little bit. But I want to get it from this witness, inasmuch as he took upon himself to give certain directions at a certain time, why he did not discharge the responsibility even after that, having regard to other persons or passengers? - There were no more passengers to get into that boat. The boat was actually being lowered away.

18868. That is your answer? - Yes.

Examined by Mr. HOLMES.

18869. You have told us at the conversation between you and the Chief Engineer the Captain was not present? - He was not.

18870. And that you had no conversation with him during the voyage about speed? - Absolutely none.

18871. Then will you tell us how it was he was to become aware of your decision to increase the speed on the Tuesday? - I think the Engineer would probably have spoken to him.

18872. Did you make any arrangement with the Engineer about that? - I did not.

18873. Then as far as you know the Captain was not aware that you were going to make this increase in speed? - No.

18874. Do you know under whose instructions those extra boilers were put on on a Sunday morning? - I do not.

18875. Is that a thing the Chief Engineer would be likely to do on his own account? - I should say so.

18876. Unless he had had instructions from the Captain that the speed was to be increased? - I think he would if he was going to work up to 78 revolutions.

18877. At all events, you had no conversation with the Captain about it? - Absolutely none.

18878. We have been told that amongst the junior officers of this ship the two-watch system was in force? - It was.

18879. That is to say, they never have longer than four hours off before they have to go on watch again? - That is right.

18880. Do you consider that that is conducive to their being able satisfactorily to perform their duties on that ship? - I think a junior officer can quite well. He has no watch to keep.

18881. Four hours from the time he leaves his watch till he goes back again? - Yes.

18882. Have you had any complaints from your officers about that? - An officer spoke to me

coming home on the "Adriatic" about it.

18883. Have your Directors generally had any petition or memorial from your officers in this or other ships? - A requisition came from the officers of the American Line, who, in the olden times, kept four hours on and eight hours off. We changed that to two on and four off.

18884. You still consider that four hours is quite sufficient for them to come off watch and have their sleep and go on watch again? - For a junior officer, yes.

18885. When you saw these boats 3, 5 and 7 being lowered, did you hear any orders given to the individual boats by any officer or the Captain? - No, I did not.

18886. No orders at all? - No.

18887. Nothing as to coming back? - No, I did not.

18888. You are still of opinion that it is perfectly good seamanship for your captains to go full speed ahead provided they can see far ahead enough to clear the ice? - Yes.

18889. Can you suggest any reliable method by which they can say whether the weather is such as to enable them to see the ice in time? - No.

Examined by Mr. LEWIS.

18890. How many first trips have you taken part in? - Three, I think.

18891. Is it a fact that attempts have been made to make a record on trial trips? - Never.

18892. Do you think your presence on board would encourage the officers to make special efforts? - I do not think it had the slightest effect.

18893. Can you tell me with regard to the boats, do you think more men could have been utilised to have got the lifeboats down quicker? I understand they went from boat to boat to lower them. Do you think more men could have been used? - No.

18894. Did you see anything of the firemen; were they mustered up at all? - No, I did not see them.

18895. When you were on the "Carpathia" can you tell me whether you were consulted by the Captain or by the Marconi operator with regard to the sending of names of the passengers or of the crew? - I was not.

18896. Not in any way? - No.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Wednesday, 5th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

SEVENTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINAL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on

application.)
MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

MR. F. LAING, K.C. and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

JOSEPH BRUCE ISMAY, Recalled.

Examined by Sir ROBERT FINLAY.

18897. You were asked about the arrangements between the American Company, as it has been called, and the Company here? - Yes.

18898. Has the American Company ever interfered with regard to the management on this side of the water of the White Star Line? - No.

18899. With whom does that rest? - The management of the White Star Line?

18900. Yes? - With the managers in Liverpool.

18901. And they have never interfered on the other side of the water with them? - No.

18902. You have, I suppose, repeatedly crossed the Atlantic before? - I have.

18903. In your own vessels? - Yes, and in others.

18904. Have you ever on any occasion attempted to interfere with the Captain as regards the navigation of the vessel? - Never.

18905. If I rightly followed the drift of some questions put to you yesterday, it was suggested that you, when you heard of ice, ought to have said something to the Captain with regard to what precautions were to be taken. Would that be in accordance with the practice you have always followed? - It would be absolutely outside my province.

18906. And you have never done so? - I have never done so.

The Commissioner: Will you ask him why the Captain handed him the Marconigram?

Sir Robert Finlay: If your Lordship pleases.

The Witness: I think he handed it to me simply as a matter of information, a matter of interest.

18907. Not as asking your advice? - Certainly not.

18908. Now we have heard about a number of other messages, some of which have been proved, and others not. Your Lordship has seen the additional printed document which contains the same messages, which have not yet been proved. Were any other messages except the message from the "Baltic" handed to you? - No.

18909. You did not see any of them? - I did not.

18910. Did you have any conversation with any of the officers or with the Commander with regard to them? - No.

18911. You knew nothing about them? - Absolutely nothing.

18912. Now will you tell us exactly in your own way what took place when the Captain handed you this message from the "Baltic"? - I was talking to some passengers on deck when he handed me this message.

18913. Which deck were you on? - I was on A deck: I was talking to some passengers, and he handed me this message, and I looked at it casually.

18914. Did he say anything? - No, he said nothing at all.

18915. He simply handed you the paper? - He simply handed me the paper and I looked at it

and put it in my pocket.

18916. Did he stop when he handed you the paper? - No.

18917. Did he walk away without saying anything? - Yes, he went away.

18918. You looked at it? - Yes.

18919. And you put it in your pocket? - Yes.

18920. I think you said you were going down to lunch at the time? - To the best of my recollection the lunch bugle went almost immediately and I went down to lunch.

18921. That is your recollection? - That is my best recollection.

18922. Was anything said, apart from the two ladies you have told us about, about this, until Captain Smith asked you for the message some considerable time later? - No.

18923. You have told us that you realised that you would be getting near the ice region from something said by the Doctor at dinner? - Yes.

18924. He said that you had turned the corner? - He said that we had turned the corner.

18925. Did you know whether you had run further South than the corner which is usually adopted would have taken you? - No, I knew nothing at all about that.

18926. Then your conclusion that you were getting near the region of ice was from putting together the intimation that you had turned the corner which would take you on a less Southerly course than you had been following, and the "Baltic" having sent a message which partly related to ice? That is what led you to infer that it would be somewhere on the ordinary track? - Yes.

18927. As I understand you, you did not realise from the latitude and longitude mentioned in the "Baltic's" message, the exact position of the ice relative to the vessel? - No.

18928. The "Baltic," I think, was one of your vessels? - Yes.

18929. Now, passing from that matter, when you left the deck to go into the collapsible boat, did you hear the officer calling out for more women? - I do not think I did.

18930. Just let me recall to you what was said by another witness on the point on page 395; it begins at Question 17627 and runs on for two or three questions and answers. This is Rowe's evidence: "Later on were you saved in the starboard collapsible boat? - (A.) I was. (Q.) And did Captain Smith tell you to go into it? - (A.) Yes. (Q.) Were you told to take charge of it? - (A.) No, I was not told to take charge because I was in charge. (Q.) Who got into that boat? - (A.) The boat was partially full when I got into it; I had 53 women and 3 children in the stern. Chief Officer Wilde was asking for more women. There were none forthcoming, and two gentlemen got in. (Q.) Who were the two gentlemen who got in? - (A.) One was Mr. Ismay. (Q.) And who was the other? - (A.) I never saw the man before." Did you hear Mr. Wilde asking for more women? - No, I do not remember that particular occasion. I heard of it so often that I cannot remember whether I did then or not.

18931. It was put to you that one witness, Brown, said that you helped the women to get into the boat and were standing in the boat and helping them in? - I think he was mistaken.

18932. Is that a mistake? - I think so.

18933. You never got into the boat till the last moment? - That is so.

The Commissioner: What is the reference to that?

Mr. Laing: Page 219.

18934. (*Sir Robert Finlay.*) If your Lordship pleases, I should like to read that. It is Question 10519: "Did you then proceed to fill it up with women and children?" That is the collapsible boat. - (A.) Yes. (Q.) Was Mr. Bruce Ismay taking any part in connection with that boat? - (A.) Yes he was calling out for the women and children first. He helped to get them into that boat, and he went into it himself to receive the women and children. (Q.) Was that boat filled? - (A.) It was filled." You say that is not correct as regards your getting into the boat? - No, not to my memory.

18935. You helped the women and children in, but not from inside the boat? - That is so.

18936. And you did not go into it until the last moment, as you have told us? - Not till she was leaving, at the last moment.

18937. Now, I want you to tell me about this light that you rowed for. Your impression is that that was not the light of the "Californian"? - That is my impression.

18938. Now, will you just give me your reasons for that? - Because it was a dull white light.

18939. On which side of the "Titanic"? - When we left the ship it would be on the starboard side.

18940. Did the light continue to be visible as you rowed on in its direction? - We rowed on, and we thought the light became more distinct, and then it seemed to draw away from us again.

18941. Did you see anything of the light on the port side of the "Titanic" which has been so much referred to? - I did not.

18942. Anyhow, in your judgment, that is not the same light which has been referred to as on the port side? - I do not think so.

18943. (*The Commissioner.*) I am afraid I misunderstood the answer that you gave yesterday - have you any doubt, having heard the evidence, that the "Californian" did see the rockets from the "Titanic"? - Have I any doubt that the "Californian" saw them?

18944. Yes, saw the rockets from the "Titanic"? - Judging from the evidence, I should say not.

18945. Judging from the evidence you would say -? - That our rockets were seen by the "Californian."

18946. I thought yesterday I misunderstood you. Your opinion is that the rockets sent up from the "Titanic" were seen by the people on board the "Californian"? - Yes, from what I have read.

Sir Robert Finlay: I thought there had been a little misapprehension.

The Commissioner: Yes.

18947. (*Sir Robert Finlay.*) It is perfectly clear now. (*To the Witness.*) Now, a question with regard to one point. Are you aware that there is considerable difference of view with regard to the use of glasses by the look-out men? - Yes.

18948. Some commanders approve and others do not? - Yes.

18949. And you always supply glasses for the look-out men if the commanders desire it? - Certainly.

18950. And you have left it in that way? - Absolutely.

18951. Now, you were asked about the instructions you gave to your officers with regard to the navigation of the vessel and so on, whether there were any specific directions about ice. Now, the instructions, I think, are contained partly in the "Ships' Rules" - that book which has been handed in - partly in the letter which is given to the officer on appointment to the vessel? - Yes.

18952. And partly also in a notice which is stuck up in the chart room? - Every ship is supplied with one of those printed notices. It is framed and put up in the chart room.

18953. I will not stop to read these just now; they can be read afterwards. Some part certainly ought to be read, but I wish to identify the documents. *This* is the book of rules, which, of course, requires no further identification. Then is *this* (*Handing a paper to the Witness.*) the letter given to every commander on appointment? - Yes.

(*The same was handed in.*)

18954. And is *this* the notice which is stuck up in every chart room (*Handing same to the Witness.*)? - Yes.

(*The same was handed in.*)

18955. There is nothing specifically directed to the question of ice in any of these regulations? - No.

18956. That is left to the discretion of the Commander? - Certainly.

18957. How long had Captain Smith been known to you and to your Company? - He had been in the service 32 years, I think.

18958. Had you seen a good deal of him? - I had.

18959. Had you had opportunities for forming an opinion as to his judgment and capacity for conducting a vessel? - He was a man in whom we had entire and absolute confidence.

18960. And you showed it by appointing him to the "Titanic"? - Yes. I think he had been in command for 24 years; I think that is the right number of years.

18961. Had anything ever occurred in the slightest degree to shake your confidence in him? - No.

18962. Something was said by one of the gentlemen who examined you with regard to instructions given by the Canadian Pacific Company to their steamers with reference to field ice? - Yes.

18963. That is with reference to the Canadian traffic? - Yes.

18964. You have also some share in the Canadian traffic, have you not? - We have.

18965. And do you give special instructions with regard to vessels engaged in the Canadian traffic? - We do.

18966. Is this an extract from the instructions in regard to field ice (*Handing same to the Witness.*)? - Yes.

18967. I will read it. This is only an extract. The whole document, of course, can be produced: "Extract from the instructions given to Commanders in the Canadian Service respecting field ice. Field ice may be met off the Eastern edge of the Bank, across the Bank, and along the South Coast of Newfoundland. This ice is often very heavy and should not be entered unless it is obviously in loose patches. Lanes in the ice often come to an end, and it is unwise to enter them unless clear water can be seen beyond. It is usually the safest course to go South to get round the field ice, and Commanders have permission to use their discretion to deviate from the track under such circumstances." Were any such instructions necessary with reference to the tracks which we have been considering in this Enquiry? - I think not.

18968. (*The Commissioner.*) This Canadian track, I suppose, is much to the North of the track to America - to New York? - Yes.

18969. (*Sir Robert Finlay.*) Yes, that is shown by the localities specified at the beginning of this extract: "Field ice may be met off the Eastern edge of the Bank, across the Bank, and along the South Coast of Newfoundland." This field ice is much commoner there, of course? - Yes.

18970. And you, yourselves, issue the instructions which have just been read with regard to field ice in those localities? - We do.

18971. (*The Commissioner.*) Is the ordinary track to Canada across what they call the Great Bank of Newfoundland? - I am afraid I could not answer that.

The Commissioner: It appears to be marked.

Sir Robert Finlay: I am told in reference to the question your Lordship has just put to Mr. Ismay that the ordinary route to Canada, unless it be the Belle Isle route, is always across the Bank.

The Commissioner: The "Mount Temple" went South of the track?

The Attorney-General: Yes.

The Commissioner: In fact she went South of the track to New York - slightly South.

Sir Robert Finlay: Yes.

The Commissioner: And she was therefore South of any indicated field ice, as distinguished from icebergs, I mean.

Sir Robert Finlay: Yes, that is so. Those instructions, of course, with regard to field ice that I was referring to are issued with regard to the ordinary route where field ice is much more

commonly met with than further South.

The Commissioner: But the instructions, as I recollect them from your reading them, gave permission to deviate.

Sir Robert Finlay: Certainly, my Lord. "It is usually the safest course to go South to get round the field ice, and Commanders have permissions to use their discretion to deviate from the track under such circumstances."

The Commissioner: Now have you similar directions given by the Canadian Pacific Railway to the "Mount Temple"?

Sir Robert Finlay: I have not got a copy, my Lord. I do not know whether Mr. Hamar Greenwood can give us one.

Mr. Hamar Greenwood: I can supply you with a copy of the instructions issued.

The Commissioner: Do you know the contents of the directions?

Mr. Hamar Greenwood: They are rather voluminous, but I know the essentials of them.

The Commissioner: What I want to ask you - perhaps you can tell me now - is whether they are substantially the same as these instructions issued.

Mr. Hamar Greenwood: They are rather more detailed instructions in reference to ice.

The Commissioner: Are they substantially the same, although more detailed?

Mr. Hamar Greenwood: I should say yes; substantially the same.

The Commissioner: Then it comes to this, that the White Star Company issue to their boats engaged in the Canadian trade, instructions somewhat similar to, though not identical with, the instructions issued by the Canadian Pacific Railway to their steamers engaged in the same trade?

Mr. Hamar Greenwood: It is difficult for me to answer that, because I have only heard this one extract read by Sir Robert Finlay.

The Commissioner: Then perhaps you had better look at this and at your own papers - the papers which you say you can get - and tell me afterwards whether there is substantial agreement. I do not want all the details.

Sir Robert Finlay: Perhaps my friend, Mr. Hamar Greenwood, will let us have a copy of the instructions which are issued by the Canadian Pacific?

Mr. Hamar Greenwood: Certainly.

Sir Robert Finlay: I only refer to it because one of my friends in cross-examining put a question to Mr. Ismay with reference to the Canadian Pacific's instructions as to field ice, and it was desirable to make it clear that under the same circumstances the White Star issue similar instructions.

The Commissioner: The reason I was putting the question was this: that the Commander of the "Mount Temple," who gave evidence, told us that he had invariable instructions on this point from the Railway Company, and I rather gathered until you asked Mr. Ismay these questions, that the White Star Company did not give such instructions. Apparently they do.

Sir Robert Finlay: Oh, they do. Instructions of that kind are necessary when you are dealing with a route which takes you through a latitude where a good deal of field ice is often to be found.

18972. (*To the Witness.*) Then a good deal has been said about the tracks? - Yes.

18973. They are called the North Atlantic Lane Routes, I think? - Yes.

18974. And they were agreed upon in consultation between the Lines using that trade? - Yes.

18975. As far back as 1898, I think? - Yes.

18976. Is that a copy (*Handing a paper to the Witness.*)? - Yes.

(*The same was handed in.*)

The Commissioner: You can perhaps procure for us the instructions that are issued by other large Transatlantic lines such as the Cunard, with reference to ice.

Sir Robert Finlay: We will endeavour to get them, my Lord; I am sure we can.

The Commissioner: And I am anxious, if I can get them, to have the corresponding instructions given by the German lines.

Sir Robert Finlay: Certainly: I think we shall be able to get all those instructions by the English lines and the German lines. Does your Lordship include in that the Canadian trade or the New York?

The Commissioner: I should like both, if I could have them.

Sir Robert Finlay: And any French instructions also, if there are any French lines?

The Commissioner: Yes, certainly.

Sir Robert Finlay: In fact, all the information that can be got with reference to lines of repute using that route will be obtained and laid before your Lordship.

The Commissioner: You see my view as to whether the "Titanic" took all proper precautions, having regard to the knowledge that they had at the time, would no doubt be influenced by what other large lines were doing in the same circumstances.

Sir Robert Finlay: Now I have handed up to your Lordship the copy of the memorandum as to the North Atlantic Lane routes, as they are called. That was agreed upon in 1898?

The Witness: Yes.

Sir Robert Finlay: It is a memorandum which I have handed up, my Lord.

The Commissioner: Beginning "West-bound."

Sir Robert Finlay: Both ways.

The Commissioner: "West-bound, East-bound," and so on.

Sir Robert Finlay: Yes. There is a chart inside it.

The Commissioner: Yes; what is the document?

Sir Robert Finlay: It is a memorandum of what was agreed upon with regard to the routes to be adopted westward and eastward, agreed upon at a conference held between all the companies engaged in that trade.

The Commissioner: Do you mean foreign companies as well as English companies?

18977-8. (*Sir Robert Finlay - To the Witness.*) Were there any foreign companies? - I think so; the agreement is signed.

Sir Robert Finlay: I think your Lordship will see on the last page that it is signed - The Hamburg-Amerika, I see, and the Norddeutscher Lloyd; the Compagnie Generale Trans-Atlantique; the American Line; and then the other companies are the Atlantic Transport Company, Elder Dempster and Co., the Cunard, the Furness Line, W. Johnston and Co., Limited, the National Steamship Co., Limited, the Red Star Line, the Wilson Line and the White Star Line.

18979. (*The Commissioner - To the Witness.*) The White Star Line means the Oceanic Company? - Yes, the Oceanic Steam Navigation.

18980. (*Sir Robert Finlay.*) The chart gives the substance of the regulations agreed upon, showing the route from August to January. From August to January they can go further north with propriety, because, owing to the action of the heat of the summer the ice has by that time been melted in the southern latitudes to which it has drifted. I need not stop to read this, my Lord. (*To the Witness.*) Now, with regard to ice, your Company gets notice from other companies, I suppose, as to ice having been sighted by any of their vessels? - Yes, there is a system of interchange - of information between the Captains; we pass it on to one another.

18981. Just describe what that arrangement is. Every notice of ice received by any company is sent on to the other companies? - Yes.

18982. Do you supply to your Commanders before they start on any voyage all the information up to date that has been received with regard to ice in that way? - Certainly.

18983. Now, one question with regard to another matter, Mr. Ismay, if you please. You were asked some questions as to a design for 40 boats for the "Olympic" or the "Titanic." Did you ever hear of such a design? - No.

18984. You know nothing whatever about it? - No, I have no recollection of it whatever.

The Commissioner: You asked about that, Mr. Scanlan.

Mr. Scanlan: Yes, I did, my Lord.

The Commissioner: Can you tell me - do not hold back your information till some later period, but tell me now, if you can - whether you have made any enquiries with reference to the communication to the "Daily Mail."

Mr. Scanlan: I have, my Lord.

The Commissioner: Very well; now will you tell me the result?

Mr. Scanlan: The result satisfies me that the design which I referred to was submitted by the builders to the Company which Mr. Ismay represents, and I suggest that the designer should be called to give evidence.

The Commissioner: Who was the designer?

Mr. Scanlan: The gentleman who gave the interview to the "Daily Mail."

The Commissioner: Do you mean Mr. Carlisle?

Mr. Scanlan: Yes.

Sir Robert Finlay: I have made enquiries about that and evidence may be given later. What I say is merely a statement of what I have been told will be proved. There was some discussion about it, not with the Company at all, but a discussion in view of the Advisory Committee of the Board of Trade requiring a greater number of boats. Your Lordship remembers there was an Advisory Committee appointed, which reported in July, 1911, and while that Committee was sitting it was thought possible that they might insist upon a larger number of boats; and there was some discussion, not with the "Oceanic" at all, but there was some discussion between the designer, I think, for Messrs. Harland and Wolff and another gentleman who had a patent with reference to the working of davits for these boats - Mr. Welin - as to how, if the Advisory Committee should recommend a larger number of boats, special arrangements might be made for getting these boats into the water with rapidity. One idea was by having the davits so that they could be put at a slope - bent over - and so enable those davits to get four boats into the water one after the other.

The Commissioner: Is that the substance of what you have heard, Mr. Scanlan?

Mr. Scanlan: No, my Lord, it is not quite in accordance with what I am instructed are the facts. I am instructed that, according to the facts, for the "Olympic" and the "Titanic" a special design by the builders was submitted to the owners.

The Commissioner: Yes, but that is not quite the point. Was that special design made in view of the possibility of the Board of Trade requiring a larger number of boats?

The Attorney-General: It cannot have been, on that statement.

Mr. Scanlan: As far as my information goes the design was for the purpose of supplying those boats, the "Olympic" and the "Titanic," with additional accommodation.

The Attorney-General: Then it must have been before July, 1911.

Sir Robert Finlay: I think Mr. Wilding, who will be called - I think my friend is going to call him -

The Attorney-General: I am going to call him, but at the same time it is desirable that this should be cleared up.

The Commissioner: I want it cleared up now.

The Attorney-General: My friend, Mr. Scanlan, attributes some importance to it. We will take care that Mr. Carlisle, as far as we can, shall be called before the Court, and then we can get the

answers from him. I know nothing about it at the present moment, except that I have heard the suggestion, and did mean to put some questions to Mr. Ismay about it, not as to 40 boats, but as to a larger number of boats having been at one time spoken of and shown in plans for the "Titanic" or the "Olympic."

The Commissioner: You were pointing out that when this vessel was constructed, this Advisory Committee did not exist.

The Attorney-General: No, not quite. What I said was this: Mr. Scanlan said his point was that this related both to the construction of the "Olympic" and the "Titanic," and I said if that was the case then it cannot have been in consequence of the recommendation from the Advisory Committee, which was not made till July, 1911.

Sir Robert Finlay: It was not in consequence of it.

The Attorney-General: Nor in anticipation of it, because it was not appointed till April, 1911.

The Commissioner: But although not appointed it may have been in contemplation.

The Attorney-General: To some extent it is always in contemplation; that a Committee may be appointed is always in contemplation.

The Commissioner: But a Committee on this particular matter?

The Attorney-General: I think your Lordship will see there have been a good many.

Sir Robert Finlay: My information is what I have given here. I am not sure that I was right in saying four boats; it may have been two boats, double-banking.

The Attorney-General: I have heard of two.

Sir Robert Finlay: Two on each side; and it was purely in view of its being required.

The Commissioner: Have you a copy of the letter that you say you read?

Mr. Scanlan: In the "Daily Mail," my Lord?

The Commissioner: Yes.

Mr. Scanlan: What I referred to yesterday was an interview, and I have it here.

The Commissioner: That is what I mean.

The Attorney-General: That is an interview with Mr. Carlisle?

Mr. Scanlan: Yes.

The Commissioner: Will you let me have it?

Mr. Scanlan: Certainly, my Lord.

(The same was handed in.)

The Commissioner: Have you any other information besides that contained in this letter or communication?

Mr. Scanlan: I hope your Lordship will accept the statement I have made. Some of the information I have is quite confidential, but the information I have enables me, with a sense of responsibility, to make the statement.

The Commissioner: I quite accept that; but I thought your information was to be found in this document which you have handed up.

Mr. Scanlan: No, it is not all there.

The Commissioner: It does not seem to bear it out. Perhaps you have not seen it, Sir Robert.

Sir Robert Finlay: No.

The Commissioner: "When working out the designs of the 'Olympic' and the 'Titanic'" (this is what Mr. Carlisle is reported to have stated) "I put my ideas before the davit constructors" (who they are I do not know) "and got them to design me davits which would allow me to place, if necessary, four lifeboats on each pair of davits, which would have meant a total of over 40 boats. Those davits were fitted in both ships, but though the Board of Trade did not require anything more than 16 lifeboats, 20 lifeboats were supplied." Now, I understand that to mean this: "I did ask the davit constructors to design me davits which would hold or accommodate 40 boats, and

they did it, and those davits were, in fact, supplied to the 'Olympic' and the 'Titanic,' and there the matter stops. He says nothing more. That is right, is it not, Mr. Scanlan, as far as it goes?

Mr. Scanlan: That is the interview there, my Lord.

18985. (*Sir Robert Finlay - To the Witness.*) Did you ever hear anything of that kind? - No.

18986. It is quite new to you? - It is.

18987. Now then, with regard to the number of boats. You are familiar with the Board of Trade Rules? - Yes.

18988. And with the recommendations which were made by the Advisory Committee which reported in July, 1911? - Yes, I think I know the figures.

18989. Can you tell us how the number of boats on board the "Titanic" compared with either the Board of Trade Regulations or the Recommendations of that Advisory Committee in July, 1911? - In the cubic capacity?

18990. Yes? - The Board of Trade, I think, would call for 9,500 cubic feet. We had 11,300 or 11,400 cubic feet. Owing to the construction of the "Olympic" and the "Titanic," the bulkheads being carried and the wireless installation, I think the Board of Trade would have asked us to supply 7,500 cubic feet, whereas we had 11,300 cubic feet.

The Commissioner: What has it to do with the Marconi installation?

Sir Robert Finlay: I suppose the facilities for calling help, my Lord. Perhaps your Lordship will allow the witness to answer. I was about to make my own suggestion.

18991. (*The Commissioner.*) Perhaps you will repeat it to me, and I shall then understand it.

The Witness: The Board of Trade take the ordinary emigrant ship and the "Titanic" size.

The Attorney-General: I think I may make this observation in public which I had made to my friend. I understand from my friend's question now put to Mr. Ismay that Mr. Ismay is asked to give information to the Court with reference to the boat accommodation and the Board of Trade Rules and compliance with the Board of Trade Rules. That, of course, involves to some extent the construction. I understood from Mr. Ismay himself, and from what has been suggested to us, that Mr. Ismay was not able to speak to these matters, that they did not come into his department, and that he did not enquire into them, and therefore we purposely refrained from putting questions to him; but if he is put forward as a gentleman who does know, then we must go through the whole matter with him.

Sir Robert Finlay: I was only asking Mr. Ismay very generally. Mr. Sanderson knows a great deal more about the details.

The Attorney-General: It is a little unfortunate to ask him generally.

The Commissioner: Would it be more convenient for me to wait until Mr. Sanderson comes?

Sir Robert Finlay: If your Lordship pleases, certainly.

The Attorney-General: It means I must go into it, if my friend does.

The Commissioner: Very well, I will wait.

Sir Robert Finlay: I merely say what I think your Lordship will find will be proved by Mr. Sanderson, that the accommodation on board the "Titanic" was considerably in excess of that required by the Board of Trade Rules, and was considerably in excess of that that would have been required under the recommendations of the Committee which reported in July, 1911.

The Attorney-General: I agree it is in excess of the Board of Trade requirements.

Sir Robert Finlay: And of the recommendations of that Advisory Committee in July, 1911, as applicable to a vessel with such watertight compartments as the "Titanic" had.

The Attorney-General: Yes.

Sir Robert Finlay: That is, as I understand it, what Mr. Sanderson will say.

The Attorney-General: That is what I opined - that it carried more boats than were required by the Board of Trade Regulations.

18992. (*Sir Robert Finlay - To the Witness.*) Now, since this deplorable accident, I think a number of rafts have been carried as well as more boats? - Yes, I believe that is so.

18993. Rafts with air tanks below, so as to be able to carry a number of people upon them, and boats? - Yes.

18994. You were asked a question on a very important subject, that was the desirability of securing continuous service by the same crew approximately for a series of voyages in the same vessel? - Yes.

18995. Has your Company taken steps to endeavour to secure that end? - Some years ago we were very anxious to try to get the men to stick to the Company and to stick to the ships. With that in view, we offered a bonus of £2 10s to every sailor who could show ten V.G. discharges in the year, and to every fireman and trimmer we offered a bonus of £5 if he could show ten V.G. discharges in the year. That we continued for certainly three years, but, the result was so unsatisfactory that we eventually gave it up, so few of the men ever earned the bonus.

18996. Were your Company most anxious to secure such continuous service if it could be achieved? - That was the object we had in view in offering the bonuses to the sailors and the firemen and trimmers to remain by the ship and with the Company.

18997. And are you still anxious to secure it if it can be done? - Certainly.

18998. The difficulty is not with you? - Not at all.

18999. To what extent have you been successful in securing continuous service; do you know? - No, I could not answer that.

19000. Now, I think there is only one other matter I want you to tell me about. You were asked about a conversation with Mr. Bell that took place at Queenstown? - Yes.

19001. And it was suggested, if I followed the questions, that you had given some orders to Mr. Bell as to the speed? - No, I had given no orders.

19002. Will you just repeat again exactly what took place between you and Mr. Bell? - Mr. Bell came into my room, and I spoke to him with regard to the coal which he had on board the ship. I also said that there was no chance of the ship arriving in New York on the Tuesday; that we had very much better make up our minds to arrive there on the Wednesday morning and be off the lightship at 5 o'clock, and if the weather was fine and right in every respect on the Monday or Tuesday we then could take a run out of the ship.

19003. Was that all? - That is all.

19004. Did you ever contemplate that being done without communication with the Captain? - Certainly not.

Re-examined by the ATTORNEY-GENERAL.

19005. I want you to direct your mind for a moment to the instructions given to the commanders in the Canadian service respecting field ice. I see from that extract which was read by my friend, Sir Robert Finlay: "It is usually the safest course to go South to get round the field ice, and Commanders have permission to use their discretion to deviate from the track under such circumstances." That is, of course, dealing with the track to Canada? - Yes.

19006. The object of those instructions, I suppose, is to tell the Captain that he should get away from the field ice, and that he should go South in order to get away from it? - Yes.

19007. So that if a Captain is pursuing his course along the track and is advised of field ice, he ought to go South to get away from it? - He ought to take steps to avoid it.

19008. It is suggested here that the safest course would be to go South? - That naturally would be the safest course.

19009. That would be the natural thing; and it is right to say that you finish up with this, that

"Commanders have permission to use their discretion to deviate from the track under such circumstances"? - Yes.

19010. You have no such instructions to commanders in the Atlantic service - that is to say from New York? - Not in regard to field ice, but there is the general instruction.

19011. Would this document get before Captain Smith at all? - I could not answer that question.

19012. It would not be supplied to him by your Company? - I could not answer that.

19013. Just follow me for a minute, and either you can answer me or one of my friends - anybody representing your Company. What I am anxious to know from you, or somebody on behalf of your Company, is whether there are instructions of any kind given to your commanders on the route travelling from New York to the United Kingdom with reference to ice. Are there any instructions of any kind? If so, I should like to see them? - Not that I know of.

The Commissioner: I thought you said coming from the United States to the United Kingdom. You mean both ways?

The Attorney-General: What I meant to say was trading between.

Sir Robert Finlay: There are no such special instructions; that is left to the judgment of the Commander.

The Attorney-General: I understood that was the case from what Mr. Ismay said yesterday, but I was not quite sure from some of the questions today whether it might be suggested that similar instructions, or those instructions were given to the commanders.

Sir Robert Finlay: Oh, no; I said expressly that those instructions with regard to field ice were for vessels going further North on the Canadian route, and that as regards the routes with which we are dealing there were no special instructions with regard to ice.

19014. (*The Attorney-General.*) Very well; that makes it quite clear. (*To the Witness.*) It is in contemplation that on a voyage from the United Kingdom to New York an ice-field might be met? - So far as I am aware, it has hardly ever been known for field ice to come down there.

19015. "Hardly ever been known" means it has been known? - It may have been known, but I cannot give you any reliable information with regard to that.

The Commissioner: The chart does not indicate such a thing.

The Attorney-General: As what?

The Commissioner: As field ice as far South as the track.

The Attorney-General: No, field ice not, but icebergs certainly.

The Commissioner: Oh, yes; I thought you were dealing with field ice.

The Attorney-General: I was on the question of ice, and the one question I was putting was on field ice, but I am directing it also to icebergs.

The Commissioner: Icebergs are marked a good deal further South.

The Attorney-General: Your Lordship sees "field ice between March and July."

The Commissioner: Somewhat to the North of the track.

19016. (*The Attorney-General.*) A little to the North of the track - not much, very little; but icebergs, of course, as shown by the chart, have been seen within this line in July and August, and the line there indicated is South of the track to New York. (*To the Witness.*) Are you aware of that? - Am I aware of what?

19017. That on the chart it is indicated that icebergs have been seen within a dotted line on the chart in July and August which is South, a good deal South, of the track to New York? - I have not seen the chart, but I have no doubt that is so.

19018. I do not want to ask you about the chart, because that is for my Lord. Why I am directing your attention to it is for this purpose: It seems to indicate, at any rate, that you may meet ice? - Certainly.

19019. If you follow the track when you have turned the corner and follow the track to New York, you may meet ice, either field ice, I suppose - infrequently apparently - or icebergs? - Certainly icebergs, but I should hardly think it was possible for field ice to be there.

The Commissioner: When they are indicating icebergs South of the track, what the chart says is: "Icebergs have been seen within this line in April, May and June."

The Attorney-General: Yes, I was looking at the one a little above it, but your Lordship is quite right. That is more Southerly still.

The Commissioner: I do not see any corresponding indication of field ice below the etched mark which is described as "Field ice between March and July."

The Attorney-General: No, I do not think there is anything.

The Commissioner: There is an indication on the chart that icebergs are occasionally seen South of what you may call the iceberg line. There is no indication on the chart that field ice is occasionally seen South of that.

19020. (*The Attorney-General.*) I agree that is so. (*To the Witness.*) I suppose you have had reports from your vessels of meeting icebergs on the voyage to the United States before? - Oh, yes.

19021. Had you had any during this particular year? - Not to my knowledge.

19022. From any of your vessels? - Not to my knowledge.

19023. Would they be brought before you in the ordinary course? - No, they would not.

19024. Who would know about them? - I should think either Mr. Sanderson or Mr. Buchanan.

19025. Have you enquired at all whether there were any reports of icebergs before this voyage received by your Company? - No.

The Commissioner: My attention is drawn to a book which is called "The United States Pilot, East Coast, Part I., 2nd Edition, 1909," in which on page 34 this passage occurs: "To these vessels" (that is to say, the larger liners crossing between America and Europe) "one of the chief dangers in crossing the Atlantic lies in the probability of encountering masses of ice, both in the form of bergs and of extensive fields of solid compact ice released at the breaking up of winter in the Arctic regions and drifted down by the Labrador Current across their direct route." Now, that does not agree with the evidence that I have heard so far that probably compact ice will be found across the direct route. I thought it was a very rare thing.

The Attorney-General: So far as the evidence goes I thought so too.

The Commissioner: I am speaking of the evidence. So far as the evidence goes it surely is not the fact that you will probably meet fields of compact ice in the direct and ordinary route between England and New York.

The Attorney-General: No, not according either to the evidence or the information that we have.

The Commissioner: I understood the object of adopting this track was because, generally speaking, it avoids field ice.

Sir Robert Finlay: Yes, in fact I am told by men who have passed a great many years there - 18 years - they have never seen field ice on this track.

The Attorney-General: May I see the book?

The Commissioner: Here is the book. I am told they are the Admiralty Sailing Directions. (*Handing the book to the Attorney-General.*) Can you tell me this: Were the routes the same at the time that these regulations were published as the routes that are followed now?

The Attorney-General: Oh, yes, because those regulations which are referred to are November, 1898.

The Commissioner: I have another book now, called "The Nova Scotia South East Coast and Bay of Fundy Pilot, 6th Edition, 1911."

The Attorney-General: There is no doubt the answer to the question you have put is that this book of 1909 is some nine years after that agreement as to the track which my friend read and has put in.

The Commissioner: The one I have in my hand is published in 1911, and there is exactly the same statement in it. The Admiralty Hydrographic Office publishes it. All I can say is the paragraph in that book published by the Admiralty does not agree with the chart. It gives this startling information, Sir Robert, that a steamer following the ordinary route, the fixed route between Europe and America, will probably meet compact field ice on that route. To me it is most extraordinary.

Sir Robert Finlay: It is contrary to all our information, and, as I gather from what my friend the Attorney-General said, it was contrary to his.

19026. (*The Commissioner.*) These books would be on board the ship, of course?

The Witness: I do not know.

The Commissioner: I am told these books would be on board the ship, but at present they appear to me to be quite inconsistent with the chart.

Sir Robert Finlay: Yes.

The Commissioner: And quite inconsistent with the evidence that I have heard, and I cannot understand how a route between Europe and America could be laid down through a region in which you will probably meet compact field ice - it is a most extraordinary thing - and that that route should be agreed by all the large lines of steamships.

The Attorney-General: The effect of the evidence and the information, at any rate, which has been laid before the Court and which is in our possession to lay before the Court, if it had become necessary, is that you do not expect to encounter field ice on this voyage, but you ought to, I will not say, expect, but to know, that in all probability you will encounter icebergs at this time.

The Commissioner: Yes, that is a different matter altogether.

The Attorney-General: That is how I think the matter stands, so far as our information goes. We have also got the monthly Meteorological Charts, which indicate facts according to the reports which have been given from time to time during the month.

The Commissioner: By the word "probable" I understand that it is more usual than not.

The Attorney-General: I should not have thought that.

The Commissioner: "Probable" appears to me to mean that of 20 times you may expect to meet it, at all events, 11 times. The odd thing about it is that these paragraphs I have been reading are headed with a reference to the particular chart which I have been looking at all through.

Sir Robert Finlay: The copy I have purports to have corrections up to 1911.

The Commissioner: Yes.

The Attorney-General: What is that?

Sir Robert Finlay: The route chart - large corrections up to January, 1908, small corrections up to 1911.

The Commissioner: Have you had this book "Sailing Directions" before you, Mr. Attorney?

The Attorney-General: No, it is the first time our attention has been directed to it.

The Commissioner: The paragraph I have been reading, and the pages on this subject, are all intended to explain the chart because they are headed all along, "Chart 2058, North Atlantic Route Chart." So that it is extremely desirable to read the chart with the book. My attention is drawn to this passage at page 17.

The Attorney-General: Is that the Nova Scotia one?

The Commissioner: The paragraph is the same in both: "It is impossible to give within the outer limits named any distinct idea where ice may be expected, and no rule can be laid down to

ensure safe navigation, as its position and the quantity met with differ so greatly in different seasons. Everything must depend upon the vigilance, caution and skill with which a vessel is navigated when crossing the dangerous ice-bearing region of the Atlantic Ocean."

The Attorney-General: I am very much obliged to your Lordship for calling our attention to it.

Sir Robert Finlay: Your Lordship will recollect what Captain Moore, the Captain of the "Mount Temple," said at page 197, Question 9388, "Was the ice further South than you had known it? - (A.) I never knew it to be so far South before. Not in my whole experience of 27 years, I never knew it so far South. (Q.) And you are constantly running backwards and forwards? - (A.) For 27 years."

The Commissioner: I am told these books are based on an experience of over 100 years, but, at all events, the experience of a lifetime. What one may call a lifetime has not shown that ice is found ordinarily or probably in these regions.

The Attorney-General: Field ice.

The Commissioner: I am talking of field ice.

Sir Robert Finlay: And icebergs not frequently.

The Commissioner: And evidently the Attorney-General did not realise when he was opening the case, and has not since realised, that there is any reason to expect ice in the sense that it is usually found there.

The Attorney-General: No. The case that I have made and that I have been putting before your Lordship in regard to it up to the present has been that information was given of this apparently very extraordinary occurrence of field ice being encountered on this particular track.

The Commissioner: That is the "Baltic" telegram.

The Attorney-General: That is the "Baltic" telegram, and therefore the view I suggested was that it involved an obligation upon those responsible for the navigation of the ship, to take extreme care when they got that report.

The Commissioner: Of course; whatever the information of the chart may be, the information of the telegram was most specific, and referred not only to icebergs, but to field ice.

The Attorney-General: That is the point. Your Lordship is quite right. I have not made the case that the Commander ought to have taken the precaution to discover field ice without having received any report from any other vessel. I did not suggest that. In point of fact I did not go into it, and according to the evidence that was then before me, I did not think that he would expect to encounter it. Now that I see the book, of course it may be another question; but I am upon the telegram, which seems to me to place it so much higher.

The Commissioner: Oh, of course it does; I only want to have it cleared up, because I was quite startled when I was told that there was no occasion for a telegram, because you most probably expect ice there. That startled me, and with all respect to this book, as I understand it at present, it seems to me to be quite inconsistent with the fact that the numbers of steamship companies' liners crossing have agreed to follow this route.

The Attorney-General: As I understand, what the book says that may be so, but at the same time you may encounter field ice in this track, and therefore must be very careful.

The Commissioner: It does not say that; it says: "You probably will."

The Attorney-General: I suppose it is a matter of extreme precaution; that emphasises it. I read the paragraph rather hastily, I admit, but it seems to me devised for the purpose of impressing on navigators the necessity for extreme caution when they are in these parts at this time of the year. It is not meant to do more than that, but it does that.

The Commissioner: Well, but it says something which is not in accordance with the evidence.

The Attorney-General: Yes, it says that with the object of impressing the necessity for caution.

The Commissioner: It is equivalent to crying "Wolf."

The Attorney-General: I do not know. I will not say that.

The Commissioner: That is what you mean now, you know. In order to induce people to be extra careful they put in what is not there.

The Attorney-General: No, I am not saying that; that is not my suggestion of it. I hear of the book, of course, for the first time for the reason I have indicated, that our case has been put on the wireless telegraphy reports, which seemed to place it beyond this category, as your Lordship agrees. But when we do examine into it and have that brought before us, in view of the fact that your Lordship is asked to answer some questions about tracks in the Enquiry, it does become of importance, and, speaking for myself, I am very much obliged to those who have called our attention to the fact that attention should be specifically directed to this point.

The Commissioner: Quite right.

The Attorney-General: Because, although it may not have happened for 25 years, it has happened this year, and it may happen again in another year.

The Commissioner: My attention is drawn to the fact, and no doubt it is a fact, that the chart is based upon the book, but if the chart is based upon the book, then I do not know why the line of field ice is not South of the track.

The Attorney-General: I find in the Meteorological Charts they speak of it as a mean limit.

The Commissioner: A mean?

The Attorney-General: Yes.

The Commissioner: That may explain it, possibly.

The Attorney-General: I had not seen the Meteorological Charts till this question arose, but when I look at them I see that there.

The Commissioner: I thought it meant the usual limit.

Sir Robert Finlay: Beyond all question that is the meaning of the legend upon this route chart, because it says "Icebergs have been seen within this line."

The Commissioner: Yes, I was thinking rather of pack ice.

Sir Robert Finlay: And then "Field ice between March and July" is the legend round the etched line.

The Attorney-General: If your Lordship would look at Question 8 you would see why I think it all important now that we should direct some attention, at a later stage, of course, to it.

The Commissioner: "What was, in fact, the track taken by the 'Titanic' in crossing the Atlantic Ocean? Did she keep to the track usually followed by liners on voyages from the United Kingdom to New York in the month of April? Are such tracks safe tracks at that time of year? Had the Master any, and, if so, what, discretion as regards the track to be taken?"

The Attorney-General: Yes.

The Commissioner: Have you the sailing directions?

19027. (*The Attorney-General.*) Yes. (*To the Witness.*) Now, Mr. Ismay, according to what you have told us and what we have heard during the course of this Enquiry as to encountering field ice, had you been told during the course of this voyage that you would encounter field ice within 24 hours, that would have shown the necessity for extreme caution? - Certainly.

19028. And you know, do you not, from what you have told us that when Captain Smith handed you the Marconigram just about lunchtime, as you say, which had been received from the "Baltic," that did indicate quantities of field ice in the track along which you were travelling? - About on the track, I think.

19029. So that you see the result of that would be that information was given by this wireless telegram that you would certainly within less than 24 hours be encountering field ice if you pursued the same course? - I believe that is so.

19030. So far as you were concerned, did it strike you as a serious thing that you would

encounter field ice? - No, I do not think it did.

19031 I do not quite understand why not. That is what puzzles me. According to your view the encountering of field ice was a very serious matter? - The only thing for the Commander to do would be to take steps to avoid the field ice.

19032. I agree? - Therefore, it did not concern me.

19033. You thought that your Commander would take steps to avoid it? - Certainly.

19034. And to keep off that track? - I thought he would take steps to avoid it.

19035. And to keep off that track along which he would meet it? - If he thought it necessary to do so.

19036. But if he thought he would meet field ice along that track would you expect him to take steps to avoid meeting it? - Certainly.

The Commissioner: In fact, this steamer never did encounter field ice.

The Attorney-General: Which steamer?

The Commissioner: The "Titanic."

The Attorney-General: No, but she had the report.

The Commissioner: Oh, she had the report, but in fact, she never encountered any; she encountered an iceberg.

The Attorney-General: Yes, she came into collision with an iceberg.

The Commissioner: As far as I know, she never encountered field ice.

The Attorney-General: No, but the evidence is there were a good many icebergs seen in the morning; so that apparently they were coming across the track.

The Commissioner: That is something quite different from field ice.

The Attorney-General: I do not wish to argue it now, but your Lordship sees that there is a report of it, and a question of what he should do. Whether he encountered it or not is of importance later on. I quite appreciate what your Lordship means. The only evidence of field ice is from the "Californian," I think.

The Commissioner: And the "Mount Temple."

The Attorney-General: Yes.

The Commissioner: And I am told the "Mesaba" too.

The Attorney-General: Yes, that is wireless - I was not thinking so much about that. There is a little difficulty about the "Mesaba." We are not relying upon it so far, because we have not proved it satisfactorily.

The Commissioner: At present my view is that the "Mesaba's" message never reached them at all.

19037. (*The Attorney-General.*) We are not referring to it for that reason. (*To the Witness.*) The only thing I want to ask you about this is: When you realised that this was a serious matter - that you would be, according to this telegram, encountering field ice within less than 24 hours, did you say nothing to the Captain at all about it? - I did not.

19038. Not ask him whether he was going to change his course? - No.

19039. Nor he to you? - No.

The Commissioner: Will you tell me what the danger would be with a vessel of this size going at this speed if she encountered field ice as distinct from an iceberg? Would there be any serious danger?

The Attorney-General: I should have thought so.

The Commissioner: I do not know. I am asking because I should think when you approach field ice it is probably not so compact as it is in the middle of it. You see what I mean?

The Attorney-General: Yes, you may have loose places before you get into the field.

The Commissioner: Yes, I doubt whether there is anything like the danger in running into the

edge of field ice which there is in running up against an iceberg.

19040. (*The Attorney-General.*) Well, my Lord, there are those with your Lordship who can answer that better than I can. I should have thought it was a very serious matter. There are various dangers which occur when a ship once gets amongst ice, all round it, even though it does not happen to be compact. (*To the Witness.*) When the "Baltic" telegram was brought to you and handed to you by the Captain, it follows from what you have already told us, Mr. Ismay, that nothing was said; in point of fact, there were passengers to whom you were talking when the Captain passed, were there not? - Yes.

19041. So that unless he meant to convey to passengers the information that was in that telegram, in the ordinary course he would hand it to you for you to read for yourself and not to say anything about it? - Yes.

19042. That would explain, no doubt, why he said nothing when he handed the telegram. But what I am asking you about now is later than that, some hours later; I think you told us something like 7 or a quarter-past, when you were in the smoking room he asked you for the telegram which had been in your pocket all the time? - He did.

19043. As I follow you, you had not had any conversation with him between those times or at that time? - No.

19044. You simply handed him back the telegram? - That is all.

19045. If I understand rightly what you have said this morning, leaving it to him to take such precautions as he thought right as the person responsible for the navigation of the ship? - Absolutely.

19046. You thought that he would take precautions? - Naturally.

19047. But what they were you left to him? - Absolutely.

19048. There is just one question I wanted to ask you about the speed. Was the "Titanic" built to go about the same speed as the "Olympic"? - About the same, perhaps a little bit better.

19049. A little bit better than the maximum of the "Olympic"? - That is what was expected.

19050. I asked you some questions about this, and you were not able to give me definite information as to what the maximum speed was that you thought you would get from the "Titanic"? - No, I could not say.

19051. But I see that you were able to tell the Court in America what the maximum speed you expected of the "Olympic" was. I just call your attention to it; you may not remember it. Senator Fletcher put to you this question: "You say you expected in the 'Titanic' the same speed that the 'Olympic' had, but you did not mention that speed?" And your answer was: "I should call the 'Olympic' a good 22-knot ship. She can do better under very favourable circumstances; I think she can work up to 22½ or perhaps 22¾ as a maximum?" - I think that is about right.

19052. And the "Titanic"? - We were hoping that she would do a little bit better than that.

19053. A quarter of a knot, do you mean? - Yes, something like that, a little bit better, so we were told by our shipbuilders.

19054. According to that, then, if she was going 22 knots, that, at any rate, would be within a knot of her maximum speed in favourable circumstances? - I should think so.

19055. I think there is only one other matter I want to ask you about. You knew, I presume, that you had not boats sufficient on the "Titanic" to accommodate all the passengers and crew? - Yes.

19056. So that I mean, supposing all your boats did leave the "Titanic" fully loaded, there still must have been a considerable number of passengers and crew left on the ship? - Yes.

19057. And, indeed, your boat accommodation was not sufficient to take off all the passengers, without the crew, was it? - I believe not.

19058. (*The Attorney-General.*) I do not know whether your Lordship remembers the figures.

It is 1,178 they could carry, all told, and in fact, she carried 1,316 passengers and 892 crew. The object of these questions I am putting to you, Mr. Ismay, is to draw your attention to this, that at any rate when the last boat left the "Titanic" you must have known that a number of passengers and crew were still on board the vessel? - I did.

19059. And you have told us that you did not see any on the deck? - I did not.

19060. At least, I think you limited that to passengers; I am not sure you were asked about the crew? - There were no passengers on deck.

19061. And you said also that you did not see any as the boat was lowered? - I did not.

19062. I am not sure whether you said it in answer to the Court, or whether it is only in the statement I have got from you, but at any rate that was your view; as the boat was lowered and you passed the decks you did not see any passengers on the decks? - I did not.

19063. Where were the passengers then? - I can only suppose the passengers had gone to the afterend of the ship.

19064. Do you mean you would not be able to see them, as your collapsible being just afore the foremost funnel you would not be able to see what was happening on the afterpart of the ship. Is that what you mean? - Yes.

19065. That is where you would expect them to be? - I presume they went there. I was really not thinking about it.

Sir Robert Finlay: Then I put in the letter of instructions.

19066. (*The Commissioner.*) I want to ask a question before the witness goes. (*To the Witness.*) Have you made any Enquiry as to whether any other liner was following this track in the direction of America during this day? - I have not.

19067. Has anyone made any such Enquiry? - I do not know.

The Commissioner: Has such Enquiry been made, do you know, Sir Robert?

Sir Robert Finlay: I am told, my Lord, there were others following it up.

The Commissioner: Following the same track?

Sir Robert Finlay: I am told so, my Lord.

The Commissioner: I should very much like to know what those steamers were and whether they received similar warnings to that received from the "Baltic," and at what speed they were travelling?

Sir Robert Finlay: We will endeavour to get all that information for your Lordship.

19068. (*The Commissioner - To the Witness.*) Have you a note of any Enquiry as to whether, upon the receipt of warning as to ice, the German liners or the French liners slow down? - I have no knowledge what they do, my Lord.

19069. Can any information of that kind be obtained as to the practice of these large liners when they receive notice of the existence of ice? - We could ask for the information, my Lord.

19070. Do you think you could get it? - I am afraid not, my Lord.

Sir Robert Finlay: I might suggest, my Lord, that the Board of Trade would probably be able to insist upon the information from British ships as to following this line, according to our information, and what warnings they got, and so on, and I have no doubt if the Board of Trade were to apply they would get the information from the foreign lines which your Lordship has mentioned. I think the Board of Trade can do more than we can.

The Commissioner: I would just say that if Mr. Ismay or his Company were to ask for the information, it might not be readily granted, but I think if the Board of Trade asked for it, it would be supplied.

The Attorney-General: I said some time ago that your Lordship should have it when you asked the question some days ago.

19071. (*The Commissioner.*) Very well. (*To the Witness.*) Now can you tell me, from the

information you have got, in your opinion, how many of the watertight compartments were injured, that is to say, broken into, by the collision? - I think there was water in the first four compartments, from the evidence I have read.

19072. Not the first six? - I am not including the forepeak.

19073. Then if you included the forepeak, it would make five? - Yes.

The Commissioner: Mr. Asquith, will you just point out on the plan where the actual injury to the ship was - how far aft it occurred?

Mr. Raymond Asquith: The five compartments.

The Commissioner: Yes, counting the forepeak as one.

Mr. Raymond Asquith: To *there*, counting the forepeak as one - that is to say, to No. 6.

Sir Robert Finlay: But there was some water in No. 6.

The Attorney-General: Yes.

The Commissioner: I thought, Mr. Attorney, that the evidence was that there was water coming in in No. 6.

The Attorney-General: Certainly, my Lord, that is quite right, and I may also say that we have evidence that water was coming into No. 5. Your Lordship will remember that when they came along after fetching the suction pipe from the aftermost funnel they came along, and then when they got to the aftermost door of No. 5, separating No. 4 from No. 5, that they stopped there because they knew that there was water in No. 5. We have direct evidence on that, too. That is how it stands. May I call your Lordship's attention to one piece of evidence which I think has hitherto escaped particular observation, because our attention was not directed to this point, but it is not right to say that the evidence has only established that there were icebergs in the morning when day broke - on the morning of the 15th, that is.

The Commissioner: No, I am aware of that.

The Attorney-General: That is on the track.

The Commissioner: Yes, that is on the track, but I was speaking about ice having been seen on the track before the collision. None was seen, as I understand.

The Attorney-General: Your Lordship means none was seen by the "Titanic."

The Commissioner: Yes, by the "Titanic."

The Attorney-General: No, I agree on account of the iceberg, which was the first thing.

(The Witness withdrew.)

Sir Robert Finlay: Now, my Lord, there are some portions of those documents I have put in which I should desire to read.

The Commissioner: If you please.

Sir Robert Finlay: A good deal may be omitted, but the first is the letter of instruction given to the Commander on his appointment to the vessel. "In placing the steamer. . . temporarily under your command, we desire to direct your attention to the Company's Regulations for the safe and efficient navigation of its vessels, and also to impress upon you in the most forcible manner the paramount and vital importance of exercising the utmost caution in the navigation of the ships, and that the safety of the passengers and crew weighs with us above and before all other considerations. You are to dismiss all idea of competitive passages with other vessels, and to concentrate your attention upon a cautious, prudent and ever watchful system of navigation which shall lose time or suffer any other temporary inconvenience rather than incur the slightest risk which can be avoided. We request you to make an invariable practice of being yourself on deck and in full charge when the weather is thick or obscure, in all narrow waters and whenever the ship is within sixty miles of land; also that you will give a wide berth to all headlands, shoals

and other positions involving peril, that, where possible, you will take cross bearings when approaching any coast, and that you will keep the lead going when approaching the land in thick or doubtful weather, as the only really reliable proof of the safety of the ship's position." Then there is a paragraph about "The most rigid discipline on the part of your officers must be observed, and you will require them to avoid at all times convivial intercourse with passengers or each other; the crew must also be kept under judicious control and the look-out men carefully selected and zealously watched when on duty, and you are to report to us promptly all instances of inattention, incapacity, or irregularity on the part of your officers or any others under your control. Whilst we have confidence in your sobriety of habit and demeanour, we exhort you to use your best endeavours to imbue your officers and all those about you with a due sense of the advantage which will accrue, not only to the Company, but to themselves, by being strictly temperate, as this quality will weigh with us in an especial degree when giving promotion. The consumption of coals, water, provisions, and other stores, together with the prevention of waste in any of the departments, should engage your daily and most careful attention, in order that you may be forewarned of any deficiency that may be impending, that waste may be avoided, and a limitation in quantity determined on, in case you should deem such a step necessary, in the interest of prudence." Then I do not know that I need read the next two paragraphs, but will pass to the next over the page: "We have alluded, generally, to the subject of safe and watchful navigation, and we desire earnestly to impress on you how deeply these considerations affect not only the well-being, but the very existence of this Company itself, and the injury which it would sustain in the event of any misfortune attending the management of your vessel, first from the blow which would be inflicted to the reputation of the Line, secondly, from the pecuniary loss that would accrue (the Company being their own insurers), and thirdly, from the interruption of a regular service upon which the success of the present organisation must necessarily depend. We request your cooperation in achieving those satisfactory results which can only be obtained by unremitting care and prudence at all times, whether in the presence of danger, or when, by its absence, you may be lured into a false sense of security; where there is least apparent peril the greatest danger often exists, a well-founded truism which cannot be too prominently borne in mind." The passage about the Company being their own insurers was strictly accurate when this letter was drafted. Since then they are insured not wholly but partially.

The Commissioner: They are still their own insurers up to a large amount.

Sir Robert Finlay: Yes. Then the annexed letters are of importance. "On the 22nd June, 1898, we addressed the following letter to each of the Commanders in the Company's service, to which we desire to call your particular attention." Then I need not read the first paragraph, I think, which refers to what has happened to one of the Company's steamers, and I go on to the next page: "We desire to avail ourselves of this opportunity to call once more to the minds of the Company's Commanders the terms of their letters of appointment, in which they are requested to dismiss all idea of competitive passages and concentrate their attention upon a cautious, prudent, and ever-watchful system of navigation which should lose time or suffer any other temporary inconvenience rather than incur the slightest risk that can be avoided. As far as lies in our power in the selection of Commanders and officers (on whom we wish you to impress as strongly as possible at an early opportunity these views and urgent representations), the extra staff put on board, payment of bonuses, in warnings given and repeated by the adoption of specific tracks, although the voyage is thereby lengthened, by the acceptance of all risks of insurance of hull, passage money, and freight, and frequently on cargo, and by a liberal expenditure in all departments we do all we can to render the navigation of the Company's steamers as safe and efficient as possible, and we need scarcely point out that life and property are too often sacrificed because at an important juncture plain and simple precautions in the direction of safety are not

observed. The safety of all those on board weighs with us beyond all other considerations, and we would once more impress upon you and the entire navigating staff most earnestly that no risk is to be run which can be avoided by the exercise of caution, and that upon this the question of watchful and safe navigation are dependent for the well being of the Company and their and their own professional career, and that it is only to be achieved by the exercise of care and prudence at all times, and under all circumstances, and by choosing, whenever a doubt exists, the course that tends to safety." Then there is another annexed letter; this is about land, I think, and I do not think I need to read it. Then, my Lord, the instruction which were stuck up in the chart room, which I have already handed up to your Lordship, are these - it is the bill which was stuck up in the chart room: "White Star Line. The Managers are desirous of impressing upon Commanders the importance of strictly adhering to the Company's Regulations, and attention is particularly called to the following points: (1) The vital importance of exercising the utmost caution in navigation, *safety outweighing every other consideration*. (2) *Over-confidence*, a most fruitful source of accident, should be specially guarded against. (3) It cannot be too strongly borne in mind that any serious accident affects prejudicially not only the welfare of the Company, but also the prospects and livelihood of the Commanders and Officers of the ships; and, as every consideration is shown to those placed in positions of responsibility, the Company relies upon faithful and efficient service being given in return, so that the possibilities of accidents may be reduced to a minimum. The Company assumes the entire risk of insurance on its vessels, their freights, and on a considerable portion of the cargoes carried by them; whilst the large sum which is paid annually to its officers as a bonus for absolute immunity from accident is additional evidence of anxiety to subordinate all other considerations to the paramount one of *safety in navigation*. (4) No thought of making competitive passages must be entertained, and time must be sacrificed or any other temporary inconvenience suffered rather than the slightest risk should be incurred." Then there is a paragraph which relates to the use of the lead: "Commanders should be on deck and in full charge during thick weather, in narrow waters, and when near the land," and then are set out articles, "Regulations for preventing collisions at sea," and then this: "The Regulations as to inspection of watertight doors, and fire and boat drill are to be carefully observed; rigid discipline amongst officers maintained, and the crew kept under judicious control. Convivial intercourse with passengers is to be avoided." Then, my Lord, in the Ship's Rules there are few passages that I desire to call attention to. The first is in the Article which is opposite page 11; it is stuck in opposite Article 17. "Sea Watches - Regular sea watches must be kept from the time the ship leaves the port of departure until she reaches the port of arrival. The watches are to be equally divided, and the ship is never to be left without an officer in charge of the bridge. When the Officer of the Watch believes the ship to be running into danger it is his duty to act at once on his own responsibility, at the same time he is immediately to pass word for the Commander. The Chief, First and Second Officers are never to give up charge of the bridge during their respective watches unless with the express permission of the Commander." I do not know that I need read the rest of that article. Then on pages 18 and 19 there is this passage, "Responsibility." It is headed "The Commander," at the bottom of page 18. "Responsibility - (A.) Commanders must distinctly understand that the issue of these Regulations does not in any way relieve them from responsibility for the safe and efficient navigation of their respective vessels, and they are also enjoined to remember that they must run no risk which might by any possibility result in accident to their ships. It is to be hoped that they will ever bear in mind that the safety of the lives and property entrusted to their care is the ruling principle that should govern them in the navigation of their vessels, and that no supposed gain in expenditure or saving of time on the voyage is to be purchased at the risk of accident. The Company desires to maintain for its vessels a reputation for safety, and only looks for such speed on the various

voyages as is consistent with safe and prudent navigation." Then (b) relates to entry into ports, and information being got as to vessels that they were likely to meet. Then (c) is: "Commanders are reminded that the steamers are to a great extent uninsured, and that their own livelihood, as well as the Company's success, depends upon immunity from accident; no precaution which ensures safe navigation is to be considered excessive." Then page 28: "Responsibility" "The Chief Officer is held jointly responsible with the Commander for the safe and proper navigation of the steamer, and it shall be his duty to make a respectful representation to the Commander if he apprehends danger when his responsibility shall cease. Any neglect in this respect will not be excused." Then page 32: "Officer of the Watch - 252 - Duties (A.) He must remember that his first duty is to keep a good look-out, and avoid running into danger, and though it is desirable to obtain the position of the ship as often as possible, he must on no account neglect his look-out to do so. He must also preserve order in the ship. (b) He must not alter the course without consulting the Commander, unless to avoid some sudden danger, risk of collision, etc. (c) When he believes the ship to be running into danger it is his duty to act at once upon his own responsibility, at the same time he will immediately pass the word to call the Commander. (d) When it is his duty to alter the course for some approaching or crossing vessel, he must do so in plenty of time, signify by sound signals such alteration, and give such vessel a wide berth. (e) He must call the Commander at once if it becomes foggy, hazy, if he does not think he can see a safe distance, or if in doubt about anything. (f) He is expected to make himself thoroughly conversant with the usual Channel courses, and to be thoroughly posted in the run of the ship. Any doubt he may have as to the safety of the position of the ship, or of the course steered, he will immediately express to the Commander in a respectful manner." - Then there is pasted in on that page opposite Article 254 - "Look-outs." "All Quartermasters and, as far as possible, the regular look-out men in the Company's various services, must hold a Board of Trade certificate of examination of their eyesight." I do not think there is anything more that I need read.

HAROLD ARTHUR SANDERSON, Sworn.

Examined by the SOLICITOR-GENERAL.

19074. Are you a member of the firm of Messrs. Ismay, Imrie and Company, the Managers of the White Star Line? - I am.

19075. And are you also a Director of the Oceanic Steam Navigation Company, Limited, of Liverpool, who are the owners of the steamers? - That is so.

19076. How long have you been associated with the White Star Line? - About 17 years.

19077. As we know, the "Titanic" and the "Olympic" were the two latest steamers of that line? - That is so, yes.

19078. I think you produce a little diagram like *that*, do you not? - I do. It is instructive of the progress of the Company in regard to the size of its ships.

19079. It is just to show, as I understand, how your fleet has tended to consist of vessels of an increasing size? - That is the intention.

19080. (*The Solicitor-General.*) Your Lordship will see on the extreme right hand the largest outline, which is labelled "Olympic," "Titanic," the two being substantially the same. (*To the Witness.*) Are the details on the little table I have in my hand, the black table, supplied from the White Star Company, and are they accurate? - They are accurate, yes.

The Solicitor-General: Your Lordship will see towards the top of this little table, "Average speed, knots per hour."

The Commissioner: Yes.

19081. (*The Solicitor-General.*) What I was calling attention to, as Mr. Sanderson says the particulars are supplied by the White Star Line, was the "Average speed, knots per hour," which is a heading for a line which runs across at the top immediately above the line entitled "When built," and I see, Mr. Sanderson, that "average speed, knots per hour" which you put down for the "Titanic" is 21 knots? - That is inaccurate, and arises in this way. That information was given at the time the ship was under construction. While she was under construction a new system of propulsion, a combination of turbine and reciprocating engines, was adopted for the ship, and when adopted, with her 21 to 21 1/2 knots, which is what we anticipated, she proved to be considerably faster.

19082. Does what you have just told us apply both to the "Olympic" and the "Titanic"? - That is true of both ships.

19083. Was the "Olympic" also under construction when this table was compiled? - I think it is probably so; I cannot recall the exact occasion when that was framed or the name of the vessel. Both the ships were ordered at the same time, and I have no doubt that that 21 knots was put in before the results of the "Olympic's" and the "Titanic's" new system of propulsion had been ascertained.

The Commissioner: It seems to me to indicate that it may be a little more or it may be a little less.

The Solicitor-General: It would indicate that if the ship was going more than 21 knots she was going in excess of her average speed. Now, my Lord, I think the facts about Messrs. Harland and Wolff will come more conveniently from Mr. Wilding, and I will not delay about that. I think the shortest and simplest way of dealing with Mr. Sanderson would be to refer him to the subject matter of some of these questions in order that your Lordship may be sure you have got the information from him as far as he is able give it. There has been a print of them, my Lord (*handing up the same*).

The Attorney-General: I think it would be very convenient, as we are approaching the time at which these will involve your Lordship's consideration, that we should have them not printed as they are here, but on a double page, so that you will not have to turn back, and then your Lordship will be supplied with them.

19084. (*The Solicitor-General - To the Witness.*) Have you got a copy? - I had a copy; I have not one before me at the present moment.

19085. You had better have one (*Handing the same to the Witness*). The first question had to do with the total number of persons on board, passengers, and so on. The figures which the Attorney-General opened were figures which had been supplied by the White Star Line to the Board of Trade, and I may take it, may I not, that they are correct? - They are correct.

19086. And the convenient thing, I think, will be to have printed on the Shorthand Note in a tabular form those figures. I will hand it up, if I may, for your Lordship to see the form in which the figures are, and if your Lordship agrees I will have them printed on the Shorthand Notes.

The Commissioner: Very well.

The Solicitor-General: They show the division of the passengers according to class and according to sex, and according as to whether they are children or adults, and they give the number saved out of the totals, and the percentages, and then they give the number of the crew.

The Commissioner: Have you several of these?

The Solicitor-General: At the moment, I have not, but I will see they are put upon the Notes.

The Attorney-General: I have just asked that that should be done, and given in in larger type.

19087. (*The Solicitor-General - To the Witness.*) We may take it that those figures are correct? - They were carefully compiled.

19088. (*The Solicitor-General.*) That will give your Lordship the material, I think, for the first question. Then the next one, Mr. Sanderson, has to do with whether the "Titanic" complied with the requirements of the Merchant Shipping Act when she left Southampton. She is given, I think, a passenger certificate? - She was.

19089. When we call the Board of Trade witness we will go into it more in detail, but there is a copy of it (*handing in the same*). It is a certificate which shows that she is certified for 905 First class Passengers, 564 Second Class, 1,134 Third Class, and a crew of 944, making a total of 3,547? - I believe that is correct.

19090. I will just hand that in to my Lord, and I will call attention to one thing in passing, about it. That certificate shows that the total passengers and crew for which the certificate was issued, was 3,547? - Yes.

19091. Whereas your first table shows the total passengers and crew that were carried was 2,206? - Yes.

The Commissioner: What is the difference?

19092. (*The Solicitor-General.*) The difference is 1,300, the exact difference is 1,341. And in addition to that passenger certificate, Mr. Sanderson, was the ship duly certified by the Board of Trade officials before she left for this particular voyage? - That is true.

19093. We will ask the Board of Trade witnesses in detail about that, but it is so no doubt. I do not think there is anything that this gentleman would wish to say about No. 3. We have had some evidence, and Mr. Wilding will give the details.

The Commissioner: Look at No. 2. The Attorney-General opened what the requirements of the Board of Trade were, and stated what the requirements of the American Rules with regard to either emigration or immigration were also. Now I want to know what that means - what are those figures?

The Solicitor-General: We had intended to give your Lordship that information in one statement along with the other Board of Trade information. This witness may be able to tell your Lordship something about it. I cannot tell you in detail about it now.

The Commissioner: I see what the Attorney-General's information is from; it is from the description furnished by Ismay and Company or by the Oceanic Steamship Company on the construction of the ship.

The Solicitor-General: Harland and Wolff.

The Commissioner: Yes, Harland and Wolff, and I think the Attorney-General's statement is almost taken verbatim from that statement.

The Solicitor-General: I have no doubt of it.

19094. (*The Commissioner.*) I want to know from you, Mr. Sanderson, if you can tell me what are these American Rules with regard either to emigration or immigration - I understand it ought to be immigration. What are those rules? - Up to a short time ago the United States Government had passenger regulations which in some respects differed from those framed by the Board of Trade. Considerable confusion arose as a consequence, and the two Governments eventually got together and arrangements were made whereby the United States Government agreed to accept for the purpose of their passenger inspection the Regulations of the Board of Trade, so that in complying with the Board of Trade Regulations now for a passenger ship we automatically comply with the United States Regulations.

19095. First of all, do the Board of Trade Regulations deal with the question of boats? - Yes.

19096. Then am I to understand that the existing American arrangements or regulations are identical with our Board of Trade requirements? - I do not think I can say that, because they have regulations of their own.

19097. But are they identical so far as the question of boats is concerned? - I do not think I can

say that, my Lord, because if we had to comply with those regulations, there would be possibly some differences, but in fact they have accepted the Board of Trade Regulations as being sufficient. They still maintain their own for countries with which they do not have this reciprocal arrangement.

19098. I think I understand you. So far as the "Titanic" was concerned it did comply with the American Government's requirements in the matter of boats? - Yes, my Lord.

The Commissioner: Do you think that is right, Mr. Solicitor?

19099. (*The Solicitor-General.*) I understand so, my Lord. You have seen the Passenger Certificate; for the moment I am only calling attention to the number of passengers and crew. Now that, my Lord, your Lordship will find when we call our Board of Trade evidence, is in its turn based upon a certificate given by a Board of Trade official in Belfast, Mr. Carruthers, and it is right, I think, that Mr. Sanderson should just have the substance of it put to him, because it shows how the ship comes to satisfy the Board of Trade. The certificate of Mr. Carruthers (I will just read it) is on the 2nd April, 1912. He says he completed the inspection of the steamship "Titanic." He says that the hull and machinery were sufficient for the service intended, and in good condition. He says "that the boats and life-saving appliances, lights, signals, compasses, safety valves, and firehose are such and in such condition as are required by the Merchant Shipping Acts." He says, "that the hull and machinery and equipments will in my judgment be sufficient until (b) 2nd April, 1913." That is to say, they will for 12 months be sufficient. He says, "That the load to be placed on the safety valves should not exceed the pressure in pounds per square inch on page 4 of this form, and that the safety valves have been adjusted accordingly. That the vessel, as regards hull, machinery, and equipments, is in my judgment fit to ply as a foreign-going passenger steamer. That the vessel is in my judgment fit to carry the number of passengers stated on page 2 of this form," and when one turns to page 2 of this form, one finds that the total number of passengers is 2,603, which added to the 944 of crew gives that same figure of 3,547 which is in the Passenger Certificate. That is where it comes from. Then he also says, "That the certificates of the Master, Mates, and Engineers are such as are required by the Merchant Shipping Act." Your Lordship has this form before you, and it is on that, that the Passenger Certificate is issued if your Lordship will look at the last page, it is the right hand of those two pages, and the reference back to page 2 of the form will show your Lordship that he certifies for passengers. What I have handed up to your Lordship last is the survey, which justifies the certificate for a passenger ship. Now, this ship, I think, Mr. Sanderson, passed not only as a passenger ship, but as an emigrant ship? - She did.

19100. And for the purpose of showing it satisfies the Board of Trade that it is an emigrant ship is there a separate document? - Yes, there is.

The Solicitor-General: The Attorney-General points out to me that that Report of Survey ought also just to be handed in, in order that your Lordship may see it, because it is more stringent. (The Report was handed in.) I will hand up the Attorney-General's copy, if I may.

The Commissioner: What is the date of it?

19101. (*The Solicitor-General.*) The certificate is dated the 12th April, 1912, and is signed by Mr. William Tillar. This is the report of the survey of an emigrant ship - some of the material is the same. If your Lordship will turn to the third page you will see it is headed, "Reports by Board of Trade Officers," and No. 1 is: "A passenger certificate is in force for this vessel, and no damage to the hull or engines has been reported since its issue, I am satisfied that the hull, boilers and machinery are in good condition and fit for the voyage." Your Lordship will see that there is a reference in the margin to the document we just looked at before. Then No. 2 refers to the distilling apparatus, there is no point about that, and No. 3 refers to the fresh water on board, which is certified to amount to so many gallons. Then No. 4 is: "The coal on board is certified to

amount to 5,892 tons, which is sufficient to take the ship to her next coaling port." Then No. 5 is the important one: "I have inspected the boats and their equipments, and have seen 16 swung out and lowered into the water. The lifebelts are in order and are conveniently placed. The distress signals and their magazine and the other equipments comply with the regulations and are to my satisfaction." That is signed by Mr. Carruthers on the 3rd of April, 1912. Then the 6th is: "The various steerage compartments comply with the regulations as regards light, air and ventilation, and measurement for the numbers for which they are fitted. No cargo is stowed so as to affect the health or comfort of the steerage passengers." And the 7th is: "I have inspected the provisions which are sufficient for 1,150 adults; and the quality of the provisions and water for the passengers and crew is entirely to my satisfaction." Then the 8th is: "I have inspected the medical stores, and they comply both as to quality and quantity with the Regulations, and are to my satisfaction." Then, my Lord, turning over to the back of the page, I do not think No. 9 matters, but No. 10 says: "I was on board this ship immediately before she sailed. I saw two boats swung out and lowered into the water. From the foregoing reports of inspection, and from what I saw myself, I was satisfied that the ship was in all respects fit for the intended voyage, and that the requirements under the Merchant Shipping Acts have been complied with." That is the Certificate of Captain Clarke, of Southampton. Then last of all the report says: "I have satisfied myself that everything on board this vessel is in order, and have issued the necessary Certificate for Clearance." (*To the Witness.*) And it is the Certificate of Clearance which would enable the ship to sail, I imagine, Mr. Sanderson? - That is true.

The Solicitor-General: Of course, your Lordship appreciates that we will call the Board of Trade people about it, but it is well for your Lordship to see this now.

The Commissioner: What does Mr. Tillar's note certify?

The Attorney-General: He is a Surveyor, my Lord, of the Board of Trade.

The Commissioner: But what does he certify to?

The Solicitor-General: He is Captain Tillar. He is the Principal Officer of the Board of Trade (this Department) in Ireland, and I understand his signature is a covering signature, the details or the headings having been certified by one or other of these officials, who are subordinate to himself.

The Commissioner: He cannot say anything about what happened at Southampton?

The Solicitor-General: No.

The Commissioner: All these different matters are certified to by different people, and then Mr. Tillar's name, whose name does not appear among the persons who certify, comes in at the end, and I want to know what he does, whether he does anything. Tillar may not have seen the ship at all.

The Solicitor-General: I think that is the position, my Lord. He really certifies that he has got all this previous information, each paragraph of which is docketed with its appropriate name. Perhaps I may just give your Lordship the reference, in order to get it on the note, to the definition of "emigrant ship" and "passenger ship." It is not necessary to trouble you to look at it now, but an emigrant ship is defined in the Merchant Shipping Act, in section 268: "The expression 'emigrant ship' shall mean every sea-going ship, whether British or foreign, and whether or not conveying mails, carrying upon any voyage to which the provisions of this part of this Act respecting emigrant ships apply, more than 50 steerage passengers or a greater number of steerage passengers than in a certain proportion." (*To the Witness.*) And of course you were carrying in this vessel steerage passengers, and she was therefore an emigrant ship for the purposes of this Act? - Yes.

The Attorney-General: My Lord, at a convenient time what I propose is to put in an abstract of all those sections in the Merchant Shipping Act which have any relation whatever to the subject

matter of this Enquiry. I have got it now. You can do it in quite a convenient form. We will have that done, so that it may be handed to the Court and the Assessors.

19102. (*The Solicitor-General.*) Of course I am coming back to the boats, but subject to that we can pass from those documents now. I am now going to 3. (*To the Witness.*) Now, correct me if I am wrong. Just look at 3. Mr. Wilding, I understand, is going to give evidence about design and construction. Is there anything you want to say about 3? - I could only help you with regard to 3 by indicating under the heads the features which we look upon as the special features in this ship. Mr. Wilding, for the builders, could give you the details, which will probably be much more valuable.

19103. Can you give me in a couple of sentences what you say the special features are to which you attach importance, and leave Mr. Wilding to explain them in detail? - Very well. I should mention that she had a specially powerful wireless installation, long distance. She was built with an unusual number of watertight bulkheads, 15 in all; those bulkheads were of special construction, carried up as much as possible in one fair line, and they were built in excess of the requirements of Lloyd's. The plating and connections were also of special strength, and in excess, I am told, of what Lloyd's requirements would have been. She had a double bottom, which was carried nine-tenths of the way; that double bottom was divided for the midship section of the ship into four tanks athwartships, and the rest of the distance into two tanks athwartships; and the double bottom, instead of terminating at the bottom of the bilge, which is ordinarily the case, was carried up to the top of the bilge. In regard to the wireless installation, she had got the power for that from three different sources; in the first place, from the ordinary electric light plant; in the second place, from an emergency plant which could be put in use if the ordinary electric light plant in the engine room were flooded; and, in the third place, she had storage batteries in the Marconi Room. The pumping arrangements were exceptional, each boiler compartment having its own equipment, which is quite an unusual thing of the kind. I think I have now indicated the special features.

19104. That indicates in general language the points, and Mr. Wilding will deal with them when he comes? - Yes, I think that would be better.

19105. Now the fourth question is about the officers, which I want to ask you about in some little detail. We will come to the boats in a moment. The fourth question is, "Was the 'Titanic' sufficiently and efficiently officered and manned?" Captain Smith - what was his standing in your service? - He was our senior commander; he had been in the service since 1880; he had been a commander since 1887; he was an extra master; he was a retired Commander in the Royal Naval Reserve, and a man in whom we had special confidence; otherwise, he would not have been in the position.

19106. Then the three senior officers, I think, also held an Extra-Master's certificate? - They did.

19107. Were the officers in the Naval Reserve? - I think they all were.

19108. And had been in your service some years? - Yes.

19109. And I see at the end of the fourth question there is a question about charts. You produce, do not you, the report of Captain Smith before he sailed on this voyage? Let me just hand that up to you (*Handing same*). Is that his report to your Company before this ship sailed from Southampton? - Yes; it is written from Southampton.

19110. What is the date of it? - It is dated the 10th of April.

19111. It is quite a short report. Just read it, will you? - "I herewith report this ship loaded and ready for sea. The engines and boilers are in good order for the voyage, and all charts and sailing directions up-to-date. - Your obedient servant, Edward J. Smith."

19112. (*The Commissioner.*) The sailing directions were those books to which reference was

made this morning? - No doubt he refers to what is usually supplied by the Marine Superintendent for the purpose of navigation on board the ship.

19113. (*The Solicitor-General.*) The only other thing is the watches. I had better just give your Lordship the reference. It is the first page, I think, in the Report. Just turn to page 10. (*To the Witness.*) Just a question about the watches. There is a question the Court is asked to answer, whether the watches of the officers and crew were right and proper. I see on page 11 there are set out what the senior officers' watches are to be, and the junior officers' watches? - That is true.

19114. We have had some evidence about it from Lightoller. So far as you know, was the usual course followed? - It was.

19115. Now we go to No. 5; that is boats. Just give us the evidence. What is the number of boats of any kind on board the "Titanic," and then I am going to ask about their carrying capacity and so on? - She had 14 lifeboats of large size, two what we call working boats or emergency boats, making 16, and 4 Englehardt boats - collapsible boats.

19116. The Board of Trade Regulations distinguish between boats carried under davits and boats which are not? - Yes, they do.

19117. Of those, I think, the 16 were carried under davits? - Yes.

19118. The 14 lifeboats and the two emergency boats? - Yes.

19119. Let us first take the 14 lifeboats. What number of persons was each of those lifeboats to carry - the capacity? - 65.

19120. And what is the number of persons for each of the two emergency boats? - 40.

19121. And for each of the four Englehardt's? - I believe the Board of Trade passes them for 47.

19122. I will just take those three figures: 14 lifeboats, each carrying 65, gives 910 persons; 2 emergency boats, each carrying 40, gives 80; and 4 Englehardt boats, each carrying 47, gives 188, and that is a total of 1,178? - That is correct.

The Attorney-General: May I just say, my Lord, to avoid confusion that your Lordship will remember in opening I gave according to our calculation the figure of 1,167. My learned friend, Mr. Laing, said they made it 1,178, and I said, well, I will accept that view, it was not worth discussing, and I think probably they are right; 1,178 was therefore the figure to be substituted.

The Commissioner: Yes.

19123. (*The Solicitor-General.*) Now I want, with your help, Mr. Sanderson, just to compare these figures with the Board of Trade requirements, although of course the detail about them will be put to the Board of Trade witnesses. Have you got before you what the capacity in cubic feet of these boats is? You have mentioned the number of persons they carry, namely, 1,178. What is the total capacity in cubic feet? - 11,325 cubic feet.

The Solicitor-General: My Lord, as regards some of the boats the Board of Trade Regulation requires 10 cubic feet for each person. As regards the others, I think it is the four collapsibles -

The Witness: The working boats.

The Commissioner: The emergency boats.

The Solicitor-General: Yes. As regards the emergency boats, they require 8 cubic feet, and working it out, allowing 10 cubic feet in some cases and 8 in others, the total is 11,325 cubic feet.

The Commissioner: That includes the collapsibles.

The Witness: Yes, that is true.

19124. (*The Solicitor-General.*) Now I want to see what the Board of Trade Rules would require. For a vessel of this size, 10,000 tons and upwards, the Board of Trade requirement is a minimum 16 boats under davits? - That is true.

19125. And that is the number which you had under davits? - Yes.

19126. And those 16 as minimum cubic contents were to be at least 5,500 cubic feet, according to the schedule at the end of the rules? - Yes.

The Solicitor-General: Has your Lordship got the rules before you?

The Commissioner: I have them somewhere, but I have not them before me at the moment.

The Solicitor-General: I think I can show your Lordship the way through this point.

The Witness: I think the Board of Trade requirement is 9,605 cubic feet.

The Solicitor-General: I am coming to that. Would your Lordship just follow me for a moment. It needs a little following, and it will be found to work out all right. Would your Lordship first turn to page 6 of your print which, if it is like my copy, is headed "Division (A), Class 1. rules for steamships carrying emigrant passengers subject to all the provisions of the Merchant Shipping Act." That was this class of ship, so it was A1 then. "(A) Ships of Division (A), Class 1, shall carry boats placed under davits, fit and ready for use and having proper appliances for getting them into the water, in number and capacity as prescribed by the table in the appendix to these rules such boats shall be equipped in the manner required by and shall be of the description defined in the general rules appended hereto." Then if you now turn to page 17 you will find the appendix to these rules. The top line of page 17 shows that a ship with a gross tonnage of 10,000 tons and upwards, the minimum number of boats under davits is to be 16, and the minimum cubical contents is to be 5,500. Now will your Lordship turn back to page 6, (C). (I need not bother about (B)). "Not less than half the number of boats placed on the davits having at least half the cubic capacity required by the tables shall be boats of Section (A.), or Section (B)."
That refers to a particular make of boat, regard being had to the extent of its buoyancy, and that has reference to page 13. I do not think your Lordship need turn to it now. "The remaining boats may also be of such description, or may, in the option of the shipowner, conform to Section (C), or Section (D), provided that not more than two boats shall be of Section (D)." Now, it is those two boats of Section (D) which are calculated at the rate of 8 cubic feet per person instead of 10 cubic feet.

The Commissioner: The emergency boats.

The Solicitor-General: Yes, my Lord. Then, my Lord, "(d) If the boats placed under davits in accordance with the Table" (that is the 16 boats) "do not furnish sufficient accommodation for all persons on board" (that is this case your Lordship sees) "then additional wood, metal, collapsible, or other boats" (in this case it is collapsible) "of approved description (whether placed under davits or otherwise) or approved life-rafts shall be carried." That is where the four collapsible boats come in, your Lordship sees. Then the important rule is the rule which is in the next paragraph, not (e) I mean, but the next printed paragraph: "Subject to the provisions contained in paragraph (f) of these rules" - that is to say subject to the rule that they need not carry more boats than are sufficient for everybody on board - subject to that - "such additional boats or rafts shall be of at least such carrying capacity that they and the boats required to be placed under davits by the Table provide together in the aggregate in vessels of 5,000 tons gross and upwards, three-fourths, and in vessels of less than 5,000 tons gross, one-half, more than the minimum cubic contents required by column 3 of that Table." My Lord, that is all that it is necessary to observe. Now if I may apply that: since the 16 boats are not sufficient to carry everybody on board, there has to be an addition to the cubic capacity in accordance with this paragraph; that addition must be to the extent of three-fourths addition on the cubic contents which the Table requires. The Table requires, on page 16, 5,500 cubic feet; three-fourths of 5,500 cubic feet gives you 4,125, and if you add the 4,125 to the 5,500 that gives you 9,625, which is the number of cubic feet which the rules require for the "Titanic."

The Commissioner: Will you give me the last figure again?

The Solicitor-General: 5,500 is the figure from the rule in the Appendix.

The Commissioner: Therefore, that means 9,725.

The Solicitor-General: I think it is 9,625, my Lord.

The Commissioner: I beg your pardon. You are right - 9,625.

19127. (*The Solicitor-General.*) So that if one applied the Board of Trade Rule 9,625 would be the number of cubic feet capacity which would have to be provided. (*To the Witness.*) I believe you agree with my calculation, that what you had on board the "Titanic" was 11,325? - Yes, that is right.

The Solicitor-General: Now there is one other thing about it, and I will ask your Lordship just to look at the rule at the bottom of page 16, the page that just faces the table. It is headed, your Lordship sees, "Watertight Compartments," at the bottom. "When ships of any class are divided into efficient watertight compartments to the satisfaction of the Board of Trade, they shall only be required to carry additional boats, rafts, and buoyant apparatus of one-half of the capacity required by these rules, but the exemption shall not extend to lifejackets or similar approved articles of equal buoyancy suitable to be worn on the person."

The Commissioner: Is that "one-half" in substitution of the "three-fourths"?

The Solicitor-General: Yes.

The Commissioner: Then what does that make it?

19128. (*The Solicitor-General.*) It would mean that instead of adding to the 5,500, 4,125, you would only add 2,062. It is half the 4,125; and the result of that would be a figure of 7,563. (*To the Witness.*) Now, as a matter of fact, did your Company make any application to the Board of Trade for the reduction which that rule - "Watertight Compartments" - appears to contemplate? - No, we did not.

The Solicitor-General: Of course, your Lordship sees it turns upon whether the Board of Trade is satisfied, and that is not a matter which I can ask this gentleman about.

The Commissioner: At any rate, it did not become necessary to have recourse to this rule?

The Solicitor-General: No, my Lord, no recourse was had to it at all.

The Commissioner: Therefore, as I understand, more than the extreme requirements of the Board of Trade in the matter of lifeboats was complied with?

19129. (*The Solicitor-General.*) Yes, that is quite right, my Lord. There is just this question I can put shortly to get rid of the point. There are a number of other regulations in these rules as to how these boats are to be built. (*To the Witness.*) Did your boats comply with those regulations? - I have no doubt whatever that they did, but as to speaking from my own knowledge, I cannot.

The Solicitor-General: Then we will call our Board of Trade witnesses about that; they do, there is no doubt.

The Commissioner: Can you tell me whether the two emergency boats were fitted up as lifeboats?

The Attorney-General: They were not, my Lord. Your Lordship will remember that there were 14 lifeboats and two wooden cutters, which are called the emergency boats, and four collapsibles.

The Commissioner: The emergency boats are only wanted in what may be called emergencies.

The Attorney-General: In one sense, I suppose, they are more often required than in any other.

The Commissioner: Yes. For instance, when somebody falls overboard.

The Attorney-General: Yes; or if a boat has to be let down to do something.

The Witness: I think the Englehardt boats are lifeboats in a sense, in so far as they have tanks.

The Commissioner: I am not speaking about those. I am speaking about the wooden cutters - the emergency boats.

The Solicitor-General: Page 14 of these rules is the page which contains the classification of boats according to different Sections. It begins at the bottom of page 13 really. Section (A.) boats

are described, your Lordship sees, as "A boat of this Section shall be a lifeboat, of whale-boat form, properly constructed of wood or metal, having for every 10 cubic feet of her capacity, computed as in rule (2), at least 1 cubic foot of strong and serviceable inclosed air-tight compartments." Now, that is a lifeboat, but these two emergency boats were under Section (D), and Section (D) says nothing about lifeboats and nothing about internal buoyancy. I mean artificial buoyancy.

The Commissioner: "A boat of this Section shall be a properly constructed boat of wood or metal."

The Solicitor-General: Yes, my Lord, that is all. No doubt they were. I think I did refer your Lordship to it really in calling attention to page 6. The Attorney-General points out that it clinches the point. When I first asked your Lordship to look at page 6, I called attention, I think, to the paragraph which is labelled (c): "Not less than half the number of boats placed under davits" (that is half of the 16) "having at least half the cubic capacity required by the Tables shall be boats of Section (A.), or Section (B)." (That is lifeboats or boats with internal buoyancy). "The remaining boats may also be of such description" (of course, in this case they were the remaining boats all except two), "or may, in the option of the shipowner, conform to Section (C), or Section (D), provided that not more than two boats shall be of Section (D)." That is the way it fits in, my Lord.

The Commissioner: Have you finished that point now?

The Solicitor-General: Yes, my Lord, I think so.

(After a short adjournment.)

19130. (*The Solicitor-General.*) We had just been comparing the provision of boats in the "Titanic" with the maximum regulations of the Board of Trade. I want to ask you now the view of your Company as to the expediency of providing more boats than were on this ship? - I think, to answer that question, I should have to divide the subject into two. I should have to tell you what was in our minds before the "Titanic" accident happened, and then modify it by the result of experience.

19131. If you please? - I do not think it had ever been in our minds, nor do I think it had been in the minds of any of the experts who had been responsible for framing the existing regulations, that the whole ship's company of a ship like the "Titanic" could under any conceivable circumstances be required to be put afloat in boats; nor do I think, if provision were made for that, that in fact we ever would, 19 times out of 20, or even perhaps 99 times out of a hundred, succeed in utilising those boats by filling them and launching them. The weather conditions in the Atlantic are such that I should look upon it as a very remote contingency, and one to be avoided at all costs. Therefore, in my judgment, I would rather devote myself to accomplishing in fact what we thought we had done with the "Titanic"; in other words, to make her so safe that we would not have to consider the possibility of putting all these people afloat, and, having regard to the extraordinary nature of the accident which happened to the "Titanic," I still do not feel that it would be a wise or a necessary provision to make; that is to say, to provide boats for everybody on board the ship. I do think, however, that we might advantageously increase the boat accommodation somewhat. But I am looking forward to the recommendation that will be made by this Court for our guidance, and I am quite certain that the public will accept it gratefully and we shall do so likewise. In the meanwhile, in order to satisfy the public, on whom we are dependent for our living, we are putting on the ships more boats than I think it is wise to do.

19132. I should just like to follow one thing about that. You speak of the wisdom of the course

of adding to the number of boats. Of course I can quite understand it involves more expense, and I can quite understand that it would occupy more space, but why is it an unwise thing to add substantially to the number of boats? - It is all a question of degree. I think if we were to carry boats on the boat deck of all our ships which would be equal in capacity to the total number of people on board we should, in fact, have those boat decks so crowded with boats that it would materially interfere with the efficiency of a great many of them, that is to say, the men would not have proper room to work to get them over the side.

19133-4. Just let me look at the model for a moment. One sees there the boat deck, and I see there are four lifeboats in the afterpart on this side, and there are three lifeboats and an emergency boat on the forward part, and there is a space between the two lots. Do you see? - Yes.

19135. Give us your view and help us about it; from the point of view of wisdom or unwisdom what is in your view the argument for or against putting further boats amidships? - I am rather in favour of doing that.

19136. (*The Commissioner.*) That does not answer the question quite. You have said that in your opinion it would be unwise to increase, as I understand, the number of boats that were in fact on the "Titanic." It is pointed out to you that there is apparently looking at the model, room for more. Why would it be unwise to put them there where there is room? - I think, my Lord, I did not make myself clear. What I intended to convey was that in my judgment it would be unwise to boat the ships for the total capacity of people whom they may have on board. I believe to do that you would have to crowd the boat decks to such an extent that you would materially interfere with the possibility of getting them all into the water properly. If you take 3,500 people as the full capacity say of the "Titanic" or the "Celtic" that would roughly mean something in the nature of between 50 and 60 boats. Now, any additional boats which we could put in the space which you refer to there, doubling it on the two sides of the ship, would go a very small way towards providing the difference between the 20 boats and the 50 or 60 which would be required to carry the whole ship's company.

19137. That is an answer to the suggestion that you should provide enough boats for everyone on board, but it is not an answer to Sir John Simon's question. Why could you not increase wisely the number that you have? - I think we can increase them wisely.

19138. Wisely? - Wisely - increase them somewhat, but we are looking for guidance as to the extent to which we should increase them.

19139. (*The Solicitor-General.*) Amongst other things we want your evidence. I think the tribunal will want to use it too - in order to help us. Just return to my question. Look again at the boat deck if you will. You spoke of the danger of too great a number of boats interfering with the proper working of the launching and so on, did you not? - Yes.

19140. That is what you had in mind? - Yes.

19141. Now, take any one of those boats shown there on the model. In order to launch it what you want is sufficient and efficient help opposite the boat? - Quite.

19142. You do not want when you are lowering one of those boats shown there any people to work amidships? - No.

19143. Then what would be the difficulty in increasing the boats so that they lay along either side of the boat deck from one end of it to the other? - I do not think, so far as your question goes, that there is any real difficulty in increasing the number of boats under davits. The difficulty I have in my mind applies to the boats which you cannot put under davits, and which will have to be spread across the ship amidships.

19144. I quite see that is a different question. Let us first of all take boats under davits. We want your guidance about it. Taking your experience, what do you say as to the possible

suggestion that davits might be provided and boats might be slung along the length of the side of the boat deck? - Speaking generally, I think they might, but before you take that as definite I should like to pass a word with our Nautical Advisers as to whether there is any part of the ship opposite which it is not wise to have a boat lowered. I do not know of any myself.

19145. I feel certain you must have been considering it, you and your fellow directors and managers, have you not? - We have.

19146. Who is the gentleman whom you would regard in your Company as the person who would express the best opinion about it? - The Marine Superintendent.

19147. Who is that? - Our senior marine superintendent is Captain Bartlett.

19148. Have you formed any estimate, or have you arrived at any conclusion as to how many additional boats could be put on the boat deck under davits if you used the intermediate space? - No, I do not think I could give you a figure. At the present moment, as I say, we have put a lot of extra boats on, and we are just maintaining that position until the finding of this Court is heard.

19149. You speak of the extra boats which you have put on in the meantime, and I understand it, but are those extra boats which you have put on under davits? - No.

19150. As I understand, they are collapsible boats of some kind or another? - Yes; not in all cases. We have also put a number of wooden boats on the ships' decks.

19151. I should like to put it to you - I pass now from filling up the sides of the boat deck - what is your view as to the expediency, or the possibility if you like, of providing additional boat accommodation over and above that? - Generally speaking, I think we can prudently increase the accommodation over what the "Titanic" had.

19152. Where would you put the extra ones? - I should put them in the first place in the spaces you have referred to, and I think we might have a certain number placed inside or under the boats that were on the davits. The boat under would have to be a collapsible boat; the boat inside might be a wooden boat.

19153. You mean inboard? - Yes, I mean inboard, a double row.

The Commissioner: Have you considered the desirability of using double davits? - I have never heard of a double davit, my Lord, and I do not know what it is.

19154. By a double davit I mean davits which would carry two boats abreast? - I am afraid I do not follow what that means. I could understand a davit being sufficiently high so that there might be two boats one above the other.

19155. Not abreast, but one above another? - I think I would like to be advised on that matter by an expert.

19156. Have you ever seen that done? - I have never seen that done.

19157. Have you ever heard of it? - Never. I have heard of a collapsible boat being put under a wooden boat, but of course that does not involve the davit being very high.

19158. Just look at this plan and tell me whether the additional boats suggested there in pencil could be, in your opinion, conveniently placed on a ship like the "Titanic." It is an addition of 14 boats, seven on each side (handing a paper to the witness)? - I should say I think they might be.

19159. Now how many more would those 14 boats accommodate? - If they were lifeboats they would accommodate -

19160. 65 each? - Yes, that would be 830.

19161. (*The Solicitor-General.*) 14 more boats? - Yes.

The Attorney-General: 910 is the number.

19162. (*The Solicitor-General.*) It would exactly double the lifeboats? - Yes.

19163. You have already told me 14 lifeboats carried 910 people? - Yes.

19164. (*The Commissioner.*) Now what proportion of the total number, assuming the ship was full, of passengers and crew would those boats accommodate? - That would make a total of

2,088 capacity and her full complement would be in the neighbourhood of 3,500 people.

19165. So that that would accommodate about four-sevenths of the whole of the people on board? - That is about right.

The Attorney-General: If they carried the full complement.

19166. (*The Commissioner.*) I am saying if she carried the full complement of passengers and crew. The lifeboats, even if they were supplied as put down on that sketch, would merely provide accommodation for a little more than half of the total number on the ship? - That is correct. I would like to add further that one must not lose sight of the fact that in the Atlantic, particularly, there is always a weather and a lee-side.

19167. Except on this occasion? - When I say always, I should modify it to this extent - I think you might say 19 times out of 20.

19168. I bow to your much better knowledge, but I should have said in 999 cases out of 1,000? - I would like to have taken that figure, but I was afraid they might think I was exaggerating. For all practical purposes the lee-side of the ship and the boats that can be moved over to the lee-side are the only boats that would be put out.

The Commissioner: I am told that is probably so.

19169. (*The Solicitor-General.*) I was going to accept that, my Lord. (*To the Witness.*) Bearing that fact in mind, that as a rule you can only use the boats on one side of the ship, in your view is that an argument for increasing the number of your boats or not? - It is an argument for increasing the number.

19170. Then I daresay you have noticed that though these boats which you had were qualified to carry 1,178 people, the number of people who, in fact, were saved, even if we include those that were picked up in the sea, was only 703? - I have noticed those figures.

19171. I suppose one may take it that, however good the discipline may be, one may expect not to fill every boat to its absolute full capacity in a moment of crisis? - I am sure the full capacity of the boat - that is to say, 65, speaking of lifeboats is a figure which in practice would never be reached, because even though you might get conditions such as the "Titanic" was lost in, you would not get the people into the boats, in the first place, and if those conditions did not exist it would not be safe to put them in if you could do it. They would not float with them in; they would be swamped.

19172. Are you referring to the fact that in certain conditions of the weather you cannot launch a boat at all, or are you referring to the fact that in some conditions of weather you can only launch it and carry fewer people? - I am referring to the latter. I am assuming a condition which would be normal fine weather in the Atlantic, that is to say, in an ordinary sea such as you find in the Atlantic. I do not think, in my judgment - I may be quite wrong - that any of those lifeboats would be seaworthy with 65 people in them.

19173. Have you formed any judgment how many people they would carry in normal fine weather in the Atlantic? - I am not an expert.

19174. But surely your Board has been considering it? - I should think a matter of 40 people would be quite enough to put into them.

19175. (*The Commissioner.*) I do not know whether any one has ever considered the possibility of moving lifeboats from one side of the ship to the other? - It has often been considered, my Lord, and there are various suggestions made recently more particularly, but I have not myself seen any which I think are practicable. If a vessel is rolling about, as you must expect it to be in the Atlantic, to handle a boat which weighs anywhere from a ton to a ton-and-a-half, and move her about under those conditions, and bring her into a position where she can be reached by the tackles and the davits on the lee-side, would be a most difficult if not a dangerous operation.

19176. (*The Solicitor-General.*) Have you or your colleagues considered at all whether it

would be practicable to have any form of life-saving craft, not a boat - one has heard suggestions, for instance, that a portion of the deck, or a portion of the structure, might be detachable in some way. Has that been before you? - The only practical thing that has been suggested to us, and that has in fact been adopted, is to have certain seats made which are of the nature of life-rafts. Over and above that we are putting life-rafts pure and simple on the ships which will give flotation in the event of a vessel foundering.

19177. What do you mean by a life-raft; what is it? - I mean a raft in the ordinary sense of the word, a flat raft built upon tanks with life lines round it.

19178. And you say you are at this time providing some of those? - We are putting some of those on.

19179. Now where do you carry them? - Well, we are putting them on the boat deck.

19180. On the boat deck? - Yes. I cannot say whether that has been done, but we have told certain ships where the accommodation on the boat deck is restricted, that they can carry them in nests on the hatches.

19181. One above the other? - Yes, the idea being that if we should have the misfortune to lose a ship these things would float away, and they would be there for the purposes of flotation.

19182. With regard to these life-rafts which you speak of had you made any use of them or provided them before the "Titanic" disaster, or is it in consequence of it? - Only to a very limited extent; we had some, but very few.

19183. Of course, in order to launch more lifeboats you would require more men to man them and launch them than if you had a smaller number, obviously. Have you considered the matter from that point of view, having regard to your existing crews? - I think we have plenty of people on board the ship, given a reasonable amount of boat experience. You do not need to put extra hands on. When you consider the crew we had on the "Titanic," one-half of them were never near the boats at all for the purpose of launching them.

19184. Will you repeat that? - When you consider the number of crew we had on board her, I should think probably a very large proportion of them took no part in the launching of the boats; they were not needed.

19185. You had a crew of 800 or 900? - 894, I believe.

19186. Yes, just on 900. You think that crew would be sufficient in number, assuming that it had practice, to deal with a larger number of boats? - More than sufficient. All they want is a moderate knowledge of what is required.

19187. I am coming to their practice in a moment. Now there is one other thing about it you might tell me. Can you help us at all as to this suggestion that at one time they had contemplated to double the boats on the davits? - I can only help you by telling you what I learned after I saw this story in the newspapers.

19188. Well, I think you may tell us? - When I saw that I expressed great surprise. I enquired of the builders what it meant. I told them that, to the best of my recollection, I had been present at practically all the discussions which had taken place with them with regard to the building of the "Olympic" and the "Titanic," and that I never heard, to the best of my knowledge, of any such suggestion as was referred to in that paper. I was told that the builders, when they heard that the Board of Trade was reconsidering the matter of boating for ships communicated with Mr. Welin, who was the designer of the particular davit which was on the "Titanic," and is on the "Olympic," and they asked him to what extent he could increase the arrangements for putting boats under davits on these ships; and I believe that Mr. Welin did submit a sketch or a plan showing how these additional boats could be arranged for. Whether the builders have still got that sketch I do not know, but I am quite clear, in my own mind, that the managers of the White Star Line never saw it and never heard of it until after the "Titanic" accident. I have not the

faintest recollection of ever hearing a word about it.

19189. Then your information now is that such a sketch was put forward by Mr. Welin before the disaster? - Oh yes, something like a year ago, I imagine, or more.

19190. And put forward by him to Messrs. Harland and Wolff? - That is my understanding.

19191. That is your information. Have not you enquired of Messrs. Harland and Wolff whether they have got it now? - I have not asked them whether they have got it. I asked about this matter and I have just told you the information I got from them.

19192. One of their gentlemen is here, and no doubt he will take a note of that? - I have no doubt they have it.

19193. We should like to see the sketch. That is the first branch of Question 5, my Lord. Now one comes to the arrangements for manning and launching boats on board the "Titanic," and were they proper and sufficient.

The Commissioner: Will you ask him whether the number they determined to put on this boat was fixed according to any principle?

19194. (*The Solicitor-General - To the Witness.*) You heard the question? - I find that rather a difficult question to answer. I believe there are certain requirements for deckhands which are based upon the boating arrangements. There are requirements for firemen in regard to their service and the amount of coal which a man has to handle on the watch.

19195. Certainly there are? - But over and above that we are guided by the recommendations of our various superintendents, and I fancy that the "Titanic" would be found to be manned very largely in excess of any requirements.

19196. (*The Commissioner.*) I was not talking about the manning. You did provide the "Titanic" with considerably more boats than you were bound to provide her with under the Board of Trade Rules? - Yes.

19197. Now what I want to know is, upon what principle did you proceed, if any, when you fixed the number of boats that you would provide. Why did you stop at the number which you stopped at? - I do not think there was anything more definite in our minds than that we should comply with the requirements, and, as is our usual practice, go a little in excess of them, without any particular theory as to what that excess should be.

19198. You went a great deal in excess of them? - I do not think we went on any theory; I think it was mere guess or rule of thumb.

The Solicitor-General: Your Lordship says "a great deal." Of course your Lordship has the figures in mind. The Board of Trade requirement would have been 9,625 as a minimum, and they provide 11,325.

The Commissioner: Twenty percent.

Sir Robert Finlay: 7,562.

The Solicitor-General: No, my friend must not take that, that would only arise if there had been an application to the Board of Trade for approval, and it had been approved.

Sir Robert Finlay: That is so, on the Board of Trade being satisfied; but there is not the slightest doubt the Board of Trade were satisfied with the watertight compartments, and that being so, they could if they had applied to the Board of Trade have got the necessary certificate and in that case only 7,562 were wanted.

The Commissioner: You did not apply?

Sir Robert Finlay: No.

The Commissioner: And not having applied, and not having got the permission, you were bound to provide the larger number?

Sir Robert Finlay: Oh, yes.

The Solicitor-General: I do not think it had better be assumed until the Board of Trade

evidence comes, that the Board of Trade would have been satisfied. I do not say they would not.

The Commissioner: It is a mere suggestion.

19199. (*The Solicitor-General.*) Perhaps I might ask this further question following up what my Lord was putting to you. Supposing you build a new ship. Probably you decide what her size is to be, and get her general dimensions determined, the number she will carry, and her horse-power and the like, but who is it that decides how many boats she will have? - I think we should be very largely influenced by the builders. They would on their plans no doubt show us boating arrangements to comply with the requirements, and they would say: "We suggest that over and above those you put boats here and there," and so on. We should then consult our Marine Superintendent, and we should be very largely guided by his advice on the matter.

19200. Do you anticipate that there are documents in existence which show in the case of the "Titanic" what the builders suggested, what your marine adviser suggested, and what you determined on? - I doubt it very much. These plans are submitted to us and we examine them round a table and talk over the different points and make little notes of what we would like to speak of with the builders when they next come to us, and then we go over them again.

19201. I daresay you will have a search made to see whether there are such documents? - I will.

19202. And ask Messrs. Harland and Wolff? - I should doubt it, but I will have them looked up.

19203. (*The Commissioner.*) I should have thought there would have been correspondence on the subject? - There may be, but I have no recollection of it.

19204. I do not know whether Messrs. Harland and Wolff send someone to Liverpool to talk over these matters or whether you talk them over with your Marine Superintendent at Liverpool, and then write to Harland and Wolff? - They send us plans and we consider them amongst ourselves, and later on they send one of their people over to us and we go over it with him, or we have the advantage of conferring with Lord Pirrie himself in London.

19205. It may be there is nothing in writing? - I am pretty sure that is so, my Lord, but I will have it traced if there is.

19206. (*The Solicitor-General.*) I understood you to say just now that you thought you had on such a ship as the "Titanic" a crew abundantly sufficient to deal with a larger number of boats? - That is my feeling.

19207. Were you referring then to the launching of the boats? - I was referring to the launching and the manning of them, too, for that matter.

19208. Let us just take the manning. To man these boats, do you want sailors? - You want a man who understands something about using an oar for the purpose of rowing; he need not be a sailor.

19209. I suppose a fireman or a trimmer or a greaser does not necessarily know anything about it does he? - I like to think that sailors do, and as to the firemen, I think the majority of them have a general knowledge of it. It does not require a highly educated man, as you can understand.

19210. We are speaking of the possibility of disaster. Is it your view that one of your boats would be properly and efficiently manned if it did not contain a sailor in it? - No, I should think there ought to be a sailor in it.

19211. How many? - I should like to have a couple.

19212. Two sailors? - I should think so.

19213. Then if you have two sailors for each boat, and you are to increase your number of boats by adding another 14, would you have enough sailors, taking the crew of the "Titanic," for the purpose? - I have not offhand the number of sailors in my mind that we had on board.

19214. Have not you considered the question of the supply of additional sailors, supposing that you had more boats; that is what I want?

The Commissioner: I do not quite know what you are doing now, Sir John.

The Witness: The suggestion has been made that only people who are qualified to do boat work (I have heard it made in this Court, I think) are sailors. Now if we were to provide sailors in adequate number to man all our boats efficiently, then I say the sailors are not in existence, but I do not think we need sailors.

The Solicitor-General: Very well, I will not pursue it.

19215. (*The Commissioner.*) I do not know what that means - the sailors are not in existence - what do you mean? - I do not think there are qualified A.B.'s in the country sufficient to carry out any such programme.

19216. You mean in the whole of your fleet? - No, I mean in the country; in Great Britain.

19217. I do not understand that at all. Do you mean to say that if you wanted to get sufficient sailors to man the lifeboats upon all the vessels in your lines you would not be able to find them in Great Britain? - No, I did not mean that.

19218. Then what is it? - I mean if it is the decision of this Court to make a regulation which would require all steamship companies to man their boats efficiently with sailors - A.B.'s I am speaking of - those A.B.'s do not exist in the country.

19219. (*The Commissioner.*) Now I understand. I am wondering have you any figures upon which this opinion of yours, just uttered, is based? - I have not got the figures with me, but they are in existence, and I have been advised by those who are well qualified to express an opinion that what I state is correct.

19220. Because you know we should require to know in order to check the opinion that you are forming, and I should think also to enable you to form an opinion, how many lifeboats would be required under the new suggestion for the whole of the steamers leaving the United Kingdom, and then how many available A.B.'s there are. Otherwise I do not see how you can arrive at the opinion? - That is quite true. My statement is a rough and ready one, but I believe it to be a correct one all the same.

19221. I do not see what your belief is founded on. It must be founded on some sort of figures. I have not any notion at all how many available A.B.'s there are in the ports of Great Britain and Ireland, and I have not the vaguest notion how many lifeboats would be required by all the steamers if this new system which Sir John Simon suggests were introduced? - May I put it in this way, my Lord? We know today there is not a very large margin of A.B.'s. We are approximately working on a very small margin. Now, if you are going to increase the requirements of the mercantile marine of Great Britain in an appreciable percent, which, I take it, you would do if you are going to increase the number of boats, and then make it a requirement that those boats must be manned by A.B.'s. I think it automatically follows that the A.B.'s are not there.

19222. (*The Solicitor-General.*) I will not pursue it, but you might tell me this. In what you have just been saying to my Lord, how many people have you assumed as manning one of your lifeboats: how many do you think it takes to man one properly? - I should think to pull a boat, under ordinary conditions, you ought to have four oars and a helmsman.

19223. That makes five men? - Yes, that is to do boat work.

19224. Now, about boat drill and the like, what is your Company's regulation or practice about boat drill in respect of these Atlantic liners? - The Company's requirements are that boat drill - a boat muster that is - shall be held once each passage. I am not referring to the Board of Trade muster. Over and above that it is required that there shall be a boat muster once each passage.

19225. Does that mean the passage from one side to the other, or do you call it one passage

going backwards and forwards? - No, one side to the other.

19226. (*The Commissioner.*) Will you tell me exactly what a boat muster consists of? - As many of the crew as can be spared are required to muster at their boats in accordance with the boat lists which are posted in the ship.

19227. What does mustering at their boats mean? - Well, they come to their stations alongside the boat. I am not sure to what extent the covers are taken off. I do not think they are. I think it is more a muster to see that people are familiar with their boat positions and that they come to their stations when they are told to do so.

19228. It means the muster is nothing more than this: the men come on deck and go to the boats that are allocated to them? - Yes; but over and above that we give an instruction that whenever it is possible a certain number of the boats are to be put into the water and pulled.

19229. And pulled? - Yes, pulled away from the ship and back again.

19230. Is that ever done? - Yes, my Lord, it is.

The Commissioner: How often? That is what I should call a boat drill.

19231. (*The Solicitor-General.*) I have a document here which I think throws a little light upon it, if I may say so. (*To the Witness.*) Do your Commanders make reports to your firm from time to time when they return to this country after crossing the Atlantic and back? - They do.

19232. I think you have furnished us with three as specimens. One is a bundle of reports by Captain Haddock, of the "Oceanic," extending from the 30th September of last year to the 17th March this year, and there is another one from the Commander of the "Majestic," and a third is from Commander Smith from the "Olympic," his last boat. I will take Commander Smith. I see he reports when he gets to Southampton after each double voyage? - Yes.

19233. This is the first one, "Southampton, 15th December, 1911. "It gives the date when he left outwards and left homewards. He then reports the conduct of the officers and crew, the chief officers, and then "General Remarks." I find on the 15th December, 1911, he was reporting, "Boats Nos. 1 and 3 lowered and crews exercised at Southampton. All davits and falls in good order." Then the next return, which is on the 6th January, 1912, he reports, "Boats Nos. 6 and 8 lowered before leaving Southampton, and crews exercised. All davits and falls in good order and condition." The next one is the 31st January, 1912, "Before leaving Southampton Nos. 10 and 12 boats lowered and crews exercised. All davits and falls in good order." The next is the 28th February, 1912, the last but one. He says, "February 6th, Boats Nos. 9 and 11 lowered, and crews exercised. Everything working well. Davits and falls in good order." Then the last one is the 30th March, 1912. He puts, "Tuesday, 22nd March." that, as I see from high up on the page, is the day before he left New York: "Nos. 13 and 15 swung out, lowered, and crews exercised. All davits and falls in good order."

The Commissioner: What boat was this on?

The Solicitor-General: This is all the "Olympic"; this is all Captain Smith; and your Lordship will note, therefore, from those documents that it would appear as though two boats were selected on each occasion, but they do not take the same two boats, and by taking different boats it does appear as though there was a gradual testing of different people.

The Commissioner: Is there any drill during voyage?

19234. (*The Solicitor-General - To the Witness.*) What do you say to that? - I think nothing more than the muster in addition to what Sir John is speaking about.

19235. While a ship is under way there cannot be a question of lowering a boat, so that if that is to be done it must be done in harbour? - Quite so.

19236. I gather from these documents it is done in some cases at Southampton, and then apparently not done in New York, and in some cases at New York, in which case it is not done at Southampton. Is that so? - We leave a considerable discretion to Commanders as to where it

shall be done. Sometimes it is done in Queenstown, and sometimes in Liverpool, but rarely, and sometimes in New York.

19237. Each of these pages refers to the double voyage? - It does.

19238. And each of these pages contains a report of two boats being lowered on a particular day, and that is all? - Yes.

The Solicitor-General: Perhaps my Lord would like to see it. (*The document is handed to the Commissioner.*)

The Witness: I should like to say in regard to this boat muster or boat drill, that we have experienced very great difficulty in carrying it out. In the first place we have a difficulty, which is a natural one from the fact that we carry large numbers of passengers, and that many of the crew cannot be spared from their duties. But, over and above that we have experienced a very serious difficulty arising from the unwillingness of certain portions of the crew to comply with the Company's regulations. To such an extent has that existed that they at times refuse duty on the voyage.

19239. But what rating are you referring to now? - I am particularly speaking of the firemen.

19240. I think that the trouble you speak of began some short time back? - I think it is only within the last two years it has occurred. Up to that time we had no difficulty of the kind.

19241. Where did it arise in what port? - The one I refer to was on the "Oceanic," on a voyage to New York. The men refused duty on the voyage when ordered to a boat muster.

19242. On the voyage the firemen would not muster? - That is true.

19243. (*The Commissioner.*) What excuse did they make, if any? - I am not aware that there was anything more than a reluctance. They did not think it was fair to ask them to do it. Captain Haddock was in charge of the ship and he logged the men for not complying with orders, and there was so much friction about it that we decided to modify the orders and allow him to muster the men in New York instead of mustering them on the voyage, if that would make it easier to get the firemen to do it; and I believe, in fact, they have been mustering them in New York occasionally instead of mustering them on the voyage.

19244. (*The Solicitor-General.*) Just let me take the last instance. Since this disaster, on the 8th May, 1912, had you an instance of this? - I am not clear of the date, but we have had two occasions.

19245. That is the date, I see, that is in the statement? - Then I am sure you are right.

19246. I see according to this "the firemen were instructed by the Captain personally to muster at the boats at 11 am, but of the total engine department of 157 as many as 37 did not muster, and 7 deserted"? - That occurred in Southampton since the disaster.

19247. As far as regards these boat drills at Southampton which we see take place before the vessel leaves sometimes, are those done voluntarily by the White Star Company or are those the drill which the Board of Trade Surveyor, Captain Clarke, requires? - I think they take advantage of the Board of Trade drill requirements to do their rowing at the same time. As a matter of fact we asked the Board of Trade recently, having regard to statements which have been made, that these men do not get the necessary opportunity to familiarise themselves with the boats, if they would be so good as to help us by making their examination and drill, so-called, more extensive than had been their practice. And we have experienced, as you have seen from those reports, great difficulty in getting this drill carried out in Southampton owing to the reluctance of the men to comply with the orders.

19248. There is one further thing about it. Take one of these drills at Southampton when two boats are lowered, manned and pulled round. I want to understand. Are the crew that go into the boat on that occasion the people that are allotted to the boat - a steward and a trimmer, a fireman and a sailor or two - or are they a crew of sailors? - I am afraid I am not able to answer that, I

would not like to say.

19249. Who would be able to tell me? - I do not know whether the Marine Superintendent could tell you.

Captain Bartlett: They are generally a crew of sailors.

19250. (*The Solicitor-General - To the Witness.*) It is a crew of sailors? - Yes, it seems so.

19251. So that it is not a practice of the people who are allotted to the boats? - No, it does not seem to be so.

Sir Robert Finlay: The lists are not made up for the boats until the ship is sailing. The men join up at the last moment.

19252. (*The Solicitor-General.*) It looks rather as though the object of this boat drill is rather to be sure that the boat is in good order and the falls work and all that sort of thing than to give any practice to the crew? - It would seem so from what the Marine Superintendent has said.

19253. I think you can give me the number of lifebelts and buoys. We ought to have those. I have the figures. It is 48 lifebuoys with beckets. What are beckets? - Just ropes round them, weaved round them.

19254. Of the Board of Trade approved pattern, I think, and 3,560 lifebelts? - Those are the figures.

19255. (*The Solicitor-General.*) I think one can go to Question 6 now, my Lord. (*To the Witness.*) We have heard a good deal about wireless telegraphy. Have you got the agreement which exists between your Company and the Marconi Company, or are we to get that from the Marconi people? - It will be handed in; it is in Court.

(*The document was handed to the Solicitor-General.*)

19256. (*The Solicitor-General.*) It is "Agreement of the 9th August, 1909, between the Marconi International Marine Communication Company, Limited, and the Oceanic Steam Navigation Company. The Marconi Company undertakes to maintain at its own cost on board such of the White Star steamers as are already equipped with the Marconi system of wireless telegraphy a set of all necessary apparatus for the transmission and receipt of messages." Then: "The Marconi Company undertakes to provide and pay the salary of the necessary operator or operators." Of course the ship provides the current. And then paragraph 6 is "The Marconi Company shall receive and transmit free of charge messages having relation to the navigation of or any business connected with ships passing between the masters of the ships and the ship owners or between the masters of the ships and the master or other person in charge of any other ship," with a limit of number of words, and a charge for excess. So that those masters' messages by this agreement are to go free? - That is so.

19257. Your company, the White Star Company, by paragraph 7, is to provide suitable cabin accommodation for the exclusive use of two of the company's operators and their apparatus, and you are to feed them and you are to sign the operators on the ship's articles, and through your Master supervise and report to the company on the operators' general conduct? - That is for purposes of discipline.

19258. And save to that extent do the Marconi operators remain the servants of the Marconi Company throughout? - Absolutely. We pay them certain wages by agreement, but only on account of the Marconi Company.

19259. There were as we know, two operators on this ship so that you had a continuous Marconi service? - We had.

19260. Have you also got two on the "Olympic"? - Yes.

19261. What is your practice with regard to the rest of your fleet? - With few exceptions in the Atlantic trade we have two, but those exceptions cease to exist. We have made two on all the ships.

19262. That is what I was going to ask. Is that since the disaster? - Yes, but we do not do that with the ships trading with the Colonies, because you will understand that for many hours and days they are out of touch, and, to have two men doing nothing is not good.

19263. As far as regards your North Atlantic service today as I follow you, you have two operators on every single ship? - We have.

19264. Was that change made in consequence of the disaster? - Yes.

19265. And it is one which I suppose you intend to persist in? - Absolutely.

19266. I did not notice it in the agreement, but you may be able to tell us: is there any provision by which your navigation Marconigrams, the Master's messages, have any sort of precedence? - I think not; there is nothing in the agreement to that effect.

19267. As I follow, if the Marconi operator is sending private messages there is payment being made for them? - Yes.

19268. They are a source of income? - Yes.

19269. The other messages, of course, are going gratuitously? - Yes.

19270. There is no provision, so far as you know, for priority as between one and the other? - I recall none.

19271. I think that will do for No. 6. Now one comes to the instructions as to navigation given to the Master, No. 7. Sir Robert Finlay has read a number of documents about that. I do not think there is anything you want to add, is there, about instructions given to the Master? - I think I can only add that when we do appoint a Master we supplement what Sir Robert Finlay has read by remarks to him. I see of late years - I have seen most of them myself, and we never fail to tell them, in handing them these letters, that we do not wish them to take it as a mere matter of form; that we wish them to read these letters and to write an acknowledgment to us that they have read them, and that they will be influenced by what we have said in those letters; and I always assure them that if they get into trouble, notwithstanding that they have carried out the Company's regulations, and complied with our wishes, they will find us kind and considerate employers; but if they neglect anything in the way of a precaution which we might expect from them as good seamen they may expect no mercy at our hands. I never fail to tell them that, and that is thoroughly understood throughout the service.

19272. I should like to know this about it. In the ordinary course, when one of your ships leaves Southampton, is there some understanding or arrangement made as to when she is to aim at reaching the other side? - None whatever, with this possible exception, that we have with certain ships that have high speed from time to time told the Masters not to arrive before a certain time. In other words, we do not want to have them pushing for an arrival which might be an inconvenient one from the passengers' point of view and which might put the ship under pressure to arrive. We have repeatedly told them with certain ships of high speed at certain times of the year to make a landing. They have never been told to make a landing by any particular time.

19273. I am not suggesting that they should be recommended to do anything improper, but I want to know what the course of business is. If one of your ships leaves Southampton at some advertised time, presumably if one asks at the White Star Office they can say when she is expected to arrive? - In a general way.

19274. Is it any part of the arrangement for the voyage that she shall leave at such a time, and aim at arriving at such another time? - Yes.

19275. Who decides that? - We do, to this extent: We have told the Commander, for instance, of the "Olympic" that we do not want him to land on the Tuesday evening at certain times of the year when he is on a long voyage; we do not want him to try to do it. We have told him again and again to make a Wednesday morning arrival. To that extent we have given instructions, but

not beyond that.

19276. The Attorney-General has just given me the mail contracts with the Oceanic Steam Navigation Company, and one looks at them to see if there is any provision in them for a minimum of speed. One of them is the contract for the conveyance of American mails, dated 31st July, 1899, and clause 10 provides: "Provided also that whenever the mail ship employed by the Company for the conveyance of mails under this agreement is of less speed than 17 knots per hour, the Postmaster-General shall be at liberty to transmit by any steamship available all or any part of the mails which would otherwise be delivered under this agreement, but so that no postal packet specially superscribed by a sender for transmission by the said mail ship shall be transmitted otherwise." That gives the Postmaster-General the right to go elsewhere if the ship does not go 17 knots.

Sir Robert Finlay: If it is not capable of going 17 knots?

The Solicitor-General: Yes, I think it means that.

Sir Robert Finlay: It means, the capacity of the ship for doing 17 knots; not its actually doing it.

The Witness: That is quite right.

19277. (*The Solicitor-General.*) And as far as we have noticed it that is the only provision in your mail contracts which has anything to say on speed? - That is true. It is only put in because occasionally we replace a ship.

The Commissioner: With whom is that contract?

The Attorney-General: The Postmaster-General with the Oceanic Steam Navigation Company. You will remember I asked about it yesterday.

The Witness: We occasionally replace one of the regular ships with a boat that is not regularly employed, and if she is less than 17 knots the Postmaster-General exercises his right to send the mails elsewhere.

19278. (*The Solicitor-General.*) One other question with regard to speed. What is, in fact, the White Star record from Southampton to New York, the voyage which the "Titanic" was going; or from Queenstown to New York, I think you count it? - The best speed that the "Olympic" has ever done - and that is our fastest ship - is, I think, something less, going West, than 22 knots.

19279. (*The Commissioner.*) We were told between 21 and 22? - It is nearer 22 than 21. That is my recollection. The best speed the other way is 22 1/2 knots.

19280. (*The Solicitor-General.*) I daresay you could provide us with the time - days and hours? - I could.

19281. No doubt the White Star keeps a record showing what is the best done by the White Star and we shall see how this matter stands? - I can give it to you. The fastest passage the "Olympic" has ever made from Queenstown to New York is 5 days, 7 hours, 29 minutes.

19282. And the other way? - Strangely enough, I have not got it.

19283. Well, you can give it to us later on? - Excuse me, she does not call at Queenstown coming the other way. That is the reason. I can give it to you from New York to Plymouth, if you want it.

19284. It is as well we should see it? - From New York to Plymouth her fastest passage is 5 days, 14 hours, 32 minutes.

19284a. Mr. Ismay told us that he and Mr. Bell, the Engineer, arrived at the conclusion that the "Titanic" might hope to reach New York at five o'clock on Wednesday morning? - I think his idea was that they should not try to arrive before that.

19285. Quite right, not before that. Just assume that. Now will you tell me what that would be in days and hours from Queenstown? - I am afraid I should have to work that out. I can tell you something which perhaps would answer your purpose. We have had it worked out from the time

of the accident to the "Titanic," that all she would have required to go in order to make a five o'clock landing on Wednesday morning would be twenty knots from the point of the accident.

19286. I should also like to know, if you could give me, what it would work out in days and hours from the time she left Queenstown. I do not remember what time she did leave Queenstown? - I am sure Captain Bartlett could work it out for us.

19287. That brings us to No. 8, which is the question about the tracks, and on that I think some evidence has been given. This agreement of the 15th November, 1898, which Mr. Ismay produced, was negotiated between your Company and the other Steamship Companies, I understand? - It was, in London.

19288. Apart from the question of choosing a suitable track, is it desirable in the North Atlantic trade that the different steamers should keep to the same track following one another? - Very.

19289. So that they may be within touch in case of need? - And to avoid the risk of collision.

19290. So as to avoid those on the return journey? - To avoid meeting ships.

19291. Was it you who arranged the new track, after the disaster, with the other companies? - I cannot say that. We were directly responsible for it, but when this accident happened, and we then for the first time heard that ice had got down to this southern track, we immediately got in touch with the Cunard Company. That is our usual procedure. We try to come to an agreement with them in the first instance, and, having done that, we get in touch with other British lines, and send a recommendation over to the Continent, and get them to agree to what the British lines have provisionally agreed to. But the Continental lines were as quick as we were on this occasion, and while we were still talking with the Cunard Company, within a few hours of our first taking the subject up, we got an urgent wire from them to join with them.

19292. (*The Commissioner.*) From whom? - From the German lines; the German lines communicate on behalf of all the Continental lines. They asked us to join in taking a specially Southern track, and we put forward a suggestion, and after a little wiring backwards and forwards we agreed on a new track, and sent the ships down to it.

19293. (*The Solicitor-General.*) Can you help us about this new arrangement. We have got the old one. Is there a formal agreement and a chart? - No.

19294. Then in what form is it? - We arrive at it in this way. The only tracks which are fixed are those two which you have marked on the chart. But it occasionally happens, rarely however, that on this Southern track we do come across ice in considerable quantities. It is then understood that as soon as that information reaches us, word is passed round and we go to the Southern track, which is South of that one on the chart. Since 1898 I think only three times, to the best of my recollection, have we had to do that. We have gone down to this specially Southern track which is not marked, by agreement, but on this occasion we went South even of that track.

19295. (*The Commissioner.*) Which track? - After this "Titanic" accident we went South even of that track, and only a couple of weeks ago we got word that ice was on that track, and we went South of that again; and in communicating with the Hydrographic Office at Washington we got word from them only as late as this morning that it is practically impossible to go sufficiently far south to avoid all risk of meeting ice, because icebergs have been sighted from Bermuda.

19296. Then my suggestion yesterday that you should sight the Azores would not take you out of possible danger? - It would seem not from what the Hydrographic Office tell us.

19297. Is there anywhere, as far as you know, where you are out of the reach of icebergs? - I think so. I think in a short time it will be safer to go North. We shall see no ice in the North directly. It is passing South; it will be all going away from the Northern track.

19298. I am not talking about this particular track, but is there any track, say, for the months of March and April which will be absolutely safe from ice? - I think it is a very rare thing, almost an unheard of thing, to meet ice on our Southern track, the track which the "Titanic" was on, in

March.

19299. What about April? - In April we have met it, unfortunately. It is unusual so early as April.

19300. (*The Solicitor-General.*) Is it a later month in the year when you might expect to meet it on the Southern track more constantly? - Yes.

19301. What is the month? - May and June, I think, are the months that you are more liable to meet ice to the Southward.

19302. You said something to my Lord which I want to follow up. First of all, let me be sure that I have got what you said rightly. Did you say, "It occasionally happens that ice is met with on the Southern track in considerable quantities"? - It has happened two or three times since 1898. I am speaking of icebergs.

19303. When you say it occasionally happens, may I take it that means that you get reports of it from your Captains? - Or from other ships in the agreement.

19304. Are reports made then to the White Star Company by their Captains about such a matter as this? - Always.

19305. Are they reports in writing? - They are by wire.

19306. Do you keep a file of them? - They would be filed away. We have not a special file for those particular telegrams. The practice is, as we receive them we communicate them to the other signatories and they to us, and if the occasion seems urgent we immediately agree on a new track and send the ships further South.

19307. Have you looked to see whether in the month of April the White Star had any reports from any of its Captains about ice? - I am quite sure we had none.

19308. You are sure you had none? - Prior to the sailing of the "Titanic" we heard nothing about ice.

19309. That means, no doubt, that you have looked or had search made? - Yes.

19310. That is prior to the sailing of the "Titanic." Now, since the "Titanic" disaster have you had reports of ice from your Captains in the North Atlantic? - I do not think our ships have reported ice on this Southern track, but as I have said it has been reported on this exceptionally Southern track, and, of course, ships going to Canada continually see it.

19311. You said something had happened three times since 1898. I think it was the shifting of the track? - Yes, going to this extreme Southern track; one that is not marked on the chart.

19312. On each occasion has it been done by arrangement and agreement between the companies? - Yes, arranged by telegram. I am speaking from memory when I say three, I believe that is correct.

19313. And arranged apparently in the same sort of way in which it has been arranged this time? - That is right.

19314. Take the present arrangement to go on a more Southerly track which you indicate, is that to go on until you agree to stop it or is it to go on for a given length of time? What is the arrangement? - I should think we will keep it up very likely until the next change would come about in the ordinary course, which would be August.

19315. Is that when you go North? - Then we go North. Unless somebody suggests we should go North sooner than that it would not be considered.

19316. Then, if it occasionally happens that you meet with ice on this Southern track, of course a message to a Captain of your ship that there is ice near the Southern track, is obviously a matter of great importance. He would recognise it as such? - Undoubtedly.

19317. Now, would you tell me, as far as your knowledge of the conduct of the White Star Line goes, do you, or do you not, reduce speed if you have news that ice is in your track, in front of you? - In clear weather I have no hesitation in saying they do not reduce speed. I do not

believe that any ships reduce speed. That is only an opinion.

The Commissioner: That leads me to ask you to get information, or ask this witness for information, as to the conduct of other liners in the same circumstances.

The Solicitor-General: We had it in mind, my Lord.

19318. (*The Commissioner - To the Witness.*) Can you give me any information about that? - We will try to get it, but I think it is very difficult to get any Master of any ship in active service to come into Court and say that he would do what is before him as having brought about an accident.

19319. It is not what he would do. What he would do now is one thing, but what did he do in circumstances like these because of reports of ice - did he slow down or not? - My opinion is he did not. I do not think you can possibly prove it except by getting the logs of other ships that had reports of ice, and seeing whether they did slow or not.

19320. I have heard that these large Atlantic liners - take fog, for instance - pay no attention to fog, but steam just as quickly when they get into fog as when they are not in fog. Is that true? - My Lord, any man that told you so was either a very ignorant or a very vicious man. It is absolutely untrue.

19321. I am told that they pay no attention to fog, but steam ahead as fast as they can? - He told you what was absolutely untrue.

19322. Fog is different from ice, of course, because ice in clear weather can be seen. Do you say if they can see the ice they do not slow down at all? - I believe not.

19323. (*The Solicitor-General.*) You say in clear weather. Does your answer extend to night as well as day? - Yes, in clear weather at night I am advised by our Commanders that they would expect to see ice at a safe distance to avoid it going at full speed.

19324. (*The Commissioner.*) It is with reference to this point that I want, if possible, to get the logs or some reliable information about what other liners were doing in this region on the 14th April last? - No doubt logs can be obtained, my Lord, but it goes without saying that having regard to the agreement we have with the other companies, which is very rigidly adhered to, all the ships belonging to the companies in that agreement were in fact following the same track West-bound that the "Titanic" was following.

19325. I want to know what speed they were going? - That you can only get from their logs, my Lord.

The Commissioner: When we get their logs we can see that.

19326. (*The Solicitor-General - To the Witness.*) I suppose we may take it that whether there is a message about ice or whether there is not, the keenest look out would be expected to be kept on one of your liners? - I hope so.

19327. In your view what is the importance of getting a message sent to a Captain that there is field ice in his track if it does not have any effect on his speed or his course?

The Commissioner: They were icebergs here.

The Solicitor-General: The message was field ice.

The Commissioner: And icebergs.

The Witness: I think it would be given to him as a warning to be on the look out for it, or if he thought fit, if the case was sufficiently urgent, to alter his course.

19328. (*The Solicitor-General.*) What is in your mind when you say, "If the case was sufficiently urgent"? - If there was a large quantity of ice. I do not imagine if he was merely told there were a few icebergs about that he would necessarily alter his course; he would expect to see them.

19329. Supposing he was told that there was a great quantity of field ice? - I think he would consider whether he would alter his course or not, and in fact he did alter his course.

19330. (*The Commissioner.*) You mean by a slight alteration of the turning point? - That is right, my Lord.

19331. That made a very slight alteration? - It took him several miles South.

19332. How many? - I believe he was seven miles South of the track. Probably in his judgment he thought that was sufficient.

19333. Well, I cannot put my judgment against his. Do you think that alteration was a deliberate alteration or was it an accidental alteration? - I am quite certain it was deliberate. I cannot conceive that a Commander or a ship officered as the "Titanic" was officered could run on past the normal turning point for 50 minutes by accident.

19334. (*The Solicitor-General.*) Rather confirming that, my Lord will remember that when the new course was set, the new course was set on a line which I think differed by one degree from the course on the chart, which would tend to bring them back at last on to the track; it would recover their position. (*To the Witness.*) I think I should ask you this: Has your Company given any further directions to your Captains since this disaster with any reference to ice? - No, we have not given any special written directions, but we have taken occasion to speak to each of our Commanders in regard to this lamentable occurrence, and impressed upon them the necessity for carrying out the Company's wishes in regard to safe navigation.

19335. But what are the Company's wishes supposing that a ship finds itself in similar circumstances, a clear night and capable of going 22 knots - what are the Company's wishes? - We should expect our Commanders, who are all men of great experience, to exercise prudence and discretion, and to err on the safe side, and that is what we impress upon them. That is what we think is the lesson we have learned from this accident.

19336. It depends upon the circumstances of each case, as I follow you? - I think so.

19337. I just call your attention to the last part of this question, "Had the Master any, and, if so, what discretion as regards the track to be taken?" We understand Mr. Ismay's view about that, but will you do this for me. Will you look in the records of your Company and see if you can show the Court an example of one of your Masters reporting exercising his discretion in departing from the track? - I have no doubt we can do it.

19338. We should like to see it? - We can do it in two ways. Occasionally we get a report from a Commander that he has departed from his track for certain reasons. On other occasions we notice from the track that he has followed that he has departed from it. If there is no explanation forthcoming we ask, and we invariably commend him if there is good reason.

19339. I think you might produce an example of that for us? - Yes.

19340. I do not think the next questions are matters which this gentleman will wish to concern himself with, my Lord. No. 9 is plainly not a matter for him, nor No. 10.

The Commissioner: No, those are matters which happened on board.

19341. (*The Solicitor-General.*) Yes. (*To the Witness.*) I might ask you a question about No. 11. Mr. Ismay has given some evidence about the binoculars. Do you agree in what he said about them? - Generally, yes. I think Mr. Ismay believes a little more in binoculars than I do.

19342. We have been told by the look-out people that there were binoculars on the "Olympic"? - Coming from Belfast to Southampton.

19343. On the "Olympic" I am speaking of? - Oh, I beg your pardon, yes.

19344. And that there were not binoculars on the "Titanic"? - Yes.

19345. Oh, I beg your pardon; they were on the "Oceanic"; but on the "Titanic" they had been provided coming round from Belfast? - Yes.

19346. (*The Commissioner.*) What had become of them? - They must have been a pair of bridge glasses which were sent forward (I am only assuming this) by one of the officers to the look-out, to look out for some particular purpose, I presume, at night.

19347. As I understand, a special box or bag is provided in the crow's-nest for the very purpose of carrying binoculars? - It is a proper thing that there should be a bag there, because obviously at times, even when a particular ship is not supplied with glasses for the look-outs, glasses will be sent forward by the bridge officer to the look-out for the purpose of trying to pick up, or helping him to pick up, some particular light, and it would be a proper thing for him to have a bag or a box to put his glasses in when he was not actually using them.

Sir Robert Finlay: Your Lordship will recollect it was proved the glasses used between Belfast and Southampton were marked "Second Officer."

19348. (*The Commissioner.*) Yes, that is true. (*To the Witness.*) You used an expression that to my mind is a little ambiguous. The binoculars are useful, you said, to enable a look-out man to pick up. Now that is not the view at present I am disposed to take? - To pick up a light.

19349. What do you mean by picking up a light? My impression is they pick up first with their eyes and then use the glasses afterwards to get better or closer information as to what the light is? - I entirely agree, my Lord, for ordinary purposes, but I do think if they were looking for a light which is at a great distance they would probably, if they were looking in the right direction, pick that light up quicker with the glasses than they would with the naked eye.

Sir Robert Finlay: It is a light the position of which is known.

The Commissioner: I see - I understand.

19350. (*The Solicitor-General.*) Not searching the horizon for what you can see but knowing you ought to find a particular light on a particular bearing? - Yes.

19351. (*The Commissioner.*) Looking for a light which you expect to see? - Yes.

The Commissioner: Yes, that I understand.

19352. (*The Solicitor-General.*) As a liner is approaching the British Islands, for instance, it is always a point to pick up the first light which is on the main land wherever it is - the Fastnet, or whatever it is? - Yes, and presuming he has had good observations he knows pretty accurately where to look for it.

19353. There is a reference in this same Question No. 11 to searchlights. Has your company had any experience of searchlights at all? - Very little. We had a searchlight fitted on the "Teutonic" many years ago when she went down to the Naval Review. It was used, I think, then more for purposes of illumination. It certainly has never been used; it was taken off the ship and never was used on the Atlantic, and I think I am right in saying that our nautical staff would be very much opposed to it.

19354. (*The Commissioner.*) Are searchlights used, so far as you know, in any vessels other than men-of-war? - I never heard of it being fitted except perhaps for ships going through the Suez Canal. I believe they have a searchlight fitted for lighting up the canal ahead of them, but I am only speaking from hearsay.

19355. Those are not wanted for sighting icebergs? - No.

19356. (*The Solicitor-General.*) About the binoculars, I meant to have asked you this. Since this disaster has your company taken any steps to provide binoculars for the crow's-nest? - We have.

19357. For all your vessels? - We have ordered binoculars to be given to all the look-outs for much the same reason that we have put all these extra boats on. There is a popular cry that they want to have glasses, and we are going to satisfy them.

19358. Have you had enough experience of it to know whether your look-out men use them? If you do not know, you had better say you do not? - I cannot speak of my own knowledge.

The Solicitor-General: In the same way the next questions do not affect this gentleman, I think.

The Commissioner: Which are they?

The Solicitor-General: Nos. 12, 13, 14 and 15 - in fact all of those. The one which does affect

him in a way is the second part of No. 19, but I think your Lordship has probably got sufficient evidence about it. "Did the boats, whether those under davits or otherwise, prove to be efficient and serviceable for the purpose of saving life."

The Commissioner: I do not think you need ask this witness about that.

19359. (*The Solicitor-General.*) There is one circumstance which I think has come to our knowledge which I might ask him about. (*To the Witness.*) Do you know whether those "Titanic" boats which were taken on board the "Carpathia" were found, any of them, when they reached New York to have suffered - to have sprung or buckled at all? - I have not heard so.

The Commissioner: Question 20 he knows nothing about?

19360. (*The Solicitor-General.*) No, except that I am going to hand to your Lordship a list of the crew, which will give your Lordship the rating. We want to divide them up amongst the different classes. (*To the Witness.*) You will recognise the bundle, Mr. Sanderson, I think? - Yes.

19361. It is particulars of the crew, showing their rating and the departments to which they belonged. We can have it analysed to your Lordship, if you wish. I do not think the remaining matters touch this witness at all.

Sir Robert Finlay: There is the second part of Question 24.

19362. (*The Solicitor-General.*) Yes. I will pass to the second part of Question 24. The question is, "Was the construction of the vessel and its arrangements such as to make it difficult for any class of passengers or any portion of the crew to take full advantage of any of the existing provisions for safety?" (*To the Witness.*) Your attention has been directed to the class question in the course of this Inquiry, I daresay? - It has.

19363. What do you say about it? - I say that the "Titanic" was as simple as it was possible to make any ship of her size carrying three classes of passengers. I do not think there was a simpler or more straightforward ship afloat than the "Titanic" for getting from one part of the ship to the other.

19364. Since the disaster and this class question has been raised have you considered it particularly? - I have thought a great deal about it; I have heard it with great surprise.

19365. It is a question which is naturally raised, but as far as you and your advisers are concerned you could not suggest any improvement in that regard? - I really do not know how we could make a ship more straightforward and simple.

The Solicitor-General: I think that is all my Lord.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Thursday, 6th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

EIGHTEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALI, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by SIR R. ELLIS CUNLIFFE, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. P. LAING, K.C., MR. MAURICE HILL., K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.), appeared as counsel on behalf of the White Star line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted On application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company.

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. William A. Crump and Son), watched proceedings for the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P., (instructed by Messrs. Helder, Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside, and General Workers Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third-class passengers. (Admitted on application.)

MR. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian." (Leyland Line). (Admitted on Application.)

MR. H. E. DUKE, K. C., M. P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff-Gordon. (Admitted on Application.)

HAROLD ARTHUR SANDERSON, Recalled.

Examined by Mr. SCANLAN.

19366. In the ordinary course of events would the mails carried by the "Titanic" be delivered to the postal authorities immediately on her docking in New York? - Before she docked.

19367. Now from what port on this side is the advice sent to the postal authorities in New York, letting them know when to expect her? - From no port on this side; they would undoubtedly get their information from the New York office of the White Star Line.

19368. Do you know what communication was made from Southampton or Queenstown to your New York office as to the time of the arrival of the "Titanic," the time it was expected at which she would arrive? - I certainly know of none, and I should say offhand that none was made.

19369. Do you mean to say that at the time the vessel left Queenstown your people in Queenstown would not send any advice to the New York office apprising them of the hour at which they expected the "Titanic" to arrive? - Most certainly not. Such a thing would be most unusual and most un-businesslike.

The Commissioner: Do not ask speculative questions. If you have anything leading you to believe that such a thing would be done, then by all means ask it, but it takes up a great deal of time to ask these particulars.

Mr. Scanlan: Of course the statement we have, my Lord, is the statement of Mr. Ismay in his evidence as to the boat, the "Titanic" being expected to arrive in New York on Wednesday, but there is also mention of it in the evidence of Tuesday.

The Commissioner: That may be, Mr. Scanlan, but pass it by.

19370. (*Mr. Scanlan.*) If you please, my Lord. (*To the Witness.*) In ordering the "Olympic" and the "Titanic" was any specification delivered to the builders? - Delivered to the builders?

19371. Yes? - None.

19372. Or prepared by the builders and submitted to you? - None.

19373. Did you make any request to the builders, Messrs. Harland and Wolff, as to lifeboats? - No.

19374. Can you tell me whether there was any discussion between you personally, as a Director, and the builders, or any responsible member of their firm as to the provision of lifeboats for the "Olympic" or the "Titanic"? - Yes, I believe there was.

19375. Can you recall any conversation in which you yourself took part in regard to this? - I cannot say I recall a conversation, but I recall that at one of our interviews with Lord Pirrie the question of the number of lifeboats that would be supplied was referred to, but it was only referred to in general terms, and I cannot recall that any opinion was expressed one way or the other as to the number that Messrs. Harland and Wolff would supply.

19376. Then was it left to Messrs. Harland and Wolff to decide for themselves how many lifeboats would be supplied to the "Titanic"? - It is not quite fair to put it in that way, but Messrs. Harland and Wolff would in the first instance be under an obligation to boat the ship equal to the

Government requirements, and, as the result of the discussion which I refer to, additional boats were put on, to be on the safe side.

19377. I would like to direct your attention to the evidence given on this point by Mr. Ismay in the American Enquiry. It is right I should say that this was not put to Mr. Ismay here in the witness-box, but it is from the Official Report of the evidence. If your Lordship thinks it right, I will suggest to you the question I propose to put.

The Attorney-General: What are you reading from?

Mr. Scanlan: I am reading from the Report of Tuesday, the 30th April.

The Commissioner: What is the question?

Mr. Scanlan: Mr. Ismay is asked here, "How does it happen that the "Titanic" had but 20 lifeboats?"

Sir Robert Finlay: What page are you referring to?

Mr. Scanlan: Page 925, "How does it happen that the "Titanic" had but 20 lifeboats including lifeboats, emergency boats, and collapsible boats? - (*Mr. Ismay.*) That was a matter for the builders, Sir, and I presume that they were fulfilling all the requirements of the Board of Trade."

The Commissioner: That is quite right.

Mr. Scanlan: That is what I put to you, Mr. Sanderson? - I think I have answered very much on the same lines.

19378. That it was left in the first instance to them? - Yes; that it was left in the first instance to them. They would submit a profile plan of the ship showing the boating arrangement to us, and they would undoubtedly say that it complied with the Board of Trade requirements, and as the result of this conversation which I am giving, referring to the additional boats with which she was supplied were put on, but as to what we said or what Lord Pirrie said on that particular occasion, I cannot say.

19379. And so far as you know is there any correspondence available to you in reference to this matter? - Yes. The Solicitor-General asked me yesterday to have our records looked up -

The Commissioner: No, no; do answer the question. It admits of "Yes" or "No" or "I do not know"; and you can give any one of the three. Do not have any discussion, or we shall never get to the end of this Enquiry.

19380. (*Mr. Scanlan.*) There is no such correspondence - you have never heard of it? - I said yes, there was.

The Commissioner: Then there is an end of that question.

19381. (*Mr. Scanlan.*) Quite. (*To the Witness.*) Will you produce that correspondence? - I have handed it to the Board of Trade.

19382. Apart from what the Board of Trade or the Advisory Committee may have been contemplating, had it suggested itself to you in view of the increase in the carrying accommodation, and in the size of those sister ships, the "Olympic" and the "Titanic," that, independently, your firm ought to provide more lifeboats? - It had not - when you say -

The Commissioner: No, no. You have given your answer.

The Witness: My Lord, he has made a statement which is not correct.

The Commissioner: No, he has not made a statement; he asked a question, and you answered it. The question was quite intelligible, and so was your answer.

The Witness: With all respect, my Lord, he has made a statement that there is an increase in the carrying capacity of the ships.

The Commissioner: No, he has not. He asked a question and you answered it.

19383. (*Mr. Scanlan.*) The davits which were supplied for the "Olympic" and "Titanic" are, I understand, what are called Welin double-acting davits? - Yes, they are.

19384. Before the building of the "Olympic" and "Titanic" were such davits supplied for any

of your other ships? - They were.

19385. Is the object of having these davits in order to enable you to deal with a larger number of boats with each pair of davits? - Not that I am aware of.

The Commissioner: That is the right way to answer.

Mr. Scanlan: There is a plan here, my Lord, which I should like to submit to him, to ask him if he thinks it is practicable. There is printed on this "s.s. 'Olympic' and 'Titanic' building, by Messrs. Harland and Wolff, Limited, Belfast, for the White Star Line. Each vessel fitted with a new Welin double-acting davit, handling in all two lifeboats." Will you look at this, Mr. Sanderson. (*Handing the plan to the Witness.*)?

The Commissioner: What is this?

Mr. Scanlan: This is a plan, my Lord, referred to in papers produced by the inventor of those davits.

The Attorney-General: Which davits?

Mr. Scanlan: The Welin davits.

The Commissioner: What is the question upon it?

19386. (*Mr. Scanlan.*) This is the question, my Lord. (*To the Witness.*) Was such a plan submitted to you showing the working of each pair of davits of two boats, one carried outboard and the other inboard, as shown there? - A newspaper with this in it was sent to us by a firm called Crawford and Company in Liverpool in 1910.

19387. Your firm, then, did not authorise the production of this? - Certainly not.

19388. Or the statement that this provision was being made for the boatage of those ships of yours? - Certainly not.

19389. Looking at this plan (a plan was submitted to you yesterday, which I have not seen, by my Lord), do you see any difficulty in working with those davits supplied to the "Olympic," at least, two boats for each pair? - Off-hand, I should say it would be practicable to have two boats opposite each pair of davits.

19390. And, of course, if you had two with the davits which were carried, 16 pairs, you would have 32 wooden lifeboats? - You would.

19391. I think you stated yesterday that in addition to that there could be lifeboats on the boat deck in the free space between the forward and the after boats? - There are positions *here* where you could not put boats. You have handed to me a plan and do not give me time to study it, and I should say offhand that more could be put, but there are positions there where only ignorant persons would put boats.

19392. Now, may I ask you if you have seen the statement made in the lecture delivered by the inventor of this davit, Mr. Welin, at the spring meeting of the session of the Institution of Naval Architects on March 29th this year, the President being the Hon. Sir Charles Parsons, in which he stated -

19393. (*The Commissioner.*) First, let us have the question. (*To the Witness.*) Have you read the account of that meeting? - I have not read it, and I do not think I have ever seen a report of it.

Mr. Scanlan: Then the next question is this, my Lord, if I may refer him to the statement made there.

The Commissioner: Yes, certainly.

Mr. Scanlan: "On the boat deck of the White Star Liner 'Olympic' and also of the 'Titanic' this double-acting type of davit has been fitted throughout in view of coming changes in official regulations. It was considered wise by the owners that these changes should be thus anticipated, and so make it possible to double, or even treble, the number of boats without any structural alterations, should such increase ultimately prove to be necessary."

The Commissioner: Now, what is the question?

19394. (*Mr. Scanlan.*) This is the question, my Lord. (*To the Witness.*) Do you agree with this statement in so far as it says that you, as representing the owners, considered it wise that the changes which you expected should be anticipated, and that it was for that purpose that those davits were altered? - It was not so, so far as we are concerned.

Sir Robert Finlay: By whom was that statement made?

Mr. Scanlan: By Mr. Welin, the inventor, my Lord.

Sir Robert Finlay: He is the patentee.

The Commissioner: You know, Mr. Scanlan, I may tell you I have been deluged with circulars from all sorts of patentees of all sorts of lifeboats, and if I am to sit here to hear the merits of every one of those patents I shall be here to doomsday.

Mr. Scanlan: Of course, I would not think of bothering your Lordship with a number of those things which have been submitted to myself and those who are instructing me, if I did not think it was necessary.

The Commissioner: I am sure you have had them, too.

Mr. Scanlan: Yes, I have.

The Commissioner: I am most anxious, Mr. Scanlan, to spare you, if I can -

Mr. Scanlan: And I am most anxious to spare you, my Lord; but surely these are the davits that were on the "Titanic."

The Commissioner: Do not argue the point - go on; we shall get on quicker.

Mr. Scanlan: Very well. I hope I have not unnecessarily detained your Lordship.

The Commissioner: Oh, no.

19395. (*Mr. Scanlan - To the Witness.*) Then it has been stated that a design was submitted, or something of this kind was submitted, to you, and I take it to be your evidence (and this is the last question I shall ask you) that, apart from a paper sent you by some person named Crawford in 1910, you never heard of any suggestion that on those boats you should have a greater number of lifeboats than you carried? - That is true.

19396. On the davits? - That is so.

19397. According to your statement yesterday, you put it to my Lord, as an objection to increasing the number of boats, that if you had any considerable increase of working space on the boat deck it would be insufficient? - I did so.

19398. Is it not the case, Mr. Sanderson, that the great objection from the owners' point of view is to depriving the boat deck of space for promenading? - No, it is not.

19399. Now, I am going to ask you a question with regard to the crew for working a lifeboat. You stated, I think, a crew of four with one man for the tiller in addition - that is five? - Yes, for a certain purpose, I stated that.

19400. Do you think a crew of five would be able to row a full-loaded lifeboat such as yours?

The Commissioner: That is a question that does not affect us very much. Will you describe the sort of sea that you presuppose, Mr. Scanlan?

Mr. Scanlan: I have made some ineffectual efforts to describe the sea to other witnesses -

The Commissioner: The question of the number in the boat depends very much, I should say, upon the sea.

Mr. Scanlan: I suppose it does, my Lord.

The Commissioner: If you put this question to him it may be of some value perhaps - in an oily sea as this was.

19401. (*Mr. Scanlan.*) Yes. In an oily sea, a perfectly calm sea, I suppose four or five would be sufficient? - I should say in such a sea as you describe two would be sufficient.

19402. In a fairly rough sea you would require more? - Yes.

The Commissioner: I suppose if you had a sea bad enough you would require none, because the boat would not live, however many you put into it; you get to the two extremes.

Mr. Scanlan: Of course, I always like to get at the mean position between those extremes.

The Commissioner: Yes, get the mean position. That is what he meant, for a lifeboat of this size the crew, in his opinion, would be five men, and he means then in average weather.

19403. (*Mr. Scanlan - To the Witness.*) I suggest to you that to row a boat like your lifeboats in average weather you would require a crew of nine? - Well, I differ with you entirely.

19404. Very well. Now you stated yesterday, and I agree with you, that it is not necessary to have a larger crew?

The Commissioner: I suppose the larger the crew the less number of passengers can be carried?

Mr. Scanlan: Yes, my Lord.

The Commissioner: But I suppose the crew weigh the same as the passengers?

Mr. Scanlan: I suppose so, and they have an elementary right to safety next after the passengers.

The Commissioner: Certainly, and for all I know before the passengers.

19405. (*Mr. Scanlan.*) I do not suggest that, my Lord. (*To the Witness.*) But in making up your crews, of course you do make up a list of crews for your different lifeboats. You assign men to different stations. Do not you assign more than five to each of your lifeboats? - Yes, but not with any idea that they should go in the boat necessarily.

19406. Not necessarily, but surely that is the object of stationing a man at a boat and expecting him in ordinary circumstances to go to his position, that in an emergency he will go there? - To the boat, yes, but not necessarily go in the boat.

19407. But in so far as men are wanted, I presume the intention is that if they are there at their stations the men stationed to a particular boat will be sent with it? - Some of them.

19408. Now you stated yesterday that you do not think it is necessary that the full crew of the boat should be seamen, and I am instructed to agree with you, but is it not necessary, if the use of lifeboats is to be maintained, that the crew, from whatever department of the ship they are taken, should get proper training? - They should have a reasonable knowledge.

19409. Have you any suggestion to make as to how they ought to be trained for this work? - Yes.

19410. Will you tell my Lord what it is? - My suggestion is that the leaders of the men should do their best to get the men to carry out the Company's regulations and to take advantage of the opportunities for drill which we are trying to afford them.

19411. But until this disaster to the "Titanic" you have stated, or it has been stated, and you have accepted the statement from my friend, Captain Barclay, that when you have this so-called drill at Southampton you put into the boats, not a mixed crew of firemen and stewards and sailors, but a crew composed entirely of sailors? - It is quite true Captain Barclay said that, but he made a mistake. I am now in possession of further information.

19412. (*The Commissioner.*) On what subject? - On the subject of what is done with these boats. May I read a telegram which I received?

19413. Yes. - I sent a telegram after the rising of the Court yesterday to ask if it was the fact that other ratings than deckhands had no opportunity of getting boat experience, and this is the reply.

19414. Who is answering it? - Our Manager in Southampton. "Replying to your wire, boats on sailing morning have been recently manned by deckhands and stewards, we muster them here. Occasionally stewards will man one or two boats entirely. This was done on the 'Titanic' - 'Olympic' today had six boats in the water manned by stewards and deckhands."

19415. Tell us what is done now. I understood Mr. Scanlan to be asking you what was done

before the "Titanic" went down.

19416. (*Mr. Scanlan.*) I will just accept the statement of Captain Barclay as to what was done. (*To the Witness.*) I take it now that since the "Titanic" disaster an effort has been made to train all hands, men of all classes in the ship, for the working of the boats? - An effort is being made, and we are being met with an absolute refusal on the part of the men.

19417. And you would like the men's leaders to co-operate with you in getting the men to take the opportunity of getting this drill? - I would like anything to be done that would help us to carry out the necessary drill.

Mr. Scanlan: I understand, my Lord, that the people whom I represent are very anxious that the men should all be trained in order to secure greater efficiency and to co-operate with Mr. Sanderson.

The Commissioner: I do not quite know, Mr. Scanlan, whom it is you do represent. Do you represent the leaders of these men, or do you represent the men themselves?

Mr. Scanlan: I think your Lordship will remember that an application was made by me on behalf of the Union to be represented here.

The Commissioner: I supposed then and I do suppose still that you represented all the men, but I am not convinced about it. I suppose you do represent all the men. You are not here merely instructed by officials or leaders of the Union.

Mr. Scanlan: The officials and leaders of the Union which I represent, represent the members of the Union, who, I understand, comprise about 80,000 to 100,000 men.

The Commissioner: What I want to know is this: Assume that the men are directed to submit to this drill, do the leaders of the Union insist upon them going through their drill? - I have been told here that the men object to the drill, and will not do it.

Mr. Scanlan: Up to the present I am instructed that this is the first time a request has been made for this cooperation with Mr. Sanderson.

The Commissioner: That is another matter. Is it true that sometimes the men will not do what they are asked to do in connection with drill?

Mr. Scanlan: My information is, my Lord, that the leaders of the Union - those who represent the Union and who are alone capable of giving instructions for an Enquiry like this - are desirous that all men should be trained in the handling of boats in order to secure greater efficiency, and that they will cooperate.

The Commissioner: What are they going to do, supposing the men say they will not drill?

19418. (*Mr. Scanlan.*) They have never had an opportunity, and I think it is quite sufficient that I should be instructed to express the desire of those I represent to co-operate with Mr. Sanderson.

The Witness: We have offered them half-a-day's pay to do this drill, and they have refused - I am speaking of the firemen.

The Commissioner: I can understand the firemen having an objection, it being no part of his business to go through this drill. I can understand that. He is engaged primarily, at all events, to perform services below deck, and he may say, I have got nothing to do with boat drill or boats, and I will not do it. However, I am far from saying he will be unreasonable.

19419. (*Mr. Scanlan.*) I have heard a very interesting and very practical remark from Mr. Sanderson just now that he has offered a half-day's pay - this is the first I have heard of it. I understand it is not generally known that such an offer is open. (*To the Witness.*) When was it made? - I did not say it was open; I said we had tried the experiment and it had failed. It was tried in the case of the "Olympic."

19420. When? - Last week.

19421. So that it is not open now?

The Commissioner: It is no use making an offer that will not be accepted.

Mr. Scanlan: You have only the word of Mr. Sanderson at present. We do not know the circumstances under which it was made, or to whom it was made.

The Commissioner: No, I do not know anything more about it than I have heard here.

19422. (*Mr. Scanlan.*) I will leave it at that, my Lord. (*To the Witness.*) Now I think you expressed the opinion that of the crew of a boat two should be seamen? - I think it would be a wise precaution for boat work.

19423. Have you taken precautions that you have two for each boat where you have made an increase? - It is not necessary to take any precautions. They would not send a boat away for boat work with less than two seamen in it.

19424. So that it is the intention that two men shall be on board each lifeboat? - There is no regulation on that subject, but I am sure no lifeboat would be sent away for boat work with less than two seamen in it.

19425. But, then, you do not say that it is your purpose where you have increased lifeboat accommodation to secure that of your crew you shall have two seamen for each boat? - For each boat on board?

19426. Yes? - No.

19427. (*The Commissioner.*) I do not understand that, Mr. Sanderson. Are there not two seamen allocated to each lifeboat on the vessel? - No, my Lord.

19428. Why not? - Because I think it would mean providing the ship with an unnecessary number of sailors. Under no conceivable circumstances that I can think of would it be necessary to provide for manning for boat work all the boats on the ship.

19429. I think, Mr. Sanderson, there are instructions relating to emigrant ships issued by the Board of Trade, are there not? - There are, my Lord.

19430. And this subject that Mr. Scanlan is upon is dealt with in those instructions? - I have not read them recently; I do not recall the point.

19431. In the Company's steamships are what are called deckhands sailors? - Yes.

19432. "In steamships deckhands should be carried in accordance with the following, which is based upon the total boat and raft capacity with which the ship is required to be provided under the statutory rules relating to life-saving appliances;" and then we get the total capacity of boats and rafts required and the life-saving appliances. Take 9,300 cubic feet - you must have apparently 48 deckhands? - That is quite right, my Lord.

19433. Now then, I see it goes on to say that the term "deckhands" means the master and mates and all bona fide able-bodied seamen? - We go far in excess of that, my Lord.

19434. Now if you were to go further would it follow that you would have a number of deckhands, these able-bodied seamen, doing nothing at all during the whole of the voyage, or the whole of the return voyage, doing nothing at all, in fact, until the wreck of the steamer? - That would be correct; we should have to make work for them.

19435. You would have to keep them doing nothing in anticipation of the wreck of the steamer? - That is true, my Lord.

Mr. Scanlan: If I am right, from what my Lord has read to you from the regulations, the 48 men mentioned there would be where your lifeboat accommodation was for 900 persons?

The Commissioner: No, no, 9,300 cubic feet.

19436. (*Mr. Scanlan.*) I think it works out at 10 cubic feet per person, and, generally speaking, that is for 900 people? - Yes, that is correct.

19437. So that if you carried your boat accommodation up to, say, 32, or for double that number of people, you would require a greater number of seamen? - If we are going to put all those boats into the water for boat work, not flotation.

19438. If the requirements of this regulation of the Board of Trade were extended in

correspondence with the number of boats carried, and increasing accommodation, it follows that there would be a considerable increase in the number of men? - If the Board of Trade increased the scale that my Lord has read out the number of men would have to be increased, no doubt.

19439. (*The Commissioner.*) But my point is this, and I want to know whether I am right or wrong about it. Would the effect of making that increase in the number of men be, that you would be carrying always a number of men who could not be employed? - That is perfectly true, my Lord. The ship is efficiently manned now for all reasonable purposes.

19440. (*Mr. Scanlan.*) Does it suggest itself to you that this demand might be met if the lifeboat accommodation was to be increased by giving proper training to the men in the other departments, and carrying only sufficient deckhands for the proper duties which deckhands have to discharge? - That is obvious. There is no difficulty about giving the necessary training to most of the ratings.

19441. (*The Commissioner.*) You mean to say, if they are amenable to take it? - I find the stewards are very amenable, and the deckhands also; it is only in the firemen's case that we cannot get them to do it.

The Commissioner: You must not say that, I am afraid, to Mr. Scanlan.

The Witness: I think he wants the truth, and that is the truth.

19442-3. (*Mr. Scanlan.*) Now, with regard to speed, you have given verbal instructions to your Captains in regard to speed under certain circumstances since this disaster, have you not? - No, we have not. I do not quite follow the question - Will you put it a little more clearly?

19444. With regard to precautions for safety and the emergency of meeting ice in the Atlantic, I take it you have given some instructions to your Captains since this accident? - I think I told the Court yesterday what we have done, which is that we have impressed upon them the necessity for exercising even more caution in future than they have done in the past.

19445. But no special directions of any kind have been given? - No.

19446. Does it suggest itself to you as a reasonable thing, that at nights the look-out should be increased? - At nights, ordinarily, no.

19447. At nights when ice is expected? - If it is clear I should think two men would see the ice as well as six.

19448. Now, I want to put this to you: Do you think with your knowledge and experience, which, of course, is very extensive, that it would be advantageous when running at night in a region where ice is expected to station a look-out man at the stem head in addition to the look-out men in the crow's-nest? - Reasonable - if the Commander thought it would help him, he would do it, undoubtedly, but as to whether it is reasonable or not, I cannot say. There could be no harm in it, certainly -

19449. Do you think it is a desirable thing to do? - I really do not think so. I think two men on the look-out in clear weather are sufficient for any purpose, whether it is for ships or ice or anything else, but perhaps when it was hazy it would be advisable.

19450. Do you think, for the purpose of detecting ice, that it is not desirable to have always a man stationed at the stem head at night? - The term "desirable" bothers me. If you say "desirable" it might be desirable to have a score of people there, but I do not think it is necessary.

19451. Do you think, as a practical man, that it should be done? - No.

19452. Now, do your Company have regulations in regard to sight tests for the look-out men? - We have.

19453. Can you say whether all the look-out men on the "Titanic" had been tested for their sight? - I cannot say of my own knowledge. I am informed that they have experienced difficulty in Southampton in getting men with sight certificates, but it is our wish that it should be done as far as possible.

19454. And that only men with sight certificates should be got for this purpose? - Yes, that is right.

Examined by Mr. ROCHE.

19455. I just want to carry a very little further this question of the firemen in the boat (I represent the engineers). As I understand it, you are agreed, and Mr. Scanlan's clients agree, that it is desirable that the firemen should be practised, if possible, in boat station work and in the manning of boats and in the rowing of boats? - Yes, I think so.

19456. And your boat station list (I do not know that my Lord has seen the actual document) contains in each boat some two engineers and some half a dozen firemen, or in some cases there are firemen allocated. There is space for them? - I think so.

19457. Of course, as you say, everybody who is on the list is not meant to go in the boat? - I think that is so.

19458. But they are supposed to be of some use at the boat stations? - Yes.

19459. And the firemen included? - Yes.

19460. Of course, if the firemen were no use in the boats there would always be a tendency to shut them out as being either of no use or as occupying space which passengers would take up; if they were no use that would be the tendency? - I think, obviously, the officers would select the best men.

19461. And, of course, if the firemen do not go, the tendency will be that the engineers and officers' staff will not go either? - I do not think that follows at all.

19462. You know, of course, that no engineers went in this case, and that there always is a very large percentage of firemen drowned in these cases? - I think there is a very good reason which you need not be afraid of.

19463. I just want to pursue this topic at the moment. I want to carry this question of training a little further. Of course, you have a difficulty with the crew apart from the firemen; they do not like drills and matters of that sort, I understand you to say? - I do not think we have had any difficulty except with one rating - the firemen.

19464. That may arise from reluctance to do another man's job, or it may be that they are tired? - I am afraid I cannot say.

19465. Now I want you to consider whether that may not be overcome now with the goodwill of the unions, and whether, if some bonus is offered, that would not facilitate matters? - It does not seem a reasonable thing that we should have to offer a man a bonus to make himself efficient.

19466. You know, of course, that in certain branches, for instance, in His Majesty's Navy, there are very important and laborious operations, such as coaling ships, that they have to go through, which are carried out with extraordinary facility.

The Commissioner: What are you trying to make out?

Mr. Roche: I want to make out or suggest to the Witness that in some way some practical suggestion should be made by which all ratings could be made efficient to man the boats. I wanted to see whether the Witness could not help us.

The Commissioner: I thought you were suggesting that some additional pay ought to be made.

Mr. Roche: Yes, that was the suggestion, my Lord.

The Commissioner: That seems to me to be very remote from our Enquiry.

Mr. Roche: I have made the suggestion, and, having made the suggestion, I thought nothing was remote which could in a sense add to the efficiency of the boats.

The Commissioner: But you know, I do not like these different suggestions coming from

different gentlemen that these men ought to be paid more money.

Mr. Roche: This is an entirely disinterested suggestion as far as my clients are concerned, my Lord. It is only in the interest of their lives that this suggestion is made; it does not touch their pockets at all.

The Commissioner: As I understand, you suggest that they ought to be paid more money in order to make them more efficient in working the boats.

19467. (*Mr. Roche.*) I am suggesting that the firemen should do so for the safety of all concerned, but there was no suggestion made that the engineers should be so trained or should be paid extra. (*To the Witness.*) I think you understand my suggestion, that it relates simply to firemen in the interests of the general safety of everybody concerned? - Yes.

19468. But there was no suggestion made that this bonus should attach to them, or that they should participate in the drill. Now just a question about another matter, with regard to the question of speed at night when ice is about. I quite understand you to say that as things stood at the time of the calamity to the "Titanic," you did not think that any other liners did slacken speed under those circumstances, or that it was reasonable to expect a navigating officer to do so? - Yes, that is so.

19469. That I understand to be your position? - Yes.

19470. But I want to quite understand. I do not know that you suggest now in the light of after experience that it would not be prudent under those circumstances, particularly when there is no sea to break on the ice to reduce speed? - The circumstances were that the officer over-estimated his ability to see. Under those circumstances, of course, he would have been wise to slacken speed.

19471. Do not you think that that may frequently happen at night in dealing with unlit objects, and that some general regulation from your Company, or better still, from a group of companies, that moderation of speed should be strictly attended to under such circumstances would be an advantage to navigation? - I really do not think we can add anything to the instructions we have given our navigating officers at the present time with regard to that, beyond cautioning them to carry out their instructions.

19472. As I understand it, there are no instructions whatever relating to speed when ice is in the neighbourhood or when ice is expected? - That is part of a navigating officer's duty, to exercise caution under those circumstances.

19473. One of your objections was that no other company did it, that if you could get the other companies, just as they attend to questions of track, to attend to the moderation of speed in the region of ice, it would be an advantage to the travelling public and to everybody concerned? - I hope the Court will take my word for it, that we should not be influenced in the slightest degree by what other companies do about it. We shall do what we consider right in the interests of the safety of life.

19474. Now, I just want to get from you what you were going to tell your view with regard to the engineers. You said that there was a reason, in your view, why they were all to a man drowned? - There was. Shall I give you my reason?

19475. If you please? - My reason for saying that is that yesterday of Mr. Ismay you asked whether he did not think some regulation might be made whereby the engineers might be called on deck in time of emergency. I do not think any such regulation is necessary. I think the engineers on the "Titanic" were fully alive to the danger in which they stood, and that if they did not come on deck it was due to a magnificent conception of their duty.

19476. That is quite a possible explanation, but, of course, the reason for questioning whether that applied to all the engineers was very shortly this; that fairly obviously this water was driving everybody in the ship, in the lower part of the ship, back and back until they got to the engine

room, and it is rather difficult to suppose that all the engineers were required in the engine room when the calamity was pending? - You remember they sent the firemen on deck, and therefore there was more need for the engineers in the engine room

Mr. Roche: I follow your reasoning.

Examined by Mr. HARBINSON.

19477. Am I right in saying that the firemen had to be sent down from the deck by one of the stewards? - I believe the firemen behaved gallantly in the ship.

19478. Now, were your Company, the Oceanic Steam Navigation Company, the pioneers in building these huge steamships? - I think we did lead.

19479. And would I be right in saying that you found it necessary to do so owing to the increasing demand for luxury in ocean travelling? - That is true.

19480. Now, with your experience, which is a very extensive shipping experience, and also in the light of this recent calamity, do you not think now that some of this space which is devoted to millionaires' suites and extra deck promenades could not possibly be better utilised for the purpose of ensuring the safety of all the passengers? - If there was anything we could do to ensure the safety of the passengers the question of millionaires suites would disappear in a moment.

19481. Do not you think, with regard to the boat deck, the extra space devoted to promenade decks, especially on the boat deck and the A deck, that if the recommendation of my Lord should take the form of a provision for additional boats, emergency boats I mean, lifeboats and collapsible boats, you have no hesitation in saying that that space will be placed at their disposal? - I do not say that space. We will find space on deck for the boats which my Lord recommends us to carry.

19482. Do you think that the provision of such an extra number of boats as would cope with the requirements of all the passengers that would be carried on such a ship as the "Titanic" - that the provision of those boats so high up would in any way endanger the safety of the ship? - You are supposing something which I objected to from the first.

19483. (*The Commissioner.*) I did not quite catch that answer. Will you repeat it? - I contend my Lord, that it is unwise to do, in the first place, what this gentleman is asking me to express an opinion about.

The Commissioner: That I understand. But I understood his question to be whether, if you were to put the boats suggested - I do not know how many that is, double the number than at present are there - the question is if you were to double the number of boats would it imperil the safety of the ship? I do not know whether it means would it interfere with the working of the ship.

Mr. Harbinson: It would make her top-heavy, my Lord.

The Witness: 60 boats would be required, and I say to put 60 boats on the "Titanic" would be ridiculous in the first place, if it is possible, and I do not think it is possible.

19484. (*The Commissioner.*) Would it make the vessel top-heavy? - It would certainly make her tender. As to whether it would make her dangerously tender or not would be a matter for the builders.

19485. (*Mr. Harbinson.*) Am I right in assuming that that opinion is based on the theory of the unsinkability of the ship, that your opinion is that such a number of boats would not be necessary? - Not only on that account, but I have told the Court that to put so many boats as that on the boat deck would make the boat deck so congested that it would leave very little space for those who wish to use the boat deck.

19486. You do not, I understand, suggest to the Court that to carry that number of boats,

stowed away elsewhere, would be ridiculous? - I do not suggest that such a number of boats would be carried under any circumstances.

19487. I suggest to you that, in the interest of public safety, there should be boat accommodation for every passenger and for every member of the crew? - In the same interest my answer is that it is not necessary and it is not wise.

The Commissioner: You know you can imagine a case of a different kind. People when they are ill require doctors - whether they get any advantage from them I am not sure, but they require them. If there were an epidemic of cholera on the ship would you suggest that sufficient doctors ought to be always carried to attend to all the people suffering from the epidemic.

Mr. Harbinson: No, my Lord, because my suggestion there would be that, provided time allowed, one doctor would be adequate to attend to all.

The Commissioner: I am assuming an epidemic to which one doctor, or two doctors or half-a-dozen doctors could not possibly attend.

Mr. Harbinson: Then, my Lord, under such special circumstances my suggestion would be that, with notification to the Company beforehand, that that contingency was going to arise, it would be their duty to provide a sufficient number of doctors to attend to the passengers and crew.

The Commissioner: Then you would have to carry a ship full of doctors.

19488. (*Mr. Harbinson.*) I cannot conceive the circumstances where that would be possible, my Lord. (*To the Witness.*) Now, Mr. Sanderson, I would just like to ask you a question about this launching of the boats from such a height. Of course, you will agree with me, and with what other witnesses have said, that in a heavy sea with a heavy roll on it is a very dangerous operation to launch these boats? - From any height.

19489. Have you considered the matter, or can you offer any suggestion as to whether or not it would be feasible to launch the boats from slips further down, constructed nearer the water? - I do not understand what you mean by a slip.

19490. I mean by a gangway or doors so constructed nearer the water's edge that it would be possible, probably by means of rails, to shoot the boat out on to the water? - I think that would be quite an impracticable suggestion.

19491. And your Company have not considered any suggestions to that effect? - We usually put a thing of that kind in the waste-paper basket.

19492. That suggestion was very seriously made in a debate which took place not very far from here quite recently, but you say you do not consider it practicable? - We have a very great many suggestions sent to us, for which we are very grateful, but the majority of them go into the waste-paper basket.

19493. I presume you read them all -

Sir Robert Finlay: Where was the debate?

Mr. Harbinson: In the House of Commons, Sir Robert. I think he is a member of your party, I am not sure.

Sir Robert Finlay: Who made it?

Mr. Harbinson: Mr. George Terrell.

The Commissioner: I want to know what we are doing at present.

Mr. Harbinson: My purpose, my Lord, is to ask Mr. Sanderson a question now about the classification at Lloyd's. (*To the Witness.*) I understand your steamers are not classified at Lloyd's? - No.

19494. Do you not think that it would probably add to the general efficiency of ships and increase the public confidence if there were some inspection made other than the inspection that is made by the Board of Trade? - I am quite sure it would not.

19495. Why do you say so? - Because the White Star ships are recognised as being of such a superior type to the ships which are ordinarily classed in Lloyd's that the fact that Lloyd's passing them would commend itself to no one in particular.

19496. That is to say, you consider that public confidence could not be increased by Lloyd's making an examination? - I am quite sure it could not.

19497. Do I rightly understand that there is no examination made of your ships beyond that made by the Board of Trade? - The Board of Trade, and, of course, the builders building up to their special specification.

19498. By the Board of Trade examination, do I understand that that was the examination upon which the certificate read by the Attorney-General is founded? - Yes, that is correct.

19499. Would you explain to the Court of what exactly that examination consists? - I prefer to leave that to the builders. The construction of the ship is supervised, to a certain extent, by the Board of Trade people.

19500. I understood that it was you, representing the White Star Line, who were on the "Titanic" when the trials were made. Is that right? - No, it is not right, in so far as I only made the trip from Belfast to Southampton. It is true the engines were tried on that trip, but I took no part in the trial.

19501. Were you there as representing the White Star Line? - Yes.

19502. Was any trial made as to the efficiency of the watertight doors? - There was a trial made every day of those doors.

19503. Was there a trial made on this trip? - No, there was not, because she was not on business then.

19504. Now, your Company have carefully considered the question of watertight doors, have they not? - Very.

19505. (*Mr. Harbinson.*) Then, my Lord, I should like, if I may, to ask Mr. Sanderson a few questions on that point. (*To the Witness.*) Would you agree with this view that if you pierce a bulkhead with the idea of making a watertight door you defeat your own object in making a watertight compartment? - No, I do not think so.

19506. You would not agree with that view? - No, I should not agree with it.

Would you agree with this view, that you cannot close the watertight compartments in a sudden rush. In a big compartment the rush of water is so terrific that you cannot close the door.

The Commissioner: Who says this?

Mr. Harbinson: Lord Charles Beresford, my Lord.

The Commissioner: What is the rush of water? Where is it coming from? Is it coming from a burst pipe, or what?

Mr. Harbinson: It came in in this case from the rip in the side of the "Titanic."

The Commissioner: But I understand that is an observation about a rush of water the dimensions of which are not mentioned and the volume of water not given.

Mr. Harbinson: Well, my Lord, it is a speech made on the same occasion as I read before, by Lord Charles Beresford.

The Commissioner: Do spare me the House of Commons speeches, please.

Mr. Harbinson: It was the opinion of Lord Charles Beresford, my Lord.

The Commissioner: That may be.

19507. (*Mr. Harbinson - To the Witness.*) Now, would you agree with the view that the lifeboats on the "Titanic" ought to have been provisioned in the same way as the lifeboats in a man-of-war are provisioned? - I am not familiar with the man-of-war practice.

19508. I understand that the man-of-war practice is that the lifeboats have always got biscuits and all the requirements necessary on board? - So have the White Star ships.

19509. They are supposed to have? - I believe, in fact, they have.

19510. But in view of the evidence that has been given now in the course of this Enquiry, do you still adhere to that view? - I do.

The Commissioner: I am told that you are quite wrong in supposing that lifeboats on a man-of-war are provisioned in that way. They are not. There are two emergency boats that are provided with such luxuries.

19511. (*Mr. Harbinson.*) I think, my Lord, there were luxuries in the boats on the "Titanic." (*To the Witness.*) Now you, I understand, disagree with the view that searchlights would be useful? - My own opinion is that they would be worse than useless; they would be a positive source of danger to the ship.

19512. Upon what is that opinion founded? - Because of the well-known fact that if you are going to keep a good look-out at night the worst thing that can happen to the man on the look-out is to have a glare to look into. I believe if they had a searchlight and the man looked down the lane of that glare he would not see anything on either side of him for some five minutes afterwards.

19513. You do not think it would enable the man on the look-out to see ice? - I think it would help him to find the ice; but would get him into trouble with passing ships.

19514. Would there be any likelihood of coming into contact with passing ships? - I am afraid we cannot look upon the system of meeting ships as perfect as that. In spite of our lane roads we are meeting and crossing ships constantly.

19515. Now, do you think, in view of what has occurred that the opportunities of getting from one part of a big ship like the "Titanic" to another part are adequate? - I think they are as near perfection as they can be on the "Titanic."

19516. Do you think, with regard to the passengers fore and aft that their opportunities of getting from the very front and back of the ship to the boat deck might not be improved upon? - I do not see how they could be.

19517. In this case you have read the figures, the percentage of loss was higher of that particular class. Now, do not you think that the intricate maze of passages may have been one of the reasons why these people did not find their way to the boat deck? - I do not admit that there was any intricate maze of passages, and I do not think the position of the third class passengers was directly affected by that or that your point, that they could not get there, had anything to do with their not going away in the same number. I think that the position in which the boats are placed on the ship necessarily being the position which is the best for launching them, happens to be abreast of that portion of the ship in which the first and second class passengers are carried, and, therefore, when the call for women and children came, the women and children who were handiest came to the boats first, and that is the reason, I think, why there were more first and second class women and children saved than third class, because the nearest were taken first.

19518. Then the third class women were aft? - Yes.

19519. Would it not be possible, in consequence of what you have just said, to place a number of boats for third class women somewhere about the well deck? - It would be a very inconvenient place to carry a boat and almost an impossible place to launch a boat from, because of the overhang.

19520. Would it not be possible so to alter the construction of your ships that these boats for third class passengers could be carried in the rear of the ship (pointing to the model)? - If you look where you are pointing, you will find the line of the ship comes *there*, and to put a boat out *there* would be a most dangerous thing.

19521. I mean carrying them in? - I mean to launch a boat would be a most dangerous thing to attempt in that portion of the ship.

19522. Dangerous even with a steamer, as it was in this case, slowed down? - That is an exceptional case.

19523. Then would you think it desirable, in view of the fact that you do not consider it feasible to put the boats so near the stern, that when you are issuing passengers tickets to all the passengers the number of the boat to which they are assigned in case of emergency should be put on the passengers tickets you issue? - What am I going to put on the tickets for which we have not got places in the boats?

19524. I am assuming for the purposes of my question that you would provide -

The Commissioner: That is very remote. First of all, you have to assume that there is boat accommodation for every soul on board. Otherwise, as Mr. Sanderson says, you could not fill up a ticket.

Mr. Harbinson: I am assuming that for the purposes of my question.

The Commissioner: It is too remote.

19525. (*Mr. Harbinson - To the Witness.*) Would it be desirable to indicate upon the tickets the boats which the passengers would be assigned to? - I can conceive no useful purpose that could be served.

19526. Do you not know that it is actually done in the case of some lines? - I do not know.

The Commissioner: Can you tell me which line?

Mr. Harbinson: I do not know of my own knowledge, my Lord, but I have been told that it is done in the case of some of the Japanese Lines, but I will try and obtain the information for your Lordship.

The Commissioner: From where to where?

Mr. Harbinson: I take it, it is the ships that ply in the Far East, probably between the East and England.

The Commissioner: You mean boats plying in Eastern Waters.

Mr. Harbinson: That is my information, my Lord - that that has been done.

The Commissioner: Well, I do not like cross-examining gentlemen in your position, Mr. Harbinson, but will you tell me the name of the line?

Mr. Harbinson: That I cannot do, my Lord, but I can ascertain it for your Lordship.

The Commissioner: Can you tell me the source from which the information comes?

Mr. Harbinson: I have been told so, personally.

The Commissioner: By whom?

Mr. Harbinson: I was told so by a nautical man in London.

The Commissioner: What is his name?

Mr. Harbinson: His name, I believe, is Macdonald.

The Commissioner: Where does he live?

Mr. Harbinson: I cannot give your Lordship his address.

The Commissioner: Is the question based simply upon information given to you by a gentleman named Macdonald, who lives somewhere, and you do not know where.

Mr. Harbinson: I know where he is to be found.

The Commissioner: Where is he to be found?

Mr. Harbinson: At a club, of which I am a member, my Lord. I hope I have submitted patiently to your Lordship's cross-examination.

The Commissioner: But you know, really, if I am to sit here to listen to questions based upon information or suggestions derived from somebody in a club, I do not know when I am to get to the end of the Enquiry.

Mr. Harbinson: The question, I submit to your Lordship, is important in this way, that if a station had to be allotted to each individual -

The Commissioner: We are upon the question of practice in Eastern Waters of Japanese Lines, the names of which I do not know, and upon matters mentioned apparently by a gentleman named Macdonald in a club.

Mr. Harbinson: I submit, my Lord, that one of the functions of this Commission is to make recommendations.

The Commissioner: It is; and it is one of the functions to try and get reliable evidence upon the question.

Mr. Harbinson: I was merely putting the suggestion to the Witness in order to ascertain his opinion.

The Commissioner: Are you going to call Mr. Macdonald?

19527. (*Mr. Harbinson.*) That I shall exercise my discretion upon when the proper moment arrives. (*To the Witness.*) Now, do you know whether the Board of Trade have got regulations with regard to boat drill? - They make a certain boat inspection before the ship sails.

19528. Do they take any steps to ascertain from time to time whether proper boat drill is carried out? - I do not recall that that is any part of their Regulations; it may be.

19529. At present you do not know whether they do or do not? - I do not recall whether they have any Regulations upon that point.

19530. You consider it of course, eminently desirable that proper boat drill should be carried out? - Certainly.

19531. And you consider that it is in the interest of the safety of the passengers that in cases of emergency the men should know exactly what to do, know their stations and what is expected of them? - Yes.

19532. Now I think you told my Lord yesterday that in the case of the "Oceanic" the men had refused boat muster? - Yes, I did.

19533. In your view, is the Master or the Captain of the ship not the right man to fine the men? - Yes.

19534. And to punish them for refusing to comply with his orders? - Yes, but that does not make them do it. They were logged in this instance for refusing duty.

19535. And your evidence today was that up to the present inducement has failed? - To a very large extent it has failed. You cannot get them to turn out in any satisfactory numbers.

19536. You know that Mr. Andrews was the designer of this boat? - I cannot say who the designer of the boat was. It was designed by Messrs. Harland and Wolff; but who they employed for the particular work I cannot say.

19537. Do you know Mr. Andrews? - Very well indeed.

19538. I am not referring now to this question of davits. Do you know whether or not prior to the launching of the "Olympic" and the "Titanic" a suggestion was made that these ships were insufficiently boated? - I do not know of any such suggestion.

19539. You have never heard of that? - No, I have never heard of any such suggestion.

19540. Now upon the question of crews, I put a question with regard to continuous service to Mr. Ismay, and I would like to invite an expression of your opinion upon it. Would you consider it feasible to provide, as far as possible, for keeping on the crew which does the voyage backwards and forwards during the time the steamer is in port? - It is feasible, but not commercially feasible.

19541. Do you think it could be made commercially feasible by employing these men instead of employing shore gangs, as you do at present? - We do put those men on the shore gangs as near as we can, but in practice it is not their desire to work while the ship is in port.

19542. Up to the present, have you in practice given them the opportunity? - Yes, they have had lots of opportunities.

19543. Then I take it that you would not disagree that for the purposes of managing a big steamship you require a well-disciplined and thoroughly-trained crew? - Of course.

19544. And that cannot be secured by shipping a fresh crew for every voyage? - There is no regular liner that does ship a fresh crew for every voyage.

19545. But I gather that the men when they come home are discharged, are paid off, and then that you sign on a fresh crew when she is leaving again? - I do not know what you mean by a fresh crew. I should say that 70 percent of the men that come in on one voyage go out on the next.

19546. According to the Government requirements, they are all paid off each time they come into port.

The Commissioner: All this we have heard before, and I really do not want to hear it half-a-dozen times.

19547. (*Mr. Harbinson.*) Would it not be possible to increase the number of those who continue in your service and continue on the particular boat they are employed upon? - We told you yesterday of the efforts we have made to do it, and it was not any good, and we have met with no encouragement.

19548. Now, Mr. Ismay, in answer to the Attorney-General at Question 18434, said this: He was asked: "You have told me now what your answer is. What was your answer?" And he says: I should say if a man can see far enough to clear ice, he is perfectly justified in going full speed. (Q.) Then, apparently, you did not expect your Captain to slow down when he had ice reports? - (A.) No, certainly not." Do you agree with that? - Entirely.

19549. And in view of what has occurred, would you in giving the verbal instructions that you have told us about to your Captain - would you repeat and say this: We do not expect you to slow down when you have ice reports? - I most certainly will not say anything of the kind.

19550. You would not give them instructions to that effect? - No, of course I would not. To tell a man not to slow down! It would be ridiculous.

19551. Although at the same time you would justify him when he had failed to slow down although he had ice reports? - I should expect him to exercise his discretion as a good seaman, and err on the side of safety; but as to telling him not to slow down it would be criminal.

19552. But you would justify him when he did not slow down? - Under proper conditions I would, yes.

Examined by Mr. CLEMENT EDWARDS.

19553. Yesterday you said that in your view it would be unwise to have such a number of boats as to accommodate everybody aboard ship? - I did.

19554. Was your idea of the un wisdom based upon your faith in the unsinkability of the ship? - No.

19555. What was it based upon? - I have already said, I think, that my objection to it would be that in the case of a ship such as the "Titanic" she would have to carry something like 60 boats, and I do not consider it is possible to put 60 boats on that ship without hampering her deck so that the working of those boats would not be interfered with.

19556. Then do you believe that you could still have less boat accommodation and passengers carried though you have not faith in the unsinkability of the ship? - I do. There are certain risks connected with going to sea which it is impossible to eliminate, just as there are risks in connection with travelling on land.

19557. And you think that those risks ought to be borne by, at all events, a proportion of the passengers and crew on every one of your ships?

The Commissioner: Ought to be divided amongst them, not borne by a proportion, but divided amongst them generally. This does not help me very much. It appears to me that Mr. Sanderson is quite right. Every person who goes to sea, or, for that matter, who walks on land, must expect some risks.

Mr. Edwards: Yes; quite so, my Lord, and, as I understand, the purpose of this Commission is to find out how we can reduce those risks to an absolute minimum.

The Commissioner: That is quite true; that is one of the purposes, no doubt.

Mr. Edwards: So that I can put it to Mr. Sanderson that your idea with regard to boat accommodation bears no relation to your ideas as to the sinkability of the ship.

The Commissioner: I do not understand that question. What does it mean?

19558. (*Mr. Clement Edwards.*) I will put it in parts, my Lord. (*To the Witness.*) First of all, I understand you to say that you regard it as unwise to carry such a number of boats as would provide accommodation in the event of disaster for every person on board the ship? - I do.

The Commissioner: He has said that three or four times. Now, what is the question?

19559. (*Mr. Clement Edwards.*) I understand you to say that that is not based upon your faith in the unsinkability of the ship? - It is not based upon that because I think the objections I have mentioned apply to any ship, unsinkable or not.

19560. If that is your view, will you say why there is any need to carry any boats at all? - For transfer purposes.

19561. Purely for transfer purposes? - That is my judgment.

19562. That is to say, transferring from ship to shore in the event of disaster, or from ship to ship in the event of disaster? - That is my view.

19563. And that the case of being in such a situation as that there are no ships to which to transfer is a risk that must always be taken? - Yes, and it is a very, very small one.

19564. We all thought it was, I daresay, Mr. Sanderson. Now, yesterday you stated that in certain respects the construction of the "Titanic" exceeded the requirements of Lloyd's? - I did.

19565. You stated with regard, first of all, to the watertight bulkheads, that she was superior to Lloyd's requirements? - In regard to her strength I am told that she is.

19566. May I take it, with regard to her height, that there are 15 bulkheads on the "Titanic"? - Yes.

19567. Do you know up to what decks they came? - They came up to the E deck forward and D deck aft.

19568. And intermediately in the bunkers in the boiler section? - The same thing - E deck until you come aft and then they go up to D deck.

The Attorney-General: The two forward ones go to D deck. The two forward decks are stepped one forward to E deck and the other one aft to D deck.

The Witness: I am sorry I made a mistake. I suggest, however, that this is a question which really had better be answered by the builders; it is technical.

The Commissioner: If Mr. Edwards will promise me not to ask the next witness the same question, we will have it now.

Mr. Edwards: I should not have attempted to examine Mr. Sanderson upon this point if it had not been for the statement which he made in reply to the learned Solicitor-General yesterday.

The Commissioner: What was that statement?

19569. (*Mr. Clement Edwards.*) The statement that he made yesterday was this, my Lord: "I should mention that she had a specially powerful wireless installation, long distance. She was built with an unusual number of watertight bulkheads, 15 in all; those bulkheads were of special construction, carried up as much as possible in one fair line, and they were built in excess of the requirements of Lloyd's." (*To the Witness.*) Now, take the bulkhead immediately in front of

boiler section No. 6, what is the height of that? - It seems to go to E deck.

19570. Do you say that it does go to E deck? - I am looking at the plan, and I think I am correct in saying that it goes to E deck.

The Attorney-General: Which one?

Mr. Edwards: The one immediately in front of boiler section 6.

The Attorney-General: Yes, that is right; it goes to E deck.

19571. (*Mr. Clement Edwards.*) Now, take the bulkhead between boiler sections 6 and 7, does it run continuously? - There is a step in that one apparently up to E deck. I think you will find I said so far as possible in a fair line.

Sir Robert Finlay: We have had a model made, my Lord, which shows in a very convenient form the watertight compartments, and which, I think, may save time, and which shall be shown to your Lordship.

The Commissioner: That will be much more intelligible than these plans.

(*The model was handed to the Commissioner.*)

Sir Robert Finlay: It shows the two forward bulkheads going up to D deck, and the other to E deck.

Mr. Laing: The decks are numbered.

Sir Robert Finlay: The number is on the decks. You will not see it if it is lying flat in that way.

The Commissioner: Now, Mr. Edwards, what is your question?

Mr. Edwards: I just asked as to how high the bulkhead between boiler sections 5 and 6 ran, and the Witness said there appears to be a step.

The Commissioner: According to this model it goes to E.

Mr. Edwards: I have not seen the model, my Lord. It runs fairly to E. Does it show the step?

The Attorney-General: There is no step.

The Commissioner: There is no step in *that*.

Mr. Edwards: May I ask if between 4 and 5 there is a step shown?

The Commissioner: Yes, there is. Now that I have it in my mind, I will hand it down to you, Mr. Edwards.

19572. (*Mr. Edwards - To the Witness.*) You spoke yesterday about the bulkheads being superior to the requirements of Lloyd's. Are you familiar with requirements of Lloyd's? - No, I am not.

19573. Why do you say that this is superior to the requirements of Lloyd's? - Because I am advised so by the builders.

19574. So that it is not upon your own information? - These are matters on which I accept information from the builders.

19575. If you were told that Lloyd's requirements as to bulkheads were that they were to be taken right through to the height of the upper deck, fair, would you then say that your bulkheads were superior to Lloyd's requirements? - If what you say is correct, apparently they would not be.

19576. I will take you now to the question of the strength of the bulkheads. Do you of your own knowledge know what the plate thickness of the bulkheads in the "Titanic" was? - I do not know.

19577. Do you know anything in respect of that what Lloyd's requirements are? - I do not know.

19578. Do you know any particulars as to the stiffness of the bulkheads of the "Titanic"? - No, I am not familiar with those details.

19579. Do you know what Lloyd's' requirements are in that respect? - No, I have said that. I do not know what they are.

19580. So that I may take it that while you said yesterday that in certain respects the construction of the "Titanic" in the matter of bulkheads was superior to Lloyd's, that is entirely based upon what you have been informed by the builders? - It is.

19581. Then I will not trouble you any further upon that point. I should like to ask you one or two other questions. Have you had any experience at all of classification for Lloyd's register? - No.

19582. (*Mr. Clement Edwards.*) Do you know that if you had sought the "Titanic" to be classified there would have been independent Surveyors superintending the construction?

The Commissioner: I know it. You need not trouble about it. I know it well.

The Witness: It is so.

19583. (*Mr. Clement Edwards.*) Then I will not pursue that point any further, my Lord. (*To the Witness.*) You spoke of complying with the regulations of the Board of Trade in the construction of the "Titanic"? - Yes.

19584. What you really meant was, was it not, that what you did was to satisfy, after the construction, the inspectors of the Board of Trade? - I think we have to do a little more. I think that while the ship is under construction she is subject to a certain supervision by the Board of Trade.

19585. You do not suggest, do you, that you have to answer certain elements of construction to comply with any definite Regulations of the Board of Trade? - I believe there are such, but what they are I am not in a position to tell you.

19586. You have never seen any such Regulation? - No, I have not.

19587. A Regulation as to plate thickness? - I am quite unfamiliar with these details. I think you had better ask the builders.

19588. I only wanted to see. You stated yesterday you had complied with the Board of Trade Regulations, and I wanted to make it perfectly clear what it was with which you did comply? - I am only repeating information which was given to me.

19589. As I understand, your Company is owned by the International Marine? - They own the shares.

The Commissioner: That is not legally true. What the International Mercantile Marine Company does is to hold the great bulk of the shares in the Oceanic Company.

Mr. Edwards: I understood from the evidence of Mr. Ismay that they hold all the shares.

The Commissioner: I say the great bulk. They do not hold all of them. There must be some left in the Oceanic Company itself which are not held by them.

The Witness: To be quite correct they do not hold them in their own name. They are held indirectly. It is a mere detail.

19590. (*The Commissioner.*) I should like to know, are they held by some Trust Company? - Yes.

19591. Some American Trust? - They are held, in the first place, by the International Navigation Company, of Liverpool, whose shares are again held by a Trust Company in America.

19592. These ramifications are rather a mystery to me? - I know they are rather complicated.

19593. Let us trace them through. There is the Oceanic Company? - Yes, my Lord.

19594. That took over, as I understand, all the ships, as I understand, of the White Star Line? - It always owned them.

19595. No, it did not, because these ships were owned at that time by Ismay, Imrie and Co? - Never, my Lord.

19596. Do you mean to say there never was a firm of Ismay, Imrie and Co.? - They were the managers of the Oceanic Company.

19597. I do not know it, but you may be right. Do you mean to say that from the beginning of the White Star Line the boats have been owned by the Oceanic Company? - Yes, from its very first.

19598. Very well. Some years ago the International Mercantile Marine Company was formed? - It was.

19599. That company was an American Company, I understand? - Yes.

19600. And did that company acquire all the shares, or practically all the shares in the Oceanic Company? - It did.

19601. And then you say that the International Mercantile Marine Company acquired them. They did not have them registered in their own name? - No.

19602. In what company's name were they registered? - They are held by the International Navigation Company of Liverpool; but it is purely a financial transaction.

19603. So I suppose. I was going to ask you what is the business of the International Navigation Company of Liverpool? - It is one of the subsidiary companies controlled by the International Mercantile Marine Company.

19604. What is their business? - Steamship.

19605. What steamers do they manage? - They run at present the "Marion," the "Haverford," and the "Dominion" to Philadelphia.

19606. They do not run any of the White Star Line? - None.

19607. But it is a company that runs steamships? - Yes, it is.

19608. I will not ask you, because it may not be of the least interest, why the shares which the International Mercantile Marine Company took over from the Oceanic Company were registered in the name of this financial company, but they were registered in the name of this company, the Navigation Company. Are they, then, held by any Trust company in America? - They are, as security for a certain issue of bonds.

19609. Has this Navigation Company transferred those shares in their turn to the Trust Company in America? - It has.

19610. And what is the name of the Trust Company in America? - There are two Trust Companies, my Lord. I would not like off-hand to quote the names, as I am not very familiar with them.

19611. They are companies instituted, I suppose, and worked for the purpose of, holding the security which bondholders have recourse to? - That is right, my Lord.

19612. (*Mr. Clement Edwards.*) I suppose the real reason for your having a series of English Companies -

The Commissioner: No, not English Companies. There is only one, the Oceanic. The Navigation Company, perhaps, is an English Company.

The Witness: It is an English Company.

19613. (*Mr. Clement Edwards.*) Well, the reason for having an English Company is, of course, to enable you to register under the first Section of the Merchant Shipping Act? - I do not quite follow you. Who are to register?

19614. I think you are familiar with the Merchant Shipping Act? - I am going to answer your question if you will let me. I can answer it quite easily. It is not necessary to transfer to the International Navigation Company the shares for the purpose of holding under the Navigation Act.

19615. That I know; but the International Mercantile Marine Company, being an American Company, although the substantial owners of these ships, could not be the registered owners in this country by reason of the First Section of the Merchant Shipping Act of 1894? - That is true.

19616. And, therefore, you have set up this special independent English Company for the

purpose of complying with - ? - No, excuse me. The intermediate Company that you are referring to was used for financial reasons quite independent of the actual question.

19617. I put it to you that if you had not the Oceanic Company you would have to have some other English Company if these ships were to be registered in England? - Certainly.

The Commissioner: Or a British subject; you do not want a company.

19618. (*Mr. Clement Edwards.*) Yes. Quite so. Either a British firm, or a company, or an individual? - They must be a registered company or an individual.

19619. I see that the ship's rules and uniform regulations are issued by the International Mercantile Marine Company. That is the red book. You have a copy there, have you not? - Yes.

19620. (*The Commissioner.*) I did not know that. They are issued, then, by an American Company? - That is not quite correct, my Lord. Perhaps I may explain. Each of these companies which have come under the control of the International Mercantile Marine Company had, up to a few years ago, its own book of rules. For the sake of uniformity we went through these various books and put them all into one, and to save having the names of all the companies referred to on it we called it the "International Marine Companies' rules."

19621. In point of fact these rules which now apply to all the steamers, certainly all the steamers of the White Star Line, and probably to a great many others, are American rules? - No, my Lord.

19622. They are rules issued, apparently, by the American Company, because I hold the book in my hand. "The International Mercantile Marine Company" - that is the American company? - Those rules were drafted and prepared here by myself and my colleagues.

19623. That may be. But they are issued by the American company - "International Mercantile Marine Company: Ships' Rules and Uniform Regulations." Is not that so? - Their name is on the book, my Lord.

19624. (*Mr. Clement Edwards.*) May I take it that every one of the companies or lines controlled by the International Mercantile Marine Company are guided by these rules? - They are.

19625. Does that apply to the Leyland Line too? - I think they also have adopted the same book.

19626. Do you mind turning to page 23, paragraph 112? Before I read that, however, I should like to ask you a question. You have just said that before this International Company came into existence there were a number of separate Regulations for each of the Companies. You yourself have been for some years attached to the White Star Company, and you have said that you had drawn up these rules. In regard to assisting vessels in distress do you remember whether this rule here is at all similar to the old rule of the White Star Company? - I could not say at this distance of time whether it is identical with it or not.

19627. But this is the rule to which, as far as its owners are concerned, Captain Lord would be subject? - I believe so.

19628. "Assisting Vessels in Distress - (A.) In the event of falling in with vessels derelict or in distress, Commanders (of the passenger steamers especially) should bear in mind that by deviating from their courses or from the usual employment of their ships, in order to render assistance to other vessels, otherwise than for the purpose of saving life, questions as to insurance may arise, and responsibility may be incurred to passengers and owners of cargo for detention or risk to which they or their property on board may thereby be exposed. As a general rule, therefore, Commanders of the passenger steamers in the North Atlantic trade are reminded that it will be better not to interfere in such cases, unless the circumstances be of very special character, or it be for the purpose of protecting or saving life. (b) In the trans-Pacific and Colonial trades, Commanders of the passenger steamers, in coming to a decision on this point,

should bear in mind the great distances involved and the comparatively infrequent opportunities of obtaining assistance which may occur, and that under such circumstances a liberal interpretation of these rules is permissible." That, of course, is not on the Atlantic. "(c) In the case of the cargo steamers other considerations apply, and the Commanders of these vessels may, should they consider the circumstances such as to justify their doing so, exercise a wider discretion in carrying out this regulation. (d) Commanders of all steamers are cautioned that under no circumstances are they, in assisting vessels in distress, to unduly risk their own vessels, or expose the lives of those on board to hazard." So that as far as the Company itself is concerned the thing that is impressed upon their officers is rather in the direction of not helping than helping? - I do not think that is a fair interpretation of the rule.

The Commissioner: Mr. Edwards, are you asking him to interpret what this means?

Mr. Edwards: Yes.

The Commissioner: Because, if so, that will not do. I must interpret it.

19629. (*Mr. Clement Edwards.*) Yes, my Lord. With due respect, my Lord, I perhaps ought not to have asked the question. (*To the Witness.*) Will you kindly look at Rule 113: "Commanders are required to navigate their vessels as closely as possible on the Transatlantic routes adopted by the principal Atlantic Passenger Lines"? - I am familiar with it.

19630. I only want to refer you to two other rules. The first is Rule 248. It is on page 45, "Examination of Coal Bunkers." The respective senior engineers of each watch, before going off duty, must go through the coal bunkers, and note their condition on the log-slate, and should there be any signs of spontaneous combustion taking place, they are at once to report same to the Chief Engineer, who is immediately to notify the Commander. All coal should, as often as possible, be worked out of the bunkers." We have had it in evidence that there was a fire in one of the bunkers when the "Titanic" was coming over from Belfast to Southampton? - Yes.

19631. Would a copy of the log of the "Titanic" be taken for the use of the Company before she left Southampton? - The Engineers Log from Belfast to Southampton?

19632. Yes? - I presume there would be one, but I do not remember it. It is a very short trip, and perhaps the ordinary regulations might not have been carried out on it.

19633. You cannot tell me whether there was any entry in the log as to the fire? - I could not tell you; but I know that there was a fire.

19634. When did you know that? - I heard it at this Enquiry first of all. I then sent down to Southampton, and they said, "Yes, there was a small fire."

The Commissioner: What are these questions directed to? Spontaneous combustion in a coal bunker is by no means an unusual thing. Are you suggesting that we are concerned in enquiring as to whether it was entered in the log, or not?

Mr. Edwards: No, my Lord. With respect, that is not the point.

The Commissioner: What is the point?

Mr. Edwards: The point, with very great respect, is this - that the part of the particular bulkhead which showed damage, according to the evidence, was a bulkhead which stood in the bunker where there was evidence that a fire had existed continuously on the journey from Belfast to Southampton, and even subsequently; and that the coal had to be taken out down to a certain level, and black paint put on so as to hide whatever marks there might be, or the damage caused by the fire. It would be a matter, of course, for your Lordship's consideration as to whether -

The Commissioner: Do let us confine ourselves to the real serious issues of this Enquiry. That fire in the bunker has nothing to do with it.

Mr. Edwards: With very great respect, my Lord, I should have thought it was.

The Commissioner: I differ from you there entirely.

Mr. Edwards: With very great respect, I would suggest that it was a little premature for your

Lordship to say this until after you had heard the expert builders, and perhaps other experts as to what is calculated to be the damage done by a continuous fire.

The Commissioner: Will you tell me what the evidence hitherto with respect to this bunker is?

Mr. Edwards: Yes, my Lord.

The Commissioner: What is it? That there was a fire in this bunker between Belfast and Southampton; that the coal was worked out; that some dent or dinge was observed (*so one witness says*) in the wall of the boiler. Is there anything else?

Mr. Edwards: Yes, my Lord.

The Commissioner: What is it?

Mr. Edwards: That in order to get the hose through to work upon this fire a hole or holes had to be bored through the bulkhead.

The Attorney-General: There is no evidence of that.

The Commissioner: Who is it that says that?

The Attorney-General: I have never heard that.

Mr. Edwards: Barrett, I think, is the witness.

The Commissioner: Will you refer me to the Question and Answer?

Sir Robert Finlay: There is nothing of the kind.

Mr. Roche: I think your Lordship will find the evidence that my friend is talking about on page 70.

The Commissioner: Will you read it?

Mr. Roche: It is in answer to a question by myself. I think it is with reference to the same bunker, No. 5. It is Question 2249: "Now I want to ask you one question about the hole in this bunker you have described to my Lord."

The Commissioner: He must have said something previously to this.

Mr. Roche: Yes, my Lord. He had said fairly early in examination-in-chief that there was a hole in the bunker after the accident.

The Commissioner: After what accident?

Mr. Roche: After the accident with the ice - after the collision with the iceberg.

The Commissioner: Do you mean a hole knocked through the ship's side by the iceberg?

Mr. Roche: Yes, my Lord, that is Barrett's evidence.

The Commissioner: That is not the hole Mr. Edwards is talking about.

Mr. Roche: That is the evidence of Barrett. That is what my friend is thinking of.

Mr. Edwards: Allow me to say, my Lord, that I had this so definitely in my mind when I went over the "Olympic" at the inspection that I made special enquiries as to the position where this hole was supposed to have been made.

The Commissioner: Of whom did you enquire?

Mr. Edwards: Of two officers.

The Commissioner: Two officers of the Olympic?

Mr. Edwards: Yes.

The Commissioner: What did they know about it?

Mr. Edwards: It so happened, my Lord, that two of the men employed by the White Star in helping to clear out the coal had also been employed on the "Olympic," and had conversed with the officers on the subject.

The Commissioner: Do you know their names?

Mr. Edwards: The officers' names? No, I do not, my Lord.

The Commissioner: Do you know the names of the firemen?

Mr. Edwards: Yes, my Lord, the trimmers.

The Commissioner: What are their names?

Mr. Edwards: With very great respect, my Lord, unless the man is called here as a witness -

The Commissioner: Can you give me their names?

Mr. Edwards: Yes, my Lord.

The Commissioner: Then do so.

Mr. Edwards: They shall be supplied to your Lordship.

The Commissioner: Do so, please.

Mr. Edwards: Very well, then.

The Commissioner: What are their names? You seem at all events to be mistaken in supposing that any evidence has been given at this Enquiry of a hole in the wall of that bunker except possibly the hole knocked in it by the ice - which would be the skin of the ship. If you think it worthwhile pursuing it, by all means do so.

19635. (*Mr. Edwards - To the Witness.*) I was only going to ask one short question upon it - as to whether the fire in that bunker had been reported to you independently of anything which might possibly appear in the log? - I have no doubt it was reported to the Superintendent at Southampton. It would not have come to my knowledge unless it was important.

19636. In these rules issued by the International Company I see that with regard to the boat drill it is suggested that the crews might have boat badges. It is on page 11, paragraph 18, of the red book: - "Boat and Fire Drill." - "If boat badges are used, they will be distributed at the beginning and collected at the end of each passage, before the ship's arrival in port. A fine will be imposed for the loss of boat badges." When you drafted that rule had you had any experience in your mind? - I had not.

19637. Had either of the Companies which are now controlled by this Company had any experience of the working or the use of boat badges? - I believe they have made a practice of it.

19638. Do either of the lines now controlled by this Company utilise boat badges? - I think they do, but I cannot speak positively.

19639. Have you any knowledge at all which would enable you to express an opinion as to the advantage or disadvantage of the use of boat badges? - I do not think there is much in it. If we had thought there was much in it we would have made it compulsory.

19640. Do you think, after the experience of this disaster, that it might be advisable, so as to avoid confusion, to have boat badges? - I believe that our people are now using boat badges, but I know of nothing that happened in connection with the "Titanic" which would have been bettered by boat badges if they had been in existence.

Mr. Edwards: I do not think I need pursue that point any further.

Examined by Mr. LEWIS.

19641. I have one or two questions I should like to ask. Are you acquainted with the methods of boat drill adopted by the Cunard Company? - No, I cannot say that I am.

19642. Do you know whether their boat drills take place, for instance, the day before sailing instead of on the day of sailing? - No, I do not know what their practice is.

19643. Do you think you would be more likely to get the men to drill effectively if the boat drills did take place on some other day than the day of sailing? - I do not think so. We have tried to get the men to come the day before sailing, and they have refused.

19644. At Southampton? - Yes, at Southampton.

19645. Is it not a fact that some two years ago the men made a request that, instead of their attending at eight o'clock in the morning and leaving and then returning just about the time of the ship leaving, they should attend boat muster at 10 o'clock and remain on board and serve the ship? - We made that change because the firemen came on board when the other men did, early

in the morning, and they refused, like the other men, to stay by the ship, and insisted upon going on shore. In order to keep them on board the ship after they once joined, we allowed the firemen to join at 10.30, expecting them to stay on board the ship, but we found, in practice, that they refused to stay on board the ship.

19646. That has been adopted quite recently, has it not? - A year or two ago that was established.

19647. I understand that the system of starting at 10 or half-past 10 has recently been adopted. That suggestion was made by the men themselves as far back as two years ago - and it was refused by your Company - that they should start at that hour and stay on board the whole time? - I think the regulation was altered at the request of the men. It must be all a year ago or more. I am speaking of the firemen, and they have sometimes only come on board at 10.30.

19648. Is it not a fact that a good many of your firemen are naval-trained men used to discipline? - I believe so.

19649. Is it not also a fact that they are most anxious that they should have proper boat drill? - You say so, but the circumstances do not seem to justify it.

The Commissioner: He has answered that question, and he has been examined about it over and over again?

Mr. Lewis: The point, my Lord, is this: that a great many men do not consider the boat drills which are adopted to be proper boat drills. They desire proper and efficient boat drills.

The Commissioner: That is another and a different question. You may ask him that question.

Mr. Lewis: I used the term "boat-drill."

19650. (*The Commissioner.*) Have the men who have been summoned to a boat drill, and have not come, made the excuse that the drill was a useless drill? - Never to us, my Lord.

19651. Or that it may be improved in any way? - Never, my Lord.

19652. (*Mr. Lewis.*) Do you drill your men separately, the stewards and sailors and firemen separately? - I was going to give you exactly what they are doing in Southampton when I was reading the telegram.

The Commissioner: Please do not. Answer the question.

19653. (*Mr. Lewis.*) Is it a fact that the firemen are drilled separately from the sailors and stewards? - I do not know what you mean by "separately."

19654. They do not take part in all drills? - All at the same time. That is the intention.

19655. Then you do not know whether they drill together or not? - I know that the firemen do not drill at all in practice, so far as my information goes. The stewards and the deckhands are doing it and the firemen are not.

19656. Not even at the present time? - Not even at the present time. They are still refusing. That was my information here.

19657. I think you said that you tried it on in the "Oceanic," and that the men refused, and that you logged some of them? - No, I did not say that. I told the Court that about a year ago or more the men while on the passage to New York refused to attend boat muster and were logged for not doing it. It is a different thing from the boat muster at Southampton.

19658. Quite recently on the "Oceanic" seven men left. You said that seven men left the ship? - That was a boat muster at Southampton.

19659. They refused to attend, and left the ship? - Thirty-seven of them.

19660. Those are not the ordinary men employed by you as a rule? - I do not know that.

19661. Is it not a fact that when the "Oceanic" came back from New York she was short-handed? - I never heard of it.

19662. And that the men complained of the extra work they had to do, and, as a consequence, objected to the drill? - It never came to my knowledge.

The Commissioner: Would it be an extraordinary thing if they did?

The Witness: Complain?

The Commissioner: Yes.

19663. (*Mr. Lewis.*) I think in your evidence you complained of the shortage of A.B.'s. I think you said that in the event of extra men being required through new regulations it would be difficult to obtain a sufficient supply of A.B.'s? - Yes, I think it would be.

19664. Do you not think that there are a large number of A.B.'s who prefer to work ashore owing to the irksome duties they have to perform? - I am not aware of it. I am not aware that they regard their duties as irksome.

19665. Do you not think that the majority of sailors object to the system of four hours on and four hours off? - It has not come to my knowledge if it is so.

19666. Do you not think that it would be desirable to have three watches of sailors instead of two watches? - No, I do not.

19667. Are you satisfied with the number of petty officers that are supplied? - Entirely.

19668. Do you not think it would be desirable to have extra bo'suns or bo'sun mates? - The necessity for it has never been suggested to me.

The Commissioner: How many more men of your Union do you suggest ought to have been on board this boat?

Mr. Lewis: How many do I suggest? I am not suggesting it from the Union point at all.

19669. (*The Commissioner.*) Never mind about that. How many of the men you represent do you think ought to have been employed on this boat in addition to those who were employed? - I do not suggest that any particular number of my Union should be employed. I suggest that all we ask for is that enough men should be employed. It does not matter what Union they belong to.

The Commissioner: Will you tell me how many more men you suggest there ought to have been on this boat?

Mr. Lewis: I suggest, my Lord, that there should have been on the "Titanic" at least 15 extra men.

The Commissioner: 15 out of 890 odd?

Mr. Lewis: Deckhands, I am speaking of.

The Commissioner: How many deckhands were there altogether?

Mr. Lewis: My information is that there were about 48 or 49 able seamen.

The Commissioner: You think there ought to have been 60 odd?

Mr. Lewis: I suggest, roughly, that there ought to have been 60.

19670. (*The Commissioner - To the Witness.*) What do you say to that? What would the extra 15 men be doing during the voyage if you had had them? - I do not know, my Lord. I suppose some work would have been made for them to do - polishing brass or something.

19671. You mean by that they would be doing useless work? - Quite so, my Lord. Polishing brass or something like that.

19672. (*Mr. Lewis.*) You must remember that the "Titanic" and "Olympic" are extremely large boats - very heavy tonnage? - I do.

19673. How many able seamen do you carry on the "Oceanic"? - I am afraid I cannot give you the figure off-hand.

19674. Would I be right in suggesting that, approximately, there were 38 and 4 ordinary seamen? - You may be right. You have the figures; I have not.

19675. I understand that there were 38 able seamen and 4 ordinary seamen. I understand you do not carry ordinary seamen on the "Olympic" or the "Titanic." The gross tonnage of the "Oceanic" would be 17,274? - I think that is the figure.

19676. And the "Titanic" 46,328? - Yes, that is right.

19677. In view of the fact that that is an increase of double, and that there were such a very large number of passengers, do you consider that is a sufficient extra number of men to carry? - I certainly do. I do not think that you can measure the number of the deck crew by the tonnage of a ship.

19678. That works out at about eight more than on the "Oceanic"? - I repeat that the question of the crew was fully considered, and we were advised as to what we should put and we put the men we were advised to put in her.

19679. I understand that to allay public feeling you have placed extra lifeboats on the "Olympic"? - We have extra lifeboats.

19680. Collapsibles, I believe? - Yes.

19681. And I understand that you placed about 24. Is that so? - You first of all put a larger number on board and then took them off, did you not? - We started to put on board a number that would be equal to the possible total of people that might be on board. We saw that that was so absurd that we took them off.

19682. And, finally, you took 24 extra boats? - Yes, we put a number of boats equal to the number of souls on board the ship when she sailed on that voyage.

19683. How many extra men did you put on board to look after those boats? - If my recollection is right I think we shipped five extra seamen.

Mr. Lewis: My information is four.

The Commissioner: I am not enquiring into the "Oceanic," but the "Titanic."

Mr. Lewis: This is with regard to her sister ship, the "Olympic."

The Commissioner: That may be, but I am enquiring into the "Titanic," and the circumstances attending the loss of that ship.

Mr. Lewis: I understand that, my Lord, but Mr. Sanderson said in his evidence that the boats would be in the way if they were placed on the boat deck. I was anxious to find out whether they have found that the placing of those 24 boats upon a similar ship, the "Olympic," had occasioned any difficulty. After all, they are similar boats, my Lord.

The Commissioner: You can ask him that question.

The Witness: The boat deck, as those who have seen it know, with the number you speak of, is already very congested, and she is not nearly boated to her full capacity.

19684-5. (*The Commissioner.*) In your opinion, is she, with these 24 collapsible boats added to the number that were previously on deck, as seaworthy a boat as she was without them? - I think she is quite seaworthy.

19686. What I mean is, can you work the boats quite as easily? - You mean put the boats in the water as easily?

19687. Yes? - I should not like to say that we could, and I would not like to say we could not. I think she is fairly well congested now.

19688. What do you mean by "congested"? - The boats are very close together, and there would not be much room for the men to work. If the men started on these boats, which are amidships - opening them out and moving them to the side of the ship - they would have very little room to work in.

19689. I suppose - I do not know - there comes a point when an additional lifeboat, instead of being of service to the ship, is a disservice? - That is my feeling, my Lord.

19690. (*Mr. Lewis.*) Is it not a fact that you contemplated - I want to find out the number of men that are really required for these boats - sending the "Olympic" away without any extra men to look after the extra boats that you put on? - I should not have hesitated to do it.

19691. Is it not a fact that your Company did not contemplate, in the first instance, sending any extra men? - I do not remember that; I do not remember how the matter came up. I know that

five extra men were shipped, but at whose instance I cannot tell you.

19692. Are you not aware it was at the request of the men themselves that extra men were placed upon her? - I will take your word for it.

19693. And that objection was taken by the Company that they could not afford the space? - I will take your word for it; I attach no importance to it.

19694. Just one word with regard to the speed of ships during fogs. I understand you said in your evidence that you have never known your boats to proceed at full speed during a fog? - I do not remember stating that. If I did find one of our ships proceeding at full speed during a fog, somebody would hear about it. I never said it.

19695. Your boats frequently run into fog off the banks of Newfoundland? - Yes.

19696. Would they telegraph from the bridge to the engine room to stand by? - I am sure they would.

19697. Is it not a common practice as long as no sounds of other steamers' whistles are heard to continue full speed even in a fog? - My dear Sir, I thought I had made myself abundantly clear on that point.

The Commissioner: I put the question myself of this witness yesterday.

19698. (*Mr. Lewis.*) So I understand, my Lord. I have read the evidence? - I say the suggestion is an outrageous one.

19699. I understand you say that the person who made that suggestion would be a very ignorant person? - Ignorant and malicious.

19700. The average revolutions at full speed would be about 75 to the minute, would they not? - I think 78 was mentioned as full speed.

19701. 75 to 78. Is it not a common practice when half speed is rung down to proceed very often at 65 revolutions? - I have not got the figure of half speed in my mind. You cannot get half speed by dividing the revolutions in half.

19702. Are the engine room logs kept? - Certainly they are kept.

19703. If men who follow the sea, such as greasers and leading firemen, were to suggest that ships do frequently run through fog - in fact, the term they use is "run through anything" - they would be ignorant persons and malicious? - They would.

The Commissioner: Is there anyone else who wishes to ask this witness any questions?

Examined by Sir ROBERT FINLAY.

19704. You were asked with regard to the number of passengers that the "Titanic" carried as compared with other vessels? - Yes.

19705. Were there other vessels before the "Titanic" and the "Olympic" which carried as many passengers as they do? - There are, and they are running today in our service.

19706. You are prepared to give their names? - Certainly. The "Celtic" and the "Baltic" are approximately the same capacity.

19707. Carrying as many passengers and crew? - Altogether, yes.

19708. Taking them altogether, I mean? - Yes, totals.

19709. How does the deck space of these vessels compare with the "Titanic" and the "Olympic" deck space? - Not as great.

19710. Would there be the same accommodation for boats on vessels of that type? - No, there would not be as much accommodation.

19711. Very roughly, how would it compare with the deck space available for that purpose on such a ship as the "Titanic"? - I am afraid I should not like to guess. I might go so far afield.

19712. Anyhow, it would be considerably less? - Materially less.

19713. Have you looked into the question of the number of lifeboats carried by other liners, with reference to the number of passengers, as compared with the "Titanic" and the "Olympic"? - I have not done so myself. Enquiries are being made, and I cannot say for the moment whether we have got the information or not.

19714. Do you know the general results? - I have not been informed yet.

19715. Enquiries have been made, and that will be established? - Yes, it will be.

19716. Now, with regard to another matter - as to the boat drill. Are *these* the lists which you have - three of them, I think; one for the sailing department, one for the engine department, and one for the victualling department - the stewards, I suppose, with reference to the boats? - Those are what are put up in the different departments.

19717. These are the documents (*Handing same to Witness.*)? - Yes, they are.

19718. Perhaps you will keep them for one moment. In addition to those, is there the general boat list? - There is a general boat list, subdivided into these.

19719. Are these put up or framed or stuck up anywhere? - They are put up in the different departments. I am not sure where the general one goes; I think it goes in the chart room. *These* go in the departments.

19720. Are there emergency lists in addition (*Handing same to Witness.*)? - Yes, there are. *That* is an emergency boat list.

19721. (*The Commissioner.*) I see on this list that an officer is assigned to each boat, and then there are spaces for the names of four other men. That is so, is it not? - I think in practice they would have to put more names in than that, my Lord. The term "Officer," I think, is used for the purpose of a man who would go in command of the boat. It does not necessarily mean that he would be a ship's officer. He might be a petty officer.

19722. It begins, "Commander, Chief Officer, First Officer, Second Officer, Carpenters, Boatswains, Quartermaster," and so on; and then a space is left for four additional names, and they are bracketed together and described as "Seamen." What does that mean? - I suppose, technically, that every man who goes to sea is a seaman. They would distinguish between the sailors and the firemen.

19723. It does not necessarily mean a deckhand? - I do not think so.

Mr. Roche: The next page talks about the firemen.

The Attorney-General: There is a special one for the firemen.

Sir Robert Finlay: There are three departments. The first is the sailing department; the second the engineers' department; and the third is the victualling department.

The Commissioner: I beg pardon, Sir Robert. That is quite so. So that there are a great many more than five men allocated to each boat.

The Witness: I should think in the case of the "Titanic" that there must have been between 30 and 40 to each boat.

The Attorney-General: I went through it earlier with one of the witnesses. I put those in.

19724. (*Sir Robert Finlay.*) With regard to the question of boat drill and getting firemen to take part in it, had you moved in that matter long before the loss of the "Titanic"? - We have always attempted to do it.

19725. Of how old standing are the difficulties about getting firemen to take part in the boat drill? - I think our real difficulties have only been of recent years - in the last two years. I do not recall that we had any real difficulty before that.

19726. Since this disaster you have been continuing your efforts to ensure proper drill? - We have increased them.

19727. Can you tell us what is being done now? - Yes, we have asked the Board of Trade to make their inspection a more thorough one in so far as instead of turning out two boats to turn

out a good many. We have turned out as many as 13 or 14, and we have had a large number of those boats manned and sent out, rowing some distance and back again. As I say, the stewards and deckhands have done that work. They do not seem to have had much success with the firemen.

19728. Have you got any information in writing as to what is being done? - I have this telegram, which I have already alluded to.

19729. You only read a line or two. Perhaps you would read it to recall it to his Lordship? - It is rather long. I shall be glad to read it. It is as follows: "Replying your wire, boats on sailing morning have been recently manned by deckhands and stewards who muster at eight. Occasionally stewards lower and man one or two boats entirely. This was done on 'Oceanic.' 'Olympic' today had six boats in water manned by stewards and deckhands. Difficulty has been experienced in interesting engine department, who now only muster at 10.30, as if muster earlier as in past the men all evade boat drill, go ashore, and come back at last moment more or less under influence of drink, or fail to join altogether. In case of 'Oceanic,' in order to exercise engine crew with boats all were asked to come down Tuesday morning and offered half-a-day's pay for boat drill from nine until one, but men would not come, and thirteen boats were therefore put in water by deck crew that day. Experiment not repeated with 'Olympic,' as Blake confident men will not turn up day before sailing on three weekly schedule as time in port so short. After muster all engine room staff now put on lifebelts and muster at their allotted boats, so that each man knows own boat before ships sail. This was very successful with 'Olympic,' 'Oceanic,' 'Majestic,' and satisfactory to Emigration Officer. When crew sign on each is given a number, which is also shown on articles giving boat to which each man is allotted. Previous practice was two boats put out on sailing morning by deckhands, but stewards and firemen not exercised at all by reason of former being busy and latter gone ashore after muster."

19730. Thank you. Now, you have been asked about the number of deckhands on board the "Titanic." Had you enough deckhands for all the work that there was for them to do? - I believe so.

19731. Was the number of deckhands in excess of the Board of Trade requirements? - Considerably.

19732. Have you looked up the amount of loss of life in your vessels that has happened while your line has been running? - We have had some figures made up.

19733. Is this the statement (*Handing same to Witness.*)? - Yes, we prepared that statement.

19734. The statement goes from 1901 to 1911? - Yes.

19735. Taking the result, apart from the loss of life that took place on the "Titanic" up to that time how many passengers during those 10 years had been carried, and what was the total loss of life? - The total number of passengers shown by these figures carried during those 10 years is 2,179,594; the loss of life is two.

19736. When did that happen? - That happened in the case of the "Republic," which came into collision with the "Florida," and those two people were injured in the collision.

19737. That was in January, 1909? - Yes, that is right.

19738. I think these were first class passengers? - They were.

19739. And is that the whole amount of loss of life which took place in that number of passengers carried? - Yes, it is.

19740. (*The Commissioner.*) How many passengers do you say you have carried in those 10 years? - The 10 years in question - 2,179,594.

The Attorney-General: Is it not eleven years? 1901 to 1911 - both inclusive?

The Witness: I expect it is inclusive, in fact it must be. You are right, it is eleven years inclusive.

19741. (*Sir Robert Finlay.*) Adding the figures of the "Titanic" to that, and taking the loss of life, what is the total number of passengers carried and the total loss of life, and what percentage does that yield? - Including the "Titanic," the total becomes 2,180,910 passengers, and loss of life 822. The percentage is .038.

19742. I will hand that statement in. (*The statement was handed in.*) You referred, I think, in connection with questions put to you with regard to the davits, and Mr. Welin's way of constructing the davits, to a correspondence which you said you had handed to the Board of Trade? - I did.

19743. Is that the correspondence? (Handing same to witness.) - Yes, that is a covering letter.

19744. And the other letters? - That is a memorandum.

The Commissioner: Give the substance of it.

Sir Robert Finlay: I do not think it is at all important.

The Commissioner: Perhaps you had better tell us the substance.

Sir Robert Finlay: It relates to some address given with reference to Mr. Welin's plan for the construction of the davits, and your Lordship will see that it has no special reference to anything but to the construction of the davits. I will hand it up to your Lordship.

The Commissioner: There is no importance attaching to it?

The Attorney-General: I do not think it is important.

19745. (*Sir Robert Finlay.*) The Attorney-General agrees with me that it is not important. (*To the Witness.*) With regard to the routes, a question was put to you as to the unlikelihood of there being crossing ships. These lane routes, as they are called, are adopted by all the liners, are they not? - Yes.

19746. By a combination amongst the companies? - Principally passenger liners and a few cargo boats.

19747. These routes, of course, are not necessarily observed by sailing vessels; in fact, they could not do so? - No.

19748. You may have a sailing vessel come across the track at any time? - Yes.

19749. Are they observed by tramps? - A few may, but I do not think to any extent.

19750. So that there is always a possibility, as you have pointed out, of a crossing ship on the line? - Or even a vessel on either bow which would not be a crossing ship; they would not see her.

19751. Exactly. Now, you said something with regard to the deviations by the commanders of your vessels from the routes, and the reports that were made with regard to that and the enquiries held? - Yes, I did speak of it.

19752. Is this a list of cases in which such enquiries were held of such deviations? - I had this looked up at the Solicitor-General's request yesterday.

19753. It is not necessary to go through them, my Lord. It shows the deviations reported, and the ground of them is stated? - And the Captain commended in most cases for doing it.

19754. In most cases it would be found that the reason for the deviation is regarded as satisfactory? - Yes.

19755. I think there is only one other matter I want to ask you about. With reference to this red book, when were the rules which are comprised in this red book drawn up originally, and by whom? - They would be originally drawn up when these various subsidiary companies were formed, and this book is a selection from the various books which were in existence in 1907.

19756. Was there a book for the "Oceanic" for the White Star Line? - Yes.

19757. How did that compare, as regards the rules, with the contents of this book? - I think I am right in saying that there is more of the "Oceanic" Company's Rules in this book than of any other subsidiary company.

19758. In 1907 I think the rules were modified. Who drew up the rules in their modified form, as they appeared in this red book in 1907? - A committee, consisting of the managers of the various companies concerned went through them rule by rule.

19759. Where? - Here in London.

19760. They were settled in London in the way you have described? - Yes, by the local managers.

19761. It is headed "International Mercantile Marine Company"? - That is to give it a name.

19762. They are intended for use by a good many companies? - Yes, about five.

19763. Five companies? - Yes, about five.

19764. That name was given, and they were prepared in the way described? - Yes.

Further examined by the ATTORNEY-GENERAL.

19765. Have you been through these letters? - I have seen them all at one time or another, but I have glanced through them this morning.

19766. That extends from 1892 to the present year? - Yes, I think there is one selected for 1892 for a particular purpose.

19767. Of course, these are only samples? - Yes.

19768. You have not attempted to get them all? - No.

19769. I have been going hastily through it, but I do not think I have come across any deviations on account of ice? - I think there are some.

19770. Except this year? - I would not like to say what they were.

19771. I find two, but they are only after the event? - I told our people to find as many as they could, and send them on.

19772. There are two, my Lord, which, in view of a question your Lordship put yesterday, I think I might call particular attention to, and that is one of the 24th April of this year. I notice there is one, as I am informed, which is dated "Montreal," which refers to ice? - Yes.

19773. That is in 1911? - Yes.

19774. What I wanted to know was whether there were any other reports of this year, after the "Titanic" disaster, with reference to ice encountered in the track from Queenstown to the United States, to New York? - I instructed our people by wire yesterday to send all they could get, all they could find. I think I am right in saying there have been very few deviations on account of ice for some years. There has been very little ice seen on the Atlantic; but these do show, Sir, that the Captains do exercise their power to deviate whenever they think it necessary for any purpose whatever.

19775. I do not want to argue with you as to what the effect is, but they show clearly that when they report to you they have deviated for derelicts, or on account of heavy labourings - I see that is one of the reports - and that the explanation has been accepted by the Company? - Yes.

19776. It shows that, I agree. What I wanted to know was whether there were any reports of deviation on account of ice being encountered or reported on the track from Queenstown to New York? - I have no others to put forward than those.

The only ones that I see are these two, and they are both after the event, the 24th April, 1912, and the 27th April, 1912.

Sir Robert Finlay: You see the ice has been coming so much further South.

19777. (*The Attorney-General.*) I understand, of course, that there is more ice this year. That is quite right? - May I put it this way, Sir, that we have issued no fresh instructions in regard to deviating from the track since the "Titanic" accident.

19778. I only want to get the fact; the argument will be of interest later on to the Court. Am I

right in this, that you can only find reports of deviations from the track since the "Titanic" accident? - I take your word for it. I have not looked at them very carefully.

19779. It is quite clear that there are no others here? - I simply handed in the bundle as I got it from Liverpool.

The Attorney-General: The first, my Lord, is on the 24th April, 1912, and it is this: "Track. Owing to the numerous ice reports received, I deemed it prudent not to go North of latitude 40° until in the vicinity of longitude 55° W. Trusting that my deviating from the usual track will meet with the approval of the management," and that is commended.

The Commissioner: What vessel is that?

The Attorney-General: The "Canopic," I am told. It is dated from Boston, the 24th April, 1912.

The Commissioner: And the Master of that vessel, of course, had heard of the loss of the "Titanic."

The Attorney-General: Quite. This is sent by him from Boston on the 24th April, and the "Titanic," as your Lordship knows, was reported on the 15th April. The other one is the "Laurentic," on a voyage Eastward, according to this.

The Commissioner: These are not of much value.

The Attorney-General: I think none.

The Commissioner: For two reasons. In the first place they relate to a time when an extraordinary quantity of ice was apparently about; and secondly they relate to a time subsequent to the loss of the "Titanic."

The Attorney-General: Quite. I do not think they are of any importance, for that reason.

The Witness: I understood the Attorney-General to say, my Lord, that there is one there from the Canadian service.

19780. (*The Attorney-General.*) Yes, there is one in September, 1911? - Is it fair to ignore that, because the Canadian service is under the same Regulations in regard to tracks, but they have different tracks. I mean the same authority is given to the captains.

The Attorney-General: That is quite right; there is one on September 24th, 1911. 19780a. (*The Commissioner.*) That, of course, relates to a different track? - It is a different track, my Lord, but the discretion in both cases is the same.

19780b. (*The Attorney-General.*) Again, you know, I do not agree with that - that the same instructions are sent. Upon the evidence the same instructions are not given? - I beg your pardon; I did not mean to say that; I said the same discretion.

The Attorney-General: Discretion, yes, of course. Your Lordship will remember we had this yesterday.

The Commissioner: Yes, I remember it.

The Attorney-General: They were very different instructions, you know. I will read it if you desire it.

The Commissioner: No, I do not think it is necessary.

Sir Robert Finlay: The only point is that the Captain has exactly the same discretion with regard to the ice. It is totally immaterial whether it is North or South.

19781. (*The Commissioner.*) Can you recall, Mr. Sanderson, any occasion when the captain of one of your ships traversing this track has advised the Company that he had deviated in consequence of meeting ice? - I cannot recall one, my Lord, but I have no doubt there are such.

19782. (*The Attorney-General.*) It is those we are asking for? - I did my best to find out.

19783. Perhaps they may still be found? - If there are any you shall certainly have them.

19784. You see the point? - I quite understand.

19785. We want to see whether there is any record of it. It may be that you have not had time to look them up carefully. If you find any subsequently you might hand them in? - I will ask

them to pursue the examination.

The Commissioner: I can understand that they may have deviated if they came across what I call field ice or pack ice, I do not know whether there is any difference. Then I can understand them deviating to get out of the way of it because they could not make their way, but they may not have deviated on account of icebergs.

19786. (*The Attorney-General.*) That would depend on how many they expect to encounter or sight. With one or two probably one would have thought they would not; they would simply get out of the way of the iceberg. (*To the Witness.*) There is one other fact I want from you, or at least I will take it from you if you can help us. Can you tell me the time, from any record of your Company, when your vessel, the "Titanic," left Queenstown on the 11th April? - Yes. I think I have it here.

19787. Will you tell me it? - I am sorry I have not got the hour, but I can easily get it for you.

The Attorney-General: I have been enquiring about it.

Sir Robert Finlay: I think I handed that information in.

The Witness: It must have been somewhere between one and two o'clock.

19788. (*The Attorney-General.*) 2.30, I am told it was by your marine superintendent. We will take it at that? - It would be about that.

The Attorney-General: That enables us to answer a question which was asked yesterday. Supposing she had left Queenstown at 2.30 on the 11th April, and had arrived in New York on the Wednesday morning at 5 o'clock her passage would have taken, allowing, of course, for the voyage westward, 5 days 19 hours and 30 minutes.

Sir Robert Finlay: Arriving on Wednesday morning.

The Attorney-General: Allowing for her arrival at 5 o'clock on Wednesday morning. The record, I think that was given yesterday of the "Olympic" from Queenstown was 5 days 17 hours and 29 minutes.

The Commissioner: So that the "Titanic" would have taken about two hours longer?

The Attorney-General: Yes, if she had arrived at 5 o'clock on Wednesday morning.

The Witness: I think the difference was more than that, my Lord. I think the "Olympic's" time was 5 days 7 hours - not 17 hours.

Mr. Maurice Hill: It was seven hours, my Lord. You will find it on page 450 of the notes.

The Commissioner: What is it, Mr. Hill?

Mr. Maurice Hill: 5 days 7 hours 29 minutes.

The Attorney-General: Is that right? - Yes, 5 days 7 hours and 29 minutes is correct.

The Commissioner: Then it is a difference of 12 hours.

The Attorney-General: Yes, 12 hours. My own note is wrong. I had 5 days 17 hours 29 minutes.

(After a short adjournment.)

Mr. Laing: My Lord, may I apply with my friend, Mr. Alfred Bucknill, to represent the shipbuilders, Messrs. Harland and Wolff, so far as it may be necessary.

The Commissioner: Certainly.

EDWARD WILDING, Sworn.

Examined by Mr. ROWLATT.

19789. What is your Christian name? - Edward Wilding.

19790. I think you are a Naval Architect? - Yes.

19791. And are you in the employment of Messrs. Harland and Wolff? - Yes.

19792. And did you design or did you take part in the designing of this ship, the "Titanic"? - Yes, it was made in our designing office at Belfast. I was one of the people connected with the making of the design.

19793. You are in a position to give us the details about the construction of the ship? - Yes, that is right, as far as possible.

19794. We know a great deal about it already, you understand, but you can give us all the dimensions of the ship? - Yes.

Mr. Rowlatt: Your Lordship has the extract from the Register which gives you a great many of them, and I do not propose to ask questions on those points.

The Commissioner: You might ask him whether the figures are right.

19795. (*Mr. Rowlatt.*) Yes, my Lord. (*To the Witness.*) Are the figures in the Register correct? - Yes.

19796. There are two figures here which I think are not in the Register. One is the load draught; how much is that? - 34 feet 7 inches.

19797. And the displacement at load draught is what? - 52,310 tons.

19798. Does that mean that when the ship is loaded down to her load draught she displaces and therefore weighs 52,310 tons of water? - Yes, a ton of 2,240 lbs.

19799. It is distinct altogether from the tonnage of the ship? - Entirely.

19800. That is what the mass of the ship would weigh? - Yes, actually loaded to that draught.

19801. You can also give us, can you not, the heights above the decks? - Yes.

19802. I have them here; just see if they are right. The height between the Orlop and lower deck is 8 feet? - Yes.

19803. Between the lower and middle 8 feet? - Yes.

19804. Between the middle and upper, 8 feet 6 inches? - Yes.

19805. Between the upper and saloon, 9 feet? - Yes.

19806. Between the saloon and shelter, 10 feet 6 inches? - Yes.

19807. That is amidships, is it not? - Yes, for about half the length.

19808. Between the shelter and bridge decks, 9 feet? - Yes.

19809. Between the bridge and promenade, 9 feet? - Yes.

19810. And between the promenade and boat, 9 feet 6 inches? - Yes.

19811. And the camber on all decks was 3 inches? - Yes, 3 inches in the extreme beam.

19812. The vessel was constructed, was she not, under the survey of the Board of Trade? - She was.

19813. In order to get a passenger certificate? - Yes.

Mr. Rowlatt: My Lord, a passenger certificate certifies that the requirements of the Act have been complied with. It states the limits beyond which the steamer is not fit to ply, and the number of passengers which she is fit to carry, distinguishing, if necessary, between the different parts of the ship.

The Attorney-General: Your Lordship has the abstract in the little buff book, and you will find that at page 9 of the Act.

The Commissioner: "Issue of passenger steamer's certificate"?

The Attorney-General: Yes.

19814. (*Mr. Rowlatt.*) Was the "Titanic" also made to comply with the American Immigration Laws? - Yes.

19815. We know that the steam was supplied from six independent sets of boilers and that there were reciprocating engines and a turbine engine also? - Yes.

The Commissioner: Mr. Rowlatt, I have had handed up to me a descriptive statement of the "Titanic." It comes from Harland and Wolff, I understand. Have you a copy of it?

Mr. Rowlatt: I am examining from it, my Lord. I purpose in parts to amplify it slightly and in parts to pass very lightly over it.

The Commissioner: I should like you to put it in.

Mr. Rowlatt: If your Lordship pleases.

The Commissioner: Unless there is some correction to be made in it.

19816. (*Mr. Rowlatt - To the Witness.*) Did you prepare this descriptive statement? - With assistance.

19817. Is it correct as a whole? - Yes. I wrote most of it myself, but, of course, the information had to be collected by many people.

19818. Of course, but so far as you know it is, on the whole, correct? - Yes, certainly.

Mr. Rowlatt: Put it in, my Lord, but I will ask a few questions about it, and if at any part of it I seem to be going too much into detail, your Lordship will check me.

The Commissioner: Are you going through it page by page?

19819. (*Mr. Rowlatt.*) Yes, my Lord, I am now on page 2. (*To the Witness.*) You said something about the American Immigration Laws. Can you tell us what they are at all? - A particular requirement of the American Immigration Laws that has to be complied with is the question of area provided for each third class passenger, each immigrant into the United States. That is considerably in excess - something like 20 percent, in excess of the British Board of Trade requirements for emigrant passengers - which has to be provided and allotted to the third class passengers. That is the principal point. Other points in connection with the American Immigration Laws are covered by the reciprocal Treaty which acknowledges the British Board of Trade Certificate as the equivalent of the American inspection which would otherwise be carried out.

19820. The next paragraphs of your Report deal also with the boiler sections, but I think we know all about that. Then we come to the main electrical machinery. Perhaps you might explain a little about that. You say that the main electrical machinery is in a section which is abaft the turbine engine room, as shown on the plan? - Yes.

19821. And you also say there are two emergency dynamos up at the top above the turbine engine room - two decks above the turbine engine room? - Yes, on D deck, above the top of the bulkheads.

19822. Where did those dynamos get their steam from? - They had a special pipe, provided from three of the boiler rooms. They had also a cross connection to this pipe, so that any steam reaching the special part of the engine room from any boiler of the ship could be passed along to them by opening two or three valves.

19823. Is that true of both the engines? - Yes, of both the emergency dynamos.

19824. Where did the other electrical machinery get its steam from? - From Nos. 1, 2 and 4 boiler rooms.

19825. Just to clear up a question which arose earlier in the case. If the engines which actuate the propellers are stopped, that has nothing whatever to do with the engines that actuate the dynamos? - Nothing whatever. They have a separate pipe of their own.

19826. They are separate engines drawing, by means of separate pipes, steam from the pipes of the ship? - Certainly. Of course, there are boilers which also supply the main engines.

19827. I quite understand that. The next paragraph of your Report deals with the general equipment, which is not very material to this accident except the installation of wireless telegraphy. That is the first one to which I wish you to refer. Where was the electricity for the wireless telegraphy generated? - There were certainly two, and, I believe, three provisions. It

could be taken in the first instance, from the main dynamos of the ship, of which one, at least, was always running. It could, in addition to that, be taken from the emergency dynamos which were running every night after sunset; and I believe - though I am not quite sure in regard to this matter, because I have not got the information from the Marconi Company - they had a small battery which would take them on for a short time.

19828. A storage battery? - Yes, a storage battery.

19829. Then you had submarine signalling apparatus? - Yes.

19830. And electric lighting apparatus? - There was one point which was rather of a special character in that. Some of the lights in the electric light equipment could only be controlled from the switchboard, so that in the event of accident one could practically ensure the ship being fairly well lit, and that a passenger could not accidentally put out the lights.

19831. Then you had a system of telephones? - Yes, of which you have heard something.

19832. And electric elevators? - Yes.

19833. I see on page 3 of your Report you say there were four electrically-driven boat winches provided on the boat deck for handling the boats? - Yes.

19834. Where were they situated? - They were marked on this general arrangements plan (*Showing.*).

19835. Do you know whether they were used on this occasion? - They are not necessary for lowering. You can lower just as fast without them, but they are necessary if you have to raise.

19836. That is what they are used for? - That is what they are used for.

19837. Then you have telephones and engine and docking telegraphs, emergency telegraphs, steam whistles, and so on. I do not think that apparatus is material to the present Enquiry particularly, but you have a plan, have you not, if the Court wishes to see it, the rigging plan of the vessel, which would show all these connections. You need not produce it? - It does not show the telegraphs, but it shows several of these things.

19838. I do not think you need produce it, but you have the plan, if necessary? - Yes.

19839. We will go on to the question of the decks now. We know generally now what decks there were, but will you just tell me how high the boat deck was above the keel? - It was about 92 feet 6 inches above the keel at the lowest point. It was a little more at the ends because of the shear of the vessel.

19840. It would be about 60 feet above the water when she was loaded? - Rather more than 60 feet.

19841. That deck was about 500 feet long, was it not? - About - a few feet under 500.

19842. Can you tell us shortly - I do not know whether it is in the mind of the Court or not - what access there was to the boat deck? - Yes, but it is simpler to follow it on the plan. Would your Lordship like a copy of the plan (*Handing the plan.*)?

Mr. Rowlatt: Is that the same plan that we have had all through?

19842a. (*Mr. Laing.*) What plan have you handed up? - The 32nd scale general arrangements plan.

19843. (*Mr. Rowlatt.*) How will you take it? Will you first of all go along the deck and show where the access comes from? - Yes. At the forward end of the boat deck there are two ladderways which lead down to the next deck, the promenade deck, the A deck, as we have called it, below.

19844. Those are the little brown marks close to the Englehardt boats? - Yes, that is right.

19845. On either side? - Yes. The next approach to the boat deck is the large first class entrance, abaft the officers' house.

19846. That is the thing that spreads out like a fan, in brown? - Yes. The next means of access down to A deck are two ladders abaft the raised roof over the first class lounge under the third

funnel.

19847. That is near the officers' mess? - One at the officers' mess, and one outside the deck chair house. Those go down. If you look down the deck on to A deck they are marked on the big plan in the rear of the third funnel leading aft.

19848. Is that what goes down by the lounge pantry? - No. The lounge pantry is yet another one. There is a diagonal line under the third funnel.

19849. Just below the third funnel? - There is one each side, of course - port and starboard.

19850. It is shown on this plan, my Lord, as that diagonal line under the third funnel. (*Showing.*) That is it, is it not? - Yes, that is right - one port and one starboard. The line is dotted on that line.

19851. Then just abaft that again? - There is another stair leading down into the lounge pantry which has connections right down to E deck. You come off the stair and walk round the foot of it, and go down again.

19852. That is a continuous stair right the way down? - That is right.

19853. (*The Commissioner.*) Where is that? - Just abaft the third funnel, my Lord.

Mr. Rowlatt: Here, my Lord (Pointing.).

19854. (*The Commissioner.*) Is that it? - There is a transverse stairway - a stairway leading down athwart ships.

19855. (*Mr. Rowlatt.*) Instead of going *this* way, as *this* one does, it goes that way across the ship (*Showing.*)? - Across the ship. It is so marked on the plan. You will see the length of it. The length of the brown mark is across the ship.

19856. (*The Commissioner.*) That goes down to where? - Eventually to E deck, my Lord.

19857. (*Mr. Rowlatt.*) Then abaft that again, what is there? - From the boat deck there is the forward second class main stairway.

19858. Is that the one at the end of it? - Close to the afterend of it, the one that is between the mast and the funnel, that has a little knob called "Elevator gear" on top of it.

19859. *This* one (*Showing.*)? - Yes.

19860. This goes right down? - Yes.

19861. That is the boat deck, and it goes right away down to the bottom (*Showing.*)? - Yes.

19862. That can be communicated with at every deck; you can reach the staircase at every deck? - At any deck except A deck. There is no entrance on to that staircase on A deck. There is a landing but no entrance.

19863. When we were at the E end of the boat deck we did not say how far these ladders that went from the boat deck went down into the ship? - They go down two decks to B deck.

19864. The little ones, you mean, near the Englehardt boats? - The one that is close to the Englehardt boats.

19865. You can see it there going down two decks (*Showing.*)? - You will notice there is a landing between the two pieces of it.

19866. And then there is another ladder goes down beyond? - Yes, but you have to turn the corner of the house to get to it on B deck.

19867. There is the other big first class stairway. Does that go right down through the ship? - That goes right down to the middle deck, to F deck.

19868. That is the one between the two first funnels? - Yes.

19869. And that is underneath this big brown mark at the top of the plan? - Yes, it goes right down.

19870. Can you tell us how that acts in practice for the first, second, and third class passengers to reach the boat deck? - If you will turn to page 21 you will find it is described in detail - "Access of passengers to boat deck."

19871. I see; it is at the bottom of the page. "First class passengers. The following routes lead directly from the various parts of the first class passenger accommodation to the boat deck: From the forward ends of A, B, C, D, and E decks by the wide staircase in the forward first class entrance direct to the boat deck, also by elevators from the same decks as far as A deck, and then up to the top flight of the main staircase." Do you mean by that that in the forward ends of A, B, C, D and E decks you can go from these decks to the boat deck by the wide first class entrance between the first and second funnels? - Quite right. With regard to the width of the stairway, it is a double stairway varying from 4 to 7 feet on each side. It is 7 feet wide at the fantail. It is 4 feet at the narrowest point and double. That makes 8 feet in all.

19872. "The same route," you say here would be available "for first class passengers forward of midships of B, C, and E decks"? - Yes. There are no first class passengers amidships on D deck. It is occupied by the saloon.

19873. "First class passengers abaft amidships on B and C decks could use the wide staircase in the after main entrance to A deck, and pass out on to the main deck" - That wants correcting. It should be "pass out on to the open deck." That is a clerical error.

19874. (*The Commissioner.*) Where is that? - I say "pass out on to the open deck" instead of "pass out on to the main deck."

19875. (*Mr. Rowlatt.*) It is the paragraph which begins "first class passengers abaft the amidships"? - Yes. It is the fourth paragraph in that clause.

19876. Where are the first class passengers that you are speaking of here? - Those in way of the third and fourth funnels, and there is a stairway going up two decks there on to A deck. (*Showing.*)

19877. And then, where? - Out on to the open deck outside the house.

19878. And then, by the way you have described to the top deck? - Yes, in the way I described a minute ago - that is right, the diagonal ladder. (*Showing.*)

19879. "They could also use the stewards' staircase between the reciprocating engine casing and Nos. 1 and 2 boiler casing." That is it, is it not (*Showing.*)? - That was the long vertical one, *that one* (*Showing.*)

19880. They could also use that one, and that last route again could also be used by passengers on E deck. Is that so? - Yes.

19881. And the passengers on E deck could also use the first class main stairway? - Yes, they would have to walk along the corridor.

19882. And get up that stairway between the first and second funnels? - That is right.

19883. That is the whole of the first class? - That is the whole of the first class - that deals with every one.

19884. Now take the second class passengers. Are they on D deck? Where are the second class passengers on D deck? Are they forward or aft? - There are no second class state rooms higher than D deck.

19885. "Second class passengers on D deck used their own after stairway to B deck up behind the mast." Is that right? - That is right - up to B deck. That stairway is 5 feet wide, I may say.

19886. "And then passed up their forward stairway"? - They would then go through the smoking room and up the forward stairway which is 5 feet 6 inches wide on to the boat deck, or, if they liked, they could go through at the lower level through the second class saloon to the same forward stairway. They get to the same point, but they go across at one of two levels.

19887. With regard to the second class passengers on E deck, there are some of those by the reciprocating engines, are there not? - Yes, down on E deck abreast of the engine casing. That is right, just where Mr. Asquith is pointing.

19888. It would not be shown in that section? - It was correct where Mr. Asquith was pointing.

19889. Where did they go? - It depends on whether the watertight door abaft of their accommodation has been closed or not.

19890. The watertight door is between D and E decks there (*Showing.*)? - Yes, that is right.

19891. What happens if that is closed? - There is an emergency door provided into the engine room and then they can go straight up the engine room ladders to the boat deck inside the engine room casing.

19892. Is that the turbine engine room casing? - No, in the reciprocating engine room. There is a special door provided.

19893. Where does the ladder come up there? - At the forward end. There are steel ladders going right up.

19894. As opposed to a stairway? - Yes, that is, it is a slope, but it is a steel runged ladder, and not a wood stair.

19895. I think we went down it on the "Olympic"? - I think you did.

19896. That is if the watertight door is shut? - If it has been necessary to close that door from an accident just close by. If there has been any accident close by it would be the duty of the steward or somebody to see that that door was open, and that they were passed aft.

19897. How would they pass along; they would go aft? - They can go aft, and then join the other second class passengers going up the forward second class stairway.

19898. When the watertight doors are closed, making a watertight compartment complete, you have to go by a ladder to get up to the top deck? - You must make some arrangement for getting them out, and that was the easiest way in this case.

19899. What other second class passengers are there? You have given us these alongside the engine casing. Now there are some alongside the turbine casing? - Yes, that is the next section further aft.

19900. How do they go up? - They have a special ladder of their own. If the watertight door is open abaft them they can go and join the forward second class stairway, but, if not, they have a special short ladder going up two decks. It is close up to the bulkhead, and then they turn through the entrance through the saloon. May I come and show you.

19901. Certainly. - They come up this transverse ladder and again turn round and come up *this* ladder, and then through the door. (*Showing.*) They are now above the watertight bulkhead, and they can go through the doors into *this* entrance, and then up.

19902. Then there are others on F deck below? - *That* is F deck. (*Showing.*) These people have the same ladder, and they come up in the same way.

19903. You mean there are second class passengers abreast the turbine casing on two decks? - Yes.

19904. And the ladder goes through those two decks? - It is not quite the same ladder, but there is a ladder.

19905. Passengers between M and N bulkheads on both E and F decks go where? - That is those two. (*Showing.*) They go in through the doors right into their entrance, and then right up *this* staircase. (*Showing.*)

19906. No question of watertight doors affects them? - No, because they have the staircase in their compartment.

19907. Then between N and O bulkheads? - That is between *that* and *that*. (*Showing.*) There are three, in all, three possible routes, 1, 2 and 3. They can go right up this stairway to B deck, come through the smoke-room, or outside on to the deck, and up that stairway. Or if they like, they can go through the dining saloon, and up the stairway, and eventually reach the boat deck by the forward second class stair.

19908. Now, the third class passengers. Go to the fore end of the vessel first, will you please.

You say here "The third class passengers at the fore end of the vessel passed by the staircase in accordance with the Board of Trade requirements to C deck in the forward well"? - That is up to *here*. (*Showing*.) The Board of Trade or Immigration Survey insist on that ladder being provided up to the level from each compartment. There are other ladders running up here, 1, 2, 3, 4, and the ladders go up here and ladders go up there - these ladders are specially wide - to get them on to the forward well deck.

19909. I see there is written there "Third class open space." Can you point to that? - Yes. (*Pointing*.)

19910. Does that mean that that is open deck? - It is not exposed to the weather, but it is open from large obstructions.

19911. Open inside? - Yes.

19912. But the ladders are required to go to the top of that? - Yes.

19913. When they get there is that a deck? - *This* is a deck, and *that* is the forward well deck. (*Showing*.)

19914. Is there a way up from that deck to the boat deck? - Yes, by this ladder at the forward end of the bridge deck, round the corner of this house, either port or starboard, and then up by these ladders direct to the boat deck.

19915. Is there any other way for them to get to the boat deck. Can they come aft along the working alleyways? - They can go up the working passage, which has been referred to as Scotland Road, along this deck, and enter the forward first class entrance through an emergency door *here*. (*Showing*.); then go up this main stairway, or they can continue still further on and go up this stewards' stairway. It is open to Scotland Road, as we call it, the big working alleyway. (*Showing*.)

19916. At the afterend of the ship, the third class accommodation is where you are pointing now? - Yes. (*Showing*.)

19917. There are ladders, are there, in each of those parts. (*Showing*.)? - Yes, gradually increasing in width as you go up to the top deck.

19918. And then when they are on the top deck? - They come up on to an open deck. They can then go one of two ways, either up ladders at the afterend of the bridge deck, or to B deck and along to the forward second class entrance, and then up to the boat deck, or they can go, as I understand, from some of the evidence they actually did go, through and past the second class library into the first class accommodation along the first class alleyway right to the first class entrance. I think one of the stewards gave evidence that he had taken two parties that way.

19919. With regard to the crew, you say that an escape is provided from each boiler room direct to the boat deck by the fidleys. What is that? - The fidleys are the trunks which carry down the air supply. They go down at each end of the funnel, and there are ladders provided in each of those leading direct from the stokehold plate up to the boat deck. Including the engine room there are nearly 200 tons of those steel ladders in the ship.

19920. Can you enter these fidleys from the E deck? - Yes. There is a door at each fidley. As it passes E deck there is a steel door, which is never fastened in any way. You can get out into the working passage, and then you can choose any of the ways from the working passage.

19921. Those are the provisions made with regard to the boiler rooms. Are ladders also provided from the engine rooms? - Yes, going up this way, and then up that way like *that* (*Showing*.), up the engine room skylight direct to the boat deck. They can also again come out on to E deck. There are doors from the engine room on to E deck, but, of course, if the watertight doors between D deck and E deck are shut, they must go up the ladders.

19922. Are there also ladders from the other engine room? - Yes, from the turbine engine room there are similar ladders up the base of the dummy funnel.

19923. And also from the electrical machinery room? - There is a special escape up from the afterend up to E deck, and then they can come out and use the stairway. There is no exit on to B deck.

19924. Supposing there was somebody in the tunnel, what would he do? - There is a similar arrangement that brings them up into the afterend of the working passage, and then they can come out like the third class passengers.

19925. If anybody was in the after tunnel what would he do? - There is a special tunnel escape up *here*, up into the steering gear house (*Showing.*).

19926. We have had some evidence of one man especially being released, one greaser? - That was quite unnecessary in his case. He must have been a stranger to the ship. It is not a nice passage, but there is no difficulty in getting up it; I have been up it several times.

19927. Is there any passage from here to there? (*Showing.*) - Yes, it is quite open. That line is only a web, a frame for carrying the heavy castings - a steel plate-frame for carrying the heavy castings.

19928. (*The Commissioner.*) It does not represent a bulkhead? - No; it is not marked as such, my Lord.

19929. (*Mr. Rowlatt.*) The stewards and the engineers' accommodation communicates through the working passage - I need not take you through that in detail? - Yes.

Mr. Rowlatt: There was one question I ought to have asked you while we were on page 3.

The Commissioner: Have you left this question of the means of egress from the different classes?

Mr. Rowlatt: Yes, my Lord.

19930. (*The Commissioner.*) I want to ask a question about that. (*To the Witness.*) Take the third class passengers. In order to enable them to get to the boat deck they would have to go through parts of the ship ordinarily reserved for the first class? - For the second class, my Lord - the afterend.

19931. Would the second class passengers have to pass through parts of the ship ordinarily reserved for the first class? - No, my Lord. The second class can get up by their own entrance.

19932. Are there any doors of any kind, or rails, or other impediments, between the egress of the third class passengers and the boat deck? - There are rails on the outside. On this ladderway at the afterend of B deck there is a hinged gate which anyone can lift and walk through - port and starboard.

19933. Is that the only thing? - That is the only thing preventing third class passengers in the ordinary course getting up to the boat deck.

19934. The only thing? - The only block.

19935. Is it a rail which can be lifted up by hand? - Quite readily, my Lord.

19936. Is it kept locked or fastened? - Not in any way. There is no lock on it, and no means of locking it provided.

19937. Then there is nothing to prevent a third class passenger who desires to do so passing in to the second class part of the boat? - Except the watchfulness of the stewards and men.

19938. Except the rules, there is no actual impediment? - No actual impediment.

19939. (*The Attorney-General.*) Is it this that is shown here? (*Showing.*) - Yes.

The Commissioner: I remember, I think, Mr. Rowlatt, a statement being made by several witnesses that the barriers were down, and I thought from that there was more than one barrier.

19940. (*Mr. Rowlatt.*) What does the barriers being down mean? - I can only imagine that it means that the gate was open.

19941. (*The Commissioner.*) What was open? - This hinged gate was open.

19942. There was only one, I understand? - There is only one - of course, there is one each side

of the ship. There are other ways to the boat deck, one of which we had evidence was used where there is a door that would have to be opened.

19943. (*Mr. Rowlatt.*) Is that the emergency door? - That is the emergency door to the second class stairway from the working alleyway.

19944. (*The Commissioner.*) I was going to ask you a question about the name "emergency door." The very name "emergency door" suggests that it is ordinarily shut? - Yes.

19945. How many of these emergency doors are there? - There are in all three, one to the forward first class main stairway. In each case they come from the working alleyway.

19946. You mean Scotland Road? - From Scotland Road. There is one leading direct into the forward first class entrance from Scotland Road up on to the top, and then you can go on there; one from Scotland Road into the forward second class entrance, and one from Scotland Road into the after second class entrance.

19947. How are these emergency doors shut? - With an ordinary handle, as far as I know, my Lord. They have means for locking them, but I understand they are not locked at sea.

19948. They are not locked? - Not locked - I understand not. There is a lock on them, but I understand they are not locked at sea. I have frequently passed through them at sea.

19949. What is the object of having a door there? - The passage is used by the third class passengers and crew extensively, and it is to prevent their being able to get in without continuously watching them. That was the intention. If you do not put doors there, or barriers of some sort, you would have to have somebody continuously stationed there to prevent people going into the second class accommodation and losing their way, for example.

19950. Do the stewards use those doors? - I believe they do on the way from their own quarters to the accommodation of the passengers they have to attend to.

19951. That is what I mean - passing from the place where they do their work to the place where they sleep, and so to speak live, they would have to use these doors? - I believe they would, my Lord.

19952. So that they are being used daily? - Regularly, as I understand.

19953. (*Mr. Rowlatt.*) There were other emergency doors that we heard of on E deck right aft in the third class quarters here (*Showing on plan*)? - Those are the two doors I was referring to from Scotland Road into the forward and after second class stairways. Those are two, and then there is a third one right forward.

19954. They are marked on this plan. There is the one right forward that goes into the first class entrance, and then there is one in the middle at the boiler casing? - No, those are doors into the boiler casing, the fidley escape doors. They are the escape doors. This door is not an emergency door, because it is always open.

19955. You remember, my Lord, he said, there were doors into the fidleys by the chimneys, what is marked on this plan as "Emergency door"? - It is at the foot of this long stair.

19956. It is that stair (*Showing.*)? - At the foot of that stair.

19957. And those doors are into the fidleys? - Yes, and are not emergency doors.

19958. As I understand it on this plan the emergency door leads into that staircase which runs by the lounge pantry. The two other doors which are marked here are the doors into the fidleys, but they are not called emergency doors? - And are not for the use of anyone except the firemen coming into the working passage.

19959. You have spoken of four emergency doors, have you not? - In all, now, I had forgotten the one at the foot of the stewards' stairs.

19960. You said three earlier? - Yes.

19961. There are two right away aft, and one, which is the one we have been speaking about, in the boiler casing, and one in the first class entrance? - Yes.

19962. On page 4 you describe the decks and the groups of boats, which I need not take you through, and on page 5 you say the next deck below the boat deck was the promenade deck? - Yes.

19963. Then you say the next lowest deck is the bridge deck - B deck? - Yes.

19964. As a matter of fact, it is the deck below the bridge that the officers use, is it not? The bridge that the officers use for navigation is on the boat deck, is it not? - It is the boat deck. The B deck is constructionally known as the bridge deck - not as the navigating bridge. That is the distinction.

19965. Until you get down to the B deck is the ship of lighter construction? - The decks above B deck are of lighter construction.

The Commissioner: I am not following you, Mr. Rowlatt.

19966. (*Mr. Rowlatt.*) Just see if I am right, Mr. Wilding. This is the roof of the officers' quarters, is it not. (*Showing*)? - That is right.

19967. This is the boat deck on which the officers' quarters stand? - Quite right - with the navigating bridge at the forward end.

19968. The navigating bridge being there. (*Showing*)? - Quite right.

19969. This is the A deck or promenade deck. (*Showing*)? - Quite right.

19970. And this is the B deck. (*Showing*)? - Quite right.

19971. It is called constructionally the bridge deck, although, as a matter of fact, the bridge is not there? - The Captain's bridge is not there, but it is what is known as a bridge house, and on top of it is the bridge deck.

19972. Is the sheathing composing the sides of the vessel, so to speak, of these decks lighter? - Yes, above B deck it is much lighter.

The Commissioner: Now, just put the pointer upon the decks which are lighter than the decks below them. That is the bridge deck you are pointing to, is it not?

Mr. Rowlatt: That is a boat deck.

The Witness: A boat deck or A deck.

19973. That is the roof of the deck-house, the Captain's quarters; that is the boat deck, and that is A deck. (*Pointing.*)? - Quite right.

19974. And here is the B deck or bridge deck, where you first get into the construction of the ship? - Quite right, into the heavy construction of the hull.

The Commissioner: Just put your pointer on the bridge, please.

Mr. Rowlatt: The Captain's bridge is there my Lord. (*Pointing.*)

The Commissioner: Below that is the boat deck.

19975. (*Mr. Rowlatt.*) That is on the boat deck? - On part of the boat deck, my Lord.

19976. The Captain's bridge is a room on the very forward part of the boat deck; below that is the A deck, and below that is the B deck? - Quite right.

19977. (*The Commissioner.*) Where does the lighter construction begin? - At B deck.

Mr. Rowlatt: All above B deck.

Mr. Laing: Including B deck.

The Commissioner: All above B deck is of lighter construction. The decks are then of lighter construction, I understand.

19978. (*Mr. Rowlatt - To the Witness.*) Is that so? - Quite right.

The Attorney-General: If you look at it on the model, my Lord, it is very clearly shown there.

The Commissioner: Just show it to me again.

(*The Witness explained the plan to the learned Commissioner.*)

Once you change from the heavier to the lighter construction - does the lighter construction extend right away up without changing? - Substantially. The top tier is very slightly lighter than

the lower tier, but not much.

19979. (*Mr. Rowlatt.*) I was here speaking of the bridge deck and describing it in that way. It is the deck which constituted the strong top deck of the vessel? - The top of the vessel considered as a girder.

19980. As I understand it, the principle of a vessel is that its bottom, its sides and its deck make a girder? - Yes, and with suitable stiffening constitute other decks.

19981. And this is the deck of the ship as a ship - as opposed to upper works, such as 'A' deck and so on? - Yes, certainly.

Mr. Rowlatt: I do not think we need go into the question of accommodation, because we can follow that on in the Report. Now, I will go to page 10, my Lord. I am not going to ask much about the intervening parts. You say on that page: "Below G deck were two partial decks."

The Commissioner: I cannot find that on page 10. How does the paragraph begin?

19982. (*Mr. Rowlatt.*) "Below G deck were two partial decks - the Orlop and the lower Orlop decks, the latter extending only through the forepeak and No. 1 hold." That is the deck which is above the blue peak deck? - That is right. (*Showing.*)

19983. Which is the lower Orlop? - Here. (*Showing.*) It extends through No. 1 hold at the same level, then runs through the No. 2 hold, up again, and through No. 3 hold, and then ceases as a deck. (*Showing.*)

19984. I see at the top of the words "peak tank" above the blue the Orlop deck is marked with a very heavy line. Is that watertight? - It is. That is the watertight top of the peak deck.

19985. I do not know whether your Lordship noticed what he said - that the roof of the peak tank there is watertight, so that the peak tank has a watertight roof as well as a watertight bulkhead abaft it? - That is so as to prevent the water rising into the stores when filled.

The Commissioner: It is a watertight box.

Mr. Rowlatt: Yes, my Lord, and below that comes the inner bottom.

The Commissioner: Are there any of these decks which are watertight, too?

19986. (*Mr. Rowlatt.*) There is that one and there is another further aft, is there not? - On the same deck. The deck resumes again abaft the machinery space - this deck coming through No. 4 hold, No. 5 hold, and No. 6 hold. (*Pointing.*)

19987. Where does it begin to be a watertight deck? - At about the turbine engine room. There is a recess in the middle of it here, a watertight recess. (*Pointing.*) A watertight box is formed. The deck is watertight throughout most of its area.

19988. When you say that, that applies to the space that is labelled "Electrical machinery"? - That space has a watertight roof.

19989. Do I understand you to say that is a watertight box in the same sense as the peak tank? - Yes.

19990. But people go up, you told us? - Yes, but they have to get up to the top of E deck before they can get out of it.

19991. But there is a fan trunk? - The fan trunk, again, is watertight up to this level.

19992. What I am speaking of is this: His Lordship asked whether there was any further watertight deck, a horizontal division? - Yes, this deck (*Pointing.*). The deck that forms the roof is made watertight. Any recesses in it are carried up watertight - any necessary holes.

19993. You mean that this passage, this funnel, which goes up from it is carried up, and that is watertight in itself? - That is watertight.

19994. Therefore it is a watertight hole going down into a watertight box? - Yes.

19995. (*The Commissioner.*) So that there can be no escape of water until it had reached the top of that hole, and then it would come out? - That is the point of it, my Lord.

19996. Will you tell me, if it is not inconvenient, what the object is of making this watertight

deck in the afterpart of the ship? - Yes, my Lord. It is in the event of anything going wrong with the propeller shafting and damaging the ship's side. It makes a convenient way of protecting it. The Board of Trade require us to make the aftermost section watertight in that manner, and we carried it forward.

19997. (*Mr. Rowlatt.*) That is the aftermost section of all? - Yes, the aftermost part of all.

19998. You say the Board of Trade require you to do that. Does their requirement extend to the peak tank? Is that the aftermost section? - Yes, but also the piece forward of the peak tank, forward of the stern gland.

19999. How far forward does what you call the aftermost section carry you - as far forward as this (*Pointing.*)? - The Board of Trade specify that a part of this deck - they give a length for it which will extend to somewhere about there (*Pointing.*) - must be watertight.

20000. And as I understand it you carried it on to here (*Pointing.*)? - That is right.

20001. (*The Commissioner.*) Will you explain to me again what the object is of making this part of the ship watertight - that deck? - There are fast running shafts in it, my Lord, and there is only at the side of the ship close to the shafting the single skin of the vessel. In the event of any accident to the shafting, or anything of that character happening where there are moving parts, and it damaging the skin, it prevents any flooding. That, I understand, is the motive of the Board of Trade in asking for it to be protected. As we do not work any cargo or anything through that space, it was a reasonable precaution to carry it on into the two forward sections.

20002. It is to protect the ship in the event of the machinery damaging the skin of the ship, and then if it did, if it made a hole in any part of the skin of the ship, the effect would be that the water would come in and would be confined by the bulkheads on the one hand and by the watertight deck on the other? - Provided the hole was completely below the deck, of course.

20003. (*Mr. Rowlatt.*) As I understand, the hole would be very unlikely to be anywhere but below the deck, if the hole were to be made by the moving parts? - Yes.

20003a. It could only be below the deck? - What was in my mind when I made the qualification was the case of the "Olympic," where she was damaged both above and below.

20004. (*The Commissioner.*) But that was by external violence? - Yes, that was by external accident.

20005. But you say this precaution is taken in anticipation of possible internal violence? - Yes, my Lord, that is quite right.

20006. (*Mr. Rowlatt.*) I just want to get clear another little point about the fore end of the ship. This is the firemen's passage (*Pointing.*)? - Yes.

20007. That is a passage which is in the middle of the ship? - Yes.

20008. Is that watertight? - It is.

The Commissioner: What are you asking him about now? When you say "Is this watertight?" what do you mean?

Mr. Rowlatt: The firemen's passage, my Lord.

The Commissioner: You mean watertight on all sides? - Yes.

20009. The roof, sides, and bottom? - Yes, certainly, my Lord.

20010. (*Mr. Rowlatt.*) It is a longitudinal hole, just as that was a vertical hole? - Yes.

20011. (*The Commissioner.*) Now why is that made watertight all round? - It was made watertight because it was desired to enable firemen to use it as a means of access to their accommodation, which is forward of B bulkhead, the second bulkhead, and in order to do that, in order to provide them with access through it and not shut them out by a watertight door it had to be carried through as a watertight pipe.

20012. Then in point of fact it is a watertight communication to the firemen's quarters, which does not in any way interfere with the watertight bulkhead which you have just explained? - It

was with the object of making it watertight, my Lord.

Mr. Rowlatt: May I ask, my Lord, one or two questions as from this model?

The Commissioner: Certainly.

20013. (*Mr. Rowlatt.*) Is that the firemen's passage represented here in the model standing back from the side of the ship but running down the middle of the ship? - Quite right.

The Commissioner: I cannot see it, but I can follow it.

Mr. Rowlatt: It is that piece of wood which is standing back (*referring to the model*).

The Witness: That is the firemen's passage, my Lord.

The Commissioner: It is like a watertight tube.

Mr. Rowlatt: Yes.

The Commissioner: Put through a watertight bulkhead.

Mr. Rowlatt: And going through the middle of another watertight compartment.

The Witness: Certainly.

The Commissioner: It goes through two, I think.

Mr. Rowlatt: Yes, it goes through two.

The Witness: That is so.

20014. It is in communication as soon as you get halfway up the spiral staircase with the second watertight compartment in the ship right forward there? - Quite, and in that way this pipe, this firemen's tunnel becomes a part for flooding purposes of No. 1 hold.

20015. That is what I wanted to get? - And it was because it was recognised that it became that that it was made watertight.

20016. Now, just as we are upon that, I think I had better ask you a question with regard to the evidence. You know there has been evidence that water was flowing into that firemen's passage at the bottom of the spiral staircase? - There was.

20017. Was the firemen's passage at any such point in contact with the outside skin of the ship? - No, it was 3 feet 6 inches - I have a plan showing it.

The Commissioner: 3 feet 6 inches what - away from the skin of the ship? - I should have thought it was much further than that.

Mr. Rowlatt: I should have thought so too, my Lord.

The Witness: I have a plan showing it. (*Producing the same.*)

The Commissioner: Now I understand it.

20018. (*Mr. Rowlatt.*) Would you look at this blueprint for a moment, Mr. Wilding? - I have a copy.

20019. You show here the two spiral staircases? - Yes, two spiral staircases, one port and one starboard.

20020. Now, on either side of those there is an upright white line representing a division, is there not? - A watertight wall.

20021. Is that a watertight wall? - Yes, it is a watertight wall to the trunk containing the stair, the side wall.

20022. And the 3 feet 6 inches that you mention is that from the corner at the bottom of that watertight wall to the skin of the ship? - I think it scales a little less, about 3 feet 3 inches from the corner horizontally to the shell of the ship.

20023. Is that the nearest point at which that cavity in which the spiral staircases are approaches to the skin of the ship? - That is right.

20024. So that is it a fair deduction to say that if water from the sea was running into that spiral staircase space something must have penetrated the ship through the skin for 3 feet 3 inches, and then through iron, the thickness of which you will tell us by and bye, of the watertight compartment again? - That it must have come far enough in through the side of the ship to

disturb effectively that watertight wall.

The Commissioner: In other words, the ice must have penetrated into the ship more at this point than 3 feet 6 inches.

20025. (*Mr. Rowlatt.*) Yes, and have penetrated in sufficient bulk to break this partition at the end of the 3 feet. It must have been a good heavy sharp piece that succeeded in coming in as far as this in order to do further damage. (*To the Witness.*) Is not that so? - It probably came in gradually. It started some few feet further forward and came in gradually; I do not think it went in with a bang.

20026. You do not think the puncture was necessarily confined to this spot in the vessel?

The Commissioner: No, no; but at that spot there must have been a puncture which penetrated at least 3 feet 6 inches into the ship at that point.

20027. (*Mr. Rowlatt.*) How much further forward than that you cannot say? - No, we cannot say, but we know damage was done in the 4 feet. My Lord, we put a mark upon the model, if you remember, at the time down *here*, as showing the position, when Hendrickson's evidence was given. I remember that.

20028. (*The Commissioner.*) And that, you say, is where the ice penetrated if there was water in that tunnel as described. It was there that the ice would have penetrated and have admitted the water? - That is right.

20029. (*Mr. Rowlatt.*) Now, Mr. Wilding, on page 10 you then go to the inner bottom of the ship? - Yes.

20030. You say it extends fore and aft through about nine-tenths of the vessels length, and on this were placed the boilers, machinery and auxiliary machinery and the electric lighting machines. Now, the top of that blue space running the length of the ship was what we heard of as the tank top, was it not? - Yes, the inner bottom or tank top are absolutely synonymous.

20031. Now, you say it runs fore and aft about nine-tenths of the vessel's length? - Quite right. Of course, it stops in the forepeak and it stops a little forward of the after-peak; it stops at the afterend of the forepeak.

20032. That means that when I see your peak tank there are no longer two floors to the peak tank, so to speak; the peak tank goes right down to the bottom of the ship? - Yes, to the shell of the ship.

20033. And then it comes here abaft the bulkhead (*Pointing.*)? - In the aftermost piece of the tunnel. It does not go right to the afterend.

20034. It stops two-thirds of the way between O and P, does it not? - Yes, that is right, two-thirds of the way between O and P.

The Commissioner: Just look at this plan, and tell me whether it is accurate.

(*The Witness explained upon the plan.*)

20035. Are these structural tanks at the bottom of the ship, ballast tanks? - Yes. For ballast and fresh water, my Lord.

20036. Some of them are used for fresh water for the use of the ship? - Some of them are available for fresh water.

20037. And the others are available for sea water, are they? - Those in the way of the boiler rooms are available for sea water only. Most of the others are available for fresh water.

20038. And on this voyage do you suppose they were full or empty? - One or two of them would be full as she neared the end of the voyage.

20039. Full of fresh water? - All would be full of fresh water when she left, and then it would be gradually used during the voyage. You do not put salt water into the same tanks to preserve the same stability outside the ship, but you do put salt water into some of the salt water tanks.

20040. When you start on your voyage are these tanks full of fresh water? - I believe every

tank was full, all of the fresh water tanks.

20041. (*Mr. Rowlatt.*) I think it comes, my Lord, further on in the report. Now on page 10 you deal with the firemen's passage, but I took that out of its order. Now, on page 11 you get "structure" - you see it is headed "structure." You say, "The vessel was built of steel and has a cellular double bottom of the usual type with a floor at every frame." Now I just want to have this explained. When you talk of cellular double bottom you are speaking of the inner bottom and the skin of the ship which we have just been dealing with, are you not? - The space between the two. It is cut up into cells by watertight partitions, and hence its name.

20042. Now when you say "with a floor at every frame" will you just explain what that means. I think I know, but will you just explain it to the Court. Have you got a section there or a plan that will show it? - Yes. (*Handing up a midship section.*)

The Commissioner: Now it has been explained to me that the floor is not a floor.

20043. (*Mr. Rowlatt.*) As I understand Mr. Wilding, a floor is a sort of tie? - A vertical plate running across the ship and keeping the inner and upper bottoms apart and tied together.

The Commissioner: These floors are about 3 feet apart? - Every 3 feet apart amidships.

20044. (*Mr. Rowlatt.*) Is that where the frame comes? - The frames are carried up outside the double bottom. The floor constitutes the frame in way of double bottom.

20045. Now the depth of this frame is, you say, 63 inches for the most part, but 78 in way of the main reciprocating engines. I see there that the inner bottom is run up a little when you get to the engine section and falls again when you get to the first boiler room section - is that what you are alluding to? - That is quite right, it is necessary under the very heavy part of the engines to put heavier and stronger framing.

20046. Is that for weight? - No, for the movement, the internal movement of the engines, to keep them within control.

20047. Now you say for about half the length of the vessel this double bottom extended high enough up the ship's side to protect the bilges and the bilge plating was doubled. Now "extended high enough up the ship's side to protect the bilges," does that appear upon this model? - To a certain extent.

20048. Does this piece of wood here in the bottom represent the space that we are speaking of between the two bottoms? - That is so.

20049. As far forward as that, extending up to the bilge and then forward where it has to be cut back only being in the middle of the ship, and not coming up to the bilge at all? - Only coming up to the lower part where the ship begins to rise away.

20050. And then it stops? - Yes, it stops, the idea being to protect the part of the ship which is likely to come on the ground in the event of her grounding.

The Commissioner: Will you let me look at that model. (*The model was handed up to his Lordship.*)

20051. (*The Commissioner - To the Witness.*) You said something about for protection in the event of the ship taking the ground - what did you mean by that? - In the event of the ship accidentally grounding as ships sometimes do, it is very desirable that water shall be as far as possible kept out of the machinery spaces, that is to say the engine and boiler rooms, and it is very usually the bilge which gets damaged because the ship gets a slight list, and then the part of the ship that is beginning to rise gets damaged and water gets in; therefore we carried it round the curve, above the round of the curve of the bilge.

20052. (*Mr. Rowlatt.*) Now have you got a midship section? - I have already handed one up to My Lord.

20053. Does it end in that way, running right up to the ship's side and ending in an angle? - Practically it comes to a knife-edge at the corner - a sharp corner, as shown in the midship

section.

20054. That is not the case, is it, where you get to the other part of the ship where it is not brought to the bilge? - It is not above the bilge - it turns.

20055. This that you gave us here, the double bottom only, extends, does it not, as far as that point - (*Pointing.*) - immediately under the centre of the spiral staircase, so that it does not go out until the roof of the double bottom meets the side of the ship, so to speak? - No, it is only done in the machinery spaces, in the engine and boiler spaces.

20056. May I ask you this, as an expert? Would it be of any protection to a ship in the case of accidents such as this that has overtaken the "Titanic" if this double skin could be carried more round the bilge? - Well, it does not seem so, because in the one case where we have a double skin in the way at the foot of the spiral staircase it was ruptured. We had a double skin there.

20037. What you say is that the outer skin of the ship and the wall of the spiral staircase are equivalent to two skins of the ship? - Yes, because we know that the water got through that inner wall.

20058. But I suppose you would agree, I do not know how far it is feasible, but for any lesser wound a double skin would protect it? - Certainly.

20059. Such as the wound described, for instance, by Barrett in the boiler section? - Probably.

20060. Is that a feasible idea at all? - Well, there are objections as well as advantages. Do you want me to go into them?

20061. I do not know. You think the objections would outweigh the advantages? - It is a matter for careful consideration.

20062. But it is a matter for consideration perhaps? - It is a matter which I may say we have under consideration.

20063. (*The Commissioner.*) Perhaps you had better state, Mr. Wilding, what the advantages are, and what the objections are? - Well, the great advantage is of course what Mr. Rowlatt was saying, that it does protect from small wounds, slight wounds. The chief disadvantages are that it does reduce the space inside the ship available for any use such as bunkers or anything else. It is too small in itself to use as a bunker. It is a very difficult space to satisfactorily look after in practice and to ensure the proper upkeep of. If things were looked after in an ideal fashion, it would do away very largely with that objection, but judging by our experience of the upkeep of such very restricted spaces which are very difficult of access, there is considerable risk in our judgment; we believe that such spaces will not be as well looked after as they might be, that corrosion, which is the most subtle enemy that we have to deal with, might set up and weaken the outside shell plating and in that way it might prove to be a disadvantage eventually, though for a new ship a protection.

20064. Do you know how this part of the ship is constructed in men-of-war? - In broad outlines, yes, I do, my Lord. I have been in the Naval service.

20065. Well, I am informed that the difficulty which you point out is not found of any consequence in men-of-war where the stronger plan is adopted? - I am quite aware that it is adopted in men-of-war, but I would like to point out that there is a good deal better - shall I say, a good deal more time and labour available for the upkeep of His Majesty's ships than there is for most commercial ships.

20066. Then, does it mean that if more money were spent you would be able to look after these inaccessible parts of the ship, and therefore might make them stronger than you do? - More money, and more careful supervision and more pains taken. It is a practical, mechanical thing. Our commercial experience of such structures where they have been tried has not been encouraging.

20067. (*Mr. Rowlatt.*) You are speaking of such a space being carried up the side of the ship,

not being used as a tank, of course? - Not being used as a tank. To use it as a tank would only put salt water into it, and that is one of the troubles which causes corrosion.

20068. You put salt water into some, at any rate, of these lower tanks, do you not? - We do.

20069. How do you keep the corrosion in check there? - In the first place, they are much larger; and, of course, in the second place, it is much easier to walk about in a space which is flat than in a high narrow space.

20070. There is more room for a man to walk about there? - Yes; you can walk through the double bottom of the "Titanic" almost without stooping.

20071. Now you say at that point, that is to say where the double bottom extends to the bilges, the bilge plating was double? - Yes.

20072. What do you mean by that? - Taking the strake of plating, the skin plating of the ship in the way of the bilge, there were two thicknesses put together. The reason for that is that the bilge is one of the corners of the girders of the ship, and consequently it was desirable to strengthen it.

20073. That is just on the turn of the bilge, all along there, there is double plating? - That is right; two thicknesses closely riveted together.

Mr. Rowlatt: I do not know how much longer your Lordship desires to sit. I am now about to enter upon a thing which will take a few minutes, perhaps a quarter of an hour, or something of that sort.

The Commissioner: I intended to sit till a quarter to four. We will use now if you like, Mr. Rowlatt?

Mr. Rowlatt: If your Lordship pleases.

(The Witness withdrew.)

(Adjourned to tomorrow at 10.30 o'clock.)

In the Wreck Commissioner's Court.

SCOTTISH HALL,
BUCKINGHAM GATE,
Friday 7th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."
NINETEENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on

application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. w. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Attorney-General: My Lord, I propose to call a witness and to interpose him because I do not want to keep him here unnecessarily. He is very short. He was on the ship.

The Commissioner: Yes.

PAUL MAUGE, Sworn.

Examined by the ATTORNEY-GENERAL.

20074. Were you Secretary to the Chef of the Restaurant *a la carte* on the "Titanic"? - Yes, I was.

20075. You have never been on a ship before? - No, it was the first time.

20076. First of all, do you remember where your berth was - was it 21? - My cabin, do you mean?

20077. Yes? - 21.

20078. Was it by the engine room? - I cannot tell you exactly; any way, I had No. 21.

20079. Do you remember whether it was on the port or starboard side? - Well, it was on the left side.

20080. That is the port side; and in the third class corridor, was it? - In the third class corridor.

20081. Do you remember what deck it was on? - I can show you by this model, if you wish.

20082. Yes, show us by this? - It was this one (*Pointing*). I cannot say exactly; it is very difficult to say, but it was the third class corridor.

20083. We will see if we can arrive at it more closely directly. There were other people in your cabin, I suppose? - We were four.

20084. Were you asleep when the vessel came into collision with the iceberg? - Yes; I was sleeping.

20085. Did it wake you up? - The head pastry cook got up and I got up after him.

20086. Did he call you? - No; I got up after when I saw him come back, but one steward said to me "Oh, there is no danger; it is better you go to sleep." I had been sleeping again. At the moment I heard the alarm signal, and I went to the front, but the stewards sent me back to my cabin.

20087. I think I heard you saying there was an alarm signal? - Yes, an alarm signal.

20088. What do you mean by that? - A ringing.

20089. A bell ringing? - Yes.

20090. Down where you were on the third class corridor? - Yes.

20091. Alarming everybody on that corridor? - Yes.

20092. That is what I wanted to know. Then did you come out of your cabin? - Yes, I have been on the front of the ship, just to see what it was, but a lot of people came and sent me back to my cabin. I have been passing by the staircase of the restaurant, and I have been on the first class passenger deck. I forgot to tell you before that I saw Captain Smith had been to the engine room. He came back two minutes after. After that I have been to the first class passenger room by the staircase and I saw Captain Smith again at the first lifeboat. He said to a lady, "It is all right,

lady."

20093. It was for her to get into the boat? - Yes.

20094. Do I understand it rightly, he was encouraging a lady to get into the boat? - Yes, because no lady or gentleman would like to go; everybody thought it would be quite safe.

20095. When you heard the bell ringing, giving the alarm in the third class corridor, did you see other persons coming out of that third class corridor? - Yes, a lot of persons came from the front and went to the back, some of them with luggage, some with children. Some showed us a piece of ice.

20096. What I want to understand from you is, the effect apparently of the ringing of the bell there was to alarm the third class passengers in that corridor? - Yes, it was to alarm the third class passengers.

20097. I thought I understood you to say that some went forward? - I do not follow exactly.

20098. Were you near the chef's room? - Yes.

20099. That will help us - on the same deck? - Yes, on the same deck and the same corridor.

20100. That would be deck E - near the pantry were you? - It was marked "pantry," but no pantryman was with us; it was washing men - men who washed the plates.

20101. What were the men who were in the cabin with you? - The pastry cook and two washing men. They washed some plates or glasses or something like that.

20102. (*The Attorney-General.*) I see about where it is. If you look at E deck, my Lord, it is somewhere here (*Pointing on the plan.*) (*To the Witness.*) When you speak of the third class corridor, I should like to understand what you mean by that. Was that the corridor into which your cabin opened? - Yes.

20103. And were there also a number of third class cabins with passages leading down to the side of the ship? - Yes, the cabin of the chef was just close to the ship.

20104. Close to the side of the ship? - Yes.

20105. That is where your cabin was, do you mean? - Yes, I was three before.

20106. So you had to walk down the corridor to get to yours; it was the fourth cabin, the nearest to the side of the ship? - No, that was for the chef only; the chef was the nearest cabin on the side of the ship. I was four or three rooms before.

The Attorney-General: Your Lordship sees the "chef"; that is on the port side and he is quite right. That is the closest; that is just on the side of the ship, against the side of the ship.

The Commissioner: Yes.

20107. (*The Attorney-General - To the Witness.*) And you say you were before that? - Yes.

The Attorney-General: He means by that that there were four.

The Witness: Four or three cabins and three people with me. We were four together.

20108. There were three cabins? - Yes.

20109. Yours was one of the three cabins? - Yes, the last one.

20110. In your cabin there were four persons? - Yes.

20111. (*The Attorney-General.*) Then what he means, I understand, my Lord, is that there would be three cabins before you got to the last cabin against the side of the ship. (*To the Witness.*) So that you would have to walk down a corridor or an alleyway, and yours would be the first of the three. Was it so? - The first of the three, the nearest to the corridor.

The Attorney-General: That is right, it would be nearest to the corridor before you turn.

20112. (*The Commissioner - To the Witness.*) When you were walking towards the chef's cabin, was your cabin on your left-hand side? - On my left-hand side, yes.

20113. Was it near where the fourth cook was? - Well, it was marked so, but they changed their cabin with some others.

The Commissioner: I think I know sufficiently well, Mr. Attorney, where it was.

20114. (*The Attorney-General.*) I see it better on a larger plan. (*To the Witness.*) There was a wide corridor first of all, along which you walked? - Yes.

20115. And if you were walking towards the stern of the ship - you know what I mean - the afterpart of the ship? - Yes.

20116. Did you turn to the right in order to go to your cabin? - I do not follow you exactly.

20117. Well, as I understand you there is a wide corridor, and then from that there is a smaller corridor which runs at right angles to the side of the ship? - The small corridor was where I was, my room, my cabin, and the chef too; my cabin was on the left and the cabin of the chef was on the right.

20118. That is quite right; on the larger plan it is much easier to see, my Lord. (*The Attorney-General pointed out the position on the larger plan.*) Very well, now we understand. When you say you came out in consequence of the alarm and got into the corridor, do you mean the wide corridor? - The big corridor, yes.

20119. When you got into the big corridor which way did you go? - The first time I tried to go in front of the ship just to see what had happened, but there was a rush of people sent me back to my cabin. I went on the first class passenger deck and I saw there Captain Smith.

20120. I do not want to go through that. When you came back did you go along the stern of the ship at all? - I have been once on the first class passenger deck.

20121. Did you have a difficulty? - No, because we had a staircase which was going on the first class passenger deck, a private staircase only for the staff.

20122. Then you did get there? - Yes.

20123. Did you see women and children being put into the boat? - Yes, but not many, because that was only the first one.

20124. Only the first boat? - Yes, the first boat.

The Commissioner: The first boat does not mean No. 1?

The Attorney-General: No, he means the first boat launched.

The Witness: Yes.

20125. What became of all the other persons who were employed in the restaurant; did they remain on the deck or did they go up with you? - Well, I go down again, and I said to the chef, "There is some danger happening; we must get up." He lost his temper - he lost himself.

20126. He lost his presence of mind? - Yes.

20127. Do you mean that he was agitated at what you told him? - Yes.

20128. And lost his head - is that what you mean? - Yes. I said to the other cooks to wait for us. After that we had been by the third class deck just at the back, and we have been trying to go on the second class passenger deck. Two or three stewards were there, and would not let us go. I was dressed and the chef was too. He was not in his working dress; he was just like me. I asked the stewards to pass. I said I was the secretary to the chef, and the stewards said, "Pass along, get away." So the other cooks were obliged to stay on the deck there; they could not go up. That is where they die.

20129. The other cooks were not allowed to pass? - They could not go on *this* deck (*Pointing on the model.*)

20130. Why? - Because some stewards were there, and would not let them pass.

20131. (*The Commissioner.*) Who were there? - Some of the stewards, some members of the crew.

20132. (*The Attorney-General.*) You say they would not let them pass. You were allowed to pass? - They let me pass, me and the chef, because I was dressed like a passenger. I think that was why they let me pass.

20133. You think? - I think, I cannot say.

20134. When you got on deck were they still putting the women and children in the boats? - Oh, yes.

20135. Was this right, that they were preventing the men, the cooks and the other persons, engaged in the restaurant, from coming up on the deck where they were putting the women and children into the boats. Is that what you mean? - No. I mean exactly this, that it was not possible for the number of the crew of the restaurant to be saved, because on the third class passenger deck there was no lifeboat at all, and it was not possible for them to go on the second class passenger deck.

20136. There was no lifeboat on the third class deck. That is right? - No, that is what I say.

20137. You mean they could not get into a lifeboat unless they had got up on the boat deck? - That is right.

20138. And they were not allowed to get up on the boat deck? - No, Sir; they were not.

20139. (*The Commissioner.*) Why were they not allowed to get up on the boat deck? Why was it they were kept from getting to the boat deck? - Well, I cannot say; I do not know.

20140. (*The Attorney-General.*) How many of them were there? - I think all the members of the restaurant were there.

20141. How many would that be? - Perhaps 60.

20142. You mean "soixante"? - Ah! You understand French. Yes, 20 cooks and 40 waiters.

20143. They were all men, I suppose? - Yes.

Very well, then we understand. When you came on the deck they were loading the boats, were they.

20144-5. (*The Commissioner.*) Who was keeping them back? - Who was keeping the men from the restaurant from going on the second class deck?

20146. Yes? - Some stewards.

20147. How many stewards? - Well, there were two or three on each side.

20148. Am I to understand two or three stewards were keeping back 60 men? - I cannot say after that how they managed to try to pass. Anyway they could not pass because I stood on the second class passenger deck for half an hour.

20149. And you did not see them? - I did not see them.

20150. (*The Attorney-General.*) You stayed on there for half an hour and then eventually you got up on to the boat deck, did you not? - Yes, after.

20151. Then after you got up to the boat deck they were still putting the women and children into the boats? - Yes.

20152. Did you see any boats lowered whilst you were on the boat deck? - I do not follow you exactly.

20153. (*The Commissioner.*) Did you see any boats put into the water? - Yes, I saw some; just the last one.

20154. (*The Attorney-General.*) On which side do you mean? - On this side.

20155. The starboard side? - Yes.

20156. Do you mean the last one of the last four? - It was the second or third, I cannot say which of the two.

20157. Do you mean you saw the second or third of the last four boats on the starboard side let down into the water? - Yes.

20158. And filled with women and children, were they? - No, because some of the women stayed with their husbands and would not like to go.

20159. You got into one of the boats, did you not? - Oh, no; the second or third lifeboat was between two decks and I jumped directly from the top deck to this lifeboat. About six or ten persons were jumping in it.

20160. Now let me understand that. Are you speaking now of the second or third lifeboat of those last four on the right side? - Yes.

20161. It had been lowered, or was being lowered to the water? - Yes, it was going to the water, but it was between two decks when I jumped.

20162. But it was stopped between the two decks? - Yes, was stopped between the two decks.

20163. And then you jumped into it? - Yes.

20164. About 10 feet? - I cannot say; I do not know.

20165. (*The Commissioner.*) How big a jump did you take? Just show us along this curtain? - About half *this*, perhaps (*pointing*).

20166. Down to where you are standing? - Yes, to the lifeboat.

20167. (*The Attorney-General.*) He said about 10 feet. (*To the Witness.*) You got into the boat, and eventually were saved? - Yes, but before that I did ask the chef to jump many times, but the chef was too fat I must say - too big, you know. He could not jump.

20168. He was too stout, and, at any rate, he would not jump? - No.

20169. You jumped. I suppose you saw it was very serious? - Yes, and when I was in the lifeboat I shouted to him again in French. "Sautez."

20170. To jump down to you? - Yes; he said something, but I could not hear because at the same moment a man said to me, "Shut up," or something like that. At the same moment another man from the "Titanic" (because at the moment the lifeboat was going down past the other deck; it was just like *that*), a man from the "Titanic" tried to get me off to take my seat.

20171. He tried to take you off? - Yes.

20172. You were in the boat? - Yes, he tried to take me off the lifeboat.

20173. Where could he take you off; the boat was being lowered? - That is what I said, the boat was lower. I will show you. The boat was just like *there*. (*Pointing on the model.*)

20174. Do you mean he leant forward. I do not understand how he could try, if your boat was being lowered. What do you mean by saying he tried to get you off the boat? - He did try.

20175. (*The Commissioner.*) Where did he take hold of you? - Well, just when the lifeboat arrived at the deck.

20176. Do you mean took hold of your arm? - No, like *that*, just on the back.

20177. Of the back of you, by your coat? - Yes.

20178. You were on the boat, and he was on the "Titanic"? - He was on the "Titanic."

20179. (*The Attorney-General.*) And your boat was then going down, was it? - Yes.

20180. And as you passed he caught you by the coat. Is that it? - Yes, that is what I mean exactly.

Examined by Mr. SCANLAN.

20181. Had you a lifebelt on? - Yes.

20182. And all your people had got lifebelts - those 60? - Yes.

20183. Was this objection to people going up on to the deck only to your class of people - stewards from the Chef's Department?

The Commissioner: No, the objection was by stewards, and it was made against waiters in the restaurant.

20184. (*Mr. Scanlan.*) I only want to get from him, my Lord, that this did not apply to passengers or anybody else. (*To the Witness.*) This did not apply to passengers, did it; there were no passengers prevented from going up? - No, there were not.

Examined by Sir ROBERT FINLAY.

20185. You were allowed to pass because you were taken for a passenger? - Yes, but I said to the members of the crew that I was secretary to the chef. I said, "There is the chef, and I am his secretary." That is what I said to the steward, and he let me pass.

The Commissioner: I regret to say so, but, it is unintelligible to me. What was it he said?

20186. (*The Attorney-General.*) He said he was secretary to the chef, and upon that they let him pass? - I was secretary to the chef, and I said to the steward, "I am secretary, and there is the chef. Can you let me pass?" and he said, "All right, get away," and he let me pass.

20187. (*Sir Robert Finlay.*) I thought you said you were dressed so that you might be supposed to be a passenger? - I think so; I was dressed like a passenger, just like this.

The Attorney-General: The steward might have thought that the secretary to the chef was a passenger.

The Commissioner: It was his dress, and that he was secretary to the chef; the two together got him through.

(The Witness withdrew.)

Sir Robert Finlay: My Lord, Mr. Sanderson would like to make a correction with regard to one thing he said yesterday, if your Lordship will let him.

The Commissioner: You need not go into the box, Mr. Sanderson, if you tell us what it was.

Mr. Sanderson: Thank you, my Lord. In the report of my evidence in regard to the boating of the "Olympic" there is a possibility that I would be misunderstood in the record as it now is. I would like to say that after the accident to the "Titanic" we started out with the intention of boating the "Olympic" to the full extent of her capacity for passengers, that is to say, for about 3,500 people, 60 odd boats; and we found we were getting into such a ridiculous position, we were crowding the ship so with boats, that we modified those instructions and directed them to only boat the ship for the actual number of passengers and crew she was carrying at the time, and that is now the policy we are carrying out, which is a considerable reduction from the original intention.

The Commissioner: Very well.

EDWARD WILDING, Recalled.

Further examined by Mr. ROWLATT.

Mr. Rowlatt: We were on page 11, my Lord; we were dealing with the double bottom.

The Commissioner: Yes.

20188. (*Mr. Rowlatt - To the Witness.*) Now, Mr. Wilding, I asked you yesterday about carrying up the double bottom a little higher. We have got here particulars of the way in which the "Mauretania" and "Lusitania" are built in that respect. Do you know, as a matter of fact, how they are built? - In general terms; they are interesting ships, and one follows their general construction.

Mr. Rowlatt: Would your Lordship mind looking at this plan. It will simplify matters enormously.

(Plan of the "Mauretania" and "Lusitania" was handed to the Commissioner.)

20189. (*Mr. Rowlatt - To the Witness.*) Perhaps you might come down here, as the plans are rather few. Will you look, first of all, on the transverse section on the right of the plan here. You

see the double bottom there is carried up 8 feet from the level of the bottom of the keel? - Yes.

20190. I see there is "8 feet" marked up against it in the margin. Now how does that compare with yours? - It is carried one foot higher than is shown on the amidships section.

The Commissioner: What is the section I am looking at?

Mr. Rowlatt: It is the transverse section of the "Mauretania" and "Lusitania."

The Commissioner: Two Cunarders.

20191. (*Mr. Rowlatt.*) Yes, amidships. (*To the Witness.*) Is this amidships? - About.

20192. It corresponds roughly to that which we have on the wall? - In general terms, yes.

The Commissioner: Now, am I to understand that this double bottom of the ship in the "Titanic" is carried up from the external portion of the bilge 16 feet?

Mr. Rowlatt: No, my Lord, 7 feet.

20193. (*The Commissioner.*) Then I misunderstood you. (*To the Witness.*) In the "Titanic" it is one foot short? - Yes, one foot less.

Mr. Rowlatt: Your Lordship has the amidships section, I think, which will show you on the "Titanic." I have not a copy, but Mr. Wilding gave you one.

The Commissioner: But it is quite enough. Mr. Wilding tells me they carry up the double bottom about 7 feet above the turn of the bilge.

Mr. Rowlatt: No, from the bottom of the keel, my Lord.

The Commissioner: Yes, from the bottom of the keel.

Mr. Rowlatt: Yes.

The Commissioner: From what one may call the external bottom of the ship.

20194. (*Mr. Rowlatt.*) Yes, the very lowest part of the outside of the ship. (*To the Witness.*) The result of it being a foot higher is that it comes more round the bilge of the ship? - The bilge of the "Lusitania" is rather rounder, that is it has a bigger sweep than the bilge of the "Olympic" or "Titanic," consequently 8 ft. in the "Lusitania" carries it up to about the top of the large curved part of the bilge in the same way that our 7 feet does.

20195. (*The Commissioner.*) Structurally you would say that their double bottom extends as high as the "Mauretania's"? - Not in feet and inches, but relatively to the turn of the bilge.

20196. Not in feet and inches, but as a matter of construction, you say they are the same, I understand? - To the same point up to the turn of the bilge - to the top of the turn of the bilge - it takes a foot more for the "Lusitania" to get there.

20197. It takes a foot more in the "Lusitania" to get to the point which you reach with your double bottom in the "Titanic"? - That is right, as I understand it, my Lord. Of course I am not an expert on the "Lusitania."

Mr. Rowlatt: No, I do not ask you to criticise the "Lusitania" for a moment; I am only just getting these facts.

20198-9. (*The Commissioner - To the Witness.*) Let me ask you, do you mean to say that the space from what may be called the flat of the side to the skin of the ship is the same in both vessels? - Owing to a rather larger sweep round the bilge in the "Lusitania" and "Mauretania" to reach the flat of the side you have to go rather higher up the ship's side.

But the space between the flat of the side and the skin of the ship in the "Titanic" and in the "Mauretania" would be the same.

Mr. Rowlatt: Do you mean between the two skins?

20200. (*The Commissioner.*) Where the double bottom joins the skin of the ship in the one vessel and in the other is the space from that point to the flat of the side, the same in both ships? - Roughly; that is, they are both round the turn.

20201. I do not know what "roughly" means? - I have not the details.

20202. But when you say "roughly," do you mean within a few inches? - As far as I know, my

Lord.

20203. (*Mr. Rowlatt.*) Of course you do not know in detail anything about the "Mauretania" or "Lusitania"? - Not in exact detail.

20204. You are just looking at this plan I put before you? - Yes.

20205. (*Mr. Rowlatt.*) Now, would your Lordship continue to look at that plan for a moment? (*To the Witness.*) The circumstance that the shape of the bilge is different in these two ships gives a different appearance of shape to the shaded part, representing the double bottom. In yours it comes straight across, and ends in a sharp point? - Yes.

The Commissioner: Where shall I see the transverse section of the "Titanic"?

Mr. Rowlatt: This is very good, my Lord, very good and very big (*Pointing to the plan on the wall.*)

The Commissioner: You mean up there on the wall?

Mr. Rowlatt: Yes. What I was asking Mr. Wilding was this; the top line of the double bottom runs pretty well straight across till it meets the side of the ship.

The Commissioner: Yes, I see that.

Mr. Rowlatt: As the other ship is a little sharper, so to speak, and has not got such a rectangular bilge, to get to the turn of the bilge you have to run up the side a little, and therefore there is a corner and a different shape. So that it appears to be more different than it is.

The Commissioner: That is to say, the sweep at the bottom of the transverse section in the "Mauretania" is much greater than the sweep there.

Mr. Rowlatt: Yes, my Lord, it comes sharper. At that corner, as I understand it, it is cut off.

The Commissioner: That is what I mean by saying the sweep is longer. The sweep, or curve, in the "Mauretania" is longer, so that it is a longer line to reach the perpendicular line of the outside skin of the ship.

20206. (*Mr. Rowlatt.*) Is that right, Mr. Wilding? - Yes, that is right.

20207. Now also in this ship, in the "Mauretania," the bilge keel is fitted where the bottom is still double, if I make myself clear? - Yes, and so it is in the "Titanic."

20208. I could not see it in the "Titanic." Is there a bilge keel on the "Titanic"? - Yes.

The Commissioner: The bilge keels are marked in both.

Mr. Rowlatt: Yes. I had not that one in my hand, my Lord.

The Commissioner: Does anything turn upon the bilge keel?

Mr. Rowlatt: No, my Lord, because they are the same.

The Commissioner: They are both inside?

Mr. Rowlatt: Yes, my Lord.

The Commissioner: They both project through what you may call the double bottom?

20209. (*Mr. Rowlatt.*) Yes, my Lord. (*To the Witness.*) Now, if you look at the plan of the ship - the plan as opposed to the section - at the bottom here of this same piece of paper, you see there are longitudinal watertight compartments all along the side of the ship? - Yes.

The Commissioner: I see that.

20210. (*Mr. Rowlatt.*) And is the same shown in section in this transverse section at *this* end here, where "W.T. Compartment" is written? - Yes.

20211. That hard line? - Just outside the boiler. It shows the section of the same watertight bulkhead.

The Commissioner: So that every coal bunker on the "Mauretania" is a watertight compartment?

20212-3. (*Mr. Rowlatt.*) That is so, and laterally in the roof too, as I understand it? - Yes, that is shown so, at any rate.

20214. As I gather the wings outside the engine room casing are also longitudinal watertight

compartments. They are shown so? - You say "outside the engine room casing." It is really bulkheads separating different engine rooms.

20215. (*The Commissioner.*) I do not hear you? - It is really the bulkheads separating different engine rooms, not as Mr. Rowlatt worded it.

20216. (*Mr. Rowlatt.*) If your Lordship will look at the plan, your Lordship will see my question was inaccurate, because there is a big parallelogram marked "engine room" amidships, and I treated that as the only engine room. The wings outside it are also marked "engine room," and, therefore, my question was inaccurate in form. (*To the Witness.*) But what I want to know is; as shown here are the engine rooms and other spaces outside the big engine room space also longitudinal watertight compartments? - They appear to be so.

The Commissioner: Just as the coal bunkers are?

20217. (*Mr. Rowlatt.*) Yes. (*To the Witness.*) And further aft again, in the place where "auxiliary machinery" is marked, there appears to be again a longitudinal watertight division? - By the plan, yes.

20218. I only want to ask you generally. I do not ask you to criticise this in any way. Can you say, as a naval architect, whether you think construction of that kind generally might be resorted to so as to protect against accidents such as this? - It is a very much disputed point. There is much to be said on both sides, both for and against. One of the greatest of objections is that as each coal bunker is a watertight compartment it involves that the coal shall be worked through watertight doors, and it is very difficult under such conditions to ensure that the watertight doors shall work when they are wanted to. There are other objections, but that is a very serious one.

20219. (*The Commissioner.*) I am advised that that may be a serious difficulty? - It is.

20220. The coal has to be got out of these watertight compartments through doors? - Through doors.

20221. And if the ship is steaming 20 knots an hour, or whatever it may be, these doors are open and in continuous use? - Continually.

20222. It may be a serious matter to consider whether in those circumstances it would be practicable to automatically close them? - To do so with certainty.

The Commissioner: Now is there any other objection to it?

The Attorney-General: On that last matter which your Lordship dealt with we have some further evidence which your Lordship will have which deals with that precise point.

20223-4. (*The Commissioner.*) What strikes me about the "Mauretania" is that practically from stem to stern on the port side and starboard side she is encased in watertight compartments. That is so, is it not? - That is so; it is one of the features of the design.

20225. It is a thing which, at all events, to my mind appears to be an advantage? - On the face of it it is.

20226. I want you to tell me what the disadvantages are? - I have named one to your Lordship.

20227. You have named one, yes? - Another serious disadvantage is that, suppose some of these coal bunkers or side compartments are flooded and the doors are shut, the water is shut in to one side of the ship. That promptly produces a considerable list of the ship, and makes the lowering of the boats on the other side impracticable. It therefore practically destroys the value of half your boats.

20228. In answer to that, I want to remind you that the "Titanic" had a very great list to port? - So far as I have followed from the evidence, I gather the list has been quite small as long as there were any boats.

The Commissioner: I thought it was a serious list?

The Attorney-General: Only at the end, I think, my Lord. That is my view of the evidence. A slight list to starboard first and then a slight list to port.

The Commissioner: Perhaps it is in the evidence and I have overlooked it; but I have not yet understood what the cause of this list to port was.

The Attorney-General: I agree it is very difficult to understand. Mr. Wilding has a view about it, and he might answer it at once.

20229. (*The Commissioner.*) Wait a moment. It is suggested to me that perhaps the list in the "Titanic" was very much smaller than the list which would be caused by one of the "Mauretania's" side bunkers being flooded. Is that so? - Probably, my Lord.

20230. (*Mr. Rowlatt.*) Can you, to any extent, counteract the flooding, we will say, of one of the bunkers on the side of a ship like the "Mauretania" by letting in water to the double bottom on the other side of the ship, for a greater length of the ship, at the extreme wing of the double bottom? That has been suggested, you know. - I quite understand the point, but the available arrangements, the pipe arrangements for flooding any bottom space, act comparatively slowly, and it would therefore take in the first place a long time to correct the list.

20231. But suppose, instead of flooding these spaces on the bottom of the ship, you were to flood a corresponding coal bunker on the other side? - It would be very difficult to keep flooding arrangements in a bunker in good working order. It might be done, but it would not be easy. The same objection applies as to working the watertight doors. Coal dust chokes up the working of them; it is a practical difficulty, my Lord.

20232. (*The Commissioner.*) Oh yes; practical difficulties are serious. Have you ever considered the practicability, when one bunker fills with water, of an automatic arrangement by which a space at the other side of the ship could be filled at the same time? - I have seen proposals for that, my Lord, but the same difficulty arises, that it is very difficult to keep any apparatus in a coal bunker, or through which coal is being continuously worked, in really good working order. We have had some experience of watertight doors and other apparatus in bunkers, and it has not been satisfactory. We have done everything we can of recent years to discourage any such arrangement.

20233. Had you no watertight doors in bunkers in this ship? - No.

20234. None? - None.

20234a. (*Mr. Rowlatt.*) In all cases I think the watertight doors which run through the bunkers, so to speak, were in a tunnel? - Specially brought out into the stokehold so that they could be looked after.

20234b. (*Mr. Rowlatt.*) Your Lordship will see it by looking at the plan. (*To the Witness.*) Now you have given us two broad heads of objection to these longitudinal watertight coal bunkers. One is the difficulty of working doors in them, and the other is the effect they would produce if flooded on the heel of the ship? - Yes.

20235. Is there any other objection? Will you say all you have to say on the subject to the Court. Is there any other objection which occurs to you? I do not know whether there is or not, but if you have will you tell us? - I would like to think the matter over.

20236. (*The Commissioner.*) The two real objections to the plan adopted in the Cunard boats from your point of view are these: That the filling of one bunker on one side of the ship will cause a list to that side of the ship, and make the use of the boats on the other side of the ship impracticable. That is one? - That is a serious one.

20237. And the other, as I understand, is the difficulty in manipulating or working the watertight doors from the bunkers, which must of necessity be open while the ship is steaming. Those are the two objections? - Those are the two very important ones. There are some other minor ones.

The Commissioner: Upon this part of the case, Mr. Attorney, you know what I propose to do, and it is in accordance with what I said to you the other day. We propose to hear evidence of

this kind, and if it occurs to us that the matter is of sufficient importance to engage the attention of the Committee which has been appointed, what we intend to do is not to express any definite opinion upon it, but to say that, in our opinion, the matter is one which requires full and proper consideration.

The Attorney-General: If your Lordship pleases. It was in view of what your Lordship has said that we got the evidence from the Cunard Company to lay before you; and also I hope to put before you some evidence from the Admiralty with regard to it, and there I intend to leave this part of it, as otherwise we should never finish.

20238. (*Mr. Rowlatt - to the Witness.*) Now, Mr. Wilding, just before we forget it - I want to get it clear on the Note - I think you did not see this before I showed it to you this morning? - I had not seen that plan.

20239. Nor was it put before you with a view that you should criticise the "Mauretania." It was only to enable us to know what we were talking about when we were alluding to watertight coal bunkers and the different arrangement at the bottom? - Yes.

The Commissioner: I do not think that what we are doing amounts to any adverse criticism of the Cunard boat at all.

20240. (*Mr. Rowlatt.*) No, my Lord, it is only so much more easy to deal with a concrete thing than an abstract idea. Now, will you think over that problem generally? - Yes.

20241. And if anything further occurs to you, you will be able to give it to the Court later? - Certainly.

20242. Now, in connection with this, and before we forget it, can you offer us any theory which would explain the "Titanic" having first taken a list to starboard and then a list to port before she foundered? - I can, of course, only offer a theory for it; it does not amount to proof. But as to the slight list at first to starboard, your Lordship will remember that it is in evidence that the Post Office and baggage room was flooded in No. 3 hold at an early stage. To a certain extent there are partition bulkheads in the vessel on G deck - partition bulkheads on the port side of G deck - which would restrain for a brief time the water from entering the space which is filled by third class cabins.

20243. (*The Commissioner.*) That is to say, the water for a time would be confined to the starboard side of the ship? - Not absolutely strictly confined, but it would be more difficult for the water to rise on the port side than on the starboard side, and there would be an excess of water on the starboard side.

20244. It would be restricted in its flow? - It would be restricted in its flow.

20245. From the starboard to the port side of the ship? - Yes.

20246. Causing a slight list to starboard? - That would account for a slight list to starboard. Then, later on, the water got above E deck; we have heard of it in the working alleyway. When the water got above E deck, the broad passage we know as Scotland Road, the third class alleyway leading aft on the port side offers a much easier road for the water, and there is a much larger flow into it on that port side, because the only way the water could get into the first class alleyway on the starboard side is up the stair which comes from the Post Office; whereas there are several stairways and hatches at the former end of the deck, all of which could pour water, or enable water coming up through them to get along the working passage on the port side.

20247. The broad working passage on the port side which is called Scotland Road? - Yes, the 9 feet passage.

20248. There is a much broader passage on the port side than there is on the starboard side? - Quite right, my Lord, and also this water is restricted by the non-watertight steel door at the forward end of the first class passage on the starboard side from going into the starboard passage.

Mr. Rowlatt: Your Lordship sees that door.

The Witness: Yes, it is not watertight.

20249. (*The Commissioner.*) It is not watertight, but it is a door? - Yes, and a fairly substantial door.

20250. That may explain it. Of course, if the ship had remained afloat, all these differences in lists would have tended to right themselves? - Eventually, my Lord, yes. Your Lordship will notice that all the stewards' rooms open off the working passage and would offer considerable means for water to get over to the port side from the working passage, and the doors were opened because all the stewards had come out of them. Then when the ship was in this condition she was beginning to get a serious reduction in her stability, and any weight on the port side would give her a list to that side, and then the list becomes cumulative, and piles up. She would not right herself, as she is continually going by the head. If, as your Lordship says, she had remained afloat she would eventually have come back.

20251. If she could have remained afloat she would have righted herself in time? - Probably, my Lord, as far as I can judge.

20252. (*Mr. Rowlatt.*) On the same page of this document, page 11, you deal with the construction of the double bottom. You say, "Forward and aft of the machinery space the construction was of the usual type. Where it extended from bilge to bilge it was so divided that there were four separate tanks athwartships." Does that mean that the space between - ? - Between bilge and bilge was divided by longitudinal partitions making four tanks.

20253. "Before and abaft the machinery space it was divided by a watertight division at the centre line except in the foremost and aftermost tanks"? - Quite right.

20254. Is that something different from the four separate tanks athwartships? - Yes; before and abaft the machinery space the tank is only carried to the lower part of the turn of the bilge, as is usual in most ships. The tank, owing to the ship coming in towards the end is much narrower, and it is only divided by one division on the centre line to make two tanks, and at the extreme end next the centre division there is only one tank.

20255. That is outside the machinery space? - That is outside the machinery space.

20256. Inside the machinery space it is divided into four? - Four tanks athwartships.

20257. That part of the ship is extra strengthened by being hydraulically riveted? - Yes, it was adopted as the strongest means known to us of securing it.

20258. We have heard something in the evidence about an apparent fracture of the whole ship as she foundered, which is rather why I was going a little minutely into this part of it. Do you believe that happened? - Not in the least. I have tried to make an approximate calculation, and I feel quite sure it did not happen.

20259. That is why I was asking you - of course I will not ask it more than is thought material - as to the strength of its construction. As I understand, the whole of the ship is, as you explained to us yesterday, a girder? - Yes.

20260. Is this double bottom a girder too? - Yes, but a much shallower one than the whole ship.

20261. And to a certain extent is every deck? - It is a member of the girder.

The Commissioner: The evidence about this breaking of the ship in two immediately before she founders and the righting of the afterend is unsatisfactory.

Mr. Rowlatt: Very well, my Lord, then I will not examine in detail upon it.

The Witness: It might perhaps interest my Lord to know the rough calculation I was able to make as to the probable stress arising when the ship foundered as she got her stern out of the water. I can only do it very roughly, of course. It showed the stress in the ship was probably not greater than she would encounter in a severe Atlantic storm. The ship was made to go through an Atlantic storm, and therefore would be capable of meeting that stress.

20262. Very well. Now I will not ask you about the next part of your proof, which is as to strength generally. I see you say at the bottom of page 11 that "at the forward end the framing and plating was specially strengthened with a view to prevent "panting." What is "panting"? - When a ship is plunging into a big head sea there is a slight tendency on the part of the sides to go like a concertina, and that is known technically as panting.

20263. As I gather, that is not desirable? - It is not desirable, and therefore you try to stop it.

The Commissioner: Where is that word to be found?

The Attorney-General: It is the second paragraph on "structure."

20264. (*Mr. Rowlatt - to the Witness.*) And you say "and damage by meeting thin harbour ice"? - In New York, to which these ships run, it is no uncommon occurrence in winter to have to force your way out through ice 3 or 4 inches thick.

20265. It achieves a double object? - Yes.

20266. Perhaps I ought to put this general question to you. The contact with this iceberg was the contact of a body weighing 50,000 tons moving at the rate of 22 knots an hour? - Yes.

20267. I gather to resist such a contact as that you could not build any plates strong enough, as plates? - It depends, of course, on the severity of the contact. This contact seems to have been a particularly light one.

20268. Light? - Yes, light, because we have heard the evidence that lots of people scarcely felt it.

20269. You mean it did not strike a fair blow? - If she struck it a fair blow I think we should have heard a great deal more about the severity of it, and probably the ship would have come into harbour if she had struck it a fair blow, instead of going to the bottom.

20270. You think that? - I am quite sure of it.

20271. (*The Commissioner.*) I am rather interested about that. Do you mean to say that if this ship had driven on to the iceberg stem on she would have been saved? - I am quite sure she would, my Lord. I am afraid she would have killed every fireman down in the firemen's quarters, but I feel sure the ship would have come in.

20272. And the passengers would not have been lost? - The passengers would have come in.

20273. Then do you think it was an error of judgment - I do not by any means say it was a negligent act at all - to starboard the helm? - It is very difficult to pass judgment on what would go through an officer's mind, my Lord.

20274. An error of judgment and negligence are two different things altogether. A man may make a mistake and be very far from being negligent? - Yes.

20275. Do you think that if the helm had not been starboarded there would have been a chance of the ship being saved? - I believe the ship would have been saved, and I am strengthened in that belief by the case which your Lordship will remember where one large North Atlantic steamer, some 34 years ago, did go stem on into an iceberg and did come into port, and she was going fast? - I am old enough to remember that case, but I am afraid my memory is not good enough.

Mr. Laing: The "Arizona" - I remember it.

The Witness: The "Arizona," my Lord.

20276. (*Mr. Rowlatt.*) You said it would have killed all the firemen? - I am afraid she would have crumpled up in stopping herself. The momentum of the ship would have crushed in the bows for 80 or perhaps 100 feet.

20277. You mean the firemen in their quarters? - Yes, down below. We know two watches were down there.

20278. Do you mean at the boilers? - Oh, no, they would scarcely have felt the shock.

The Commissioner: Any person, fireman or anybody else, who happened to be in that 100 feet,

would probably never have been seen again?

20279. (*Mr. Rowlatt.*) The third class passengers are there too, I think, some of them? - I do not think there are any third class passengers forward of the second bulkhead, and I believe she would have stopped before the second bulkhead was damaged. It is entirely crew there, and almost entirely firemen - firemen, trimmers, and greasers.

20280. Your opinion is that the ship would have suffered that crushing in in the first two compartments, but that the shock would not have shattered or loosened the rivets in any other part of the ship? - Not sufficiently. As it would take a considerable length, 80 or 100 feet to bring up, it is not a shock, it is a pressure that lasts three or four seconds, five seconds perhaps, and whilst it is a big pressure it is not in the nature of a sharp blow.

20281. (*The Commissioner.*) It would, I suppose, have shot everybody in the ship out of their berths? - I very much doubt it, my Lord.

20282. At 22 1/2 knots an hour, and being pulled up quite suddenly? - Not quite suddenly, my Lord. 100 feet will pull up a motor car going 22 miles an hour without shooting you out of the front.

20283. (*Mr. Rowlatt.*) What you mean is that the ship would have telescoped herself? - Yes, up against the iceberg.

20284. And stopped when she telescoped enough? - Yes, that is what happened in the "Arizona."

20285. Now, the watertight subdivisions - you have a heading in your report as to that? - Yes.

20286. You say it was arranged that the bulkheads and divisions should be so located that the ship should remain afloat in the event of any two adjoining compartments being flooded." Was that achieved in this ship - that she could float with any two watertight compartments flooded? Have you any little picture of that? Do not go into it in detail. - I have a plan showing the original calculations which were made.

20287. We do not want any calculations, because we should not understand them? - Well, I can show the results of them - the effect on the ship of flooding each pair of compartments, my Lord. (*A plan was handed to the Commissioner.*) It is the original calculation which was made and a copy of the original plan. It was to show the effect on the trim of the ship of flooding each pair of watertight compartments.

20288. (*The Commissioner.*) Is this a plan for this Enquiry, or made in the course of the construction of the ship? - The plan was made in the course of the construction of the ship to satisfy ourselves that she would comply with this condition, which was put to use as one of the conditions.

The Commissioner: I should like Professor Biles to see this.

Mr. Rowlatt: May we begin at the other end of the plan, my Lord? - Your Lordship sees this is a series of sections arranged so as to show every possible combination of adjoining compartments.

20289. (*The Commissioner.*) Were these plans submitted to the Board of Trade? - No.

20290. (*Mr. Rowlatt.*) I will ask one question. Have you drawn here a picture of each pair of adjoining compartments being flooded, beginning at the bow, exclusive of the collision bulkhead? - Exclusive of the forepeak, which has quite a small effect - only a few inches.

20291. Have you put upon this longitudinal section of the ship, where the waterline would be if those two compartments were flooded? - Yes, and in each case, as you will see, the line comes nearer and nearer to the deck line. It comes closer up, and then begins to get further down again.

20292. That, of course, depends upon intricate calculation? - More or less intricate calculation. Professor Biles is familiar with it.

20293. It is the fact, as I understand it, that any two adjoining compartments may be flooded

and the top of the bulkhead will still be above the water? - Still be above water. It will be above the waterline by an amount which is about double the amount recommended by the Bulkhead Committee in 1891, and also be more above the waterline than in the case of an awning deck ship near 300 feet long, undamaged.

20294. How much? - The lowest case, I think, was 2 feet 7 inches.

20295. Two and a half to 3 feet was the worst? - Yes, and only one as bad as that.

20296. Now, suppose two compartments flooded which are not adjoining? - It is usually a great deal less severe on the ship, the compartments being substantially the same size as they are in this case.

20297. (*The Commissioner.*) I am afraid I am interrupting your story, but can you tell what plans were submitted to the Board of Trade? - Offhand I cannot, my Lord.

20298. But you will ascertain for us? - I can ascertain.

20299. What assumption have you proceeded upon when making these calculations as to the cargo in the ship? - There are quite a list of deductions. In the first place, it is assumed that 5 percent of the volume of the space flooded will be occupied by the structure of the ship, such as decks, and cabin bulkheads and partitions. That is the first general deduction. It was assumed in making those calculations that the double bottomed tanks were flooded as well as the ship's hold. It was further assumed that in the cargo spaces about one-quarter of the volume of the space would be occupied by water-excluding materials.

20300. About one-fourth? - About one-fourth.

20301. Can you tell me why you assume about one-fourth? It may be altogether wrong? - It was from a variety of considerations. We have never fully calculated it, but taking ordinary cargoes that are carried in ships of this type, it was the best estimate that we could make.

20302. At all events, you thought it a fair estimate to make for the purpose of testing the arrangements which you were making? - Yes, my Lord. I may say I believe it is rather more. It is usually assumed cargo will exclude rather more than that, but taking the very light cargoes - light in character in relation to their bulk - which are carried by these express steamers, it seemed wiser to take one-fourth, to be on the safe side.

20303. Are those the assumptions that you proceeded upon? - Those are the assumptions. If you go into the bunkers of course you must then assume something else for the coal. In the case of bunkers, it was assumed that about one-half of the space occupied by coal would be available for water coming in; that is that the bunker probably is not quite full. Of course water gets in between the lumps of coal.

20304. The cubic quantity of water would be half the cubic contents of the bunker? - Quite, my Lord.

20305. What waterline did you start at? - The intended load waterline of the ship, 34 feet 6 inches moulded draught. We eventually got a waterline not quite so deep as that by a couple of inches about.

20306. (*Mr. Rowlatt.*) That assumed something in the cargo space, I suppose, to get that waterline? - Of course she had to be fairly full of cargo and of coal.

20307. And then, when you came to calculate the effect of water coming in, you allowed for that again, one-fourth? - That is right. There are some spaces to which water could find entry which are neither cargo nor coal spaces, such as stores and mails and baggage room, and in those cases I believe one-sixth was allowed. I am quoting that from memory, I am not quite sure whether that applied to stores or whether stores were taken at one-fourth. I have not a note of that particular point.

20308. Supposing you took this ship quite empty, so that every bit of the watertight compartments could be filled with nothing but water, would she then float if any two adjacent

ones were full of water? - Yes, because, you see, when there is no coal and no water in the ship she is floating with the top of her bulkheads much higher out of the water, and you gain that increased height over the whole length of the ship, and you only lose on the exclusion of the water in the flooded space.

20309. The sort of case that you did not contemplate was if the whole of the rest of the ship was loaded but only the two compartments which happened to be punctured or holed were empty; you did not assume that? - It is hardly a conceivable case; but even if they were, the ship would probably not be at her loaded draught, and so would have that buoyancy. We took what we judged to be the most severe case.

20310. Now, have you also considered how this gradual sinking was caused and did progress in this ship, having regard to the wounds in the ship's side which have been disclosed by the evidence? - I have had some calculations made and plans prepared.

20311. Is the result pictorial? We cannot understand calculations. - No; I will put in the plans. I have copies of them. (*The same were handed in.*)

20312. Now before we explain these plans, Mr. Wilding, will you just tell us this - you have followed all the evidence that has been given? - Yes, I have followed it, but this first plan was made as the evidence was being followed and as it came out from day to day.

20313. Now will you just tell us the nature of the wound which you think this ship received? - I would rather, if I may, put the plans in, and then describe what the eventual nature of the wound was when I have described the plans. On the plan I have handed in to my Lord there are three elevations shown. In the first one, which was the evidence we had (marked A) in the earliest stages, No. 1 hold, No. 3 hold, and No. 6 boiler room, marked with a red cross, was flooded. That was absolutely the first evidence we had.

20314. We have not had, I think, evidence of No. 2? - No, nor of the forepeak, which was mentioned quite late in the day. As your Lordship will see, the water did not then reach the top of the bulkheads.

20315. (*The Commissioner.*) The water had not reached the top of the bulkheads? - That is quite right. The result of that calculation was reported to me, and I then told them at Belfast by wire to flood No. 2 compartment, also the forepeak, and see what happened.

20316. What do you mean by flooded? - To treat it as flooded for the purposes of the calculation; it is marked B.

20317. That would be Nos. 1, 2, 3, 4 and 5 spaces? - Yes, the forepeak, No. 1, No. 2, and No. 3 holds, and No. 6 boiler room. That is marked B, my Lord. You will notice in that that the waterline has now got above the top of the bulkhead.

20318. (*Mr. Rowlatt.*) Are you speaking of B? - Yes.

20319. The forepeak is flooded? - Yes, and 1, 2, and 3 holds and No. 6 boiler room.

20320. (*The Commissioner.*) As soon as that state of things arrives there is an end of the ship - as soon as you get to that state of things the epitaph of the ship is written? - And as a further assumption I have also had plan C made in which the forepeak was not flooded; 1, 2, and 3 holds and No. 6 boiler room.

20321. As a matter of curiosity, for my information, how long after the water got above the watertight bulkheads would this ship float. Would she sink instantly? - Absolutely no, my Lord. Probably for an hour - perhaps a little more; it would depend upon the extent of the damage. Assuming the damage in this particular case, it would take, I should think, an hour to an hour and a quarter, as well as I could estimate.

20322. (*The Attorney-General.*) Is that assuming the doors closed? - It assumes the after-door closed, and the door between A and F closed.

20323. (*Mr. Rowlatt.*) So that the water would only progress aft over the top of the successive

bulkheads? - Yes.

20324. (*The Commissioner.*) Of course it would not do anything else. It would flow over the top and flow down; wherever it could find a space to flow down into the ship it would flow down? - Quite right.

20325. (*Mr. Rowlatt.*) Then the ship would be further down by the head, and it would be able to flow over the next one? - I have a plan showing that.

The Commissioner: At all events, according to your view, it would take about an hour?

The Attorney-General: He has worked it out by a plan, my Lord. (*A plan was handed in.*)

Mr. Rowlatt: If your Lordship will allow the Witness just to say what this plan means, I think it will save trouble, and we shall get it upon the Notes.

The Witness: In this plan -

20326. (*The Commissioner.*) What do you mean by "this" plan? - The plan I have just handed up to your Lordship. It is marked upon the back as the plan called "Flooding by compartments."

20327. Row E? - Yes, that was simply for convenience in finding it.

20328. (*Mr. Rowlatt.*) Will you say what this plan represents? - I took as the basis of this plan the same as for plans A, B, and C, the best estimate I could make of the waterline at the time of the accident, that is, I knew what draught the "Titanic" sailed from Southampton at; I knew what the average change of draught on the voyage by the "Olympic" was for several voyages.

20329. (*The Commissioner.*) Do you mean by the consumption of coal? - I mean by the use of coal and the use of fresh water and stores, my Lord; and also I knew that about two-thirds of the voyage had been completed. I therefore took two-thirds of the normal change in the "Olympic," of the average change, and applied it to the departure draught of the "Titanic," and used the line so reached as a basis to start from. That applies to all the calculations which I have made since the accident. This plan of "flooding by compartments," shows that waterline which I have been referring to which is marked as a black dotted line at the two ends.

Mr. Rowlatt: Outside the stem, my Lord; the lowest line outside the stem.

The Witness: The first thing was to flood the forepeak tank, that was the foremost compartment of the ship, which is marked in yellow, and which gave the yellow waterline just above the black dot.

20330. That shows the amount the ship was sunk by the head by filling the forepeak? - Quite right.

20331. That is very little indeed? - Yes. Of course the water is restrained from rising in the forepeak by the watertight tank; it cannot go any higher than the top of the tank. I then flooded No. 1 hold, which is tinted green, and I got the green waterline. That is No. 1 hold plus the forepeak. I then, in addition to having the forepeak flooded and No. 1 hold flooded, flooded No. 2 hold, which is marked brown, and I got the brown waterline. Then, having flooded the forepeak and No. 1 and No. 2 holds, I also flooded No. 3 hold, which I then wanted to indicate by the red space which is represented by the red line.

20332. (*The Commissioner.*) Would *this* swamp (I daresay it is not the right expression) flood the tunnel? - Yes, between the green line and the brown line; the water comes over the top of the tunnel step, and would flood the tunnel.

20333. That is the narrow tunnel on the starboard side? - No, the firemen's passage, my Lord, in the centre line in the bottom.

20334. You say that the flooding of No. 2 hold would include the firemen's passage? - Yes. When No. 2 was flooded it would flood the firemen's passage, because, as your Lordship will see, the waterline has then got above the step in the bulkhead and can go down the stair. Of course, as you will see, the water is still at that time below the level of the top of the bulkheads which run to the E deck, the black continuous sheered line. I then flooded No. 6 boiler room, in

addition to the others, of course, which is shown in the blue tint, and gave the blue waterline. Your Lordship will now see that the water had got up above the top of A bulkhead, and would get down into the rest of the forepeak. Your Lordship will notice that that flooding corresponds to B, shown on the first blueprint that I handed up. That condition corresponds to B on the first blueprint which I handed up.

20335. And that is the end of the ship; that is the foundering of the ship? - It means the eventual foundering of the ship.

Mr. Rowlatt: Now the remaining colours, my Lord, show how she did founder.

20336. (*The Commissioner.*) In order to get it clear as we go along, does this seem to indicate or does this lead you to the conclusion that this ship was holed as far aft as No. 5 bunker? - No. 6 boiler room I have got to at present, to the blue line.

20337. And is it not the fact that the watertight bulkhead between No. 6 boiler room and No. 5 boiler room was injured? - Yes, we have it in Barrett's evidence.

20338. Yes, so that the holing of this ship extended from the peak to the fifth boiler room? - To No. 5 boiler section, my Lord.

20339. I am reminded that Barrett's evidence pointed to a hole in the skin of the ship forward of the division between 5 and 6 boiler rooms, and also aft? - Yes, in the forward bunker of No. 5.

Mr. Rowlatt: If I may remind your Lordship, it was quite clear that there was a great hole in No. 6, and there was some water coming in, as I think he said, in the bunker in No. 5.

The Commissioner: Yes. It is suggested to me that, notwithstanding that state of things, the bulkhead between 5 and 6 may not have been injured at all.

The Witness: Well, my Lord, there is this wound. You could not rupture the shell, which is strongly connected to the bulkhead, without in some way damaging the bulkhead itself - I mean if you cut the skin, if you break the skin at the bulkhead, you must in some measure, though perhaps only in a small measure, damage the bulkhead itself. Now the next two conditions, my Lord, which I had to make to facilitate the possible calculations of assumption that the bulkheads were carried right up as high as was necessary -

20340. That seems to me to be the next point to consider? - Yes.

Mr. Rowlatt: I think you are at cross purposes, my Lord, with the Witness, if I may say so. The Witness is about to explain to you these other two colours. He is not upon the question of clearing up the matter with regard to the bulkheads. He is only explaining that he cannot keep the flooding even when the ship has got to this condition; he cannot keep the flooding to No. 5 and calculate No. 5 separately from No. 4, because before No. 5 is quite full No. 4 will be also partially full, and therefore this is to some extent artificial; this grey colouring which shows the black line is to some extent artificial, because he has treated it as if it was only No. 5 and not also in the hatched red part of No. 4.

The Witness: Yes, that is what I wanted to say. It was done to make the calculation a practicable one. I then flooded No. 5 boiler room in identically the same way as I had previously flooded No. 6, adding its flooding effect to the forward spaces, and I got the black line, which, as you will notice, puts the forecastle entirely under water, and also the forward end of forward deck, B deck, which is the top deck shown on these elevations. That means that the waterline is something like that (*Describing with a pointer on the model.*)

Mr. Rowlatt: He is showing your Lordship on the model approximately how it would be when No. 5 was also flooded.

The Witness: That is right; about where we got the long tube, my Lord.

20341. Then if it went into No. 4 also, is that shown to be red hatched? - Yes. In order to understand effect of the red hatching and to see what it really means, it is best to tilt the plan and put it like this, so that the red line is approximately parallel to the forecastle head, and it shows

that the stern is out of the water as far about as the base of the mainmast, or a little further forward.

20342. (*The Commissioner.*) I will put it quite shortly to you, Mr. Wilding - is it possible to conceive a construction of bulkheads in the forward part of this ship which would prevent the sinking of this vessel? - Not the eventual sinking, my Lord, the reason being that we had evidence that as far aft as No. 4 boiler room the water was found rising above the stokehold plates, and drove the firemen out of it, in Dillon's evidence.

20343. I had forgotten that. I thought the evidence pointed to water coming in as far aft as No. 5? - No, my Lord; you will find it in Dillon's evidence.

Mr. Rowlatt: I think No. 5 is the furthest place aft where we have any evidence of a wound in the side of the ship, but water from some source not quite explained was rising in No. 4 also.

20343a. (*The Commissioner.*) If the water was rising in No. 4 it must, if the watertight bulkhead between 4 and 5 was holding, have been through some external means? - Yes.

Mr. Rowlatt: Only we have not direct evidence of it.

The Commissioner: But if the evidence is to be believed that water was rising in No. 4, it follows that No. 4 was externally injured, does it not?

Mr. Rowlatt: Yes, my Lord.

20344. (*The Attorney-General.*) I do not know that. (*To the Witness.*) Does it follow? - It follows my Lord, because we know from the evidence that they were doing their best to pump out No. 4. If you remember, we have had evidence that they took pipes along.

The Commissioner: Wait a moment. Could you, Mr. Laing, read to me the evidence with regards to the water coming into No. 4?

Mr. Laing: Yes, my Lord, I have got the references to it, and it begins at page 99.

The Commissioner: Well, just read it to me.

Mr. Laing: I will.

The Attorney-General: Before you read it let me just remind your Lordship that he is the man who went right aft when the doors were closed. I am giving you a description which will recall it. Then he comes forward to No. 4, and between No. 4 and 5 stops, and then my learned friend is going to read what happens after.

The Commissioner: Who is this man?

Mr. Laing: Dillon, my Lord, a trimmer. "(Q.) Did you see any water before you went up in any of the boiler rooms or the engine room? - (A.) Yes, there was water coming in forward. (Q.) The furthest point forward you reached was No. 4 boiler section? - (A.) Yes. (Q.) Was it coming in there? - (A.) Yes. (Q.) Where was it coming in? - (A.) Coming from underneath. (Q.) From underneath the floor? - (A.) Yes. (Q.) And from what part of the floor, the forward part or the afterpart? - (A.) The forward part. (Q.) Did it come in large quantities, or only in small quantities? - (A.) Small quantities. (Q.) Was there any depth of water standing on the floor? - (A.) No. (Q.) Do you mean the floor was just damp? - (A.) That is all. (Q.) And it seemed to be coming through the floor? - (A.) Yes. (Q.) Did you see any coming through the side of the ship at all? - (A.) I never noticed."

The Commissioner: That seems to me to be very unsatisfactory evidence.

Mr. Laing: My Lord, there is another Witness, Cavell, at page 107. My Lord, Cavell, who was a trimmer, says this.

The Commissioner: What was the other man?

Mr. Laing: He was a trimmer.

The Commissioner: Then this is the evidence of two trimmers?

Mr. Laing: Yes, my Lord. "(Q.) What happened then," he is being asked, "(A.) The water started coming up over her stokehold plates. (Q.) In No. 4? - (A.) Yes. (Q.) Did that happen

gradually, or did it happen suddenly? - (A.) It came gradually. (Q.) The water - you moved your hand - you raised it; did it seem to come up from below? - (A.) Yes. (Q.) As far as you saw in No. 4, did any water come in from the side of the ship? - (A.) Not so far as I saw. (Q.) When the water came up through the plates, what was done then? - (A.) We stopped as long as we could. (Q.) That is right? - (A.) And then I thought to myself it was time I went for the escape ladder. (Q.) They were still drawing the fires, these men were they? - (A.) Yes. (Q.) How high did the water get above the plates they were standing on? How much water were they standing in before they left? - (A.) About a foot."

The Commissioner: Oh! Well, if that evidence merely relates to No. 4, as he says it does, it shows that water was coming in in considerable quantities.

Mr. Laing: Yes, my Lord, I think that is all the evidence that there is.

The Commissioner: Very well, that is sufficient.

20345. (*Mr. Rowlatt.*) Now, may I ask Mr. Wilding a question or two about that? (*To the Witness.*) With regard to the evidence of the wound to the side of the ship, which you remember Barrett said was above the foot plate, apparently it terminated in No. 5? - It terminated in the bunker at the forward end of No. 5.

20346. Have you got any theory as to the extent to which the outside of the ship was damaged in No. 4? - There is a space between the stokehold plate on which the men stand and the tanktop, and the inference that I drew from the evidence that was given by Dillon was that an attempt was being made to pump out this water which the engineers found coming in, and that that was the reason why they sent aft. They had only one pump in No. 4 boiler room, and the reason they sent aft for those additional pumps was to get additional pumping power on to No. 4 boiler room with a view to keeping it down. That would, in general terms, agree with the evidence given by Mr. Ismay as to his conversation with the Chief Engineer, that he hoped to keep it under by pumping. I admit the evidence is circumstantial.

20347. What I wanted to ask you is this. A difficulty is felt as to how No. 4 could have been injured in the skin of the ship if the wound terminated, as from Barrett's evidence apparently it did terminate, just above the watertight compartment forward of No. 5? - From a calculation which I will refer to in a moment, I cannot believe that the wound was absolutely continuous the whole way. I believe that it was in a series of steps, and that from what we heard Barrett say in his evidence it was the end of one of the series of wounds which flooded the different spaces; that before the ship finally cleared the iceberg as the helm was put over, she would be tending to swing her side into the iceberg, and that a very light contact was made in No. 4. It seemed very probable, quite apart from actual direct evidence of the fact; that is, that after the ship had finished tearing herself at the forward end of No. 5, she would tend to push herself against the iceberg a little, or push herself up the iceberg, and there would be a certain tendency, as the stern came round to aft under the helm, to bang against the iceberg again further aft.

20348. Is the ship broadening at all as far aft as that (*pointing to the model*)? - Practically parallel.

The Commissioner: What do you mean by that?

Mr. Rowlatt: Getting wider, my Lord. It ceased, as I understand.

20349. (*The Commissioner.*) Mr. Wilding, if this evidence of Cavell's is correct, do you draw the inference that in some way or other there was an injury to the skin of the ship as far aft as the No. 4 boiler section? - I believe that to be correct; the whole body of evidence tends that way, Barrett's in particular.

20350. If the double skin had been carried up higher, would the water have come into No. 4? - Certainly not, my Lord; the injury was evidently a very slight one.

20351. And, therefore, if in your design you had carried the double skin a little higher, that

injury, at any rate, would not have been of any consequence? - Yes, and probably from the comparatively small extent of the injury at the forward end of No. 5 boiler room would also have been prevented in the bunker.

20352. In the forward end of No. 5? - Yes, in the forward end of No. 5 probably.

20353. That is as near as possible to No. 4? - I do not think No. 4 would have been injured, not from the flooding, but with the ship being as she was, I believe that no bulkhead arrangement possible forward would have saved the ship, because of the red dotted line which I have drawn across as the result of the earlier calculations.

20354. From the way this ship was constructed her life could not possibly have been saved if No. 5 was flooded? - Even if No. 6 was flooded, your Lordship means.

20355. Yes, I beg your pardon. If No. 6 was flooded, the life of this ship, having regard to her construction, had gone? - Absolutely, my Lord, and, of course, No. 6, and all the compartments forward of it.

Yes, of course, I mean that.

20356-7. (*Mr. Rowlatt.*) Now can you give me your view upon this point - if you do not think you can give any view upon it, do not, but I will ask you. You know what the evidence is as to the sort of wound the ship had? - Yes.

20358. And you know how long she floated? - Yes.

20359. And roughly, how she went down? - Yes.

20360. Does it throw any light to your mind upon the question of whether the watertight doors in the bulkheads were or were not shut? - No. The same scale, if I may so use it, of the sinking is not sufficiently definite, because closing the watertight doors between E and F deck would only have made a delay of a few minutes, perhaps five or ten minutes. The evidence is not accurate enough upon that.

20361. Now, there is one thing I want to ask you upon this plan in order to get it quite clear. On the top of the blue document, a sketch or section, you show her floating with the waterline below the top of the bulkheads, but you have flooded No. 1 hold, No. 3 hold, and No. 6 boiler section? - Quite right.

20362. You mean that, do you? - Yes, that is quite correct; that is what the plan shows.

20363. Therefore, that is two adjoining watertight compartments flooded, one being a boiler section, and also another flooded? - Yes.

20364. You have three compartments flooded, two adjoining? - Yes, and it would be quite fair to say that the effect of flooding No. 1 hold would be much the same as the effect of flooding No. 2 hold, the smaller space being counteracted by the difference in leverage, and therefore the evidence of these two plans goes to show that the ship would have floated at the time of the accident if any three of these forward compartments had been flooded - any three instead of any two.

20365. Now that is having regard to the actual waterline with which she started? - The estimated waterline at the time of the accident.

20366. The other calculations you made in the course of the building were, of course, upon an *a priori* assumption? - Yes, as to the moulded line there is one other flooding plan I would like to put in.

20367. (*The Commissioner.*) You mean a deeper line? - A much deeper line.

20368. And greater immersion in the water? - Yes, my Lord. This is a similar plan trying to illustrate, as far as I can, the accident as to what I understand happened; conditions D and E.

20369. (*Mr. Rowlatt.*) What shall we call the document itself? - Flooding plans D and E.

The Attorney-General: If your Lordship would not mind putting on the blue ones A, B, C, and call them flooding plans A, B, C, that will identify them.

The Witness: The first ones put in.

The Attorney-General: Yes, those will be flooding plans A, B, and C.

The Commissioner: They are marked A, B, and C.

The Attorney-General: Then will your Lordship call them flooding plans A, B, and C, and the last ones that were handed up will be flooding plans D and E, and the other is flooding by compartments.

The Commissioner: That identifies them properly.

The Attorney-General: Yes, my Lord.

20370. (*Mr. Rowlatt.*) Now, what does this plan show? - This plan shows the condition of things shortly after, as far as I can make out, or about the time that Dillon was driven out of No. 4 boiler room and shortly after Barrett was driven out of No. 5. You will see the forepeak, No. 1 hold, No. 2 hold, and No. 3 hold, and No. 6 boiler room are completely flooded; that there is a considerable amount of water in No. 5, that corresponding to the fact that there was a rush of water, according to Barrett's evidence, through the pass. He said before he went there, there was a considerable rush of water through the pass, meaning that some considerable amount of water was in there; and, according to Dillon's evidence, the water was just above the stokehold plates. That is the condition shown by the blue tinting and the black waterline. That water would then, from the wound in the forward cross bunker in No. 5, be still rising in No. 5 boiler room, and when it reached a little more it would give what is indicated in red, the red water, and what I want to point out on this plan in particular, and the reason why it was made, is that to carry all the bulkheads up to D deck would not have saved the ship in this particular, if this water in No. 4 boiler room was merely accidental and the bulkhead not actually damaged, as I believe, because the water would then have been able to run over the top of the bulkhead between Nos. 5 and 4, even if it had been carried up the deck higher than it was.

20371. You mean to say that if the wound came as far aft as No. 5, carrying up the watertight bulkheads to D deck, that would not have saved this ship? - That is right, and that was the real point altogether of that plan.

20372. (*The Attorney-General.*) It is only carrying it up to D? - Yes.

The Commissioner: If it had been carried up to C deck, the ship would have been saved or might have been saved?

The Attorney-General: Yes, I think it would.

20373. (*Mr. Rowlatt.*) Did you hear my Lord's suggestion, that if you could have carried the watertight bulkheads up to C deck the ship might have been saved? - Provided that there was not the damage I believe there to have been in No. 4, but if the damage existed in No. 4 it was only a question of delaying it perhaps an hour - this damage that we were referring to a few minutes ago.

20374. (*The Commissioner.*) If you could by pumping have kept the water in No. 4 under control, then it would not have mattered? - If you could have done, but the evidence is that it rose in spite of their pumping, my Lord. I have no doubt that the engineers in No. 4 were doing their best to pump.

20375. Were there any sluice valves between No. 4 boiler room and No. 3? - Does your Lordship mean in the watertight bulkhead?

20376. Yes. - Nothing whatever. The watertight bulkhead was not pierced by actual watertight pipes.

20377. It is suggested to me that if there had been sluice valves the water in No. 4 might have been allowed to flow from No. 4 to No. 3, and so on, to the afterpart of the ship, and that the pumps then would have been able to get it under control? - Your Lordship will remember that the watertight bulkheads are in coal bunkers. A sluice valve is only a small watertight door, and

it would mean putting the watertight door in the coal bunker, which is even a worse thing than having a watertight door for trimming the coal through, to which you were taking so strong objection earlier in the day. It would be very difficult to keep a watertight sluice valve in condition inside the bunker.

20378. Are sluice valves put in ships now? - I believe they are in some warships. I do not think they are often put in merchant ships.

20379. Are they put in merchant ships at all? - Not to my knowledge; it is not our practice at any rate.

20380. Now I want to ask you a question, not upon this point, but it has been suggested to me; you know the hatchway in No. 1 hold? - Yes, I know it.

20381. Now suppose that hatchway had been trunked from the Orlop deck to the G deck, would that have been of any advantage? You will remember that immediately after the accident water was seen coming through that hatchway, and that it went down into the tunnel? - But we have had evidence that at an earlier time it was seen in the bottom of the tunnel, coming up.

20382. Yes, but what I want to ask you is whether it would have been an advantage if the hatchway had been trunked, by which I understand made watertight, from the Orlop deck up to the G deck? - I do not think in this case it would have made the least difference, because the water, as we know, was going into No. 6 boiler room - I think, if your Lordship will look at the last plan I put in (flooding plans D and E) it shows that the water is above D deck at the extreme forward end, and therefore would have gone down the hatchway instead of coming up from below.

20383. There is a suggestion made to me - I am not sure that I quite appreciate it - but the suggestion made to me is that, if the hatchway had been trunked, the life of this ship would have been prolonged at least half an hour longer? - If the hatchway had been trunked?

20384. Yes? - I should just like to look at that. (*After referring to the plan.*) I have now looked at the plan. As the water was rising up the spiral stair, that is outside the proposed trunk as well as inside the proposed trunk, I do not think it could have lengthened the life of the ship by more than a few minutes, five or ten.

20385. Supposing you had had both the hatchway trunked and the spiral staircase trunked? - The spiral staircase, my Lord, had to be open to give access to the firemen for their accommodation. That is what it was for. You had to let the firemen out from the top of the spiral stair at G deck into their quarters.

20386. You mean to say that you could not seal the top of the spiral staircase with anything that would be watertight? - Not very well. The Board of Trade would probably have refused to allow us to use it in that case for the voyage.

20387. I do not quite see myself how the firemen would have got through the sealed cover unless they could see a sort of horizontal watertight door in it. Do you think that the life of this ship would have been lengthened if the hatchway in No. 1 had been trunked from the Orlop deck up to the G deck? - Up to the saloon deck?

20388. Up to the G deck? - You mean a trunk between?

20389. A trunk between the Orlop deck and the G deck? - That is to say, to prevent the space between the Orlop deck and the G deck being flooded?

20390. Yes? - That is the intention.

20391. Yes? - A few minutes; that is all. I may say that a watertight hatch trunk - a trunk hatch as distinct from a watertight bulkhead - is not as a rule capable of standing any great head of pressure. When once the water got up as high as the top of the trunk it would probably collapse - I mean, in the normal course of things.

20392. Are any of these decks watertight? - None whatever, except the weather deck.

20393. For instance, the Orlop deck is not watertight; the G deck is not watertight.

20394. (*Mr. Rowlatt.*) The Orlop deck, you told us yesterday, was watertight only just in the forepeak? - Yes, in the forepeak.

20395. And then the after deck? - And in the three after-holds, I think.

20396. You explained that to us yesterday? - Yes.

The Commissioner: In the forepeak it is a tank top?

Mr. Rowlatt: Yes, my Lord.

The Commissioner: I was not talking about the forepeak. I was talking about the watertight compartment just aft of the forepeak.

20397. (*Mr. Rowlatt - to the Witness.*) None of the decks in No. 1 hold are watertight, are they? - None whatever. There is no watertight deck in any of the cargo holds in the ship.

20398. Now, just a question about the strength of the watertight bulkheads. Were these watertight bulkheads strong enough to resist the pressure of water which would be upon them in the event of one side of them being flooded? - They were; they were so designed.

20399. Just tell me, what does that pressure depend upon? - The height of the top of a bulkhead above its connection to the tank top.

20400. What you have got to calculate for is a depth of water reaching to the top of the bulkhead that you are dealing with? - Quite right.

20401. If it gets above that it is immaterial? - It is immaterial.

20402. (*The Commissioner.*) It flows over? - If the water can get over the top it does not matter.

20403. (*Mr. Rowlatt.*) Just to get it quite clear. I think you have told me that it does not matter how much water there is behind the bulkhead, so to speak; it is only the depth that matters for hydraulic pressure? - Yes, the pressure depends entirely upon the depth.

The Commissioner: The pressure comes from outside.

Mr. Rowlatt: Yes, it depends entirely upon the depth of water.

20404. (*The Commissioner.*) Yes. That is to say, if you had a thin coating of water of an inch, the pressure would be the same? - Yes, that is so; the fore and aft extension of the water behind the bulkhead.

20405. The fore and after extension of the water does not matter? - Not in the least.

20406. If it was only fore and aft to the extent of an inch, the pressure would be the same? - Quite right.

20407. The pressure comes from the outside? - The pressure comes from the vertical head.

20408. (*Mr. Rowlatt.*) Therefore, what you have to deal with at the bottom of any of these bulkheads is to take the height of the bulkhead, and then to make it strong enough at the bottom and all the way up to hold the amount of water that is represented by the distance to the top? - Quite.

20409. Now, just to clear up one matter about the bulkhead between No. 5 and 6 boiler section. You know there has been some confusion about a hole there, an injury to the bulkhead. Just tell me, you have heard this fire in the bulkhead described? - I have.

20410. In your judgment would that injure the bulkhead as a watertight arrangement? - Not materially. The evidence as to the actual character of the fire has not been very definite, but it would have to be a much more alarming fire than anything that has been described to destroy the watertightness of the bulkhead. It might weep very slightly a few bucketsfull an hour, that could easily be handled by the pumps.

20411. It did not materially affect it? - Not materially.

(After a short adjournment.)

20412. (*The Commissioner.*) There is a question I want to ask you, Mr. Wilding, with reference to the construction of the "Mauretania." Assuming that the side bunkers on one side of the ship were to be flooded and full of water, and there was a large roll, would that imperil the safety of the ship? - I am afraid it would want more detailed calculation than I could make mentally.

20413. It is suggested to me that she would become so unstable that she might roll over? - If sufficient length of the one side was flooded, undoubtedly. It is a question of the fore and aft extent to which the side is laid open. If only a short length was flooded she would list. The greater the length flooded, the more she would list, and if you flooded her a sufficient length she would probably roll over.

20414. (*Mr. Rowlatt.*) You mean the longitudinal bulkhead is divided transversely also by watertight divisions? - Yes.

20415. Into bunkers? - Certainly, and, of course, flooding one division -

20416. Would not matter? - Would not matter - only a small list.

The Commissioner: But if the bunkers were flooded by reason of a rip going alongside the ship and filling several, it is suggested to me that the effect of that would be to cause a list on the side where the rip was, of such a kind as to imperil the life of the ship, if there were any considerable roll in the water.

20417. (*Mr. Rowlatt - to the Witness.*) Did you hear that? - It would depend entirely on the length whether it would or not, my Lord. If it was 300 feet amidships, probably; if 300 to 400 feet of the middle, probably.

20418. (*The Commissioner.*) I do not know that it is very material, but I would like to know whether the officers of these ships are obliged to become American subjects? - No, my Lord; I know they are all English subjects. Some of them were members of His Majesty's Naval Reserve, who can only be English subjects.

The Commissioner: Somebody suggests that they are of necessity American subjects.

20419. (*Mr. Rowlatt - to the Witness.*) You wanted to say something more about the longitudinal bulkheads? - It occurred to me, my Lord, that I would like to bring to your Lordship's notice a paragraph in the Report of the Committee which was appointed by the President of the Board of Trade to consider and report upon the spacing and construction of watertight bulkheads. The Committee reported in 1891, and it is, I believe, the standard to which the Board of Trade refer in their rules as being satisfactory for watertight subdivisions. They have a paragraph in it relating to this question of longitudinal bulkheads. It is paragraph 6, on page 7. "A compartment subdivided by one or more longitudinal bulkheads should be treated as one compartment only unless the owners satisfy the Board of Trade that the vessel will not have her stability seriously reduced, or list, so that any part of the bulkhead deck at the side is under water, in the event of the space between a longitudinal bulkhead and the vessel's side, or of two such adjoining spaces on the same side of the vessel being open to the sea. If the Board of Trade be not satisfied in the above respect, trimming valves should be fitted to each such longitudinal bulkhead, each valve being workable from above the bulkhead deck, and having an index showing whether it is open or closed." That is that this Committee, which was regarded by the Board of Trade as giving the standard, was not inclined very much to encourage watertight longitudinal division.

20420. As I understand, the danger indicated there is that if the vessel lists, among other things, that will reduce at the side the height of the transverse watertight compartment? - Reduce at the side the height of the top of the transverse bulkheads above water.

20421. It might bring it below the waterline? - Yes, and thus let the water get along the deck.

20422. There is one other thing I think you wanted to tell us upon the points you have left.

Have you made any calculation as to the volume of water that came in through the apertures of this vessel? - Yes. I referred this to this condition B on the plan I put in, and corresponding very nearly to condition D on the third plan. Assuming the forepeak and Nos. 1, 2 and 3 holds and No. 6 boiler room flooded, and that the water has risen to the waterline which is shown on those diagrams, it would mean that about 16,000 tons of water had found their way into the vessel. That is the volume of the water which would have to come in. As far as I can follow from the evidence, the water was up to that level in about 40 minutes. It may be a few minutes more or less, but that was the best estimate I could make. When the inflow started the evidence we have as to the vertical position of the damage indicated that the head would be about 25 feet. Of course, as the water rose inside, that head would be reduced and the rate of inflow would be reduced somewhat. Making allowance for those, my estimate for the size of the hole required (and making some allowance for the obstruction due to the presence of decks and other things), is that the total area through which water was entering the ship, was somewhere about 12 square feet. The extent of the damage fore and aft, that is from the foremost puncture to the aftermost puncture in the cross bunker at the forward end of No. 5 boiler room, is about 500 feet, and the average width of the hole extending the whole way is only about three-quarters of an inch. That was my reason for stating this morning that I believe it must have been in places, that is, not a continuous rip. A hole three-quarters of an inch wide and 200 feet long does not seem to describe to me the probable damage, but it must have averaged about that amount.

20423. You mean, if there was a considerably thick hole, that hole could not have gone as far along the ship as four compartments? - Yes, that is so. It can only have been a comparatively short length, and the aggregate of the holes must have been somewhere about 12 square feet. One cannot put it any better than that.

20424. I suppose it is possible that a piece of ice made a hole and then got itself broken off? - Yes, quite probable.

20425. And then another piece of ice made another hole, and so on? - Yes, that is what I believe happened.

20426. We know that in these watertight bulkheads there are watertight doors? - Yes.

20427. At the bottom of the ship, descending vertically? - Yes.

20428. And capable of being actuated from the bridge? - Capable of being actuated from the bridge, amongst other places.

20429. In the alleyways, I think, sliding laterally? - Yes.

20430. Because they could not descend vertically through the next deck? - Yes.

20431. And actuated by hand either on that deck or on the deck above? - Quite right.

20432. Of course, these watertight doors are metal things? - Cast iron or steel plates.

20433. Working in cast iron? - Or cast steel.

20434. Can you describe to the Court how it is they are watertight doors? - I have a model which will perhaps describe it.

20435. How does that fit in a watertight way; just describe it? - The model is one of the vertical doors on the tank top. In the cast iron frame there is a fairly loose fitting groove which allows the door to slide pretty freely up and down like that. (*Illustrating.*) On the face of the door, and forming part of the casting, and machined in the fitting shop so as to produce a good fit - the back of the door is also machined to be a good fit - there are a number of tapered wedges. In the door frame are a number of lugs with the under side also machined, forming corresponding wedges tapered the same way, so that when the two wedges come together they will fit. As the door comes down it is quite free until the wedges are opposite their corresponding lugs in the frame, and then the wedges engage and wedge home. There are 6 on each side, 12 in all; they wedge home the machine-backed surface of the door against the machined surface of the frame.

Those two machined surfaces, carefully prepared, pressed carefully together, make a very good means of obtaining watertight work.

20436. The principle being that in the earlier stages of its descent it is perfectly loose? - Not loose, but perfectly free vertically.

20437. And no danger of sticking. When it gets to the bottom the wedges force the machined edges at the back against the corresponding machined surface of the frame and so make it watertight? - Yes.

20438. Supposing at the bottom there was a little bit of coal or something which prevented it getting quite down? - The door is falling; it is falling freely until it overlaps that place, and the door would smash through any small thing. This is not a very big model, but it will smash through a lead pencil if I let it go.

20439. Supposing the door, having overlapped the step at the bottom still nevertheless is prevented by some little obstacle from getting down quite as far as is intended? - As this is falling with a rush, until the wedges actually press it home, the distance through which there is contact is only a matter of an inch or so - except just during that last inch when the door is stopped - the weight of the door would be sufficient to clear any obstacle.

20440. Overcome anything like a piece of coal? - Yes; it would simply knock it out of the way. Some of the big doors weigh, I think, 15 cwt., three-quarters of a ton, so that it would want a pretty substantial obstacle.

20441. Some of us saw those doors being closed, and, of course, they did not fall with a drop like a guillotine, but they descended gradually? - They descended gradually.

20442. Just explain how that was? - In order to give time after the automatic release from the bridge or by the float, so that no one coming through the door, or just passing through the door, should be injured, a hydraulic cataract cylinder, something like a gun recoil cylinder, was arranged, so that the earlier part of the drop shall be comparatively slow, depending on the leakage of a fluid back past the piston in the cylinder. To the last 18 inches or 2 feet there is a bye-pass round the piston, and the door is practically free to fall quickly just for the last 2 feet or so.

20443. I suppose in the earlier part it is still falling with irresistible force, only retarded? - It is falling with just the same weight, but retarded.

20444. I do not think we want too much detail about it; I think that is enough subject to what my Lord may say. What is that photograph of? - Of the door.

20445. I think your model is sufficient. In the first place, you have spoken of the descending door. Supposing that water was gaining access into the compartment on one side of the door in volume, so that there was water flowing along rapidly, would that stop the door descending? - It would not; we have had proof that it would not.

20446. You have had proof? - Quite.

20447. In what way? - In the case of the "Olympic" accident. A stoker was standing by the door in O bulkhead in the tunnel in the aftermost section of the tunnel, forward of the propeller *here*. (*Pointing on the model.*) It was put in evidence at the "Olympic" trial, and can be turned up therefore, that he saw the ram come through, and as the ship drifted out he saw the water come in with a rush; the automatic release from the bridge had not yet been worked, and he took the hand lever, standing on the fore side of the door, and released that door, and it fell and closed properly, but during the time it took to do so sufficient water had come through the door to bring about 3 feet of water into the next forward section of the tunnel - some 300 or 400 tons of water had come through. The door closed, and the water was pumped out; so that it closed against the rush of water.

20448. How are these doors held in position when they are open? - When open they are held in

by a clutch, that is, there is a disc clutch, a multiple disc clutch such as is frequently used now in motor cars for transmitting the drive, and the principle is that as long as there is a weight on a bell crank lever, a weight keeping the contact up between these plates, and as long as the contact exists, the door cannot overhaul and run, because the shaft outside to which the case of these friction discs is attached is locked, and the weight on the outside disc, keeps the other locked against them. The door is held simply by this friction between one set of discs which are locked and the other set of discs which are connected with the door.

20449. How is it released? - As soon as anything is done which lifts the weight on the bell crank lever and releases the pressure on the discs connected with the door, it is obvious the door will be free to fall.

20450. How is that applied? - That can be done in three ways, either by the magnetic solenoid which can be worked from the bridge, and which can pull up a lever and so lift the weight - it only needs to lift the weight by a very small amount consequently one can use multiplying gear and not a solenoid strong enough to lift the actual weight employed for the contact; or it can be worked by a float between the tank top and the floor level in the machinery space in which one walks about; or it can also be released by the hand release which is at a working height beside the door.

20451. Very well. Now the float apparatus consists in a thing of the nature of an ordinary ball cock arrangement? - Yes, only much larger. It is a cylinder about, I think, 18 inches by 12.

20452. That is below the plates? - Below the plates you walk about on, and above the watertight tank top.

20453. Above the watertight floor. Now, will that cause the clutch which you have spoken of to be released if the water rises so as to lift the float? - That is quite right.

20454. How far has it to rise to do it? - It varies a little in the different compartments, but between 18 inches and 2 feet.

20455. If the water is 2 feet above the tank top these floats will rise? - And automatically release the door, whether it is released from the bridge or anywhere else.

20456. Would the operation of those floats be affected or hindered by there being a sudden inrush of water? - Not in the least. A cork will bob up just as quickly in a rush of water, and they are rather lighter than cork in proportion to their size.

20457. I see at the bottom of page 13, just before you come to watertight doors, you say this: You are speaking of the subdivision, and then you say, "By this subdivision there were in all 73 compartments, 29 of these being above the inner bottom." I think I know what you mean, but just explain what that exactly means? - In the preceding part of that clause under "Watertight subdivision," various bulkheads and decks have been described, and it means that the ship is cut up into that number of independent watertight boxes.

20458. Seventy-three of them? - Including those in the double bottom between the two skins.

20459. You have told us the double bottom was divided four-fold in one part of the ship, two-fold in another, and not at all in another part, and then, of course, it is again divided by - ? - The transverse divisions.

20460. Making altogether 29? - No, 44 in the double bottom and 29 above.

20461. Twenty-nine above? - Yes.

The Commissioner: What paragraph are you on?

20462. (*Mr. Rowlatt.*) It is the last few words of the paragraph immediately preceding "Watertight doors." I only thought the sentence was not quite clear, and, therefore, it was wise to have it explained. (*To the Witness.*) Are the watertight doors on the alleyways of the same character as the ones below? - The doors themselves are made of plate instead of being castings, but the principle of the tightening is identical.

20463. You mean they fit tight in the same way? - Exactly.

20464. And they are actuated by hand? - They are only actuated by hand from two positions, by something which you can turn round - a rack and pinion.

20465. You have a paragraph about steering gear. Subject to what my Lord says, I do not propose to ask you anything about that or the telegraph. Now you came to pumping arrangements on page 16. You say: "The general character of the arrangement was that it was possible to pump from every compartment flooded by a system of duplex mains with suitable cross connections controlled from above the level of the bulkhead deck in such a way that it is possible to isolate any flooded space" and so on. Perhaps you will just amplify that a little? - One fore and aft pipe goes fore and aft the ship. It is duplicated in certain parts of its length in order to get round the isolation question.

20466. Are you speaking of above the tank? - Above the tank top but below the stokehold floor. Then in each compartment there is a branch pipe taken off this, controlled by a valve which leads down to the level of the tank top where it has what you call a strum-box. It is practically a plate to prevent the pipe getting choked. On this pipe in each boiler room and also in the engine rooms are connections leading to the pumps which can draw through this fore and aft main and then throw overboard.

20467. Where are the pumps you speak of? - I think you had better refer to the plan.

20468. Whereabouts in the ship are the pumps. I want to be clear. What deck ought one to look at to see it clearest? - At the afterend of No. 6 boiler room there is an ash ejector pump which can be connected with this pipe.

20469. What is an ash ejector pump? - It is a pump normally used for pumping water through a hose and carrying ashes overboard. That water is in the normal course drawn from the sea and returned overboard, but can be taken from the bilge by a suitable valve.

The Commissioner: What part of the case is this on?

Mr. Rowlatt: I do not think it does matter, my Lord.

The Commissioner: Does it Mr. Attorney?

The Attorney-General: I think not.

The Commissioner: Do not confuse my mind - it is a very easy thing to do - more than you need do.

Mr. Rowlatt: The document you have before you is not very easily understood.

The Commissioner: No, and I do not want to understand it in parts where it is not material.

Mr. Rowlatt: If your Lordship pleases.

The Attorney-General: There has been no attack or suggestion made that there was anything defective in the pumping arrangements.

The Commissioner: No, there was no suggestion against the pumping arrangements.

20470. (*Mr. Rowlatt.*) There is only one matter on this. (*To the Witness.*) My Lord asked yesterday about the fresh water and the salt water? - Yes.

20471. Now that is explained I think in the middle of page 17. You are speaking there of the 17 transverse watertight divisions under the tank top? - Under the tank top.

20472. You say, "Fourteen of those compartments have 8-inch suction and three 5-inch suction; six compartments were used exclusively for fresh water with 4-inch suction to fresh water pumps"? - The compartments used exclusively for fresh water were tanks under Nos. 1, 2, and 3 holds, and also those under Nos. 4, 5, and 6 holds. That is, the tanks outside the machinery space, as I explained.

20473. That answers what my Lord was asking yesterday. Now, I think we can pass from that, and nothing arises upon the "ship's side doors"? - There has been some cross-examination on them.

20474. Has there? - Where are the ship's side doors; just explain on the model? - (*The Witness explained on the model.*) Starting forward, there is a side door on D deck, which is only for use in New York for baggage. The foremost passenger door is on E deck at the forward end, abreast of the forward end of Scotland Road.

The Commissioner: The suggestion, I understand, was that those side doors might have been utilised for the purpose of getting passengers into the boats.

20475. (*Mr. Rowlatt.*) Had they all gangways? - They can be used without gangways.

Mr. Laing: The suggestion I understood was that if the doors were open they could not readily be shut again owing to their weight, and that water might have come in from the sea through them. That is the suggestion.

The Commissioner: I did not understand that.

Mr. Edwards: Your Lordship will remember that an instruction was given to the boatswain and certain men to go down and open the gangway doors. Whether in fact they were opened or not there is no evidence clearly to show.

The Commissioner: No, but I understood your suggestion, or Mr. Scanlan's, I do not know which, was that these doors might have been utilised for the purpose of getting people from the decks on to which they opened into the boats?

Mr. Scanlan: Yes, my Lord, that is exactly how the point was raised in connection with Mr. Lightoller's evidence, and it was impressed on my mind by a statement made to me down on the "Olympic" while she was lying in Southampton and we were inspecting her, that those doors there were capable of being used for that purpose, and were meant to be used in emergencies for that purpose.

Mr. Rowlatt: Perhaps it would be better if I left Mr. Wilding to answer questions from Mr. Scanlan.

The Commissioner: You have heard what was said, Mr. Wilding; what do you say to that? - There was evidence - whether it was reliable or not it is not for me to say at present - that directions had been given, I think, by the Captain -

Mr. Scanlan: Yes, my Lord.

20476. (*The Commissioner.*) Directions by the Captain that these side doors should be opened, and, as I understood, it was suggested in the examination of the witness by, I think, Mr. Scanlan (possibly by Mr. Edwards, I do not know), that if they had been open people who were either on that deck or could have been brought to that deck, could then have been put into the half-filled boats, and so more lives would have been saved. Now what have you to say to that? - The door that would most likely be used was *this*, that door, at which there is an accommodation ladder; that is, a portable sloping ladder is provided just inside the ship opposite this door, which can be shipped on either side, and the order would probably be intended to apply to that door.

20477. (*The Commissioner.*) There is a corresponding door on the other side of the ship? - There is a door on each side with a broad passage leading through from one door to the other. If this accommodation ladder was put in position from one of these doors it would be very easy for anyone, even ladies and children, to go down the accommodation ladder to get into the boats in smooth water, which we understand prevailed. There would be no difficulty once the accommodation ladder was rigged, which would be a matter of perhaps half an hour, to use it in that way.

20478. But we have no evidence at all, as far as I know, that anybody from the ship got into a boat from that doorway? - I have heard none, my Lord.

The Attorney-General: No, my Lord, there is no suggestion.

Mr. Edwards: May I recall to your Lordship's mind Mr. Lightoller's instruction was, when they were lowering boat 6, that the boatswain and certain men were to go down and open these

gangway doors, his view, as he expressed it, being that certain of the boats should come back when they saw the light and take away certain passengers from them? - So far as my questions were addressed to him they were simply to ascertain his view as to whether if the gangway doors had been opened forward -

The Commissioner: Forward?

Mr. Edwards: Yes, forward. He gave the order both forward and aft, and my questions were addressed to him to show whether, in his view, if at the stage when the order was given in fact the gangway door forward was opened on the port side, that might not have accounted for a big rush of water and a sudden list to port.

20479. (*The Commissioner.*) I do not remember that; it has escaped me. (*To the Witness.*) What do you say to that? - Mr. Lightoller did not convey to my mind that he had given any very distinct order, that is any order that made itself clear which door was intended; but there was evidence that the boats were told to go round to the after door which was the door where this accommodation ladder was provided, and which would be the natural door to go to.

20480. (*Mr. Rowlatt.*) Is there any ladder for the forward door? - There is none.

20481. If they had gone there and the ladder had been shipped could people have gone down the ladder and stepped into the boats? - Very easily. It is like a yacht or warship accommodation ladder.

Mr. Rowlatt: I think there is no other question of construction which concerns this gentleman which arises. The compasses we have had no question about, and the accommodation ladder -

The Witness: The accommodation ladder we have just been referring to.

20482. Masts and rigging - that does not matter. We know quite well what the crow's-nest is; I do not think we need trouble about that at all.

20483. (*The Commissioner.*) By whom were the compasses adjusted? - A representative of Messrs. Kelvin and White, the makers.

20484. And when were they adjusted? - In Belfast Lough - we got down in sufficiently deep water to swing the ship, on the 2nd of April.

20485. (*Mr. Rowlatt.*) I think no question arises about the lifeboats. There were 48 as a matter of fact, you say? - Yes.

20486. And the lifebelts or lifejackets you say, they are the improved overhead pattern? - Yes.

20487. As I gathered it is a sort of breast-plate of cork on the front and behind? - I understand the pattern is to be produced.

20488. Very well. I do not think anything arises upon that. Then I see you give the size of these boats and their accommodation? - Yes, the size and accommodation I may say are furnished to us by the Board of Trade officially after measurement.

20489. That appears upon the paper? - I do not know whether it appears in that form.

20490. It appears on your proof which my Lord has before him; therefore I need not take up time by asking the question, but over the page you give the strength of these boats, the construction of them: "Keels of elm, stems and stern posts of oak, all clinker built of best selected well-seasoned yellow pine, double fastened with copper nails clinched over rooves; the timbers were of elm spaced about 9 inches apart, and the seats pitch-pine secured with galvanised iron double knees." Now a question has been raised as to the ability of these boats to be lowered through the air, holding 60 people in them without buckling? - Yes.

20491. Will you just address yourself a little to that question? - I remembered when that point was first raised that I had actually seen one of the lifeboats on the "Olympic" in the air loaded with a weight which would correspond to the passengers, and I wrote for the date. On the 9th of May, 1911 - that was shortly before the "Olympic" left Belfast - we put into one of the lifeboats of the "Olympic" half-hundredweight weights distributed so as to represent a load equal to about

65 people, and then we raised and lowered the boat six times. It was done with the object of testing the electric boat winches, not with the object of testing the boat. I happened to see it coming up one time myself after the weights had been removed (the boat was lowered without weights into the water), and there was nothing the matter with her; she was watertight. I do not think there was any doubt the boats were strong enough to be lowered containing the full number of passengers, and I think that it was in the evidence of Wheat that he lowered a boat with about 70 in her. I think that confirms our Belfast test.

20492. I suppose there was a little specification for these boats; were they designed by you? - We design and construct them ourselves.

20493. And you designed them for that purpose? - We designed them for that purpose.

20494. (*The Commissioner.*) They are constructed for the purpose of carrying that number? - Of carrying that number and of being lowered - sufficiently strong to be lowered with that number.

20495. Where can they be lowered from except from the davits on the boat deck? That is the only place you can lower them from? - It was a boat under davits that was being tested.

20496. And therefore they must be constructed with the object of carrying this number of people when slung out on the davits? - Certainly.

20497. And keeping them in the boats until the boats reach the water? - Quite.

The Commissioner: I do not see what good the boats would be otherwise.

20498. (*Mr. Rowlatt.*) It is not contemplated they would go round and take people from the gangway? - That, of course, is a question of sea discipline; but we feel that we must provide, at any rate, that the boats can be lowered from the boat deck with their full number, whatever way they are actually used.

20499. And you say you did so provide? - To the best of our knowledge and belief we did so.

20500. And so far as the evidence in this case goes that answered? - Yes; and so far as the test to which I have referred has gone, it showed they would.

Very well, I think we can pass from that.

20501. (*The Commissioner.*) Would the officers on board this ship have any knowledge or instruction as to the number that the boats were intended to carry? - Not from the builders, my Lord. As far as I know there was no special direct intimation given to the officers that they would carry their full number, but I should have thought it was a matter of general knowledge that they were so constructed. If I had thought there was any doubt on the matter in the officers' minds I would have done my best to remove it.

20502. The reason I ask is this, that it may be suggested that the officers, when they lowered the boats without the full complement of people, that the boats would carry, thought that the boats were already sufficiently full for safety? - Of course, what the officers thought one really cannot tell.

20503. (*Mr. Rowlatt.*) You belong to the builders, of course? - Exactly. If the officers had asked about it, or had expressed any doubt about it at Belfast, they would have been told, and the test would have been mentioned to them.

20504. (*The Commissioner.*) One of these boats was, in fact, lowered with 60? - Certainly, my Lord.

20505. I do not know whether that was the last boat of all? - Not quite, my Lord.

Mr. Raymond Asquith: I think it was boat No. 11, not the last boat.

The Commissioner: Not the last boat to be lowered?

The Witness: No.

The Commissioner: It had not buckled?

Mr. Rowlatt: I do not know how far it would come to their attention under the circumstances,

my Lord.

The Commissioner: The officer who permitted that boat to be loaded to that extent did not think that it was going to buckle.

Sir Robert Finlay: I think he said he was taking a risk.

Mr. Rowlatt: Mr. Lowe, I think.

The Commissioner: It turned out to be a risk that was not of any consequence. One had 59 - I am taking the larger ones - another 74, another 70, another 64, 70, 71, 56 - a great many of those boats carried a large number. Some of them carried very few for some reason.

20506. (*Mr. Rowlatt.*) There is a general question raised in this case as to the utility of boats in the case of a ship of this class and size. From that point of view just tell me about the disengaging gear at the bottom that lets the boat escape from the falls after it has been lowered. What is that? I mean describe how it acts, never mind the detail? - It is a hook which is thrown out by pulling over the lever amidships in the boat. You will remember one of the witnesses could not find the lever and had to cut the falls; but there is a hook hooked into the eye under the block through which the ropes pass and the hook which is thrown out is released - is thrown apart, by this lever.

20507. I happened to see it myself; so see if my explanation is right. This is a very magnified representation of what you are describing? - Yes.

20508. That is in the boat? - Yes.

20509. The fall comes down from *here*? - Yes.

20510. And underneath the block there is a big loop? - Yes, the eye, as we call it.

20511. An eye of iron? - Yes.

20512. Like *that*? - Yes.

20513. Then in the middle of the boat is there a lever going across the boat? - Yes.

20514. And when the man pulls the lever over, *that* happens (*Demonstrating.*)? - Yes, it throws the top part of the hook out of the eye.

20515. That is more or less right, is it? - Yes.

20516. (*The Commissioner.*) Then the falls are released? - Yes.

20517. (*Mr. Rowlatt.*) Then the boat is released and there is no danger of one end being released before the other? - No; that is the object; both ends are connected up with one lever; when one is thrown over both are.

20518. Released before the boat reaches the surface of the water? - There is sufficient power in the lever to draw out that hook which is in the eye while the weight of the boat is still on it.

20519. So that the boat can be released in the air? - Yes.

The Commissioner: Well, not too soon, I suppose?

20520. (*Mr. Rowlatt.*) No. One was done for our edification in the air, an appreciable distance above the water? - Quite. The reason for doing it is to facilitate launching in a seaway. When there is a sea running a man stands by the lever and watches his chance.

20521. And they can do it instantaneously? - Practically.

20522. Instead of making his boat float first and then work away at clearing it? - Yes.

20523. I think the evidence was that one of the boats was dropped 5 feet? - I think that was it. That was Mr. Lowe's evidence. I think that is so, my Lord.

The Commissioner: I have no doubt, but it would be unpleasant I should think.

20524. (*Mr. Rowlatt.*) It looked very easy when we saw it. Would it be a very easy thing? Mr. Lowe described it as being dropped 5 feet? - I think that occurs in the evidence. There was no reason why it should not.

20525. (*The Commissioner.*) There is no reason why it should not be dropped 20 feet or 30 feet? - If it is more than a moderate height - more than 10 feet - the shock when the boat strikes

the water is apt not to be good for the boat.

The Commissioner: No, nor for the people in it.

20526. (*Mr. Rowlatt.*) It is not quite a flat-bottomed boat. That appliance enables you to launch boats in a sea? - That is right. The object is to facilitate launching in a seaway.

20527. You had here manilla falls? - It might perhaps be mentioned that that is the invention of a White Star captain for that object.

20528. That releasing gear? - Yes.

20529. We saw here the falls made -? - Of manilla rope.

20530. Is that the best form of fall which has been invented hitherto? - Yes, it is the best type of fall. It is a type which is required by the Board of Trade, and is generally held to be the best.

The Commissioner: There is no charge against these falls, except that in one case they had to be cut.

Mr. Rowlatt: No, my Lord, there is not. The point is, there is a question in this case as to how far it is any use multiplying boats in view of the various difficulties in working them, launching them, and operating them also from the deck, getting your tackle back, and lowering another boat with them. That is the sort of question, and I was only going to ask this gentleman whether he can suggest any simpler way of lowering a boat than this multiplication of ropes forming the tackle.

The Attorney-General: There is a point in it, my Lord.

The Commissioner: Very well.

20531. (*Mr. Rowlatt - to the Witness.*) Can you suggest any simpler way, say, for instance, having a single wire rope to each end of the boat, worked in some way on deck? Is such a thing possible? - Well, it is a thing which wants looking into; but I think I may fairly say that something of the sort was done in the Navy some years ago in the case of torpedo depot ships carrying second class torpedo boats, where a big crane was on deck and took a boat out and lowered it, and I believe it was lowered by a single rope.

20532. I was not speaking of a single rope for a boat, but instead of having eight ropes at each end, is it? - Six ropes, three doubled.

20533. Instead of six, whether you could have one rope? - It is possible. I have seen a patent which proposes to do it in that way.

20534. Over a drum on the deck in some way? - Yes.

20535. It was pointed out on the ship. It is the case, is it not, that it is very difficult to recover the fall? - Yes, especially with a new manilla rope.

20536. Because the block capsizes? - It tends to twist itself up, owing to the way the rope is made.

20537. So that I may take it from you it is a question which is worth looking into, whether these falls cannot be simplified? - Yes, and one which, whenever we get rid of this Inquiry, we hope to look into.

20538. If you could recover your fall easily and certainly from below, could you have two boats, one on top of the other, so to speak, served by the same davit; not of course hanging from the same, but served by the same davit, and in fact placed under it? - One on top of the other is not, as a rule, a very satisfactory arrangement. In practice it is much better if you possibly can do so, and want to carry two boats, to carry them side by side.

20539. Whether side by side or whether one is stowed under the other, you could have two boats served by the same davit much more certainly and safely if you are certain of recovering your falls? - You are certain of recovering your falls as it is; it is only a question of time.

20540. But you recover them in a tangled state? - But you can untangle them. There is nothing impossible in the untangling if you take a quarter of an hour or 20 minutes and disentangle those

falls.

20541. (*The Commissioner.*) You must untangle them before you can recover them? - No, my Lord, the best thing is to pull it up and straighten it out on deck.

20542. (*Mr. Rowlatt.*) We had a little demonstration of that, my Lord? - Recover it by a hook, or something of that sort, and pull it out on deck.

20543. It would be much better if the falls could be simplified for the purpose of making the davits serve two boats? - Yes. It raises certain other difficulties. The strain of the weight on the single fall in lowering the boat becomes much greater, and it is not so easy to handle that fall when lowering the boat, as you can understand, because there is three or four times the strain on it.

20544. You have not the benefit of the various blocks? - Yes, and consequently it is not pure gain.

20545. You would have to have some way of gaining power on the deck - Against it.

20546. Instead of the blocks which now give you the power in the fall itself? - Yes. The point of that is that any such gain takes up part of the time that you would lose in untwisting your present manilla falls so that it is not clear gain.

20547. I only want to take it in this way; all those are matters which are worth going into? - Certainly, I quite agree.

20548. Very well. Now boats were stowed on wooden chocks. I do not think there is anything in that -

The Commissioner: You are not going to ask this witness, I suppose, any questions on the manning of the lifeboats?

Mr. Rowlatt: I was not going to, my Lord; I do not think he comes here as a seaman.

20549. (*The Commissioner.*) Then I should like to ask this - it is only one of the innumerable suggestions which have been made to me - I do not mean by my colleagues - is it possible to have motor lifeboats? Have you ever heard of such a thing? - Motor lifeboats are allowed at present, my Lord, but the Board of Trade deduct from the volume of the boat the cubic space occupied by the motor in ascertaining the number of people it is eligible for.

20550. I know. But is a motor-boat more easily handled and handled by a less number of men? - In a considerable sea-way, yes. As you have heard, on a very still night it only wants two men and someone at the tiller with the ordinary boat.

20551. Yes, I know that? - You can hardly handle a motor-boat with less than three.

20552. Take ordinary conditions, not the exceptional conditions that existed here. Is there any advantage in having as a lifeboat a motor-boat? - Well, there is this way of looking at it. In a given boat or a given area of boat, that is a given size of boat, with a motor in, you carry fewer people. Further, in a ship that is fitted with wireless telegraphy there is no object in the boat going any great distance. I mean if she remains near the scene of the accident she is more likely to be picked up quickly.

20553. I am thinking about the "Californian"? - Well, the "Californian" operator woke up the next day.

20554. I am thinking of a motor-boat reaching the light? - Quite. I agree, far faster than any crew that you could have put into her.

20555. Then it is suggested that a motor-boat could tow the other boats? - Well, it can only do so at the expense of its own speed, to a certain extent.

20556. (*Mr. Rowlatt.*) Of its own petrol. It could not have towed the other boats to America. No motor-boat could have been sufficiently furnished with spirit to tow the other boats to land, I suppose? - No, I think they were 500 miles from Cape Race - 400 or 500 miles.

20557. (*The Commissioner.*) Oh, no, I daresay they could not, it is obvious they could not tow

them to land, but to a light? - To the light, my Lord, it would be an advantage to have a motor-boat, except so far as the way might have been blocked by ice.

20558. Are motor-boats ever used as lifeboats? - I believe we have supplied them to some companies, my Lord.

20559. You have? - We have.

20560. Harland and Wolff? - Harland and Wolff.

20561. Have supplied them? - To some other companies, but not to the White Star Line. At the companies' request, I may say, not at our own suggestion.

Mr. Rowlatt: There is a Board of Trade regulation upon the subject: "A motor lifeboat approved by the Board of Trade may be substituted for one of the boats required to be kept under davits," and it is to be kept with proper appliances for putting out into the water, and adequately supplied with fuel, and so on.

The Commissioner: It is optional.

20562. (*Mr. Rowlatt.*) Yes. (*To the Witness.*) Would there be any object in having more than one motor-boat? The Board of Trade seem only to allow one? - I think if you are going to have them at all for the purpose either of towing or getting into communication with another ship you should have at least three or four. I mean 1 in 16 does not appeal to me as a satisfactory towing arrangement.

20563. Do you understand these Englehardt boats, or did you not supply them? - We purchased them from an outside contractor. I am only generally familiar with them. I do know something about them.

20564. The evidence is that one of them was washed off the deck and never had a chance? - Quite.

20565. But another was found swamped. Apparently the sides were not up. But there was another question about her. There was a question as to whether the plug was in? - Yes.

The Commissioner: I understood there was no plug?

Mr. Rowlatt: Your Lordship thinks that matter has been cleared up? There is no plug.

20556. (*The Commissioner - To the Witness.*) There is no plug, is there, in a collapsible boat? - There is, but only in the ordinary sense of the word, not one that has to be put in before she is put in the water to keep her from sinking. There is a plug put in the outer bottom, but it is usually kept in. There is a plug. It is not a plug that has to be put in before the boat is launched, but one that is usually kept in the boat ready for service.

20567. (*Mr. Rowlatt.*) Is it necessary to have that in position in order that the boat may be seaworthy? - The plug is always in the boat unless you specially take it out for repairs or getting at the inside of the boat. They keep a little water in the boats.

20568. (*The Commissioner.*) To let the water run out that has collected? - Yes, or got in in any way.

20569. (*Mr. Rowlatt.*) We had evidence from one witness about the false bottom of the boat preventing him from getting at the plug? - Yes.

20570. As I understand, there are two bottoms to this boat? - Quite.

20571. But they are air-tight? - Practically.

20572. And the two holes that are in the two bottoms are connected by a pipe? - Yes, they are self-emptying boats like a lifeboat.

20573. Therefore the circumstance that he could not get underneath was a misapprehension of the witness? - Yes, quite.

20574. (*The Commissioner.*) But although the sides of these boats are not in position they will nevertheless act as rafts, will they not? - Quite as well. The bottom part of the boat, without the canvas sides, supplies the whole of the buoyancy of the boat. The boat does not depend upon its

canvas sides for buoyancy. That is a distinction from the Berthon type, my Lord.

20575. (*Mr. Rowlatt.*) Did you supply the distress signals? - Yes, we obtained and supplied those, I believe.

20576. Will you tell us what they were? - The cotton powder; the approved pattern of distress signal.

20577. I do not care about the powder. As to the effect when they were sent up, can you say whether they were indicative of distress as opposed to anything else? - I believe it is a pattern of signal which is understood to be restricted to ships in distress, and registered for that purpose.

29578-9. You only believe that? - Yes; it is not a thing I deal with.

20580. My friend Sir Robert Finlay asks me to ask about the boat equipment. I did not know that there was any question about it. I think the boat equipment was in accordance with the Board of Trade requirements? - It has to be, or else the Board of Trade will not pass the boat.

20581. As it left your hands, at any rate? - Yes, we supplied it, and the Board of Trade checked it, and the White Star officers checked it on taking over the boats to see it was all there.

That is to say, it had the sails and the covers for the boats -

The Commissioner: Except in so far as it is evidence, or may be said to be evidence of general neglect, I do not think the absence of biscuits or compasses or lights or anything else has any real bearing upon this Enquiry. Whether they had lights or biscuits or compasses or not they all reached the "Carpathia." There was nothing wrong with them which was of any consequence. If it was a question of seaworthiness that would be another matter, as we know.

20582-3. (*Mr. Rowlatt.*) As a matter of fact did you supply a compass for every boat? - 14 compasses for the 14 lifeboats, but not for the emergency boats or the Englehardt's.

20584. And had they all sea anchors and provisions? - I believe so; except, again, I think the Englehardt's -

20585. (*The Commissioner.*) The Englehardt's are folded up when they are on deck? - The sides are; the bottom remains the same.

20586. But the bottom is an empty space, full of air? - Either full of air, or full of cork in some cases.

20587. There is no room for kegs, or whatever they are, of biscuits and barrels of water? - Quite right, my Lord, but a certain small equipment is kept in the boats.

20588. In the collapsible boats? - A little on the thwarts.

20589. What is kept on the thwarts? - I could not say off-hand.

The Commissioner: If it wants looking for, never mind.

Mr. Rowlatt: Now your next page we have dealt with because it is all about "access of passengers to boat deck." On page 26, my Lord, there are many paragraphs about the electrical installation.

The Commissioner: They are of no consequence.

20590. (*Mr. Rowlatt.*) I think not, my Lord. (*To the Witness.*) You have told us about the electricity for the wireless. On page 32 there is the machinery.

The Commissioner: We are not concerned with the machinery and the boilers, or with condensing plant or the auxiliary machinery. That seems to be all there is in this.

Mr. Rowlatt: I think so, my Lord.

Examined by Mr. CLEMENT EDWARDS.

20591. (*Mr. Clement Edwards.*) By the courtesy of my friends, my Lord, I will ask a few questions first. (*To the Witness.*) You have spoken about the resistibility of the bulkheads? - No.

20592. I rather understood you to say that the resisting strength of the bulkheads was

dependent upon their height? - No, but the resisting strength required in a bulkhead is dependent upon its height.

20593. What actual tests were made of these bulkheads? - None; I presume what you mean is an actual test by applying pressure.

20594. Yes? - None.

20595. None at all? - None at all.

The Commissioner: Now, will you ask him an additional question upon that, because I do not know. Is it usual or necessary to make such tests?

20596. (*Mr. Clement Edwards.*) I am coming to that. (*To the Witness.*) First of all, is it the practice with your firm to make such a test? - No.

20597. Are you familiar with the practice at Lloyds? - Generally. We sometimes build ships to Lloyd's requirements.

20598. Is it not the fact that Lloyd's Surveyors do insist upon a water pressure test for bulkheads? - No; I never saw one carried out in our yard.

20599. You never saw one? - Not in my experience.

20600. (*The Commissioner.*) Have you had Lloyd's Surveyors on your premises? - We have had them every day, my Lord.

20601. For the purpose of ascertaining whether their requirements are complied with? - Just for that purpose and no other.

20602. Have you had them there when the ships they have had to inspect were ships with watertight bulkheads? - Every ship that is built for Lloyd's must have them.

20603. Have they ever applied a test of the kind suggested by Mr. Edwards? - Not to my knowledge.

20604. (*Mr. Clement Edwards.*) Have you ever heard of such a test being applied outside your own shipbuilding yard? - By whom?

20605. By Surveyors of Lloyd's? - Not by Surveyors of Lloyd's.

20606. Have you ever heard of such a test being applied by representatives of the Admiralty in shipbuilding yards? - I have.

20607. Is it to your knowledge a common practice for firms building for the Admiralty to insist upon such a pressure test for bulkheads? - I do not know. The test I am familiar with of that sort was made in one of His Majesty's dockyards.

20608. Not in a private yard? - No; whether it is done in any private yard or not I do not know.

20609. You do have a spraying test, as it is called? - Yes.

20610. That only finds out -? - Whether the local caulking and riveting is good.

20611. (*The Commissioner.*) Allow me one minute, Mr. Edwards. (*To the Witness.*) You said no tests were applied to the bulkheads of the "Titanic"? - No tests by pressure under head, my Lord.

20612. That is what I mean. Is it a fact or not that the bulkhead at the forepeak is tested? - The lower part which forms the after boundary of the forepeak is tested because it forms part of the forepeak tank, and the double bottomed tanks are tested, but not the peak transverse bulkheads above the inner bottom.

20613. Is the bulkhead at the afterend of the ship tested at all? - Only in the "Olympic" collision to which I have referred; they were tested because the aftermost hold was flooded.

20614. Yes, but that is not what I mean at all. Was the aftermost bulkhead of the "Titanic" ever tested by water being let in? - Into the afterpeak, yes.

20615. You do it in the forepeak and do not do it in the afterpeak? - Yes.

20616. Why do you do that? - Because those are tanks in which water is frequently carried and which are connected with the pumps which can apply a considerable pressure head to them.

20617. Then it is done merely for the purpose of seeing whether they are fit to carry water that is required in the ship? - That may be required in the ship without endangering the ship.

The Commissioner: You will excuse me, Mr. Edwards, it was only that I wanted to exhaust the subject.

20618. (*Mr. Edwards - To the Witness.*) What I will call the resistibility of the watertight bulkhead will not only depend upon the height, it will also depend upon its thickness; it will also depend upon what I think you technically call stiffeners, and it will also depend upon what I may call the construction? - The putting together of the stiffeners and the plating.

20619. Yes, and not merely that, but also upon the form of construction immediately abaft the watertight bulkheads; that is to say, if I may use a simple illustration, if it is simply a bulkhead and no deck abaft it, it will want to be a good deal stronger in itself than if there are a series of decks running straight up against it? - And supporting it at different points?

20620. Yes? - Quite right.

20621. Then if you do not apply the water pressure test how do you arrive at your standard of resistibility? - There are two well known standards in this country, one of them furnished by Lloyd's Rules, and the other furnished by the Bulkhead Committee of 1891; and one is guided, in the first instance, in arranging bulkheads and the stiffeners and plating connected with them by those rules.

20622. Then it is not by any scientific estimate of your own? - That is how it was first arrived at. One does check it by making a calculation of one's own. In the case of these very large ships one does not take anything for granted that can be checked.

20623. What were the heights of the bulkheads in the "Titanic"? - They were carried up to D deck after; after D deck forward.

20624. Will you tell me the height of the bulkheads forward? - I can give it to you approximately by scaling from the plan. Which will you have?

20625. Give me the bulkhead immediately in front of Boiler Section 6.

The Commissioner: I am asked to ask you, Mr. Edwards, and I want to ask you myself, what is the object of this examination? - There is no evidence that any of these bulkheads gave way.

Mr. Edwards: I think there is. If your Lordship will remember, in the evidence of Barrett he was asked about leaving Boiler Section 5, and he said he left when there was a rush of water, and your Lordship put it to him. It is at question 2060. "Something that had been holding the water back gave way," to which the witness answered "That is my idea, my Lord."

The Commissioner: Is it based upon that and nothing else.

Mr. Edwards: Not entirely. What I am leading up to is this: I have already put certain questions - that in the case of the construction of this ship there was no independent survey. There was no check of the construction by anybody other than by the builder.

The Commissioner: That I understood. You made that point some time ago, and you suggested, as I understood, at one point in the case that these bulkheads were not as strong as they would have been if they had complied with Lloyd's requirements.

Mr. Edwards: That is so, my Lord.

The Commissioner: You suggested that.

Mr. Edwards: Yes.

The Commissioner: Well now, I have not heard from you - you promised to give me the information, you know, what the requirements of Lloyd's would be in the case of a ship of this size.

Mr. Edwards: What I promised to do was at the right moment, if necessary, by expert witnesses, to supply you with that information. But I may say at once that my next question but one to this witness will disclose on this particular point what is the standard of Lloyd's in respect

of it.

The Commissioner: Very well, we will get it from him then, not from you.

20626. (*Mr. Clement Edwards.*) Now, Mr. Wilding, will you take the bulkhead in front of Boiler Section 6? - Yes. You want the height of this D bulkhead from the tank top?

20627. Yes? - 44 feet.

The Commissioner: Mr. Edwards, the Professor on my left points out to me that my question referred to a bunker bulkhead, and not to a watertight bulkhead.

Mr. Edwards: I think with respect, my Lord, that in that case the bulkhead between Sections 5 and 6 does not run fair across the ship, but there is for the purpose of allowing for the bunker an angle running back.

The Commissioner: There is, that is quite true - a sort of alleyway.

Mr. Edwards: Yes, my Lord; that is to say, if I may use it in this way; the ordinary bulkhead runs, of course, fair across the ship. In this particular case, as I understand it, the inner wall -

The Commissioner: That is quite right, but what I was pointing out to you - my attention having been drawn to it - was that my question as to the rush of water contained a suggestion that the side of the bunker, not a watertight compartment, had given way.

Mr. Edwards: With great respect, my Lord, the question arose in Barrett's evidence.

The Commissioner: Will you read it; just read it, please. I daresay you are right, but I would like you to read it.

Mr. Edwards: It is on page 60, my Lord, question 2057. (Q.) "You do not think it did come over the top"? - he is speaking of the water. "(A.) No. (Q.) Now, when it came through this pass between the boilers, did it come with a rush? - (A.) Yes. (*The Commissioner.*) I suppose he means by that as if something had given way. (*The Solicitor-General.*) So it came in with a Lord's question." That is not usually associated with a rush. "He is asking whether, when you said that, you got the impression that something had given way? - (A.) That was my idea. (*The Commissioner.*) Something that had been holding the water back gave way? - (A.) That is my idea, my Lord. (*The Solicitor-General.*) So it came with a rush."

The Commissioner: Go on, please.

Mr. Edwards: "How fast did it fall? - (A.) I never stopped to look. I went up the ladder. Mr. Harvey told me to go up. (*The Commissioner.*) Could it have been a bunker bulkhead that gave way, do you think? - (A.) I have no idea on that, but that is the bunker that was holding the water back. (Q.) It was the bunker that was holding the water back? - (A.) Yes. (*The Solicitor-General.*) It is entirely my fault, but I have not followed the meaning of that." Then take Question 2074, at the top of page 61: "You cannot tell what part of the watertight bulkhead it was which gave way? - (A.) No."

The Commissioner: Is that my question?

Mr. Edwards: No, my Lord; that is the Solicitor-General's question.

The Commissioner: I was going to say, if it was my question, it was not a well-instructed question. As the Solicitor-General asked it, I will not make that observation.

20628. (*Mr. Clement Edwards.*) It was not a Lord's question, my Lord. (*To the Witness.*) This bulkhead in front of boiler section 6, you say was about what height? - Forty-four feet from the tank top.

Sir Robert Finlay: I think Question 2106 makes it perfectly clear.

The Commissioner: Will you read it, Sir Robert?

Sir Robert Finlay: I will read from Question 2104. "(Q.) The water is coming through the skin of the ship into the bunker? - (A.) Yes. (Q.) And the bunker is about 9 feet along the side of the ship. Now I want to know, was the water coming in at this level right across the bunker, or only in part of it? - (A.) Water was coming in about two feet abaft the watertight bulkhead. (Q.) Do

you mean that it was coming in from the watertight bulkhead and for two feet back? - (A.) No; only from the ship's side. The watertight bulkhead was not damaged."

Mr. Edwards: That, you will remember, was at quite an earlier stage, in which Barrett had given evidence as to coming up out of Section 6 and going down into Section 5. It refers to a much earlier time.

The Commissioner: As I understand the evidence at present, it does not indicate any breaking of any watertight bulkhead. I am aware of the uninstructed question and the answer to it. However, go on to these dimensions, which are more important.

20629. (*Mr. Edwards - To the Witness.*) The bulkhead in front of Section 6, you say, was of a height of 44 feet? - Yes.

20630. Now what was the thickness of the bulkhead plating on the lower decks? Take the thickness at the stokehold.

The Commissioner: Does the thickness vary as the bulkhead goes on?

Mr. Edwards: Now I am giving information, my Lord. According to Lloyd's requirements, it does.

The Commissioner: And I suppose it gets thinner the higher it goes up.

20631. (*Mr. Clement Edwards.*) That is so, my Lord. (*To the Witness.*) What is the thickness? - Between which decks?

20632. Take the boiler section: What thickness is it in the boiler section? - Pardon me, the boiler section is the whole height of the bulkhead. You must take it in sections. This is one of the bulkheads with a deck coming up against it.

20633. You shall take it, if you will, in different decks if there is a variation. What is the greatest thickness at the lowest deck? - Pardon me, at the lowest deck or at the tank top?

20634. Take the lowest deck.

The Commissioner: No, he had better take the tank top first, had he not?

Mr. Edwards: I do not mind how it is done.

The Witness: I want to give you the information you are really looking for.

20635. I have no doubt you do. Now, do you mind giving me first of all what is the thickness of the bulkhead on the level of the floor where the boilers are? - That is down on the tank top.

20636. Very well? - The plating of the bulkhead down on the tank top is 0.56 - 56-hundredths of an inch.

20637. Now will you give me the thickness at F deck? - That is between F and E decks?

20638. Yes, that is so; the wall of F deck? - Yes, the wall that extends from E to F deck.

20639. To the roof of F deck? - 30-hundredths of an inch.

20640. What spaces are there on these bulkheads between the stiffeners? - I think it is 30 inches - very nearly 30 inches; about a quarter of an inch less.

20641. Now is it a fact that for bulkheads of this height the minimum requirements of Lloyd's are 30 inches? - I think Lloyd's specify for stiffeners 30 inches.

20642. Thirty-inch spaces between? - We are about 29 7/8.

20643. So that in that particular respect, for what it is worth, you are something less than Lloyd's requirements? - No, we are something better than Lloyd's requirements.

The Commissioner: Better, not worse.

Mr. Edwards: I am using the term "less" not as a standard of conduct, but as a term of measurement.

The Commissioner: Do not slip it by.

The Witness: In terms of measurement, yes.

The Commissioner: It is better than Lloyd's requirements. It is so little that in my opinion it makes no difference.

The Witness: I quite agree, my Lord.

Mr. Edwards: I was rather on the arithmetic than the ethics, my Lord. (*To the Witness.*) Now you have Lloyd's Regulations? - I have them.

20644. You can take it from me that that is not necessarily to be familiar with them. That is a confession. I suppose you are in the ordinary way quite familiar with Lloyd's requirements? - Quite fairly so.

20645. And you are also familiar with their practice? - Yes, in general terms; I am not a Lloyd's Surveyor, but in general terms, yes.

20646. When a ship is being built for classification at Lloyd's, the practice is for a Lloyd's Surveyor to be put on to superintend the whole construction of the ship from start to finish? - One Surveyor does not just take one ship. Usually what happens is, one or two Surveyors, according to the size of the yard, and the number of yards, take all the ships being classed for Lloyd's in that yard.

20647. And from start to finish they exercise superintendence? - In general terms; and if they see anything going wrong they interfere.

20648. I am not suggesting there was anything going wrong, but there was no such check anyhow in the case of the construction of the "Titanic"? - Yes, two checks.

20649. Well, what were they? - In the first place by our own assistant managers watching them for the purpose of informing the office whether their requirements were being carried out. In the next place, the Board of Trade Surveyors are constantly in the ship from the very time the keel is laid. They are checking the thing right through.

20650. The first check is not an independent check in the sense of being independent of the firm constructing the ship? - No, but it is independent of the people who are actually building the ship, because it works in this way, that if the Assistant Manager, outside finds that the plans are not in some instance being complied with, he has to report the matter, and the work is put right at the expense of the workmen who have made the blunder.

20651. That is to say, one department checks another? - Yes.

20652. Now with regard to the Board of Trade Surveyor, how often did he turn up during the construction of the "Titanic"? - I really could not say; probably something in the nature of 2,000 or 3,000 times.

20653. Are there any Rules and Regulations similar to Lloyd's or either of the other classification societies by which the Surveyor of the Board of Trade is guided? - You must ask the Board of Trade as to how he is guided. I believe the Board of Trade are pretty familiar - quite as familiar as I am - with Lloyd's and the other classification societies' rules.

20654. I have no doubt, but I only want to get this. So far, at all events, as you were concerned as one of the responsible officials in the construction of the "Titanic," you were never referred for any one single particular to any standard or regulation required by the Board of Trade? - Except that, of course, we know what their standard is - their standard, like every other engineer's, is previous practice. We know what they have been satisfied with in previous practice, and we take care we are not below that standard.

20655. I do not want to be at cross purposes. I am not talking about complying with what, in the experience of the Board of Trade's Surveyor, is required, but so far as you personally know there is not in existence anything in the nature of detailed rules and regulations for the construction of ships similar to those laid down by Lloyd's in the volume which you have before you? - Not published.

20656. Is there unpublished to your knowledge a document -

The Commissioner: I think he has told us that he does not know and that you had better ask the questions from the Board of Trade.

Mr. Edwards: With great respect, my Lord, if I had thought that was his answer I should not have pursued it. I did not gather the witness said he did not know.

The Commissioner: I thought he said so. You asked him whether there were any requirements of the Board of Trade similar to those of Lloyd's, and he said, "No he did not know."

20657. (*Mr. Clement Edwards.*) I did not catch it. (*To the Witness.*) You have heard what his Lordship has said. He understood you to say that you did not know whether there were any in existence? - I do not know what exists in the Board of Trade Office.

Mr. Edwards: Then you do not know whether there are such regulations. That is quite sufficient.

20658. (*The Commissioner.*) What I understand you to say you do know is this; that they have a practice, and that judging by their practice as applied in previous ships in your yard you are able to comply with their practice? - In the matter of bulkheads, my Lord, in particular, they are guided very much by the standard laid down, which is a partial publication, I know, of the Bulkhead Committee of 1891, referring to bulkheads.

20658a. (*Mr. Clement Edwards.*) That only refers to bulkheads? - We have been discussing bulkheads so much.

20659. It does not apply to everything? - It does not apply to everything, no.

20660. Now, I ask you whether you were familiar with the requirements of Lloyd's. Can you say in what other respects the scantlings of the "Titanic" were superior to the requirements of Lloyd's? - No, I cannot, the reason being that Lloyd's have no published requirements for ships 800 feet long.

20661. (*The Commissioner.*) That is what I was asked to ask you: Are there any published rules of Lloyd's which would apply to vessels of the size of the "Titanic"? - Nothing whatever; they stop at about 650 feet.

Mr. Edwards: So that when Mr. Sanderson said he put it on the information of the shipbuilders that in certain respects the construction of the "Titanic" was superior to the requirements of Lloyd's, he must either have been in error, or, apart from the builders, he must have submitted the plans to Lloyd's and got some pronouncement upon them.

The Commissioner: Your logic is wrong.

The Witness: May I point out this, for example. You are referring to bulkheads, and you did not pursue the question. If you had done you would have found that the thicknesses of the plating were between 10 and 20 percent in excess of Lloyd's requirements. That is not an immaterial matter, any way.

20662. (*Mr. Clement Edwards.*) That is for a bulkhead of the height of 44 feet? - Yes.

20663. Now as to the operation of the automatic float in connection with the watertight doors. Have you considered what might have been the effect on that automatic float? We have had it in evidence that the watertight doors were open for the engineers to get through; assuming that to be correct and assuming that at a given moment there was a great rush of water from section 4 through sections 3, 2 and 1 on the level of the boiler room, have you given any consideration to what would have been the effect on the automatic float, or what possible volume of water could have got through sections 3, 2 and 1 before the watertight doors came down? - In general terms, yes. The float, as I have pointed out, is under the stokehold plates. It is therefore protected from the rush, and, as I explained, the float is rather lighter than a piece of cork. The float, not being directly in the rush, would therefore float as well as a piece of cork. I do not think the question of a moderate flow of water round the float would materially interfere with its floatability.

20664. Has it occurred to you that by the construction of the ship on the level of the boiler room floor there would be an absolutely clear uninterrupted run? - Yes.

20665. And that the automatic float would not operate until a sufficient quantity of water had

come off what I may call the central pathway, so as to come up under the hollow float and operate it? - Certainly.

20666. Has it occurred to you that there might be a huge volume of water in section 1 and in section 2 before the watertight door had been operated by the automatic float between sections 3 and 4? - Let me put it in this way and then you will see. I want to make it clear if I can. I think what you are referring to is, assuming a rush of water from boiler room No. 4 into boiler room No. 3 in the first place, whilst there is a clear run through for the water. The doors being open, there is no constraint at the side, if there was a rush of water through the door it would promptly spread round into that boiler room -

20667. You are not rightly assuming what I mean? - I would like to finish, and then if I am not right you can say so. It would spread round into the boiler room and get round under the plates long before it constituted a rush into the next boiler room. That is the first point. Consequently the float would be operative before the water would get very far through - that is, into the second boiler room - in the nature of a rush. But I quite agree that before the float would operate some, perhaps, three or four hundred tons of water would be able to get through into that boiler room. That three or four hundred tons of water is a small thing in a ship of 50,000 tons. The tanks are bigger than that.

20668. You have not quite assumed correctly what I mean. Just assume for a moment that the water had come with a rush following the breaking of a bulkhead. Assume that for the moment? - Yes.

20669. The water would shoot through the watertight doorway between sections 4 and 3 at a pace quite sufficient to carry it straight through? - Oh, no.

20670. That is what I want? - That is where we differ. The pace would be nothing like sufficient to carry it through.

20671. Why do you say that? - Because, after all, the speed at which that water goes through is dependent on the head of water. The pace at which that water would come through the door could not exceed the pace that is due to the head of water behind it. I take it you will agree with me on that. The head of water behind it at most could not exceed the 40 feet to the top of the bulkhead. I take it you will agree with me on that. Now the speed at which that water would come through is, therefore, known. It would not suffice in the height of the door to carry more than about 12 or 15 feet across the stokehold from the bulkhead, and by the time that it had gone 12 or 15 feet across the stokehold the water that was coming through at the level of the top of the door would have fallen to the level of the stokehold plate.

20672. Now may I put this. Just for the purpose of my question will you assume (I know it is a large assumption) that Section 5 becomes filled up? - Yes.

20673. And that the bulkhead between Section 4 and Section 5 had given way? - Yes. Do you mean the door or the bulkhead?

20674. I mean the bulkhead. That is to say, that suddenly you get precipitated into Section 4 water representing the roomful of Section 5? - No, it cannot, because the bulkhead is inside the bunker. That is why I asked you whether it was the door or the bulkhead.

20675. But the whole of the bunker is not inside? - All except the watertight door is inside the bunker.

20676. But the watertight door does not go the whole height? - No, but the passage, the trunk passage from the bulkhead to the watertight door, is only just the height of the watertight door.

20677. Therefore it will be double the height of the water? - Quite unnecessary, because, if I may point out, as long as the connection at the frame at this level, just above the door, is watertight, there is no need for *this* part to be watertight. That can be common to the bunker, and is common of the bunker.

20678. Assume for a moment that Section 5 has got filled and that the area covered by the watertight door gives way? - That means the watertight door itself gives way? All right.

20679. Certainly. Can you calculate what would be the pace at which the volume of water represented by the area would come out of the whole sectionful? - It would be quite calculable of course. I must point out to you that in the event of the door giving way, it is very unlikely that it would give way in such a fashion as to leave a clear opening the full size of the door. That is the first thing.

20680. The smaller the opening, the greater the hinder pressure and the further the water will shoot, is not that so? - No; the pressure behind it is the same and the water would shoot the same distance. I have had to point that out earlier. The pressure was independent of the distance behind.

20681. So that in your view, at all events, you think that there would not be a sufficient volume of water, or a sufficient top pressure of water I will put it, on the boiler room floor to cause serious mischief in Sections 3, 2 and 1 before the automatic float would have operated the door between sections 3 and 4, if the water had burst through? - Quite right.

20682. Now I understood you to say that each section was operated by separate and distinct pumping arrangements? - There are separate and distinct pumps into all the boiler rooms except No. 1.

20683. Now, if Dillon's evidence is correct, can you account for the engineers requiring to put that extra pipe into Section 4? - Yes, very well.

20684. Will you do so? - There is only one pump of a capacity, I think, of 150 tons an hour in Section 4 room. I think that is it. In Section 3 there are two pumps, one of 250 and one of 150 tons. They could put on by the permanent pipes, which are provided in the bottom of the ship, one of those pumps, I think the 250-ton one, to the pumping out of No. 4. But what I believe happened is they found the small pump in No. 4 and the 250-ton pump in No. 3 insufficient. The water was very slowly rising against them, and in order to try to get it down they brought forward these temporary connections to try and couple up the other pump in No. 3, which they could only do through these portable connections.

20685. How long ought that operation to have taken, do you think? - Well, you have got to carry a heavy pipe for about 500 feet through somewhat confined spaces, and you have then got to make the connection to the ash-ejector pump, the small pump in No. 3; and I should think if from the time the decision was reached to the time the pump was started they did it in half an hour, they would be doing very well.

20686. Assume that that was so, can you account, if Dillon's evidence is correct, for those watertight doors being left open for an hour and 40 minutes? - Provided there was no sign of any distress on the part of the watertight door - they would have to keep the door between 3 and 4 open in order to make the temporary connection - then it would be quite a reasonable and proper thing to leave those doors open, because they can all be closed very rapidly from alongside the door just as quickly as from the bridge.

20687. If I understand you correctly in your calculations as to the time taken to sink the ship at certain angles, the forward compartments must have been pretty nearly full of water before an hour and 40 minutes from the time of the striking of the ice had elapsed? - I agree. About 40 minutes, I think, according to the evidence.

20688. Then, if that is so - 40 minutes to get those compartments practically filled - could you account for those watertight doors being kept open for a further hour? - I see no reason why they should not be, provided there is no need to close them.

20689. I will put it in this way. What point in the filling of the fore compartments do you suggest would represent a need for the closing of the watertight doors between Sections 4 and 3,

3 and 2, and 2 and 1? - Whenever water began to come into No. 4 boiler room in a serious volume.

20690. Not until then? - Not until then. It would be of no value until then; and the reason for that is that it is not necessary till then, because it is not until water begins to come in, and in a serious volume, that it is necessary to take steps to check its flow.

20691. It would not be necessary to close those watertight doors until such a time as might represent the ship being in a state where the whole thing was hopeless? - Quite.

20692. I will ask you, if that is your view, what view you take as to the advantage or otherwise of having, at all events for a certain part, solid bulkheads, that is to say, bulkheads with watertight doors? - Bulkheads without watertight doors are ideal. Every watertight door is a little more liable to go wrong than a riveted and caulked plate. If the door is well taken care of, not much more liable, but one must be able to work as an engineering proposition in the bottom of the ships; one must therefore have watertight doors. The best is to have the smallest possible number of them, and take care they are in positions where they will be well kept.

20693. Not only the smallest possible number, but I suppose the fewer watertight doors there are in the lower regions, from the point of view of safety, the better? - Absolutely. That is one of the objections I made this morning to the "Mauretania" design. There are a very large number in the bottom of it, on the tank top.

20694. I was going to ask you one question about that. I understood your objection to the "Mauretania's" design was also an objection to the longitudinal bulkheads? - Well, there is some objection to them; yes.

20695. I understood you to put the objections to the longitudinal bulkheads, as in the "Mauretania," upon first of all the commercial ground, greater cost? - No. As a matter of fact, I do not think there is much difference in the cost.

20696. A diminution in the effective space of the ship? - No; I am sure I never said that.

20697. It was not your phrase, but I understood you in your evidence last night to indicate that? - I beg your pardon, you said longitudinal watertight bulkheads, not the double skin; you are mixing up two things.

20698. I may be under a misapprehension, but if you get a double bottom continued some distance up the side above the bilges that will bring you to the construction which is usually described as a longitudinal bulkhead? - No. That is carrying the inner bottom up the ship's side. That is quite another proposition.

20699. Is not that precisely what has happened in the case of the "Mauretania" - at all events running the length of the engine room? - Pardon me I do not think so.

20700. You will correct me if I am wrong? - I am not absolutely familiar with the "Mauretania," but I do not think there is anything of that sort.

20701. Is not the position then, that in the "Titanic" you have the double bottom? - Quite right.

20702. Which runs out to the bilges? - Yes.

20703. And that in the "Mauretania" the double bottom means that in the bottom of the ship there is an outer and inner skin? - It is so in both ships.

20704. But that in the "Mauretania," at all events, running the whole length of the engine room, this inner skin runs right up the side to the height of the engine room? - I do not think so. I am not sufficiently familiar with the "Mauretania" to be sure, but I do not think so.

The Commissioner: I am told that is quite a misconception. I do not know whether it will assist you if I give you the transverse section of the "Mauretania." (*The same was handed to the learned counsel.*)

20705. (*Mr. Edwards.*) Is it not the fact that in the "Mauretania," as far as you can see from the plan, there is running up from what I will call the inner bottom skin, an inner side skin running

the whole length of the boiler space? - The longitudinal bulkhead not the inner skin. The two things are technically different.

20706. What is the difference between a longitudinal bulkhead and an inner skin running up the sides of the ship? - In the case of the inner skin the two would be closely connected together forming one girder and part of one structure. They would be connected at every frame or at alternate frames. In the case of a longitudinal bulkhead, the connections would be much more widely spaced, probably something like 30 feet apart instead of six.

20707. So that in the one case what you might have in strength by what I will call the intrinsic strength of the bulkhead, you would probably lose in there being less binding between the outer and inner skins? - Very likely, yes.

20708. Do you know that in the case of the "Mauretania" they utilised the space between - I will drop the term inner skin and adopt your term - the space between the longitudinal bulkhead and the outer skin for coal? - Exactly; that is one of the features of their design.

20709. At all events so long as that space is effectively used for coaling purposes there is not anything like the risk of serious danger from the corrosion of which you spoke yesterday? - I am afraid corrosion is just as bad in a bunker as it is anywhere else, but it has this advantage; a bunker is a much more accessible thing. It is a much larger and more open space, because of the more widely spaced connections, and, therefore, you can get about in it and look after it better.

20710. It has also the advantage if it is used for coal that, while at all events there is the coal there, there is no room for the water? - Yes, that is quite true, but you must remember that when there is coal there the coal has to be got out of there. As I pointed out to his Lordship this morning -

20711. There is no reason why the coal should not be evenly trimmed from the bunkers on either side of the ship, is there? - There is no reason whatever, but that is not the point. To do that it means both sides must be open. You cannot pass coal through a watertight bulkhead except with the watertight door open.

20712. That I should gather. Supposing there had been in the "Titanic" a longitudinal bulkhead there would have been greater safety? - That is a very complicated question.

20713. I noticed that you said that you took the case of the inner skin of the "Titanic" on the starboard side of the spiral space? - Yes.

20714. And you said that as that inner skin was a certain distance - I think you said at 3 feet 6 inches? - 3 feet 3 inches, I think it is.

20715. That as the water was coming through there it is quite clear the ice must have penetrated at least that distance? - I agreed to a suggestion of that sort.

20716. I am glad you call it a suggestion, because I am not aware of any definite evidence here that water was coming in through that skin on the side of the spiral staircase? - Look at Hendrickson's evidence, and you will see it. He saw water rushing from the starboard side at the bottom of the spiral stair.

20717. He said he could not tell where it was coming from, it was such a rush? - But he saw it coming from the starboard side.

20718. That is the starboard side? - At the foot of the spiral stair.

20719. It would be possible for water - to be coming from the starboard side to have either been coming out fore of the spiral staircase or a little aft. That is to say, even supposing water was coming more or less from that side, that is not in itself conclusive that there was penetration in the area of the spiral staircase? - The spiral staircase being in a watertight trunk both at the fore end and across the fore end, and at the side and at the afterend, some part of it must have been penetrated. I mean the side and end and bottom are all watertight, and water can only get in if there is some penetration.

20720. I agree, but whether that penetration is off the spiral staircase on the starboard side or is actually on the starboard side or is even fore of the spiral staircase - ? - But let me point out the spiral staircase occupies practically the whole dimension of that trunk, consequently there must be penetration of the trunk which immediately surrounds the spiral stair.

20721. Does that follow? - How could water get through the watertight space if you do not make a hole in it?

20722. Allow me for a moment. Is it not possible that water might have come in through the floor of the ship? - Through the floor of the spiral stair, not of the ship.

20723. Hendrickson's evidence, I think, is rather important. Hendrickson said, in reply to Question 4859: "You looked down here and saw it? - (A.) Yes, I saw the water rushing in here. (*Pointing on the plan.*) I saw it running out of the forepart of the pipe tunnel right down at the bottom of the stairs"? - Now it is not quite clear, but, of course, it is reasonable that he should call the trunk which surrounds the spiral stair part of the pipe tunnel, and it is in practice. I am only putting to you what I think is the probable explanation.

The Commissioner: Can you tell me what point you are on at present? What is it you are trying to establish?

20724. (*Mr. Clement Edwards.*) In regard to this particular point, I am leading up to the question of the bulkheads, and also I am seeking to test the value of Mr. Wilding's evidence as to the disadvantage of the longitudinal bulkhead by his citing in the case of the "Titanic" on a certain assumption that an inner skin in the nature of a longitudinal protection was penetrated by ice. If it is not quite clear that that inner skin - take what I call the spiral staircase area - was not penetrated by the ice it becomes a very important factor with regard to the question of the value of longitudinal bulkheads. That is the point, my Lord. I do not want to pursue it unnecessarily. (*To the Witness.*) Supposing your assumption is not correct that this inner skin on the starboard side of the spiral staircase was penetrated, then there is not very much of a point to be made? - There is this point to be made, that whether the bottom or side or one end is penetrated the ice must have got well inside the ship to do it.

20725. That is to say it may have got well inside the outer skin? - Quite. It must have been inside the outer skin, and so far inside the outer skin that it would have penetrated the inner skin.

20726. I am just coming to that. Assume for the moment that your view about the water coming in there were right, it would be equally consistent if water came in through this skin on the starboard side of the spiral staircase; it would be equally consistent with the inner skin having been wrenched and dislocated by the force of the impact as it would be by actual penetration by the ice? - Well, we have had evidence as to the force of the impact; that is, that there was nothing in the nature of what is usually called impact, but that it was a comparatively light sliding blow. I mean that is the whole character of it.

20727. I will put it in another way. I did not use "impact" as applying to the whole area of the ship, but a sufficient strength of collision if you like, at all events, to penetrate the outside plates? - Yes.

20728. This inner skin on the side of the spiral staircase, I presume, is connected with the outside frame? - Yes, the floor is, not the side.

20729. So that a blow, an impact, what you will, sufficient to rip the outside plate, if made at a point where there is a connection between the outside skin and the inner skin, might be sufficient to rip the inside skin and make an aperture? - Not if the connections are properly arranged, because it is part of the regular practice, Lloyd's Rules, or other, that your boundaries are stronger than your connections. It would be a bad design if it was not so.

20730. I suppose it is because you could not bring yourself to take that view that you have taken the other one? - Naturally.

20731. You have said that you have estimated that the aggregate area of aperture was probably 12 feet square? - No, pardon me, not 12 feet square, 12 square feet. That is another proposition.

20732. Again, I stand humbled on my arithmetic. Has it occurred to you that there was anything which might have been done by the ship's carpenter or any other person to repair it or to prevent the inflow of water? - We know the hole must have been spread over a length of 200 feet. With a hole of only 12 square feet area, which you can localise actually within a few feet, something might have been done, but when it is spread in unknown positions, over a length of 200 feet, I am afraid nothing could be done.

20733. That is to say, one area could be dealt with by one man? - No, it would require 50 or 60 men, at any rate, to handle a collision mat.

20734. That is to say, the difficulty, where there is a number of apertures, is having the requisite number of people to go? - No, it is a difficulty to locate where they are.

20735. I know, but the question of locating them rather depends, does it not, upon a sufficient number of persons being sent? - I do not think the number of people has much to do with it. Let me put it in this way. The only way you can locate them is this; you cannot get down inside because the water and the cargo is there; you can only get at them by trial and error - by putting something in the nature of a collision mat outside the ship, and in the case of trial and error it is a slow process.

20736. It is a process which might be expedited if a number of persons are working on it? - I do not think, beyond a very moderate number, it would have much effect. Fifty or 60 would probably do it as fast as 500 or 600.

20737. We have had evidence that there was a certain aperture in Section 6, and there was a very tiny one in section 5? - Comparatively small.

20738. With your experience do you see any mechanical difficulty in the way of that aperture in Section 5 having been dealt with? - I am afraid that an aperture in Section 5 involves in itself that the bulkhead was damaged though he did not see any water coming through the damage. As you have put it, there are connections at that point. The bulkhead runs out and is in contact with the shell and to rupture the shell, you must at the same time rupture the bulkhead, though the water in No. 6 boiler room may not have been high enough to flow through the rupture shown.

20739. If that particular damage was a distinct and separate damage, do you see any reason why that might not have been dealt with? - No, but I do not think it would have had any influence under the circumstances.

20740. With regard to No. 6, where Barrett was, where water was coming in in fair volume, do you see any mechanical difficulty in having stemmed the wound there? - Something might perhaps be done in the way of a collision mat; but let me point out that the water got into No. 6 so very quickly (we have had in evidence how fast it came in) that it would have risen to a fatal height if I may use the word long before anything could be got outside over the skin of the ship, to check the inflow.

20741. But the collision mat could have been got there - the fatal height anyhow wherever it was was not reached until twenty minutes past two, the time of the sinking, that is the test of the fatal high water? - The fatal time, that is, the time when nothing that human ingenuity could do could prevent the ship sinking, is found at a much earlier time than the actual sinking of the ship.

20742. Supposing a long time before that collision mats could have been got out? - I do not think so. My experience with rigging them shows that it must have been practically up to the fatal time before it could be done.

20743. It has been suggested that there is a better method than that by the collision mat of dealing with apertures in an iron ship, and that is some sort of arrangement utilised from the inside (I am using quite a simple illustration) in the form of an umbrella, which is pushed out,

made of suitable material, suddenly opened, and the pressure of the water suddenly drives it back like a turned umbrella into the aperture? - But you have to get inside the aperture to put that out.

20744. One recognises that? - I think the evidence of Barrett was that he was more or less rushed off his feet by the rush of water. I do not think you could push an umbrella through it.

20745. But you see no reason why that should not have been done in No. 5? - I have pointed out to you, I think, that I do not think the small leak in No. 5 was material.

20746. A diver might have done this even in No. 6, might he not? - Diving is a slow operation and your time is limited.

20747. You have to take the time here which elapsed between the collision and the sinking? - There were only 40 minutes, about as far as I can tell from the evidence, before the time arrived at which none of those measures would become effective. It would be fairly quick work to get a diver into his dress and down in that time.

20748. You do not think it could have been done in this particular case, anyhow? - I am afraid, in this case, nothing.

The Commissioner: If you are anxious to ask any questions, Mr. Scanlan, you must restrain yourself until Monday morning at 11 o'clock. Perhaps, in the interval, you can make what you have to say short.

Mr. Scanlan: It will be very short, my Lord.

(The Witness withdrew.)

(Adjourned to Monday next, at 11 o'clock.)

In the Wreck Commissioner's Court.

SCOTTISH HALL,

BUCKINGHAM GATE,

Monday 10th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTIETH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on

application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

EDWARD WILDING, Recalled.

Examined by Mr. SCANLAN.

20749. Did you see the plans prepared for the "Titanic" boats? - Some of them.

20750. You personally, I take it, had nothing to do with the preparation of those plans? - Not directly; no; they were made in the drawing office.

20751. You had nothing to do with it yourself? - Not personally. Some of the information in connection with the boats had a bearing on the design, and I was consulted about that.

20752. Who was the manager, or who was responsible for the preparation of the plans in Messrs. Harland and Wolff's yard? - Of which plans?

20753. For the boats; I am confining myself entirely to the lifeboats? - They are made in the drawing office, in the principal shipyard drawing office, under the direction of whoever is taking charge of that work.

20754. Would it be done under the direction of Mr. Carlisle? - If Mr. Carlisle chose to interest himself in it, yes.

20755. Were those plans to your knowledge submitted to the White Star Line? - Some plans, I believe, were submitted to the White Star Line.

20756. You have stated that you saw some of the plans, not all of them, for the lifeboats? - I saw some of them prepared. I think I have seen all the plans.

20757. I want to ask you if the plans, which you saw, provided for two or more lifeboats for each set of davits? - I saw plans prepared for discussion amongst ourselves which did show two boats under each pair of davits.

20758. Did you see any plans showing three boats? - I think there was a plan submitted to us by Welin showing three boats. I do not think we made any plan ourselves.

20759. You do not know whether any plan was prepared by yourselves for three boats? - I do not remember; I do not think there was; I think only two.

20760. Would those plans in the ordinary course be submitted to the White Star people? - Not of necessity.

20761. So far as your knowledge goes, you cannot say whether or not? - We, of course, have been making a search in all our records, and as far as I can ascertain they were not.

20762. As to your own knowledge you cannot say? - Of course, I was not at all the meetings with the White Star Line.

20763. If lifeboats to the extent necessary to provide for everyone on board have got to be provided for vessels like the "Titanic," what do you say as to the suitability of having such an arrangement as is indicated in that plan, that is working three boats on each set of davits? - Pardon me, I did not quite take your question.

20764. You say you saw a plan for two? - Yes.

20765. And you think there was a plan showing three boats to be worked from each set of davits? - Supplied to us by the davit patentee.

20766. Would that be a suitable arrangement if the number of lifeboats were to be considerably increased? - Broadly speaking, yes.

20767. (*The Commissioner.*) Before you answer that question, tell me whether you have considered the matter? - In general terms, yes, my Lord.

20768. Very well, then you are able to express an opinion? - Yes.

The Commissioner: Then answer the question.

20769. (*Mr. Scanlan.*) Just give my Lord your opinion then with regard to that? - It is possible to carry three boats in the manner that was indicated to us on the sketch prepared by Mr. Welin. Whether it is altogether a desirable arrangement or not, is the question we were discussing amongst ourselves at Belfast.

20770. (*The Commissioner.*) What conclusion did you arrive at, if any? - As far as my memory serves me, the conclusion we arrived at was that it was not one which we cared to recommend to the owners.

20771. Why not? - In our opinion, the number of boats was sufficient for the purposes for which they were most likely to be wanted.

20772. (*Mr. Scanlan.*) As some consideration was given by builders to the provision of additional boats and to the plan, I want to know why you did not give the owners, that is the White Star people, the benefit of your consideration and give them an opportunity of deciding? - A great many matters of technical detail are left by the owners, the White Star Line, to us as their experts for decision.

20773. Have you considered whether it is practicable to carry lifeboats on the poop? - Yes; it is practicable to carry them there.

20774. Have you provided lifeboats on the poops of some ships made at Messrs. Harland and Wolff's? - Yes, I believe we have, for foreign owners.

20775. On these Welin davits? - No.

20776. (*The Commissioner.*) I should like to ask you with reference to that last question. Can you give me the name of a foreign ship for which you provided lifeboats to be placed upon the poop? - In the "Amerika," I believe it was, for the Hamburg-Amerika Line.

20777. Did you ever build steamers for the Hamburg-Amerika Line? - Yes, a number.

20778. Did you build the "Amerika"? - We did.

20779. You can tell me something about that. Can you tell me what the size of the "Amerika" was, the tonnage? - I am quoting from memory, but I think it was 670 feet by 74 feet, and about 23,000 tons measurement.

20780. 23,000 tons? - About that.

20781. She was then a smaller boat than the "Titanic"? - About half the size.

20782. Can you give me any idea how many passengers and crew that boat was designed to carry? - I could give the figures, but I do not recollect them; I could readily get them.

20783. You would assist me if you will get those figures? - Very well, my Lord, I will arrange to have them here.

20784. Perhaps you can answer this question without those figures. What proportion did the lifeboat accommodation bear to the number to be carried in the ship, passengers and crew? - I would like to get the correct figures, but my impression is that the "Amerika" could carry about the same total number of passengers, or rather more than the "Titanic" could carry, and that she had somewhere about the same total capacity in lifeboats.

20785. Do you mean to say then that the accommodation on the "Amerika" was much more confined than it was on the "Titanic"? - It was.

20786. Although she was only about half the size of the "Titanic," she was designed, you think, to carry about the same number of passengers? - The two ships were designed to carry

about the same total of passengers.

20787. That is to say, the "Amerika," being about half the size of the "Titanic," was designed to carry the same number of passengers as the "Titanic"? - She was a much earlier design.

20788. I daresay she was, but that involves, it seems to me, putting the passengers in the "Amerika" much closer together than you would have them in the "Titanic"? - It does my Lord. Perhaps I may explain that the number in the "Amerika" was largely made up of third class passengers, who take less space than the first class.

20789. Yes, I am sure they do not get as much accommodation as the first class passengers; but it comes to that, that the "Amerika," being half the size, carried about the same number of passengers and crew? - Yes.

20790. Or passengers, at all events? - Yes; I have the figures, my Lord.

20791. Wait a moment. And that the boat accommodation was substantially the same? - Broadly speaking, yes.

20792. You will get me the particular figures? - Yes.

20793. I have no doubt you can do that. Were there lifeboats on the "Amerika," carried on the poop? - My memory says that they were; I will verify that.

20794. The "Amerika," of course, sails under the German flag? - She does, my Lord.

20795. Have you taken any pains to ascertain what the requirements of the German law as to lifeboats are? - In general terms, my Lord, they are very similar to the British.

20796. "Very similar" does not quite satisfy me? - I do not think the difference exceeds about 10 percent, or something of that sort.

20797. You mean to say the German requirements are 10 percent in excess? - For the very large ships; that is my impression. They are in excess, but not very much in excess.

20798. Can you tell me this? I shall no doubt get it later on, but I want now the information from you, if you can give it to me. Can you tell me whether there are specific requirements in Germany as to lifeboat accommodation in ships ranging, we will say, from 10,000 to 40,000 tons? - There are.

20799. In that respect the requirements differ from the requirements of the Board of Trade? - The British requirements say all above 10,000 tons. They class them all; they do not separate them.

20800. There are no specific requirements for steamers above 10,000 tons under the Board of Trade Rules? - Well, they are specific; they say they will only require the same as for ships of 10,000 tons.

20801. That is what I mean by not being specific. They say that a certain number of boats shall be provided for steamers of 10,000 tons, and then they say for all steamers above that it will be sufficient if the same number is carried? - That is the British Board of Trade.

20802. What I want to know is, whether the German requirements proceed step by step as the tonnage increases from 10,000 tons, and specify what boat accommodation is to be provided? - Yes, my Lord, they do. I do not remember the details of the steps, but there are steps.

20803. I daresay you do not remember at what point the German requirements stop? - I might be able to find out now. I think the Germans go up to 50,000 tons.

20804. What was the tonnage of the "Imperator"? - That is just about the tonnage of the "Imperator."

20805. Then, if they intend to build ships bigger than the "Imperator," and continue the policy which dictated the drawing up of those rules, they will have to extend them. I suppose that is so. It follows? - My impression of the German rules is that they would automatically extend them for a larger ship.

20806. But there is no provision in the requirements as at present drawn up for what one may

call an automatic increase? - The words as far as I can follow them are these: It says for 50,000 and upwards a proportionately larger number.

20807. Have you the information there? - It was a privately printed copy from some of them.

20808. Will you show it to me? - Certainly, my Lord. (*Handing the same to the Commissioner.*)

Sir Robert Finlay: I am told by Mr. Furniss that he had the German and French regulations on this subject, and has handed them to the Board of Trade.

Mr. Butler Aspinall: Yes.

The Commissioner: You have got them?

Sir Robert Finlay: We have handed them to the Board of Trade, and they have them.

The Commissioner: Then I will not pursue this.

Mr. Butler Aspinall: We have all the various regulations, my Lord.

The Witness: There is one point which I think will interest you, my Lord, before we pass from that. There are other German ships which we have built which are still smaller.

20809-10. (*The Commissioner.*) You did not build the "Imperator"? - No, she was built by the Vulkan Company, of Stettin, at their Hamburg yard; but we have built some other ships under the German flag which carry an even larger number of passengers than either the "Titanic" or the "Amerika," and I have particulars here. I got them because they are the ships which carry the largest number of passengers of any ships which have ever been built, and I have particulars here of their boat accommodation.

20811. And what do you find? - I find that the proportion of the total accommodation in the boats provided to the total number of souls on board is much about the same as in the "Titanic." In one ship, the "President Lincoln," the number of souls on board in our records is shown to be 4,108, and the boat accommodation provides for 1,465 people.

20812. Did you build that boat? - We did, my Lord.

20813. Is she sailing still? - She is, my Lord.

20814. And under the German flag? - Yes.

Examined by Mr. HARBINSON.

20815. All these huge steamers which you have mentioned in your evidence to my Lord were built on the theory that you built the "Olympic" and the "Titanic" on as regards unsinkability? - Yes, I may say that for the very large German ships, the equivalent of our Board of Trade, the "Seeberuffsgenossenschaft," make it a requirement that a ship shall float with any two compartments flooded.

20816. Therefore, it was on the basis of unsinkability that this number of lifeboats was provided? - Pardon me; "unsinkability" does not describe the thing quite rightly. It is that ships shall remain afloat with any two compartments flooded.

20817. I will say, on the theory of floatability, two compartments being submerged? - Quite right.

20818. It was on this basis that the number of boats were apportioned? - Quite right.

20819. But that now that theory, being more or less destroyed -

The Commissioner: What theory?

Mr. Harbinson: The theory of floatability with two compartments submerged.

The Commissioner: I do not know that it has been destroyed at all.

The Witness: The theory or statement is still correct that the ship would float with any two compartments flooded.

20820-1. In your view, if only two compartments of the "Titanic" had been full of water,

would she have floated? - She would undoubtedly, and if any three compartments at the forward part had been flooded.

20822. Then I do not see that the theory has been misplaced? - Not at all, my Lord.

The Commissioner: Four or perhaps more of the compartments were flooded in this case?

Sir Robert Finlay: Two, and six partially.

Mr. Harbinson: Is it not popularly supposed that these huge boats, with watertight compartments the same as you have put on the "Titanic," are regarded as unsinkable?

20823. (*The Commissioner.*) I do not know what "popularly supposed" means. What do you mean? Do you mean to say that an ignorant man in the street supposes it, or what do you mean?

Mr. Harbinson: I mean the view held by the general public.

The Commissioner: Who are the general public? I am not going to sit here to enquire into what the general public think.

Mr. Harbinson: It was you who elicited the answer, my Lord. The point I am on is as regards unsinkability.

The Witness: Floatability

[There is no Question 20824.]

Mr. Harbinson: Yes, I think that is better - floatability. It now having been proved that these boats in times of danger will sink like other boats -

The Commissioner: That has not been proved.

Mr. Harbinson: My Lord, it has been proved that -

The Commissioner: There are many other boats that have not got any watertight bulkheads at all.

Mr. Harbinson: I do not think any of the first class liners -

The Commissioner: That may be, but you talked about "other boats."

20825. (*Mr. Harbinson.*) I think Mr. Wilding pretty well understands what I mean. (*To the Witness.*) That being so, did you not consider it desirable that lifeboat accommodation should be provided for all? - No, I am of the same opinion as Mr. Sanderson, which he put very well in his evidence.

The Commissioner: It is for this tribunal to express an opinion upon that point. You may ask him any facts which will guide us.

20826. (*Mr. Harbinson.*) That is what I am going to do. (*To the Witness.*) Do you know whether or not, during the construction of the "Olympic" and "Titanic" any conversation took place with Mr. Andrews regarding ample boating accommodation for all passengers and crew on these steamers? - As far as my memory serves me there was no proposal made that boats should be fitted, or even a plan prepared showing accommodation for everyone on board.

20827. (*The Commissioner.*) Can you tell me this: Was there at the time the "Titanic" was built any liner in existence that you know of that had boat accommodation for everybody on board, and, if so, what is the name? - Some liners of moderate size, my Lord.

20828. Do you mean the P. and O. boats? - And the Royal Mail boats.

20829. When you say the Royal Mail, you mean the company? - The Royal Mail Steam Packet Company's boats.

20830. They stand in an exceptional class. I mean liners on this trade between this country and America. Do you know of any liner carrying immigrants to America or emigrants from this country to America that had lifeboat accommodation for every passenger and member of the crew intended to be carried? - I believe there is no boat which -

20831. Will you answer the question? - I am trying to, my Lord.

20832. You can say yes or no, and then I will ask you another question. Do you know of any

such boat? - No.

20833. Then I do not want to ask you any other question? - Your Lordship's question was not quite clear.

20834. Do try to answer the questions simply, and then we will get on possibly? - Quite, my Lord, but your Lordship said ships which would carry boats for everyone on board.

20835. Ships which did in fact carry such boats at the time of the "Titanic" disaster? - Boats do not always carry their full complement.

20836. I am asking you about boats calculated to carry all the persons that a steamer may carry? - To that, my Lord, my answer is quite right. There was no such ship; I can say that emphatically.

20837. (*Mr. Harbinson.*) You have not built any in your yard to do so - Messrs. Harland and Wolff? - No, nor do I know any built by any other company.

Mr. Harbinson: I do not wish to suggest particular lines at present. I shall be able to give evidence presently.

The Commissioner: Do you suggest them?

20838. (*Mr. Harbinson.*) Then I will suggest a line which does. I suggest the Allan Line carries boats for all? - It does now.

20839. And they did? - I am not sure.

The Commissioner: Give us the name of the steamer.

Mr. Harbinson: I respectfully decline until the proper time comes, and then I will produce evidence.

The Commissioner: You are, in fact, cross-examining this witness. I do not think you ought to do it, but you are doing it, and if you are going to adduce later on particular cases of particular ships it is your duty to put the cases to him now. That is your duty.

Mr. Harbinson: I have put the questions to him, my Lord, of course, always subject to what your Lordship says -

The Commissioner: When the time comes I may object to your adducing any evidence with reference to particular boats. It is not right of you to keep the information up your sleeve.

Mr. Harbinson: If your Lordship thinks so, I shall be obliged to bow to your decision.

The Commissioner: Yes. Now put the cases to him.

20840. (*Mr. Harbinson.*) For the present I do not propose to put any further questions on that subject. (*To the Witness.*) Will you tell me what is the thickness of the outer skin of these ships, the "Olympic" and the "Titanic"? - Whereabouts?

20841. The outer skin? - One inch.

And, therefore, liable to give at very slight pressure?

The Commissioner: Really, that question is of no use to me. Do you really say likely to give at very slight pressure?

Mr. Harbinson: Relatively, yes.

The Commissioner: What is the pressure?

Mr. Harbinson: I am putting a concrete question.

The Commissioner: Tell me the pressure. "Very slight pressure" conveys nothing to me.

Mr. Harbinson: My information is that at the launch of the "Olympic," the sister ship of the "Titanic," built on the same principle, when the boat was being launched from the dry dock, a gale of wind, not strong, blew it against the side of the buttress, and the side of the ship crumpled up like tinder.

20842. (*The Commissioner.*) That is very good. Now let us stop. (*To the Witness.*) Did the side of the "Olympic" ever crumple up like tinder? - It did not crumple up like tinder.

20843. Do you know what crumpling up like tinder is? I do not. Put your own interpretation

upon it, whatever it may be, and tell me, did you ever know of the side of the "Olympic" crumpling up like tinder? - I never knew of it, my Lord.

20844. Did you ever hear of it? - Not like tinder, my Lord.

Mr. Harbinson: Did you know of it crumpling up at the launch?

The Commissioner: Now we will strike out the tinder.

20845. (*Mr. Harbinson.*) That is an illustration; it may be too graphic. (*To the Witness.*) I will ask you now, did it crumple up? - No, it did not crumple up.

20846. Did it give? - It was slightly dented.

Mr. Harbinson: I thought so.

The Commissioner: If you thought it was slightly dented, why did you translate "slightly dented" into "crumpling up like tinder"?

Mr. Harbinson: That is Mr. Wilding's description.

The Commissioner: But you told us you thought so.

Mr. Harbinson: That is his euphemistic way of describing what I have previously suggested.

20847. (*The Commissioner.*) It gave under pressure? - Under pretty big pressure.

20848. (*Mr. Harbinson.*) Did not that suggest to you that this thin skin would give when subjected to pressure? - It depends upon the amount of the pressure.

20849. And would not that have suggested to you as builders the desirability of having a second skin in these boats up to the waterline? - I do not see it follows in any way. We do not build ships to bang into stone walls or come into collision.

20850. But you build them to avert a catastrophe, if possible? - Reasonable precautions against it.

20851. That did not suggest to you the desirability of having a second skin? - Certainly not. I believe the denting was so slight -

The Commissioner: Will you answer the questions, and do not dilate upon them.

20852. (*Mr. Harbinson.*) Do you think it would be possible to install in these boats some kind of mechanism for giving a general alarm in cases of supreme danger? - It is quite possible to install such a mechanism.

20853. Was that mechanism installed in the cases of the "Olympic" and the "Titanic"? - No, and it would be most unwise to put it there.

20854. (*The Commissioner.*) Have you ever known of such an installation in other boats? - I do not remember one, my Lord.

20855. (*Mr. Harbinson.*) In answer to a question of mine, Question 19519: "Would it not be possible, in consequence of what you have just said, to place a number of boats for third class women somewhere about the well deck?" Mr. Sanderson said: "It would be a very inconvenient place to carry a boat, and almost an impossible place to launch a boat from, because of the overhang." Do you agree that it would be an inconvenient place to carry boats? - It would, very.

20856. That is an inconvenient place to carry boats to swing out. Would it be an inconvenient place to carry collapsible boats? - Yes.

20857. Why? - Because the deck is part of the accommodation clear deck space which we are required by law to provide for third class passengers.

20858. I suggest it would be possible to provide it further forward? - But you were asking a moment ago about the well.

20859. Yes, but I mean at the afterpart of the ship? - Certainly.

20860. Would it be possible to carry boats, if not open boats, collapsible boats and rafts? - Quite; there are a large number on the boat deck of the "Olympic" now.

20861. Mr. Sanderson expressed the opinion with reference to the third class passengers at Question 19517, "I think that the position in which the boats are placed on the ship necessarily

being the position which is the best for launching them, happens to be abreast of that portion of the ship in which the first- and second-class passengers are carried, and, therefore, when the call for women and children came the women and children who were handiest came to the boats first, and that is the reason." He means for the large number who were drowned. Do not you think it would be desirable to make provision for third class passengers by providing boats of some kind at the aft of the ship? - That was one thing in Mr. Sanderson's evidence that I did not altogether agree with.

20862. You do not agree with it? - No.

20863. Do you agree with my suggestion? - On the whole, no.

20864. Have you any suggestion to offer of your own? - If additional boats are to be carried I would much prefer to have them on the boat deck.

20865. You see what Mr. Sanderson says, that being so far from the third class quarters they did not find their way there? - We have had evidence that they did find their way there.

20866. But we have evidence that there were more third class women, a greater percentage of third class than other classes, drowned? - I agree, but I do not think that was due to any lack of ability to reach the boat deck.

20867. You have a theory of your own? - A very general theory; it is not one that Mr. Sanderson's evidence covers.

20868. Are not the "Olympic" and the "Titanic" and all these big steamers built in such a way that the third class passengers are shut off from the quarters of the second and first class during the voyage? - They are not allowed to wander through the second and first class accommodation.

20869. That is what I would expect, and therefore they are unfamiliar with the different passages that lead from the first and second class quarters to the boat deck, where the boats are installed? - Quite right, but we have had evidence that they were shown the way.

20870. But in moments of emergency, if there are not people to show the way, would it not be possible to have boats in a position on the ship where people would be able to find their way themselves? - It would be much better to make regulations to ensure their being shown the way.

20871. Would you prefer that? - Very much.

Examined by Mr. HOLMES.

20872. Can you tell me the name of the Board of Trade Surveyor who was on the "Titanic" some two or three thousand times? - I think all three Surveyors.

20873. Three different ones? - Yes.

20874. Were they Engineer Surveyors or Shipwright Surveyors? - Both. I must say the 2,000 to 3,000 visits include the visit to the engines as well as to the ship, because the whole thing is surveyed.

20875. And in those two or three do you include - ? - In all, there were three.

20876. Does that include the Surveyor for the purpose of the passenger certificate? - He was one; he was the principal one for the ship; he did all the later work for the ship.

Examined by Mr. LEWIS.

20877. Did your firm build the "Teutonic" and the "Majestic"? - Yes.

20878. Were longitudinal bulkheads placed in those ships? - I think so, and they were promptly taken out, or holes made in them, at a later date.

20879. Can you tell us why they were dispensed with? - Because they were considered dangerous.

20880. Can you tell us why they were considered dangerous - from what point of view? - From the point of view that if one side of the ship got flooded it might lead to a very serious list, and possibly to a capsize.

20881. Not from any difficulty of working arrangements? - I believe not for the working arrangements; it was done long before I was connected with it.

20882. Now, with regard to the coal bunker, where the fire took place. You remember the evidence with regard to the fire in the bunker? - Yes.

20883. It was stated by one witness, I think Hendrickson, that the fire caused the bulkhead to be red hot. If that is correct, would that make the bulkhead very brittle? -What do you mean by "very brittle"? It does not convey anything very definite to me.

20884. Well, exceedingly brittle, so that a blow would cause damage much easier than if they were not brittle? - It depends on the force of the blow. It would not be brittle like a piece of sheet glass, but it might be more brittle than in an undamaged condition.

20885. More brittle than in an undamaged condition? - It might be a little more - yes, somewhat more.

Examined by Mr. LAING.

20886. With regard to the "President Lincoln" and the "President Grant," which you told us about, have you tabulated the requirements of the different countries, the British Board of Trade, the American law and the German law? - Yes, it is tabulated on the list I have.

20887. Is it correct so far as you know? - It was correct at the time the ships were completed.

Mr. Laing: Would your Lordship like to have that?

The Commissioner: What is it?

Mr. Laing: It is the particulars of the "President Lincoln" and the "President Grant" which Mr. Wilding told us about; and he has tabulated on a piece of paper the British Board of Trade requirements, the American requirements, and the German requirements.

The Commissioner: I should like to see it.

The same was handed to the Commissioner and is as follows: -

PARTICULARS OF BOATS FITTED ON S.S. "PRESIDENT LINCOLN."

No.	Description	Length		Breadth		Depth		Capacity of each C ft.	Total Capacity C ft.	Persons		
		Ft.	in.	Ft.	in.	Ft.	in.					
10	Lifeboats (wood)	30	0	9	0	4	0	648	6480	648	Fitted under 6½in. diam.	
4	"	20	0	8	5	3	6	550	2203	220	Davits " 6in. "	
1	Cutter	25	0	7	5	3	0		317	39	" " 4¾in. "	
1	"	22	0	6	1	2	5		201	25	" " 4½in. "	
12	Collapsible	26	0	7	6	3	0	355	4267	523		
Grand Total									13,468	1,465 Persons		

Total number of souls on board. 4,108

PARTICULARS OF BOATS FITTED ON S.S. "PRESIDENT GRANT."

No.	Description	Length		Breadth		Depth		Capacity of each C ft.		Total Capacity C ft.		Persons	
		Ft.	in.	Ft.	in.	Ft.	in.						
14	Lifeboats (wood)	31	1	9	1	3	9	662	2	9270	8	927	Fitted under 6½ diam. Davits
2	“	24	2	6	7	2	9	282	1	564	2	56	“ 5½ in. “
12	Collapsible	26	0	7	6	3	0	355	6	4267	2	533	
Grand Total										14,102	2	1,516 Persons	

Total number of souls on board 3,991

British Board of Trade require	9,625 C. ft.	|
American Law requires	11,520 “	| In each vessel.
German Law requires	13,343 “	|

20888. (*The Commissioner.*) What line does the “President Lincoln” belong to? - The Hamburg-Amerika Line.

20889. And also the “President Grant”? - They are sister ships practically.

The Commissioner: I see, according to this paper, that on the “President Lincoln,” designed to carry 4,108 souls, the boat accommodation is 1,465, and with reference to the “President Grant,” with a total number of souls on board 3,991, the boat accommodation is 1,516. How does that bear with reference to the “Titanic”?

20890. (*Mr. Laing.*) Have you calculated the relation between the capacities and the boat accommodation? - Broadly speaking, the proportion is about the same.

20891. I will take your word for it at present? - It will, of course, have to be worked out, my Lord.

Mr. Laing: Your Lordship sees at the bottom of that paper the various countries are noted with their requirements for particular ships.

The Commissioner: “Cubic feet.” What does that mean - cubic feet for the boat accommodation?

Mr. Laing: For the boats, yes.

The Commissioner: Looking at those figures, I find the requirements of the Board of Trade are considerably less than the American requirements.

Mr. Laing: Yes.

The Commissioner: And that observation applies with greater force again to the German requirements.

Mr. Laing: Yes.

The Commissioner: But I thought the American law substantially the same as our Board of Trade requirements.

Mr. Laing: I understood so. I will ask Mr. Wilding. He knows.

The Commissioner: This does not appear to bear that out.

Mr. Laing: With regard to the British steamers, as I understand it, the American authorities have agreed, by convention, to accept the British requirements. Is not that so?

The Witness: Quite right.

The Commissioner: Very well.

Mr. Laing: Of course, that would not apply to a German ship.

The Commissioner: Are there any large American liners afloat at all in this trade?

20892. (Mr. Laing - To the Witness.) There are some big liners which belong to the American flag, are there not? - Yes, four in the Transatlantic trade.

20893. Just mention them? - The "Philadelphia," the "New York," the "St. Louis," and the "St. Paul."

20893a. (*The Commissioner.*) And where do they sail from and to? - Southampton to New York, my Lord.

20894. Then have you here the carrying capacity of those ships? - No, my Lord, I have not got the figures. We did not build any of them.

20895. I know you did not, but I thought perhaps you could get them? - I have not got them.

The Commissioner: I should like to know what the boat accommodation on these large American liners is - I mean liners sailing under the American flag.

Mr. Laing: That may be ascertained - you can easily ascertain it, Mr. Wilding.

The Witness: The White Star Line could easily ascertain it.

The Commissioner: With reference to those figures at the bottom of the paper you have handed to me, I want to know what the tonnage of the "President Lincoln" was.

Mr. Laing - To the Witness: Can you tell me the gross tonnage of the "President Lincoln" and the "President Grant"?

20896-7. (*The Commissioner.*) Was it more than 10,000 tons? - It is about 16,000 or 17,000 tons.

20898. Now, you have put at the bottom of this paper "British Board of Trade require 9,625 cubic feet." Does that mean the number required for a boat of 10,000 tons? - 10,000 tons and upwards.

20899. When you give the cubic feet required by the American law and the German law, you are giving the cubic feet required for vessels of the size of the "President Lincoln" and the "President Grant"? - Quite right, my Lord.

20900. Very much in excess of the 10,000 feet at which the British Board of Trade requirements stop? - Yes.

The Commissioner: It does not help very much.

20901. (*Mr. Laing.*) No; I only thought it might be interesting to compare the three countries. (*To the Witness.*) With regard to the two lines, the P. and O. and the Royal Mail, which carry boats for all their passengers, those lines do not carry steerage passengers at all? - The Royal Mail carry a limited number.

20902. But it is limited? - Yes

20903. And the P. and O. carry none at all, I think? - None at all.

20904. With regard to the pumping arrangements of the "Titanic," were they all put upon a plan and submitted to the Board of Trade? - They were.

20905. And were they approved? - They were.

20906. With regard to the bulkhead plating, you gave us some figures which show, I think, that the bulkhead plating is in excess of Lloyd's? - I gave them in cross-examination.

20907. Can you make the same statement about the stiffening? - Yes, it was still more in excess - about 50 percent in strength in excess of Lloyd's requirements.

20908. And in excess of the Bulkhead Committee's recommendations? - So far as the latter extend.

20909. In excess of them? - Yes, considerably in excess.

20910. Now, to the number of watertight bulkheads for a vessel of the size of the "Titanic," Lloyd's Rules do not extend, I think? - Not quite; 680 feet is their largest.

20911. Applying proportionately the difference in length between 680 feet and the "Titanic's"

length, how many watertight bulkheads would Lloyd's requirements want? - As far as one can tell, 13.

20912. And how many had the "Titanic"? - Fifteen.

20913. And with regard to the Board of Trade regulations, so far as those regulations are in writing, how many do they require? - Four.

20914. There was a question cropped up in the evidence about explosions. Can you give us any information as to whether these boilers were likely to explode or not? - I should think it was very unlikely. There are very few cases, I believe, of boilers examined in ships after they have been flooded which have exploded. Of course, when sea water reaches a hot boiler there is a great cloud of steam which might give a certain impression of explosion.

20915. Some witnesses spoke of noises, and some of them suggested that the noises might have been caused by the machinery falling forward when she got tipped up considerably. Do you think there is anything in that? - The boilers might have moved; I do not think the machinery did.

The Commissioner: It was thought the boilers had got loose from their seats.

20916. (*Mr. Laing.*) Yes. (*To the Witness.*) Is that a reasonable theory? - When the ship was about 35 degrees by the head.

20917. That might have happened? - When the bow was down so that her stern was up, so that the slope fore and aft of the ship was about 35 degrees.

Mr. Laing: The question of her breaking in two has been referred to. I do not know whether I need go into that.

The Commissioner: I do not think you need trouble about that.

20918. (*Mr. Laing.*) There is another matter about the boilers which occurs to me. The fact that the electric lights of this vessel remained burning up to the moment almost that she disappeared, does that indicate anything to you as to the condition of the boilers? - It indicates that one boiler room, most probably No. 2, was still supplying steam to the emergency dynamos.

20919. There is evidence that certainly one, and I think two, of the funnels fell? - Yes.

20920. I think the evidence is that the forward one and the after-one fell? - Yes.

20921. What would account for that? - The funnels are carried from the casings in the way of the comparatively light upper decks - that is, the boat deck and A deck. When these decks became submerged and the water got inside the house, the water would rise outside much faster than inside, and the excessive pressure on the comparatively light casings which are not made to take a pressure of that kind would cause the casing to collapse; would take the seating from under the funnel and bring the funnel down.

20922. With regard to the expansion joint which has been described to us in the upper works of this vessel, somebody suggested that that might have caused the weakness or the breaking of the vessel. Is there any foundation for that? - No; the expansion joints go down to the strong deck and are made to save the light upper plating from the stresses.

20923. Can you assist us at all as to the maximum speed the "Titanic" would be likely to develop? - When everything had got into good working order, and the staff got used to the ship, in fine weather I think she probably would have done about 23 1/4 knots.

20924. Would that require the whole of your boiler power? - Oh, yes, every boiler.

20925. With regard to the engines, how many of Harland and Wolff's staff were on the ship for the voyage? - Nine.

20926. Nine altogether? - Nine altogether.

20927. Including Mr. Andrews, who was practically the designer? - One of our managing directors and eight others.

20928. And I think none of them were saved at all? - None.

20929. There is a small point to clear up. Did you ever have these boat falls tested? - I have

had them tested since the statements that have been made in Court that they were not considered sufficient.

20930. And what was the result of the test? - As has been mentioned in Court there are 12 parts of the fall to each boat, and the results of the test were that a single section stood between 5 and 5 ½ tons. There were 12 parts, and therefore that means that the falls passing through the blocks were good for something like 60 tons.

20931. And the boat with its complement would weigh what? - About 5 ½ to 5 ¾ tons.

20932. Another reference occurs in the evidence to the effect of moving the people across the deck with the view of correcting the list. I think Mr. Lightoller told us about that; have you made any experiment to see what effect moving a number of people would have? - We have made an experiment to test the ship's stability, and from that it is possible to calculate the effect.

20933. I think you have made the calculation? - Yes.

20934. Moving 800 people through 50 feet would right her 2 degrees? - About 2 degrees.

20935. (*The Commissioner.*) That is to say, it is negligible? - It would show quite perceptibly on the deck. You would think you were walking uphill on these very flat decks 2 degrees is about 1 in 28, and 1 in 28 on a road is quite an appreciable hill.

20936. (*Mr. Laing.*) There was a suggestion in one of the wireless messages said to have been sent out by the "Titanic" that the engine room was flooded? - Yes.

20937. Do you think that is possible until a very late moment of the life of this vessel? - Certainly not. The engine room being in the afterpart of the ship, as the forward end was flooded, would tend to be raised rather than lowered, and consequently there would be no tendency till a very late stage for water to get into the engine room.

20938. Is the term engine room often used for boiler spaces as well as the engine room? - It is often loosely used for the whole space occupied by the motive power of the ship.

20939. I do not know that it is very material, but have you an explanation of the failure of the lights in Nos. 4 and 5 boiler rooms, which was described? - The lights in all the boiler rooms are run on two circuits. There are two common circuits -

The Commissioner: I do not think that is material.

20940. (*Mr. Laing.*) If your Lordship pleases. I only wanted to clear it up if your Lordship thought it was material. (*To the Witness.*) With regard to the access from the third class accommodation both forward and aft, have you, for the sake of experiment, tried how long it would take to walk from the very lowest part of the third class accommodation on to the boat deck? - I have.

20941. And what was the time - I mean at a walking pace? - I went at a slow walking pace. On one occasion one of the Assessors accompanied me; on one occasion one of the Board of Trade Counsel, and on one occasion the Counsel for the third class passengers. The times varied a little, but they were always between 3 and 3 ½ minutes. That is right down from the lowest third class cabin that was occupied.

20942. Bringing your mind to the double bottom and the extension of it round the turn of the bilge, is that a usual thing or not, to extend round the turn of the bilge? - Very few ships have it carried to the top of the bilge.

20943. Very few? - Very few.

20943a. Again, referring to the longitudinal bulkhead question, and the number of watertight doors, how many watertight doors would there be on the tank top of the "Mauretania"? I believe it is 38, but I am not sure? - I am not quite sure that my information is absolutely reliable, but I believe there were 47 doors on the tank top of the "Mauretania."

20944. Forty-seven? - Yes.

20945. As against your 12? - Against our 12.

20946. Again, with regard to the "Mauretania," she was, as I think is common knowledge, intended as an auxiliary cruiser? - She was.

20947. Is the belting of coal put round her with the longitudinal bulkhead an Admiralty plan? Is that common in the Navy? - The Admiralty adopted that plan in most warships, and it has always been put forward by the Admiralty as a thing they like to have in a vessel which they propose to subsidise at any time as a cruiser.

20948. I suppose they have to consider torpedoes, shot, and so on? - Torpedoes and gun fire.

20949. There was one matter about the float. You know the float which operates all the watertight bulkheads? - Yes.

Mr. Laing: There was some little difficulty about explaining that, and Mr. Wilding has a very good photograph of it which I should like your Lordship to have.

The Commissioner: The watertight door of the bulkhead?

20950. (*Mr. Laing.*) Yes; this is the picture. (*Handing photograph to the Commissioner.*) The engine room floor you will notice, your Lordship, is missing there; the plating has been taken off showing the box of the float underneath the plating. I believe when my friend, the Attorney-General, visited the "Olympic" a compartment was flooded for demonstration purposes to see whether it worked? - Yes, the turbine engine room.

20951. Did it work? - Yes.

20952. (*The Commissioner.*) Were you astonished? - No, I expected it.

20953. (*Mr. Laing.*) Now I want to sum up, to see if I understand properly the flooding plan. If No. 6 boiler room and the compartments forward of it are flooded, am I right that the vessel, as she is designed, is lost - she must sink? - If No. 6 boiler room and the three holds forward of it, and the forepeak are flooded, the ship is undoubtedly lost as built.

20954. If No. 5 boiler room is flooded in addition, supposing the bulkheads had been carried up to D, would that have saved her? - It would not. There is a plan which I have put in which is marked E.

The Commissioner: Will you repeat that question?

20955. (*Mr. Laing.*) If No. 5 boiler section is flooded carrying the bulkheads up to D would not save the vessel? - No. There is another plan which shows it better than the one your Lordship has. Yes, that is the one. (*indicating*).

20956. And the last question is: With No. 4 section added on, no possible arrangement could save the ship? - No possible vertical extension of the existing bulkheads.

Mr. Laing: That is what I meant.

The Commissioner: What is the evidence, Mr. Laing, as to the place from which the water came into No. 4 boiler room?

Mr. Laing: I do not think there is any evidence as to where it came in. All the evidence is that it came up from under the floor.

The Commissioner: Is it possible that it came over the top of the bulkhead between No. 4 boiler room and No. 5 boiler room?

Mr. Laing: I do not think so - not on the evidence.

The Witness: It would be visible coming down the bulkhead if it did. He would not get the impression it came up from below, but he would see it falling down.

20957. (*Mr. Laing.*) He would hear it probably too? - He would hear it also. He would certainly see it, because it would be coming in like a sheet in front of him - like a waterfall.

Mr. Laing: Mr. Wilding has added, my Lord, that not only would one have seen the water coming over, but would have heard it falling down, if it had come over the top of the bulkhead.

The Commissioner: Thank you. The evidence on this point is very small.

Mr. Laing: It is; there are about two men only, as far as I know, who speak to it. I read them to

your Lordship on the last occasion.

Sir Robert Finlay: I think your Lordship put this point to one of the witnesses within the last two or three days, I forget to which - I am looking for the passage. It is showing that there must have been some external lesion in this compartment.

The Commissioner: What is suggested to me is that possibly there was no external lesion in this No. 4 boiler room. The evidence seems to point to the fact that there was an external lesion.

Sir Robert Finlay: Yes; I think your Lordship put the point specifically. I will find the passage presently.

The Commissioner: Very well.

20958. (*Mr. Laing.*) So far as the height of the watertight bulkhead is concerned upon the "Titanic," as designed, how does that comply with the Board of Trade requirements, as indicated by their Bulkhead Committee Report? - The margin was about twice the margin suggested by the Bulkhead Committee.

20959. The "Titanic" was twice the margin suggested? - About twice.

20960. Is there any means by which you can compare Lloyd's Rules? - Lloyd's make no requirements as to floatation at all.

Sir Robert Finlay: I think it is at page 516. Your Lordship put it to Mr. Wilding on Friday last, at Question 20343. Shall I read it?

The Commissioner: Yes.

Sir Robert Finlay: "I thought the evidence pointed," your Lordship says, "to water coming in as far aft as No. 5? - (A.) No, my Lord; you will find it in Dillon's evidence. (*Mr. Rowlatt.*) I think No. 5 is the furthest place aft where we have any evidence of a wound in the side of the ship, but water from some source not quite explained was rising in No. 4 also. (*The Commissioner.*) If the water was rising in No. 4, it must, if the watertight bulkhead between 4 and 5 was holding, have been through some external means? - (A.) Yes. (*Mr. Rowlatt.*) Only we have not direct evidence of it. (*The Commissioner.*) But if the evidence is to be believed, that water was rising in No. 4, it follows that No. 4 was externally injured, does it not? (*Mr. Rowlatt.*) Yes, my Lord. (*The Attorney-General.*) I do not know that. (*To the Witness.*) Does it follow? - (A.) It follows, my Lord, because we know from the evidence that they were doing their best to pump out No. 4. If you remember, we have had evidence that they took pipes along," and so on. There is a good deal more of it.

The Commissioner: The suggestion made now is that it is possible that the water came over the bulkhead separating No. 4 and No. 5 boiler rooms.

Sir Robert Finlay: I do not think, speaking from memory, that is reconcilable with the evidence of Dillon and Cavell, who speak to its rising. They would have seen it coming over in a sort of cascade more or less violent.

20961. (*Mr. Laing.*) One last question about this matter of the Welin Davit Company. Have you made a careful search through the correspondence and records of your company to find out whether any such suggested plan as my learned friend, Mr. Scanlan, suggests, was submitted by Messrs. Harland and Wolff to Ismay, Imrie and Company? - Our secretarial department, which has charge of the letters, has made a most thorough search.

20962. With what result? - We can find absolutely no evidence, either in letters, notes or plan, that any such plan was submitted to Messrs. Ismay. We often mark a plan which is submitted to the owners as approved or condemned, and the plan made bears no mark.

20963. With regard to the advisability of increasing the number of lifeboats on ships of this class, have Messrs. Harland and Wolff formed any opinion whether it is better to increase the floatability or to increase the boats? - We have a very strong opinion.

20964. What is the opinion that you have formed? - We much prefer to increase the floatation

after damage.

20965. (*The Commissioner.*) If you could secure absolute floatation, you would not require any boats at all? - Except for collecting passengers from other ships.

20966. (*Mr. Laing.*) That is all I want, at all events - that your firm have formed that opinion and have expressed it to Messrs. Ismay? - And have expressed it.

20967. A question has been asked you by some of my learned friends about the desirability of carrying lifeboats in the forward well and after-well, or on the poop. I think you have told us already that you do not think that is a good place to carry them? - I do not.

20968. What are the reasons? - Boats, whether in the forward or after-well, are in the way of parts of the vessel where it is a good deal narrower, where her form is changing considerably. If there is any seaway, boats in that position are very difficult to launch and are not unlikely to be capsized. To both ends that applies. In addition to that boats in the forward well or forward of it are very liable to get damaged in heavy weather in winter; and boats in the after-well, and on the poop even, if they reach the water safely and are released safely from their falls, and all that sort of thing, are very near the big propeller blades, and a slight send of the sea might easily let the boat down on the top of the blades and smash her up.

20969. This vessel, I think, was fitted with the Morse system and with the submarine signaling apparatus? - With Morse flashing lamps, one on each side of the bridge; and also the submarine signaling apparatus in the fore-hold.

20970. Have you anything you can tell us bearing on the question of the advisability of fitting searchlights on a ship? - If you only want to look straight ahead of you, as, for example, in the Suez Canal, a searchlight is a very useful thing; but if you want to be able to see all round, for over a considerable arc, whilst objects in the way of the searchlights are well lit, it is much more difficult with a searchlight going to see boats that are not directly in its beam than if it is not lit.

20971. Do you think that a searchlight carried on a vessel such as the "Titanic" is likely to interfere with her coloured lights being seen by any vessel approaching her? - Undoubtedly. But of course if the searchlight is lit it would be a very conspicuous thing.

20972. Have you got a case in your mind where searchlights were tried on a steamer in the North Atlantic trade? - Yes; I know one case which I remember very well.

20973. Were they kept on or removed? - They were removed within twelve months.

20974. (*The Commissioner.*) Why? - I never really heard why. I believe from my memory of the statement made - it is a good many years ago now - that they were removed because they were found to be useless; but I would not like to be quite sure upon that.

20975. What ship were they used on? - The "City of Paris," as she then was, and the "City of New York."

20976. (*Mr. Laing.*) She is one of the American Liners? - They are two ships of the American Line.

20977. (*Sir Robert Finlay.*) In the passage I was referring to, as bearing on the question of No. 4, at the bottom of the first column on page 517, there is a word, I think, misprinted in the transcript. Perhaps Mr. Wilding will be able to correct it if it is wrong. It is in the answer to Question 20347: "From a calculation, which I will refer to in a moment, I cannot believe that the wound was absolutely continuous the whole way. I believe that it was in a series of steps." My recollection is that he said "stabs."

The Witness: I said steps.

Sir Robert Finlay: I took it down as stabs, and I thought "steps" was a mistake; but what follows makes it quite clear that "stabs" is what is meant, because it goes on; "and that from what we heard Barrett say in his evidence it was the end of one of the series of wounds which flooded the different spaces; that before the ship finally cleared the iceberg, as the helm was put

over, she would be tending to swing her side into the iceberg, and that a very light contact was made in No. 4”

The Commissioner: That again points to an external injury in No. 4.

Examined by Mr. ROWLATT.

20978. You said to my learned friend, Mr. Laing, that your view was that increased floatation was more desirable than increased boat accommodation, with a view to saving life in these big ships? - Yes.

20979. Do I understand that you propose to increase the floatation over the floatation that there was in the “Titanic”? - I think it would be a very desirable thing to do.

20980. Have you in mind how you propose to do it? - That is a matter that can hardly be answered offhand. It will have to be looked into, certainly.

20981-2. You are not prepared to say whether you will carry the bulkheads higher? - No.

The Commissioner: I understand the witness to say that, having regard to the circumstances of this case, he thinks that the object now ought to be, not to increase the lifeboats, but to increase the floatability.

Mr. Rowlatt: Yes, merely generally.

The Witness: Quite so.

The Commissioner: That is all, and it is quite obvious - speaking, of course, without consideration with the gentlemen with me - that if you can secure floatability - undoubtedly floatability - you do not want lifeboats, except, as Mr. Laing suggested, for the service of other ships which are not in your fortunate position.

20983. (*Mr. Rowlatt.*) We only wanted to know if he had anything definite in his mind. (*To the Witness.*) With regard to searchlights, I quite follow all you say about the disadvantages of searchlights. What do you say to this: Supposing a ship had a searchlight for use only when such a danger as ice was expected? - As I pointed out, the searchlight is only useful in one direction, and the question of whether you would run risks, for example, of derelicts, or anything of that sort, which the searchlight would not show up so well as it would an iceberg. Of course, a white iceberg would reflect any light from a searchlight falling on it exceedingly well.

20984. Do you say a searchlight would prevent your seeing a derelict which you otherwise would have seen? - I am afraid it would not assist you.

20985. It would not hide it, would it? - No - well, I do not know. I do not think it would.

20986. (*The Commissioner.*) Let me understand that. Do you mean to say that if a searchlight were directed on to a derelict, the searchlight would make the presence of the derelict plainer than it would otherwise be? - A derelict in the North Atlantic is floating pretty well in the water.

20987. I suppose it is? - And the amount of light it would be likely to catch would merely make it be mistaken for another wave crest, rather than a distinct and definite object. It would be something that just caught a flash of light as it rose and fell on the waves.

20988. (*Mr. Rowlatt.*) Would it be harder to see? - After all, that is really a question for a seaman.

20989. I understand that vessels that go through the Suez Canal are bound to have searchlights for use when they get there? - Yes, they are bound to have searchlights. It is usual to fit a vessel going through the Canal with a portable searchlight.

The Commissioner: What is the object of that? Why is it confined to the Suez Canal? I am told it is to pick the buoys up. I follow it now.

Mr. Roche: As a matter of indulgence, my Lord, might I have one answer from the witness with regard to a plan?

The Commissioner: Certainly.

20990. (*Mr. Roche - To the Witness.*) I had not an opportunity of following at close range your various plans, and it was a little difficult to do so, but I have had prepared by my clients, who are engineers, a little plan of the section given in the "Shipbuilder." Perhaps you can tell me whether that corresponds, broadly speaking, with your results. (*Handing a plan to the Witness.*) The bottom line is the draught of the ship as taken from your model? - Yes.

20991. The raised line is the line at the moment of sinking, and the result of that is that the water had not got into the engine room at the moment of sinking? - Pardon me; you say at the moment of sinking. There is still a good deal of the ship above water. But that condition approximately corresponds with the condition which is on the plan I put before his Lordship, which is called "Flooding by compartments," and which was indicated by a black line after No. 5 boiler room was flooded.

20992. Our results do approximately agree? - In general terms.

20993. That, I think, agrees, if you verify it, in another way, approximately with Mr. Lightoller's evidence that the bridge was awash practically at the last moment? - No, not at the last moment. The ship would float for some time - I think for ten minutes or a quarter of an hour after that - before the stern disappeared.

20994-5. (*The Commissioner.*) There are two or three questions I want to ask you. Can you give us the capacities of the peak tanks and of the ballast tanks? - Does your Lordship want the gross capacity or the capacity of each individual tank?

20996. The capacities of the peak tanks and of the ballast tanks. Can you give me the gross capacities of all the ballast tanks put together? - The total water ballast which could be carried in the ship was 5,754 tons.

20997. That is the ballast? - The water ballast, and that would include the tanks in the double bottom usually used for fresh water, which could be used for water ballast, if required.

20998. But it does not include the peak tanks? - It includes the peak tanks.

20999. Now can you give me the capacity of each of the peak tanks? - The forepeak tank, 190 tons, and the aftpeak tank, 115 tons.

21000. Have you formed any view as to the desirability of making the decks watertight? - Like the construction of the "Mauretania," there are points both for and against it. In this particular case there is no question that a watertight deck about or a little below the level of the waterline forward might have saved the vessel. Forms of accident that are just as likely to happen as this one might result in the space of such a watertight deck being flooded, and that would almost inevitably lead to an immediate capsizing.

21001. Then, on the one hand, it might be desirable, and, on the other hand, it might be fatal? - Quite right.

21002. Taking into consideration the pros and the cons, what do you say? Is it desirable to make the decks watertight at the top of the watertight compartments. The compartments are only watertight up to a certain height? - Certainly.

21003. They are not watertight at the top? - Certainly not.

21004. So that if the water fills the watertight compartment and the water still comes in, it overflows and gets into other parts of the ship? - It does.

21005. Taking into consideration the advantages and disadvantages, I would like your opinion as to the wisdom of sealing the watertight compartments by making the decks themselves watertight? - That is not quite the question that I was answering before, because I had in mind the deck lower down.

21006. I intended it to be the same. - I was referring to a deck lower down near the level of the waterline. You are mentioning a deck on the level of the top of the bulkheads.

21007. I am. Will you put aside the question I last asked you, and take my question in the sense in which you first understood it; that is to say, is it desirable that some of the decks should be made watertight so as to divide the watertight compartments - the compartment that is made watertight by the perpendicular bulkheads - laterally by watertight decks? - Your Lordship will remember I pointed out that there was one disadvantage that might sometimes prove fatal.

21008. Yes, which would cause the ship to capsize? - Certain forms of accident might cause the ship to capsize, as happened in the case of H.M.S. "Victoria" some years ago off the Coast of Syria.

21009. Then, do you think that it is not desirable to have watertight decks? - I would rather obtain safety if possible in some other way. It is a thing which depends so much on the circumstances of the whole design as put to you, that it is difficult to give a quite general answer.

21010. Did you ever consider the question with reference to the "Titanic"? - Never; and I would much prefer in a "Titanic" ship not to do it.

21011. You would? Can you give me generally your reasons - I do not want particulars - but generally what are your reasons. Is the danger of capsizing the main reason? - That is the main reason, and also the difficulty of securing satisfactory watertightness in a deck through which cargo has, in the normal course, to be worked.

21012. Now, will you answer my question as I understand it originally: Would there be any advantage or disadvantage in making the deck which is at the top of the watertight compartments watertight? - There are two points that your Lordship's attention should be drawn to in that. First of all, it is necessary to have large holes cut in the way of the boiler room and engine room to let the exhaust gases come away from the boilers and also to provide ventilation. Those holes are big holes; you cannot make the deck completely watertight; and then you would have to considerably extend vertically the casings surrounding those and make those casings watertight.

21013. Make them like funnels? - Make them like watertight funnels. In addition to that there is the question which applied to the lower decks, that a hatch through which cargo has normally to be worked is not an easy matter to keep satisfactorily watertight; and there is a further consideration - a purely commercial one - that if this deck is made watertight and is at such a height above the waterline as to secure floatation with any two compartments flooded, it renders valueless either for passengers or crew a very large proportion of the total bulk of the ship on which her earning power depends.

21014. I suppose it is right to say that the moment a ship ceases to be commercially useful she ceases to be a sea-going vessel at all? - Her type ceases to be built altogether.

21015. If vessels are made by different devices so secure that they cease to be commercially valuable, they cease to go to sea at all? - They do.

21016. Can you tell me what would be the disadvantages, from the point of view of working the ship, of carrying up the transverse bulkheads to C deck? - The most serious disadvantage in carrying the bulkheads up to C deck would be the difficulty of providing the necessary exits required by the Board of Trade from the third class dining rooms and similar places, and also from the crew's quarters, which are along "Scotland Road."

21017. Those are the disadvantages? - Those are the disadvantages. That is a disadvantage in meeting Board of Trade requirements - not any structural impossibility.

21018. Supposing the Board of Trade requirements were altered, would you then see any disadvantage in taking the watertight bulkheads up to C deck? - The only disadvantage would be a certain increase of difficulty in obtaining certain spaces, but I think it would merely become a difficulty to be overcome in the designing office and not a difficulty of any other sort.

21019. Then the real difficulty at present is that you would violate, or would not comply with, the requirements of the Board of Trade? - We should find it impossible with the present design to

comply with the requirements of the Board of Trade for ways out of the different spaces. Your Lordship asked for a list of the plans that we have submitted to the Board of Trade. Perhaps I may hand them in. (*Handing plans to his Lordship.*)

21020. This is a list of the plans submitted by you to the Board of Trade. Who was it that prepared the general arrangement plans of the ship? - The small general arrangement plans are prepared at the designing office by the staff employed there.

21021. Are they submitted to the Board of Trade? - They are not.

21022. Who prepared the structural plans to carry out the general arrangement? - They are again prepared in the designing office.

21023. Are they submitted to the Board of Trade? - At some stage or other, yes, they are supplied. You will find them as the sixth item on the list I have handed in, and they were submitted on the 3rd June, 1910.

21024. You have given me on this paper a list of the structural and other plans that were submitted to the Board of Trade? - I wired to Belfast to obtain the list, and your Lordship has there what they have sent me.

21025. Can you tell me what the action of the Board of Trade was after these plans were submitted? Did they criticise them or did they accept them? - We submitted the plans to them, and I think the situation is that they took no objection to them.

21026. I do not know what the procedure is. They would acknowledge the receipt of them? - That is right.

21027. After they had acknowledged the receipt, would you hear further from them at all with reference to the plans? - I am not quite sure, but my memory is that we did not.

21028. Then what happened to them at the Board of Trade you do not know? - I do not know. I think they were sent to the local Surveyor to be passed on to the head office.

21029. Where is the head office? - In London.

21030. Were they sent by you to the local Surveyor? - I believe so.

21031. Not direct to London? - I believe not.

21032. The Board of Trade will tell us this, no doubt, but can you tell me at present: Would it be the practice or the duty of the local Surveyor to forward them to the Board of Trade in London, or would it be for him to exercise his own judgment about them? - He usually applies to us for them at the suggestion of the head office in London and sends the plans to them. The head office ask him to obtain from the builders copies of the plans.

21033. Are they obtained as nautical curiosities, or are they obtained in order that they may be examined and criticised? - I understand they are obtained so that the Board can satisfy themselves that the ship will be satisfactorily built.

21034. Your information is that they do examine them? - I certainly believe so.

21035. Did you send these general arrangement plans and the structural plans for carrying out the general arrangements to the White Star Company? - No, they are not submitted to the White Star Company.

21036. They are satisfied with what you do, I suppose? - We are responsible for that part of the work. I may say, whilst you are asking whether the Board of Trade consider the plans, that I know in some instances the local Surveyor sends to London with the plans any criticisms or remarks he wishes to make.

21037. The reason I asked you was because you apparently do not recall any comment or criticism made by the Board of Trade upon the plans which you submitted? - There were a few comments and criticisms on minor matters as the ship was built, but not any general ones.

21038. That would be as the result of surveys made during the construction? - Quite right.

The Commissioner: I am not thinking of that at all. Thank you very much, Mr. Wilding; your

evidence has been of very great assistance to us.

(The Witness withdrew.)

LEONARD PESKETT, Sworn.

Examined by Mr. RAYMOND ASQUITH.

21039. Are you Naval Architect to the Cunard Company? - I am.

21040. Did you design or assist in designing the "Mauretania" and the "Lusitania"? - Yes.

21041. Before those ships were designed, did you carefully consider the question of bulkhead subdivisions? - Yes.

21042. Did you consider the question both of longitudinal divisions and of transverse divisions? - Yes.

21043. And was the result that you decided to combine the two systems in the "Mauretania"? - That is so.

21044. Have you a plan before you of the "Mauretania"? - Yes.

21045. In the "Mauretania" as you designed it there are transverse bulkheads - I think 13 in number? - That is so.

21046. How high do the highest of those bulkheads run up - to what deck? - The peak bulkhead goes to the B deck.

21047. That is the third deck. There is the boat deck, which is the highest deck, then A deck and then B deck? - That is so.

The Commissioner: Let me follow that. Is it marked on the plan?

Mr. Raymond Asquith: I do not think it is marked.

The Commissioner: There is the boat deck and then the promenade deck. Is that what you call A deck?

Mr. Raymond Asquith: Yes; and the deck below the promenade is B deck.

The Commissioner: It is called on this plan centre deck.

Mr. Raymond Asquith: That is so.

The Commissioner: Then is the upper deck called C?

Mr. Raymond Asquith: Yes.

The Commissioner: And the main deck is called D?

Mr. Raymond Asquith: That is right.

The Commissioner: And the lower deck is called E; and that is the end of them?

21048. *(Mr. Raymond Asquith - To the Witness.)* Going aft, all the other bulkheads go up only to C deck? - That is so.

The Commissioner: Then the bulkhead nearest the stem goes up to B deck, and that is the highest?

Mr. Raymond Asquith: Yes, that is the highest.

The Commissioner: All the rest go up to C deck. How many bulkheads do you say there are in those vessels?

Mr. Raymond Asquith: Thirteen transverse bulkheads.

The Commissioner: Which is the first going to the forward part of the ship? Is that the one that goes up to B deck?

Mr. Raymond Asquith: Yes.

The Commissioner: Then the next one is the one that goes up to the chain locker?

Mr. Raymond Asquith: I do not think they are lettered or numbered in any way on the plan.

The Commissioner: No, they are not, but I want to do it. The first is just aft of what is called the trimming tank?

Mr. Raymond Asquith: Yes.

The Commissioner: The next is just aft of what is called the chain locker?

Mr. Raymond Asquith: Yes.

The Commissioner: The next is just aft of No. 2 hold.

Mr. Raymond Asquith: Yes.

The Commissioner: The next is just aft of the cross bunker?

Mr. Raymond Asquith: Yes.

The Commissioner: The next is just aft of No. 1 boiler room?

Mr. Raymond Asquith: Yes.

The Commissioner: Is the next just aft of No. 2 boiler room?

Mr. Raymond Asquith: Yes.

The Commissioner: And is the next aft of No. 3 boiler room?

Mr. Raymond Asquith: That is right.

The Commissioner: The next is aft of No. 4 boiler room.

Mr. Raymond Asquith: Yes.

The Commissioner: The next is aft of the main engine room.

Mr. Raymond Asquith: Yes.

The Commissioner: Where is the next?

Mr. Raymond Asquith - To the Witness: Where do you say the next is?

21049. (*The Commissioner.*) The one I have just mentioned is aft of the main engine room, and that is No. 9. Is that the watertight bulkhead that is just aft of the condenser room? - Yes, that is the next one; the one abaft the condensing room only goes to -

21050. I see that it only goes up to the second class accommodation; but what I want to know at present is, is it a watertight bulkhead? - A watertight bulkhead.

The Commissioner: That is No. 10.

Mr. Raymond Asquith: No. 11, I think.

The Commissioner: No, No. 10.

Mr. Raymond Asquith: Counting the one that goes up to B deck as No. 1, that would be No. 11 - the one aft of the condenser room.

The Commissioner: No, it is not. We must begin again. No. 1 is aft of the trimming tank.

The Witness: Yes.

The Commissioner: No. 2 is aft of the chain locker.

Mr. Raymond Asquith: Yes.

The Commissioner: No. 3 is aft of No. 2 hold; No. 4 is aft of the cross bunker; No. 5 is aft of No. 1 boiler room; No. 6 is aft of No. 2 boiler room; No. 7 is aft of No. 3 boiler room; No. 8 is aft of No. 4 boiler room; and No. 9 is aft of the main engine room. Is that right?

Mr. Raymond Asquith: Yes, that is right. Your Lordship is quite right.

The Commissioner: Then No. 10 is aft of the condenser room.

Mr. Raymond Asquith: Yes.

The Commissioner: No. 11 is aft of the auxiliary machinery and mail room.

Mr. Raymond Asquith: Yes.

The Commissioner: Where is the next one?

21051-2. (*Mr. Raymond Asquith - To the Witness.*) Where do you say the next one is? - I do not quite follow that counting. If No. 11 is abaft of the auxiliary machinery room, you do not count the one at the fore side of the chain locker as No. 1; that is a transverse bulkhead up to a watertight deck.

21053. (*The Commissioner.*) Then you have allowed me to miss out the short bulkhead abaft No. 1 hold? - Yes.

Sir Robert Finlay: That had better be No. 1A.

The Commissioner: We will call that No. 1A. That does not even go up to B deck, but goes up to the Orlop deck?

The Witness: That is right.

The Commissioner: What is the next after No. 11?

21054-5. (*Mr. Raymond Asquith - To the Witness.*) What is the next after the one abaft of the auxiliary machinery? - The one on the foreside of the auxiliary steering gear. There are two there in reality, one before and one abaft the auxiliary steering gear that is carried along the watertight deck and carried up to C deck, watertight.

21056. (*The Commissioner.*) Then you call the bulkhead forward of the auxiliary steering gear a separate bulkhead? - It is up to the Orlop deck; but then the bulkhead which is continuous is the one abaft that again.

21057. I only want to know where you get your No. 13. We will call that 12, and then there is the final one, which is a bulkhead forward of the watertight trunk? - Yes, that is one watertight bulkhead, and another is the one abaft it.

21058. One abaft it? - I thought you alluded to the auxiliary steering gear.

21059. Is it marked on the plan as watertight? - I am not sure if it is marked. The thick lines represent watertight bulkheads.

21060. But there is no thick line aft of the watertight trunk? - No, not abaft that, but on the foreside only.

The Commissioner: I have got 14 now.

Mr. Raymond Asquith: Yes, I think that is so, counting the small one.

The Commissioner: I thought you said there were 13.

Mr. Raymond Asquith: So I understood.

The Commissioner: Now that you have introduced that small thing in the forepart of the ship and given it the number 1A, I have 14.

Mr. Raymond Asquith: That is so.

The Commissioner - To the Witness: Will you come round here and explain the plan?

(*The Witness explained the plan to his Lordship.*)

The Commissioner: I think I understand it now.

21061. (*Mr. Raymond Asquith - To the Witness.*) Now, will you go to the longitudinal divisions and explain what those are. They begin, I think, at the forward end of the engine room? - They begin at the afterend of the engine room and extend to the fore end of the No. 1 boiler room.

The Commissioner: Will you begin at the forward part?

21062. (*Mr. Raymond Asquith.*) Begin at No. 1 boiler room; that is where they begin forward, is it not? - Yes.

21063. And they run down each side of the ship to the afterpart of the engine room? - That is so.

21064. Between those longitudinal bulkheads and the skin of the ship are the bunkers? - Yes.

21065. Are there also small transverse bulkheads running between the skin of the ship and the longitudinal bulkheads dividing off the bunkers? - Those are also watertight.

21066. Those wing bulkheads are the ones which are marked on the top section in dotted perpendicular lines? - That is so.

21067. What is the space between each of those transverse wing bulkheads? - Not more than 40 feet in any case.

21068. (*The Commissioner.*) Who built these ships? - Messrs. Swan and Hunter built the

"Mauretania"; Messrs. John Brown and Company, Clydebank, built the "Lusitania."

21069. Were they built to tender or were they built as the White Star boats are built, upon the cost of material and labour, with an added percentage for profit? - That is so.

21070. Which way were these built? - On the same principle.

21071. (*Mr. Raymond Asquith.*) Then, if you go aft to the engine room, I see there is another longitudinal division in the part of the ship devoted to auxiliary machinery? - That is so.

21072. In addition to those longitudinal and transverse bulkheads, are there also some watertight decks? - Yes, there are watertight decks immediately above.

21073. Beginning again on the fore part of the ship, is there a watertight deck over No. 1 hold? - First of all, there is the watertight deck immediately above the trimming tank in the peak.

21074. And another one over No. 1 hold and the chain locker? - Yes.

21075. (*The Commissioner.*) Which deck was watertight? - In the peak tank it is on E deck; in No. 1 hold it is on F deck.

21076. Which is F deck; is that the Orlop deck? - The Orlop deck.

21077. (*Mr. Raymond Asquith.*) Going further aft, when do you come to the next watertight deck? - Aft of the transverse bulkhead No. 3.

21078. Between 3 and 4, is it? - That is so.

21079. Then you go further aft, to bulkhead No. 10? - Yes.

21080. The whole of that part of the ship from bulkhead No. 10 back to the stern is enclosed on the level of E deck with a watertight deck? - That is so.

The Commissioner: Where is that indicated on the plan?

Mr. Raymond Asquith: It is indicated by a black line drawn over the three aftermost compartments of the vessel in the profile plan, beginning at the transverse bulkhead No. 10 and running to the stern.

The Commissioner: It goes under the mail room, and under the stewards' accommodation.

21081. (*Mr. Raymond Asquith.*) Yes, that is the line. (*To the Witness.*) There is also a double bottom to the ship? - Yes.

21082. Carried up to a height of 8 feet above the bottom of the ship? - That is so.

The Commissioner: I think we have had that before.

Mr. Raymond Asquith: Yes, my Lord, we have. (*To the Witness.*) Will you give us your view about the comparative merits of the systems of longitudinal and transverse divisions?

21083. (*The Commissioner.*) You have a combination of both in those ships? - For ships of this class, I think that the transverse and longitudinal combined is best for all purposes, for very large ships.

21084. (*Mr. Raymond Asquith.*) That combination is best? - Yes, that combination is best.

21085. Were you in Court when Mr. Wilding was asked his views about some of the difficulties of longitudinal divisions? - Yes, I was.

21086. Did you hear him mention, I think, two difficulties, one of them being that there might be a tendency, if the ship was wounded at the side, for water to get in and cause a list, because there would be a difficulty in the water getting out again? - Yes, I heard that. That can be counteracted.

21087. In what way? - Supposing that any two compartments were flooded on either side, the opposite side could be filled in several ways; also you could flood the engine room and the compartment immediately abaft it; also the shaft tunnel aft.

21088. (*The Commissioner.*) But that is rather heroic, is it not? - There would be less trouble in doing that latter part than any of the other parts.

21089. (*Mr. Raymond Asquith.*) Have you made any experiments to see how far that is practicable? - No, no experiments have been made.

21090. Another objection which Mr. Wilding mentioned was that there had to be watertight doors in the bunkers and that these doors had to be open, of course, continuously during the voyage? - That is so.

21091. Do you regard that as an objection, or as a serious objection? - It is an objection, but not a serious one. The doors are all closed by hydraulic pressure, or rather all the principal doors are closed by hydraulic pressure on the Stone-Lloyd principle. The pressure is applied at the door frame; that is, the cylinder operating the door is adjacent to the frame, so that any distortion of the bulkhead does not interfere with the operation of closing the door.

21092. Are you speaking now of the doors in the bunkers? - Yes, in the principal bunkers the doors are closed by the Stone-Lloyd system, and also all the doors in the transverse bulkheads and all the doors in the machinery spaces - that is, referring to the engine spaces.

21093. Another objection which was mentioned to having these doors in the bunkers was that the coal dust and so forth might get into them and prevent their working effectively? - Inside the bunker doors are iron screens, which prevent very much coal from falling down, but where the hydraulic doors are fitted the coal on many occasions has been allowed to come to the angle of rest from a full bunker and the door has closed down through the lot. It has never been known to fail.

I was not putting to you that the coal might get in the way of the door and prevent it shutting, but that, owing to there being a lot of dust and grit about, the door might not work very easily.

21094-5. (*The Commissioner.*) It gets clogged? - The doors are constantly working, and we have never found any difficulty in closing the doors at any time.

21096. (*Mr. Raymond Asquith.*) You always find that they work quite easily? - Yes, quite easily.

21097. (*The Commissioner.*) How often do you close these doors? - This is, of course, a matter for our Marine Department, but when I have been at sea in the ships I know, as a fact, that the doors are closed every day at 12 o'clock.

21098. As a matter of precaution? - As a matter of precaution.

21099. (*Mr. Raymond Asquith.*) You were telling me about the system of the watertight doors. Are these watertight doors in the bunkers closed by an hydraulic system? - Not all. The principal doors are so closed. All the transverse doors are so closed, and all the large bunkers amidships are closed by the Stone-Lloyd system.

21100. Are you familiar with the Stone-Lloyd system of closing these doors? - Fairly familiar.

21101. Can you give us a general idea of how it works? - Yes. There are two pumps in the engine room, which are kept under a pressure of 700 lbs. per square inch; and pipes are led to the various doors along the centre of the ship and can be operated and the doors can be closed from the bridge, and they can be opened and closed locally. That is, if a man is inside a bunker or inside a confined space, he can work the door just as well from the inside as from the outside; but the door cannot remain open if the pressure is on from the bridge.

21102. But if the pressure is not on from the bridge, then it can be raised by hand? - Yes, raised and lowered by hand. I might add that all these doors are operated from the top deck; that is compulsory by the Board of Trade. They are geared up by rods and gearing to the upper deck.

21103. Are you speaking still of Stone-Lloyd doors? - Yes, I am speaking of all doors. All doors which are below the waterline are worked from the upper deck.

21104. If the pressure is not on from the bridge doors can be raised from any point? - They can be raised and lowered locally.

21105. (*The Commissioner.*) What is it you say obliges you to have all these doors moved from the upper deck? - The Board of Trade compel us not to rely upon any method other than that of gearing from the top deck.

21106. Is that a printed requirement? - I think so.

21107. Are you able to refer me to it? - I do not know that I can here, I shall have to look it up; but I know we are compelled by the Board of Trade to do that.

21108. What I want to know is, is it something that they require under their rules? - Yes.

21109. Or is it something that they require you to do by correspondence or criticism upon the plans. Is it something to be found in the rules? - I think it is found in the rules, but I am not sure.

21110. Perhaps between now and 2 o'clock you will find out, so that I can see it when I come back? - I will, my Lord.

(After a short adjournment.)

21111. *(The Commissioner.)* Have you found the rule? - Yes.

21112. Show me what it is? - It is on page 10 of the Regulations issued to Surveyors. *(Handing same to the Commissioner.)*

21113. This is not quite what I wanted, Mr. Peskett. I understood you to say that there was a rule which required that these watertight doors in the bulkheads could be worked by hand gear from the upper deck? - That is so.

21114. This does not say anything about hand gear? - It says it is to be worked from the upper deck.

21115. Yes, that is just the difference. The watertight doors in the bulkheads of the "Titanic" below the waterline were automatically worked from the bridge, were they not? - I believe so, my Lord.

21116. By electric gear? - By electric gear.

21117. Now, where is there anything in these rules which says that they must also be workable by hand gear? - I do not know. I did not know that the Board of Trade would allow them to be worked in any other way than by hand gear - worked by rods and gear.

21118. I am pointing out to you that this requirement which you have referred me to says nothing at all about hand gear? - I do not see how they could be worked in any other way from the upper deck.

21119. But they were in the "Titanic"? - I understood, I have not examined that, that that merely relates to a clutch, but did not work it. If the clutch did not work the door would not work.

21120. But that releases the clutch, and then the doors close automatically. Is not that so? - I would like to ask whether that door is not also operated by a rod and gear from the upper deck.

Sir Robert Finlay: It is.

21121. *(The Commissioner.)* But is that what you meant when you were giving your evidence before lunch? I thought you meant that there was a requirement of the Board of Trade by which these watertight doors were to be capable of being worked by hand gear as distinguished from electric gear, or whatever the gear is that worked it on the "Titanic"? - It may not be worded in that way in that particular book, but that is a requirement of the Board of Trade, that they will not allow you to work a door by any other means than hand gear. That must be one of the gears to work the door; it must be by hand gear from the upper deck.

21122. Then can you account for the Board of Trade having passed the plans for the "Titanic"? - I cannot account for that.

Sir Robert Finlay: Your Lordship recollects that those doors may also be opened and closed by hand. The lowest set of doors are closed from the bridge by pressing the button for the electric current, and then they may also be opened and closed by hand unless they have been shut from the bridge, in which case they could not.

The Commissioner: But the question is whether they can be worked from the upper deck by hand gear.

Sir Robert Finlay: No, except by the electric current.

The Commissioner: That is not what I call hand gear. That is the point. It may be quite immaterial, and I daresay it is, but I did not understand the witness. I gathered from what he said before lunch that there was a Board of Trade requirement by which these doors were to be workable from the upper deck by hand gear. Now, I do not find anything in the rule that he has given to me to support that statement.

Sir Robert Finlay: I do not think there can be any such rule, my Lord.

The Commissioner: And if there were any such rule, I cannot understand how the Board of Trade came to pass the plans.

Sir Robert Finlay: Except, my Lord, working by the electric switch from the bridge is another matter.

The Commissioner: Yes, that is another matter, and if you call the electric switch hand gear, then, of course, there is hand gear on the upper deck. I do not call that hand gear.

Sir Robert Finlay: I did not understand your Lordship to be using the expression "hand gear" in that sense, as including the electric switch.

21123. (*The Commissioner.*) I was not. I was regarding the two things as different. (*To Mr. Wilding.*) Were there any contrivances by which the doors could be worked from the upper deck by hand gear?

Mr. Wilding: Yes, my Lord.

21124. What were they, because I have heard nothing of it?

Mr. Wilding: There was a rod going down as nearly vertical as possible to the door. The rod had on its lower end a worm, and that was geared into a worm wheel on the door shaft, and the door could be lowered or raised by that means.

21125. (*The Commissioner.*) Oh, well, that is hand gear.

Mr. Wilding: Hand gear entirely, my Lord

21126. (*The Commissioner.*) What deck was that hand gear workable from?

Mr. Wilding: From two positions, one down beside the door itself, and the other from the deck above the top of the watertight bulkheads.

21127. (*The Commissioner.*) There was no hand gear that could be worked from the upper deck.

Mr. Wilding: It was D deck aft and E deck forward, but not from the bridge.

The Commissioner: Then it depends upon what the "upper deck" means.

Sir Robert Finlay: If your Lordship will look at page 14 of the descriptive statement that Mr. Wilding has handed in, it is in the portion of the statement beginning "Watertight doors," if I may read a sentence or two: "The doors (12 in number) at the inner bottom level in engine and boiler room spaces were of Messrs. Harland and Wolff's latest type, working vertically. The door plate was of cast iron of heavy section, strongly ribbed. It closed by gravity, and was held in the open position by a clutch, which could be released by means of a powerful electro magnet controlled from the Captain's bridge, so that in the event of accident, or at any time when it might be considered desirable, the Captain or officer on duty could, by simply moving an electric switch, immediately close all these doors. The time required for the doors to close was between 25 and 30 seconds. Each door could also be closed from below by operating a hand lever fitted alongside the door."

The Commissioner: That is not what is meant.

Sir Robert Finlay: No. Then I need not read about the floats, but if your Lordship will go on to the paragraph next but one you will see: "The watertight doors on E deck (upper) were of

horizontal pattern with wrought steel door plates. Those on F deck (middle) and the one aft on the Orlop deck were of similar type, but had cast iron door plates of heavy section strongly ribbed. Each of the 'tween deck doors and each of the vertical doors on tank top level could be operated by the ordinary hand gear from the deck above the top of the watertight bulkhead."

21128. (*The Commissioner.*) Is that a deck which would be described as an upper deck?

The Witness: May I explain the upper deck is always considered by technical people to be the deck immediately above the watertight bulkheads.

The Commissioner: Then this does comply with it?

Sir Robert Finlay: "Above the top of the watertight bulkhead and from a position almost directly above the door. To facilitate the quick closing of the doors from deck, plates were affixed in suitable positions on the sides of the alleyways indicating positions of the deck plates, and a box spanner was provided for each door, hanging in suitable clips alongside the deck plate."

The Commissioner: That is sufficient.

Sir Robert Finlay: Your Lordship sees it results as to closing them from the bridge that the only method was by the electric switch.

21128a. (*The Commissioner.*) I will read this to the witness. Just listen, Mr. Peskett: "Each of the 'tween deck doors and each of the vertical doors on tank top level could be operated by the ordinary hand gear from the deck above the top of the watertight bulkhead, and from a position almost directly above the door." Would that be the hand gear to which you refer? - That is so, my Lord.

The Commissioner: Very well, we need not go any further into it. Apparently the "Titanic" was furnished with machinery of the kind required by the Board of Trade.

Mr. Laing: If I may just complete this, I think I have found the passage the witness refers to in the Board of Trade Regulations. It does not really appear in the Board of Trade Regulations, but it appears in the report of the Bulkhead Committee, which Mr. Wilding said was treated as being the official Board of Trade requirements, and it says this: "A watertight door may be self-acting, or otherwise should be workable from above the bulkhead deck." [Cd. 6405, 1891.] That is the point this gentleman was on.

The Commissioner: That is synonymous with the upper deck.

21129. (*Mr. Raymond Asquith.*) There are 69 watertight doors on the "Mauretania"? - That is the number.

21130. Are 10 of those above the waterline on the main deck, one on the lower deck? - That is so.

21131. Are those on the main deck all closed by hand? - Yes, they are hinged doors.

21132. And only by hand? - Only by hand.

21133. That leaves 58 other doors? - Yes.

21134. And 36 of those 58 are closed either by hand or by the Stone-Lloyd hydraulic system? - Yes.

21135. There is one question I want to ask you about the Stone-Lloyd system, because I am not sure it was made clear before lunch. I think you said if the hydraulic doors were closed from the bridge, it was impossible to open them locally? - It is impossible to keep them open locally, is what I meant to say.

21136. Supposing they had been closed from the bridge, would it, or would it not, be possible for a person down below to open them on the spot? - Yes, but not to keep them open. If a man was inside a compartment he could open the door and get out, and the door would immediately close again all the time the pressure is on from the bridge.

21137. You mean in order to keep it open he would have to hold on to the lever or handle? -

Yes.

21138. And as soon as he let go, the thing would close automatically? - Yes.

21139. With regard to the question of having watertight decks, first of all watertight decks of a comparatively low level in a ship, and secondly on a higher level, what do you say as to the advantages or disadvantages of having a watertight lid or roof at some fairly low point in the vessel? - The advantages of a watertight deck in the lower position would be that if damage occurred below the waterline it would confine the water to that place; and if above the waterline you could tip the ship, and allow the water to go in aft, and so get at the damage in that way.

21140. (*The Commissioner.*) It seems to be a sort of homeopathic cure. You cure one misfortune by creating another? - Not exactly, my Lord.

21141. (*Mr. Raymond Asquith.*) It has been suggested that there would be a danger of the ship capsizing if the water got in above the level of the watertight deck? - That would depend entirely upon the subdivision.

Do you think there could be a system of subdivision which would enable such a watertight deck to be of use?

The Commissioner: Are there any watertight decks here, Mr. Asquith?

Mr. Raymond Asquith: Well, my Lord, there are in a way. The three after compartments, your Lordship will remember, are covered over by a watertight deck.

The Commissioner: That is in the afterpart of the ship.

21142-3. (*Mr. Raymond Asquith.*) Yes, and similarly in the forward part of the ship, I think. (*To the Witness.*) Have you yourself ever considered the advisability, in constructing ships that you have built of having a continuous watertight deck? - Yes.

21144. What conclusion have you come to? - The conclusion we have come to is we are doing so on the ships we are building now.

21145. (*The Commissioner.*) But there was not such a thing on the "Mauretania"? - Not a continuous watertight deck. There is only one hold there forward which has not got a watertight deck.

21146. That is above No. 2 hold? - That is above No. 2 hold. Of course, the deck of itself is of sufficient strength and watertight, with the exception that water would come up the hatchway there.

21147. (*Mr. Raymond Asquith.*) When you say a "continuous watertight deck," I suppose there would have to be some interruption over the engine room? - The casings there would have to be made watertight - the casings round the hatchway.

21148. (*The Commissioner.*) Then you would have all the engineers in a watertight box? - They would be able to come up on deck in watertight hatchways, yes, on the top deck; that is quite an easy matter.

21149. Is it? Is it usual to have the engine space sealed at the top of the watertight deck? - No; you would take that right to the top deck watertight - the hatchway itself.

21150. You have not got it on the "Mauretania" or the "Lusitania"? - They are watertight in that way, that there is no position in which any two compartments being flooded could bring the bulkhead sufficiently low so as to let the water come over the top; and the engineers' entrance to the engine room is on the weather deck.

21151. Which do you call the weather deck? - The entrance to the engine room of the "Mauretania" and "Lusitania" is on the C deck.

21152. Looking at this plan, it does not appear now that the main engine rooms have any watertight seal - by sealing I mean above the E deck - what I call the E deck, which is on your plans called the lower deck? - The transverse bulkheads are shown watertight there, and the deck with passes at the side is also shown watertight.

21153. But the E deck? - The E deck is shown watertight, but the decks themselves are watertight into the hatchways. The hatchways might also have been shown there to be watertight.

21154. They are shown. Is there any watertight seal above the engine room? - Not above the engine room hatch; certainly not.

21155. If you had a continuous watertight deck you would have to have it watertight above the engine room, would you not? - Not if it took it right to the top of the ship? - Watertight casings.

21156. However, you say you are building such a ship now. Has she got a name yet? - The "Aquitania".

21157. Does she take the place of some previous "Aquitania"? - No, my Lord.

21158. Was there never an "Aquitania" before? - Not in the Cunard Company; I have never heard the name before.

21159. (*Mr. Raymond Asquith.*) What is the length of the continuous watertight deck on the "Aquitania": would it extend to the level of what is called E deck on this "Mauretania" plan? - It would be a little higher, of course, the construction is different.

21160. A little higher in relation to the general structure of the ship? - Yes.

21161. And then, I understand, when that continuous deck gets to the engine room the transverse bulkhead abaft the engine room is carried right up to the top of the ship? - The engine room does not extend the full width after you get in this ship above D deck. Then the openings are comparatively small above that, and those are usually made watertight.

21162. (*The Commissioner.*) Do you make the hatches in the deck watertight now? - Up to the level of the top of the bulkheads.

21163. Are they watertight in the "Mauretania"? - Yes, all the hatches and all the main deck for 400 feet amidships is watertight also.

21164. For instance, in No. 1 hold are the hatchways watertight? - No. 1 hold in the "Lusitania" and "Mauretania"?

21165. Yes? - The hatchway on the deck which is shown watertight is a watertight cover secured by screwed bolts and rubber between the hatchway and the cover.

21166. (*Mr. Raymond Asquith.*) With regard to the last point, it has been said that there is great difficulty very often in keeping the place watertight when cargo has to be put into it and taken out of it constantly. Have you experienced that difficulty in the "Mauretania"? - Not any difficulty in the "Mauretania," no.

I will go back for a moment to the new design on the "Aquitania."

The Commissioner: Who was it suggested that it was difficult to keep the hatchways watertight by reason of having to open them?

Mr. Raymond Asquith: I understood Mr. Wilding suggested that.

21167. (*The Commissioner.*) Did you suggest that, Mr. Wilding?

Mr. Wilding: I suggested that it was difficult to keep the deck watertight because it is difficult to keep the hatch cover which covers the hole watertight when cargo is worked through.

21168. (*The Commissioner.*) When cargo is being worked?

Mr. Wilding: No, but when cargo is being worked through it. The hatchway flaps gets knocked about and abused, and it is very difficult to keep it watertight after that. We have had some experience with small covers of that sort.

21169. (*The Commissioner - To the Witness.*) What do you say to that? - The "Mauretania" and "Lusitania" carry nothing but very light parcels, and all mail boats are similar in that respect, so that there is practically no damage to the hatchway.

21170. Does that mean that if she were carrying heavy goods the difficulty which Mr. Wilding suggests might arise? - It might arise with some construction, but I have known ships where there is no difficulty arising from that.

21171. Who is to decide between you and Mr. Wilding? Are you making any changes in your new ships in respect to watertight hatchways? - The general details of the watertight hatches have not yet been worked out.

21172. But do you propose to make any change? - No, I think not. It may be we may do it in a different way altogether.

21173. You are not considering any change? - No, at present we are not considering any change.

21174. (*Mr. Raymond Asquith.*) When were these ships built, the "Mauretania" and the "Lusitania"? - They have been out about five years.

21175. They have been on trial for five years? - They have been out about five years.

21176. You were telling us when I think I interrupted you with another question, that in your view the danger which has been spoken of, of capsizing owing to water getting in above the watertight deck, could be sufficiently met? - I think so.

21177. Is that your view? - That is my view, yes.

21178. And are you making arrangements in the "Aquitania" with that object? - Yes.

21179. The arrangements I think you said were in the nature of a transverse subdivision? - Transverse and longitudinal. Of course, the points are in favour of transverse subdivision just as much as they are in favour of these - that is, for ordinary ships; but for large ships I would advocate this, from the point of strength of construction, for docking, and for general protection.

21180. I am speaking now of the level above the watertight deck. Are there both transverse and longitudinal divisions in the new designs you speak of? - Oh, yes.

21181. Above the level of the continuous watertight deck? - Yes. I might also add that the new German ships are being built upon the same system.

21182. (*The Commissioner.*) Will you speak up. I do not hear you? - The new German ships are also being built on the same system as the "Mauretania" and "Lusitania."

21183. (*Mr. Raymond Asquith.*) Have you ever considered the other suggestion that there should be a continuous watertight deck higher up still in the ship? - We have not considered that yet, no.

21184. Do you agree with Mr. Wilding's view that that would be commercially unworkable? - Well, it would be difficult. To do that you would need to take the bulkheads right to the top and bring out every compartment separate to the top, and you could not work that very well with passengers.

21185. And I suppose you could not keep your passengers underneath, in fact you could not keep any of them underneath the continuous watertight deck? - No, there would be practical difficulties.

21186. Therefore there would not be very much room to carry people? - That is so.

Mr. Scanlan: I do not know whether your Lordship would think it would be useful to ask this witness with regard to the boats. That is the only point.

The Commissioner: Are you asking me?

Mr. Scanlan: Yes, my Lord.

The Commissioner: Very well, then I should advise you not to ask him. I have heard nearly enough about boats I think.

Mr. Scanlan: I agree, my Lord.

The Commissioner: Very well, I am delighted to hear that.

Examined by Sir ROBERT FINLAY.

21187. Did you design these vessels, the "Mauretania" and the "Lusitania"? - I had a great deal

to do with it. The design was spread over a large number, but I was responsible.

21188. You were in the office? - Yes, I am the naval architect for the company.

21189. Very well. Now are there any other British ships afloat on the plan of the "Mauretania" and "Lusitania"? - No, not that I am aware of other than warships.

21190. I am speaking, of course, of merchant vessels. Those are the only two of the type? - The only two of the type, yes, that I am aware of.

The Commissioner: I daresay you are going to ask him how that arises that those are the only two of the kind.

21191. (*Sir Robert Finlay.*) Yes. (*To the Witness.*) Were the "Mauretania" and "Lusitania" built in order that they might be auxiliary cruisers in case of war? - That is so.

21192. And that is how they came to be built of this type? - No.

21193. Well, partly? - Well, partly that; but the Admiralty did not press that that should be so.

21194. But still that was regarded as a recommendation? - As a recommendation, yes; but they did not put it forward as an absolute law that it should be so.

21195. Surely if a vessel is to be used for the purposes of a war vessel it is a great advantage that she should have this protection at each side against shot and shell? - That is so, yes.

21196. For a vessel that is to be a cruiser it is a very great advantage? - Yes.

21197. Was not that one reason for adopting this plan? - One of the reasons.

21198. Are there any foreign vessels afloat that you know of which are built like the "Mauretania" and "Lusitania"? - None that I know of.

The Commissioner: I did not hear that.

21199. (*Sir Robert Finlay.*) I asked him whether there were any foreign vessels - my first question was as to British vessels - and he says there are none afloat that he knows of? - Other than the "Imperator," which was launched the other day.

21200. She is afloat in a sense, but she is not completed? - Not completed, no.

The Commissioner: Are the steamers of the Norddeutscher Lloyd and the Hamburg-Amerika built so that they may be utilised in time of war?

21201. (*Sir Robert Finlay - To the Witness.*) What do you say to that? - I could not answer that question, my Lord. I think their principal mail boats are built with that intention.

21202. Now with regard to counteracting the list which might arise from the longitudinal watertight compartments; you propose to do that by a system of counteracting flooding on the other side? - That is so, yes.

21203. That is a rather ticklish operation, is it not? - No.

Well, you say no in a doubtful sort of way.

21204. (*The Commissioner.*) You do; you say it in what I call a speculative tone of voice. Have you ever known it put in practice? - I have never known it, no. I hope not.

The Commissioner: Well, I hope not too.

Sir Robert Finlay: I think that is all I need ask.

Mr. Laing: May I put one or two questions?

The Commissioner: Whom do you represent now?

Mr. Laing: My Lord, at the moment I am representing Messrs. Harland and Wolff.

The Commissioner: Oh, very well.

Examined by Mr. LAING.

21205. How many watertight doors have you on your tank top? - I suppose you refer to the bulkhead doors immediately above the tank top?

21206. Yes, that is what I mean - 49, is it not? - Not quite that; they are not all above the tank

top. There are 48.

21207. How many out of those are automatic? - Are closed by hydraulic pressure?

21208. Yes. - Thirty-six.

21209. That does not agree with your colouring of red on the plan. However, I will not take up time. There are a large number, are there not, which have to be operated by hand only? - Yes.

21210. About 22, my calculation was? - Yes, 22.

21211. Were the "Mauretania" and the "Lusitania" built on the two-compartment system? - Yes.

21212. They are designed to float with two compartments flooded? - Yes.

21213. Just the same as the "Titanic"? - Yes; they will float with more.

21214. It is a little misleading, my Lord, the deck arrangements are not quite the same on the "Mauretania" as they were in the "Titanic." I want to check it in this way. I think I am right. If you take your waterline, which is on that plan, is your No. 1 bulkhead four decks above the waterline? - Four deck, yes.

21215. The "Titanic" is the same? - I am not familiar with the "Titanic."

21216. I have been looking at it on the plan. And your No. 2 bulkhead; is that three decks above the waterline? - Three decks above the waterline, yes.

21217. The "Titanic" is four. And the after ones until you came right aft, are they all three decks above the waterline? - All three decks above the waterline, yes.

21218. The "Titanic" is the same. I think, my Lord, the result of that is that the C deck of the "Mauretania" is equivalent to the E deck of the "Titanic."

The Commissioner: Is that quite clear; I am told there is a doubt about that.

Mr. Laing: Until you get right aft, the watertight bulkheads in the "Titanic" come up to E deck. The two forward ones are higher.

The Commissioner: The C deck in the "Mauretania" is higher above the waterline than the E deck in the "Titanic"?

Mr. Laing: We say they are the same.

The Commissioner: It is suggested to me that C deck is higher above the waterline in the "Mauretania."

Mr. Laing: As far as decks go, counting the decks.

The Commissioner: We are not counting the decks. I do not know whether the spaces between the decks are the same in the two boats?

21219. (*Mr. Laing.*) I do not know, my Lord.

The Witness: May I suggest the heights be given above the base line when a comparison is to be made - the base line to the bottom of the keel. That is the only fair comparison; "decks" are not a fair comparison.

The Commissioner: I should have thought the proper way to ascertain it was to ask what is the height above the waterline.

21220. (*Mr. Laing.*) I have been taking decks; I have not taken it in heights. (*To the Witness.*) Do you know sufficient of the plan of the "Titanic" to know whether the heights between the decks are the same as on your ships? - No, I have never measured.

The Commissioner: We were told the heights were 8 feet, were we not? I am told they vary.

21221. (*Mr. Laing.*) Yes, my Lord.

The Witness: The heights above the waterline are these: Taking the waterline to be 33 feet, the height of No. 1 bulkhead is 34 feet above the waterline, and taking the No. 2 bulkhead 23 feet above the waterline; the next ones, 22 feet, 20, 19, 17, 17, 17, 18, 19, 22.

21222. That is fore and aft? - That is fore and aft, my Lord.

21223. (*The Commissioner.*) I want to ask you two or three questions. We know how the

"Titanic" was built; it was designed by Harland and Wolff and built practically by them without any control by the White Star Company? - Yes.

21224. But the "Lusitania" and the "Mauretania" were designed by the Cunard Company? - That is so; principally by them.

21225. Principally by them, and the builders were directed by them to build according to their design? - Yes, my Lord.

21226. Now were the plans for your two boats submitted in the ordinary way to the Board of Trade? - They were submitted to Lloyd's and from Lloyd's I believe to the Board of Trade.

21227. They were submitted to Lloyd's? - They were submitted to Lloyd's.

21228. And they were also submitted to the Board of Trade? - Yes, I believe so.

21229. Were they also submitted to the Admiralty? - They were done in conjunction with the Admiralty people.

21230. Very well. Then they were boats which were designed according to the desires or requirements of the Admiralty? - Up to a certain extent, yes.

21231. Did that extent include these watertight bulkheads that you have talked about? - The longitudinal bulkheads?

21232. Yes? - No, my Lord.

21233. Did those requirements include the transverse bulkheads? - The transverse bulkheads, yes.

21234. That is the peculiar feature of those two boats? - Yes.

21235. Let me understand. Which bulkheads was it the Admiralty stipulated for? - The Admiralty did not stipulate for any bulkheads as long as it passed the Bulkheads Committee's requirements with regard to two compartments.

21236. What Bulkheads Committee are you talking about? - 1891.

21237. Yes; but I am talking about the Admiralty. What was it that the Admiralty required to be in this ship, in connection with bulkheads, which would not have been required by the Board of Trade by Lloyd's? - I do not quite follow that.

21238. Well, were there any bulkheads, or was there any provision for bulkheads, in the "Mauretania" or the "Lusitania" which would not have been there if these boats had not been built for Admiralty purposes? - No, my Lord, there were no such bulkheads. They would have been built just the same whether built for the Admiralty or not, only the plans were duplicated to the Admiralty and received their approval. A great many people have to do with it.

21239. What I want to know is this: Did you put in the design for watertight bunkers? - That was in the original design before it was sent out at all - before the Admiralty was considered.

21240. When were you building these vessels with reference to the Admiralty at all? - The connection with the Admiralty came on after the original designs were first prepared.

21241. Then am I to understand that the arrangements which you made with the Admiralty were not contemplated at the time these vessels were designed? - In the original designs, no.

21242. And did the original designs include these side watertight compartments? - The original designs contained them. The ships were not quite as big as they were afterwards decided to be, but the side bunkers were a part of the original design.

21243. When did you first introduce the side watertight bunkers? - On the "Mauretania" and "Lusitania."

21244. Then they are only five years old? - That is all.

21245. Before that you had no such things? - No.

21246. And these two boats are, as I understand, the only two boats which have been subsidised by the Admiralty with the object of possibly utilising them as cruisers? - That is so.

21247. Is it the fact that the Admiralty have control over any other of your ships? - They have

not so much control over the other ships as they have over these two.

21248. Just tell me what the nature of the arrangement between you and the Admiralty is? - That, I think, is a question for the management to answer, my Lord.

21249. You are unable to answer it - I will not press you if you would rather not? - I am not able.

21250. Have you made any calculations to show the effect of flooding compartments, either bunkers at the side or forward? - Yes.

21251. You have made calculations? - Yes, such calculations were made long before the ship was started.

21252. So I should have thought. Have you them here? - No, I have not them here.

21253. Could you get them? - They could be obtained; yes.

21254. Perhaps you will get them for us? - Yes.

(The Witness withdrew.)

Mr. Butler Aspinall: I propose at this stage to interpose Mr. Carlisle, to whom reference was made last week.

The RIGHT HON. ALEXANDER MONTGOMERY CARLISLE, Sworn.

Examined by Mr. BUTLER ASPINALL.

21255. I believe you have come here in compliance with the wish of the Solicitor of the Board of Trade, but you preferred not to make a statement to them officially? - That is so.

21256. Were you a member of the Advisory Committee which sat in 1911? - Yes, I was at two of their meetings.

21257. And I believe that one of the subject matters before that Committee was the question of boats and additional boats to meet the large ships which have recently been put upon the seas? - Yes.

21258. Now last week the attention of the Court was called to an interview which purports to be an interview between you and some representative of the "Daily Mail," dated Thursday, June the 6th. Have you seen a copy of that interview? - I do not think so.

21259. *(The Attorney-General.)* No, April the 18th? - April the 18th.

21260. *(Mr. Butler Aspinall.)* I see it is reprinted; it was April the 18th? - Yes, that is correct.

21261. I got what was reprinted. Did such an interview take place? - Yes.

21262. And have you read what purports to be an interview between you and the representative of the "Daily Mail"? - Yes.

21263. Is it correctly reported in the "Daily Mail"? - I consider it so.

21264. And are the statements of fact attributed to you in that report correct? - I believe so.

21265. As I say, I have had no proof of your statement from you. I believe you would prefer to make a general statement to my Lord with regard to that matter. Is not that so? - Well, whatever you like. I am quite prepared to do whatever you like.

The Commissioner: Mr. Aspinall is in the position that he does not know what he likes.

21266. *(Mr. Butler Aspinall.)* I will assist you if I can. Perhaps I might direct your attention - I am quite prepared to make a statement or answer any questions in connection with that, whichever you like.

21267. I will direct your attention to statements in the interview which were suggested and

cross-examined to, in the case of one or more of the witnesses who were called. This is the statement: "When working out the designs of the 'Olympic' and the 'Titanic' I put my ideas before the davit constructors, and got them to design me davits which would allow me to place, if necessary, four lifeboats on each pair of davits, which would have meant a total of over 40 boats. Those davits were fitted in both ships, but though the Board of Trade did not require anything more than the 16 lifeboats 20 boats were supplied." I will stop there for one moment. The paragraph opens thus: "When working out the designs of the 'Olympic' and the 'Titanic.'" At that time did you occupy a position in the builder's firm? - I was chairman of the managing directors and general manager of the whole works.

21268. At the present moment I think you have retired from business? - I retired on the 30th of June, 1910.

21269. Did you take part in working out the designs of the "Olympic" and the "Titanic"? Deal with the "Titanic." - Yes, they were entirely designed practically by Lord Pirrie. The details, the decorations, the equipments, and general arrangements all came under me.

21270. Did you put your ideas before the davits constructors? - I did.

21271. Who would that be? - Welin's Quadrant Davit Company.

21272. And the paragraph goes on thus: "I put my ideas before those gentlemen and got them to design my davits which would allow me to place, if necessary, four lifeboats on each pair of davits, which would have meant a total of over 40 boats." Have you got those designs? - Yes.

21273. Have you got them with you? - Yes.

21274. Will you produce them? - Yes. (*Handing the same to the Commissioner.*)

21275. (*The Commissioner.*) Where did you get them from? - From the davit constructor. We made a rough design in Belfast ourselves, and then I sent it to him to draw the kind of davit he would recommend, seeing that prior to that he had designed one for the Union-Castle Line to carry two boats.

21276. Is that the same design as the smaller one? - The first you have in your hand was got out about the middle of the year 1909. That was the original thing before the plan was made.

21277. Which was? - That small one. That is the one for consideration which I put before Lord Pirrie and the directors of the White Star. Then when I pointed out that I expected the Board of Trade and the Government would require much larger boat accommodation on these large ships, I was authorised then to go ahead and get out full plans and designs, so that if the Board of Trade did call upon us to fit anything more we would have no extra trouble or extra expense.

21278. You would be ready to go on with it? - Yes.

21279. How many boats does this represent? - That represents 32 boats - 16 doubled. There they are as fitted in the Union-Castle Line. That was done in 1909. That was on the "Edinburgh Castle," I think. (*The Witness pointed on the plan.*) When I saw that one I thought we would improve upon that, and this is the plan I got out.

(*The Witness explained the plan to the Commissioner.*)

21280. (*The Commissioner.*) What I understand Mr. Carlisle to say is this: He was of opinion, or thought it possible, that, having regard to the size of the "Titanic," the Board of Trade might require greater lifeboat accommodation; and he mentioned this to Lord Pirrie and to other people connected with Messrs. Harland and Wolff, and he was then told to prepare plans for the installment of larger lifeboat accommodation, and he accordingly prepared this plan. Now this plan provides for, as I understand, four boats upon one set of davits. (*To the Witness.*) Is not that so? - Yes.

21281. Later on he prepared another plan, which is this, which provides for two boats to each set of davits, instead of one, but neither plan was utilised because the Board of Trade did not require any increased accommodation beyond that which was originally contemplated before

these plans came into existence. That is right? - That is so.

The Attorney-General: May I see the plans?

The Commissioner: Yes; (*Handing same.*) and then, Mr. Attorney, I did not tell you what he said and what has come out already; it is already in evidence. The davits on the "Titanic" were of the kind that would have been required if the larger number of boats, double the boats, had been provided.

The Attorney-General: That is the Welin's.

The Commissioner: Yes, and they were installed when the "Titanic" went down. Of course, the boats were not there.

21282. (*Mr. Butler Aspinall.*) Were these plans ever submitted to the White Star Company? - Two or three times.

21283. (*The Commissioner.*) To whom were they submitted - the individual, I mean? - Do you wish me to name the two directors?

21284. Yes? - Mr. Ismay and his co-director; but Mr. Ismay was the only one who spoke or said anything about it.

21285. Who was the other director? - Mr. Sanderson was present at one or two interviews.

21286. But did Mr. Sanderson examine them or look at them? - He saw them, but he did not speak.

21287. Did he see them in such a way as to realise what they were? - Well, that is quite impossible for me to say.

21288. I might come into the room and see them, and not have the ghost of a notion what they were? - I came over from Belfast in October, 1909, with these plans that were worked out, and also the decorations, and Mr. Ismay and Mr. Sanderson and Lord Pirrie and myself spent about four hours together.

21289. Did Mr. Sanderson discuss those plans? - Mr. Sanderson, I think, never spoke.

21290. Did he sit for four hours without speaking? - No; but that was over the whole of the decorations; we took the entire decorations of that ship.

21291. Never mind about the decorations; we are talking about the lifeboats? - The lifeboat part I suppose took five or ten minutes.

21292. Then, am I to understand that these plans which you are now producing were discussed, at this four hours interview for five or ten minutes? - That is so.

21293. Now will you tell us what was said? - It was said they thought it would be desirable to fit them in the ship.

21294. But what did you say first? - I showed them the advantage, and that it would put them to no expense or trouble in case the Board of Trade called upon them to do something at the last minute.

21295. Then it was your view, was it, that it was desirable to have these on board the ship, so that if the Board of Trade made greater lifeboat requirements than you were intending to give you could easily comply with them? - Yes.

21296. That was the object? - That is it.

21297. (*Mr. Butler Aspinall.*) When did this interview take place? - One took place in October, 1909, and the other in January, 1910.

21298. Was the interview in respect of the "Titanic" alone, or was it in respect of the "Olympic" as well? - Everything was taken to be doubled. It always meant the two ships. Anything which was taken up for one applied to the second ship the same.

21299. Was the second ship laid down at the same time? - The keels were laid down within a few weeks of each other.

21300. Speaking as a practical man, do those plans which were prepared for you by the davit

constructors commend themselves to you as being a good working scheme? - Yes.

21301. Which? There are two; the davits which will carry two boats, and davits which will carry four boats? - No, they all carry four.

21302. They all will carry four? - They all will carry four.

21303. The scheme which will carry four - does that commend itself to you as being a good working scheme? - Yes.

21304. And would you, as a constructor, have any difficulty in putting boats upon the decks - four boats, which the one set of davits could work and serve? - I see no difficulty.

21305. (*The Commissioner.*) There is one which could never be on the deck at all; that is so, is it not? - One would be hanging outboard by the spar.

21306. Always? - Yes, the same as the P. and O. Company generally carry their boats.

21307. It would not incommode the deck at all? - I do not think so.

21308. I do not see how a boat hanging over the side would influence the deck at all? - No, the one overboard has nothing to do with the deck, of course.

21309. Would there be any difficulty in filling all these boats with passengers? - A great deal would depend upon the weather; in bad weather the boats would be little or no use.

21310. You are talking generally about lifeboats? - Yes.

21311. Well, I was not talking generally about lifeboats, but I was thinking about these four boats. Assume that four boats had been placed upon the davits according to your first design? - Well, I consider the whole of those boats ought to have been lowered into the water inside of an hour without any trouble.

21312. (*The Attorney-General.*) Does that mean the 32? - The 32 ought to be done in half an hour easily, because the one boat is in the tackles ready for lowering, and then you have to pull them up. I think with the present falls the greatest time would be lost in getting the blocks up again. That is really the complicated part of the lowering of boats. Of course since that was made, if it was used on a large scale like that, I think very likely wire ropes with gearing would be the proper thing, because there is a block invented and made that always hangs plumb. The difficulty with the ordinary block is that when you go to pull it up it turns round.

21313. (*The Commissioner.*) You say Lord Pirrie designed this ship? - Yes, what I call the design of the ship is the length, the breadth, the depth, and the modelling.

21314. Who was responsible for the supply of the lifeboats? - The supply of lifeboats comes entirely practically under the Board of Trade.

21315. Oh, no, because we know this ship was supplied with considerably more lifeboats than the Board of Trade required? - But we always do that. We always give something more.

21316. I want to know who was the person at Harland and Wolff's responsible for saying, "So far with lifeboats and no further." I am going to ask another question: Were you? - If I had been there I very likely might -

21317. Were you? - Was I?

21318. Yes? - No.

21319. Well, that seems to me to be a grudging "No"? - Not in the very least.

21320. Well, who was? - The owners, in the first place, who would have to pay for them, would be consulted.

21321. We know perfectly well the owners left the whole thing to Harland and Wolff. Now, who was responsible for saying, "So many lifeboats shall be put on this boat and no more"? - The White Star and other friends give us a great deal of liberty, but at the same time we cannot build a ship any bigger than they order, or put anything in her more than they are prepared to pay for. We have a very free hand, and always have had; but I do not think that we could possibly have supplied any more boats to the ship without getting the sanction and the order of the White

Star Line.

21322. Did you try? - You must remember that I retired on the 30th of June, 1910, prior to the ship being launched.

21323. Yes, but I suppose the boats were made, or ordered, before the ship was launched? - Oh, no, they are very often, and in that case they would be left - a great many of them - till after the launch, because it takes so many months to finish a big ship.

21324. Do you suggest that there were not, according to the views which were entertained at that time, a sufficient number of boats on board the "Titanic"? - Personally I consider there were not enough.

21325. You consider what? - There were not enough boats.

21326. Did you ever say so? - I have said so over and over again.

21327. To whom? - I have said it in the works.

21328. To whom? You do not go and talk generally in the works at large. To whom did you say it? - Well, I said it at the Merchant Shipping Advisory Committee on the 19th and 26th of May.

21329. What year? - 1911, before either of the ships went to sea.

21330. To whom did you say it? - I said it to the entire meeting, whoever was present heard me say it.

21331. Who were there? - I could not name their names.

21332. Cannot you name one or two who heard you? - These same plans which were passed round the table -

21333. Answer the question? - I am very bad at names.

21334. Give me the names of one or two who heard you? - Well, I think the Chairman of the Cunard Company was there for one.

21335. Do you mean Mr. Booth? - Mr. Booth.

21336. Well? - And I think a representative of the Underwriters.

21337. Was any representative of the White Star there? - None that I know of.

21338. Now we will leave that body, whoever they were. Will you tell me to which of the representatives of the White Star Line you ever said: "The 'Olympic' and the 'Titanic' are going away with an insufficient supply of boats"? - To no person, as I was not there.

21339. But did you never say it? Did you never say to them, "If we are to supply only the boats that we have hitherto supplied, she will not have enough"? - I showed them the plans of my proposals; I could not do any more.

21340. I know you did, and you have told us the reason, because it was thought that the Board of Trade would require more? - Yes.

21341. And therefore it was thought advisable to have the davits prepared? - Yes.

21342. Yes, that is a very good reason and quite intelligible, but I want to know from you whether I am to understand that you knew these two ships were going to sea with these boats, you thought they were insufficient, and you said nothing? - I was never on board them, my Lord. I had nothing to do with the finishing.

21343. I suppose you knew about the boats? - I knew nothing about the boats that she was leaving with.

21344. Whose business is it to know about the boats? - It is the owners'.

21345. Then I do not understand this arrangement. I thought the owners left all these questions to the wisdom of Harland and Wolff? - I have said they left a very great deal; at the same time they control us on certain points. They have to consider their other fleet and their other steamers.

21346. What do you mean by that? - I mean if they go and make certain changes in these ships, naturally they would have to make them in the "Adriatic" and other boats.

21347. Then are you suggesting now that they were influenced to supply insufficient boats by the consideration that if they supplied more they would have to put more into their other steamers? - Certainly not. I do not know what was their reason.

21348. What do you think was their reason? - I cannot tell.

21349. Oh, yes you can? - I have no idea, my Lord.

The Attorney-General: Had not those two plans better be marked, my Lord?

The Commissioner: Yes.

The Attorney-General: May we mark the small one C1 and the other C2?

The Commissioner: Very well. Now you have the witness, Mr. Scanlan.

Mr. Scanlan: Yes, my Lord.

Examined by Mr. SCANLAN.

21350. We have been told in the course of this Enquiry that certain of the plans for the "Olympic" and the "Titanic" were submitted to the Board of Trade. I want to ask you whether this plan for boats was submitted to the Board of Trade - this plan which you have explained to my Lord? - I could not say.

21351. (*The Commissioner.*) Do you really mean to suggest that it is possible this plan was submitted to the Board of Trade. Do you think it is probable that this plan was submitted to the Board of Trade? - I do not think it was. At the meeting of the 19th of May, 1911, I think there was some person for the Board of Trade -

21352. (*Mr. Scanlan.*) I understand you, Mr. Carlisle, to be speaking of the meeting of the Advisory Committee of the Board of Trade? - Yes, at the Board of Trade Office, Whitehall.

21353-4. Those meetings are attended by the Committee which consists of shipowners and representatives of the Seamen's Union and certain officials of the Board of Trade? - Yes.

The Secretary of the Advisory Committee is an official of the Board of Trade, I understand?

The Commissioner: What is his name?

Mr. Scanlan: I do not know.

The Witness: Here is the letter. (*handing a letter to the Commissioner.*)

The Commissioner: What is the name of the gentleman who is the Secretary?

21355-6. (*Mr. Scanlan.*) Is it Mr. Matthews? - I have handed up the letter to my Lord, so that he will see exactly.

21357. (*The Commissioner.*) I do not see the important part of this, namely, the enclosure? - That is merely some paper, I do not know what it is, whether it is here or not.

21358. (*The Commissioner.*) I will read the letter: "In accordance with the decision of yesterday's meeting of the Life-Saving Appliances Sub-Committee, I have arranged for the next meeting of the Sub-Committee to be held at the Board of Trade at 11 a.m. on Friday, the 26th instant. I enclose a summary setting out the conclusions arrived at as the result of yesterday's meeting." Now, where is that summary? - I have not it here. I do not know whether it is among my papers, but I remember what it is. The main thing is this: The Committee was practically at the end when I was asked to join it. I was only at the last two meetings, and the majority of the points had been well considered, and it was understood that if any Act of Parliament was brought in by the Board of Trade it would not only affect a ship like the "Titanic," but that it would go back on all the old ships afloat, and it would therefore be unfair to go in for putting too many boats when they possibly could not get room on the older ships, and on that occasion one or both of the two plans which you have there were kept by the Board of Trade; those you have there are only prints - I left them in the room; I did not take them away.

21359. Then you took these plans which you had prepared, as I understand, as early as 1909? -

Yes.

21360. You took those plans with you to this meeting at the Board of Trade in 1911? - I did.

The Attorney-General: Your Lordship did not say by whom it is signed.

21361. (*The Commissioner.*) It is signed R. W. Matthews. (*To the Witness.*) Now, did you take those plans with you in 1911? - Yes.

21362. You had resigned your position with Harland and Wolff in 1910? - I had.

21363. So that it stands in this way. You made the plans in 1909; you left Harland and Wolff in 1910; you went to the Board of Trade in 1911 and took these plans with you? - I did.

21364. (*Mr. Scanlan.*) Of course, minutes are kept by the Board of Trade of all those Advisory Committee Meetings? - I really do not know what they do.

Mr. Scanlan: I presume, my Lord it would be possible for us to get those minutes from the Board of Trade witnesses.

The Commissioner: I should think so; we ought to see them.

The Attorney-General: Certainly, my Lord. It is the first we have heard of it, but, of course, enquiry is being made about it.

The Commissioner: They shall be procured, Mr. Scanlan.

21365. (*Mr. Scanlan - To the Witness.*) Now, I want to make this clear. At the time of submitting your plans to the White Star Line Directors Mr. Ismay was present? - Yes.

21366. And I suppose we may take it from you that the object of submitting the plans was to give the White Star people an opportunity of deciding for themselves whether those plans suited them? - Certainly.

21367. And with reference to the boats, giving them an opportunity of seeing whether they would have 20 boats or 64 boats which you could show them could be provided? - Yes.

21368. (*The Commissioner.*) You say yes, but I am by no means satisfied? - I shall be pleased to answer anything.

21369. I do not complain about the questions, but they are put in a very leading form, and you say "Yes," but I am by no means sure that these plans were not submitted for the mere purpose of showing to the White Star Line that in case the Board of Trade made the requirements there was a scheme ready by which they could be complied with. Do you see the difference? - I see what you are at.

Mr. Scanlan: I have not got the reference at present, but I think it will be found in the evidence of Mr. Sanderson that he had discussed, at all events, in a general way with the builders.

The Commissioner: You are quite right.

Mr. Scanlan: Because I put it to him, my Lord.

The Commissioner: You are right, I remember it.

21370. (*Mr. Scanlan.*) I suppose on the occasion of this long discussion you had with the Directors various changes and alterations were made in the details of the decorations and otherwise? - Yes.

21371. And there was no reason why, if the White Star people wanted more boats, they could not have ordered you to go ahead and install 64? - Certainly.

21372. (*The Commissioner.*) Am I to understand you advised them to install 64? - I merely put my ideas before them.

21373. Did you say "There ought to be 64"? - No, I did not.

21374. Did you think there ought to be 64? - I thought there ought to be a very much larger number.

21375. Did you think there ought to be 64? - I thought there ought to be three on each set of davits.

21376. How many would that make altogether? - Forty-eight boats.

21377. You thought there ought to be 48? - Yes.

21378. Whereas, in point of fact, how many were there? - Sixteen.

21379. You thought there ought to be three times the number. Did you say so? - I believe I did, but I could not swear.

21380. But it is a very important matter, is it not? - You see I never put my ideas on paper unless I thought they were what should be carried out.

21381. You do not answer my question. You were there apparently discussing this matter. Did you say, as the chairman of the managing directors of Harland and Wolff's, "I think there ought to be three times as many boats on that deck as we are at present contemplating putting there"? - No, I would not say that I did.

21382. Did you think it? - I thought there ought to have been.

21383. Why did you not say so? - Because I have always been accustomed to put the plans before the owners and let them judge. Unless they asked questions I did not give them an answer.

21384. Do you mean to tell me that on this important matter, having formed the opinion, and the matter being discussed and you being the chairman of the managing directors of the builders, you did not say that? - Certainly not.

Examined by Mr. CLEMENT EDWARDS.

21385. You recalled an occasion when you produced that plan at a meeting at which Lord Pirrie was present, and Mr. Sanderson, and Mr. Ismay? - Yes.

21386. You said that on that occasion the interview lasted some four hours? - Three or four hours.

The Commissioner: But only five or ten minutes were devoted to the boats.

21387. (*Mr. Clement Edwards.*) I am just coming to that precisely, my Lord. (*To the Witness.*) And with regard to lifeboat accommodation, there was some five or ten minutes' discussion? - Yes, of the davit question.

The Commissioner: Do speak up. I did not hear the answer. Put your question again.

The Witness: Will you excuse me speaking a minute. There were two occasions. The first occasion I only put the plan. I forget what number the Attorney-General marked it.

21388. (*The Attorney-General.*) The small one is C 1.

The Witness: C 1 was the first one submitted, and that was at an earlier date than the large one.

21389. (*The Commissioner.*) I have not heard of this before. There were two conversations were there? - Yes, I have mentioned that before.

21390. I daresay you have; it has escaped me? - October and January.

Mr. Edwards: October, 1909, and January, 1910.

21391. (*The Commissioner.*) But were the same people present at both conversation? - I believe so.

21392. But you do not remember? - I believe they were.

The Commissioner: Now, Mr. Edwards, will you ask him about each conversation, because I have not yet realised that there were two?

21393. (*Mr. Clement Edwards.*) Yes, my Lord. (*To the Witness.*) Will you take your memory back to the interview which took place in October, 1909? Do you remember how long that interview lasted? - It lasted all day.

21394. (*The Commissioner.*) And were you talking about lifeboats all day? - No, we were talking about two or three thousand things in the day.

21395. How long did you talk about lifeboats on that occasion? - I could not say; I should think probably not more than five or ten minutes.

21396. Five or 10 minutes on each occasion? - Yes.

21397. That is 10 or 20 minutes altogether? - Yes.

The Commissioner: We shall get it by degrees.

21398. (*Mr. Scanlan.*) Now was it on that occasion that you remember Mr. Ismay and Mr. Sanderson being present? - Yes.

21399. Was it on that occasion that you submitted the plans for the davits? - Yes.

21400. Was it on that occasion that Mr. Ismay said something, but Mr. Sanderson did not?

The Commissioner: No.

The Witness: In those interviews we generally arranged that only two should talk so as not to lose time, and generally, if Lord Pirrie was present, he did the talking on the one side and Mr. Ismay on the other.

21401. And a very good plan too. - And Mr. Sanderson and I were more or less dummies.

The Commissioner: That has a verisimilitude.

21402. (*Mr. Clement Edwards.*) Now do you remember what Mr. Ismay said in regard to this proposal that there should be equipment for this number of boats? - He quite agreed that it would be a good thing to make preparations for supplying the larger number of boats.

21403. (*The Commissioner.*) Now do be accurate. Do you mean to say that he thought it was desirable that a larger number of boats should be supplied, or that there should be what Mr. Edwards correctly calls an equipment for a larger number of boats? They are two different things. - I take it at that first interview it was merely the davits for carrying four boats.

21404. But you say something different. At this first interview the equipment - Was not taken up. The equipment was not under consideration at the first.

21405. I am talking about the davits, you know. At this first interview, as I understand, the suggestion that davits should be prepared which would enable a larger number of boats to be put upon the ship and worked was approved? - Yes.

21406. And that is all? - And that is all.

21407. (*Mr. Clement Edwards.*) I am purposely taking it in stages, my Lord, so that we can get it quite clear. (*To the Witness.*) Was anything said at that interview as to the advisability, or otherwise, of carrying a larger number of boats? - Nothing.

21408. Not at that interview. Now then, when you attended the second interview in January, 1910, is that the occasion when four hours were occupied? - Yes.

21409. Was Mr. Ismay, and also was Mr. Sanderson, present on that occasion? - Yes.

21410. How long did the conversation on that occasion last in regard to the subject of boat equipment or boats? - I should say 5 to 10 minutes.

21411. Did you have any discussion at that time with regard to the number of boats, as apart from the question of the character of the davits? - No.

21412. None at all? - None at all.

21413. Was there any decision arrived at at that interview in regard to what equipment for the boats you should fix up? - Nothing.

21414. Was there any arrangement arrived at by which some decision some later time should be come to in regard to the number of boats? - No, that was not considered at that time; I did not hear anything.

21415. Was the whole thing treated as quite tentative and simply just allowed to pass? - There is the ship and there are the boats shown on it, and that part was settled, as far as that goes; but how many boats would ultimately be fitted in the ship before she left Liverpool, Belfast, or Southampton was not settled when I was present, nor did I hear it.

21416. If it was not settled, was there any circumstance discussed or any time mentioned at which it should be decided what should be the number of boats? - Not that I heard of.

21417. Now then, from January, 1910, when this interview took place, until June, 1910, when you left, was there anything more said in your presence by the White Star directors or any member of the White Star Company? - No.

21418. Nothing? - No. I merely ordered the davits after that - the same month.

21419. That is to say, you ordered davits that should each take how many boats? - Four.

21420. And was there, while you were still connected with the firm, any decision arrived at to your knowledge with regard to the number of boats? - None that I know of.

21421. Do you know what you were waiting for at that time; that is to say, do you know why no definite decision had been arrived at up to June, 1910, as to the number of boats? - I would say they were entirely waiting to see what the Board of Trade would require.

The Commissioner: Of course. They were living in hopes that the Board of Trade would not ask for any more.

21422. (*Mr. Clement Edwards.*) Now with regard to the Board of Trade, you have said that in May, 1911, at a meeting of the Advisory Committee, these plans for the davits were produced? - Copies. Those are photographs. It is much the same drawing. Photographs were produced. We have heard from Mr. Wilding that the Board of Trade Surveyor, whilst the "Titanic" was under construction visited the ship something like 2,000 or 3,000 times.

The Commissioner: The fact is this, Mr. Edwards - I do not think you were here this morning - three or four different Surveyors, all representing the Board of Trade, visited the ship at different times, and if you add up all their visits they come to 2,000 or 3,000.

Mr. Edwards: Nothing today, my Lord, turns on the arithmetic.

The Commissioner: You were saying it was only one Surveyor; it was a number.

21423. (*Mr. Edwards - To the Witness.*) There were certain Surveyors of the Board of Trade who, between them, did visit the "Titanic" while she was under construction a considerable number of times? - Yes.

21424. Do you know whether on any occasion these plans for the davits were submitted to any one of the Surveyors? - They were not submitted while I was there.

21425. They were not submitted while you were there? - No, not that I know of.

21426. I think it was Mr. Sanderson who said that if this full number of boats were put upon the "Titanic" one of the effects would be to make the ship tender. What is your view as a practical man about that? - That is one of the objections. In a ship of that size that is the serious objection.

21427. That is what I wanted to get at. In relation to what you in drawing the plans deemed advantages, how do you place the disadvantage of the number of boats in making the ship tender? - Well, it is the top weight of the boats makes her more tender. You see if you only put sufficient weights on the boat deck you will roll her over, likely.

21428. Supposing you sacrificed a deck - by that I mean this: In the "Titanic" and the "Olympic" you have the boats super-imposed on what is called the boat deck? - Yes.

21429. That is to say, you have the height of the boats above the boat deck. Suppose, instead of having the boat deck as it is there, what is known as A deck were made the boat deck - that is to say, entirely sacrifice, for the height and weight of the boat, one deck? - I would think it a great mistake.

21430. From this very point of view of the tenderness of the ship, what do you say? - The working of the boats would be nearly impossible, and you could not work the four sets between decks at all.

21431. I am afraid I have not made my meaning quite clear. At present you have the A deck, which is a promenade deck? - Yes.

21432. Then you have the top deck of all? - *That is A deck; (Pointing on the model.)* that is the

deck you are referring to.

21433. Yes? - I think it would be a great mistake to put the boats there, and an impossibility to work them properly.

21434. Instead of having boat deck, A deck, B deck and C deck, taking those three superstructured decks, I suggest you should do away with one of the decks so that the height of the ship in this case would be reached on A deck? - If you scrap one or two or three of the decks you might as well scrap the whole ship, you know.

21435. You think you could not meet the objection with regard to making the ship tender, by putting the boats on what is now the top deck? You do not think you could meet that effectively by sacrificing entirely one of the decks? - Certainly not.

21436. Why? - Why, because it is such a short distance down that there would be very little difference. The 8 feet or 7 feet 6 inches of the height would be a mere nothing. She would still have the tenderness with the boats up there.

21437. Now take the area of the boats, and the weight of the boats in relation to the single deck, there would be a less area of boat and less weight of boats would there not? - I do not see it.

21438. You are familiar with the construction of this ship. Take the boat deck: What would be the weight of that deck? - It is a very light deck. It is merely what we know as an awning deck. In old times the passengers had awnings over them, and instead of those loose awnings flapping all the time, we gradually commenced to put on light wood. It is not very heavy, because it does not require to be heavy for the sake of the boats, because where the davits are the deck is stiffened with steel underneath, and, therefore, there is very little weight in it.

21439. May I take it the superstructure above A deck, which is involved for the purpose of constructing the boat deck, would be a good deal heavier than the total weight of the 48 or 64 boats? - Oh, no; I think the boats would be much heavier.

21440. You think they would? - Yes.

21441. What would be the weight of the boats? - I do not know.

21442. What would the weight of that deck be? - I do not know.

21443. Then how do you arrive at the idea that the boats would be heavier than the deck?

The Commissioner: Can you suggest to him what the weight of the boats would be?

21444. (*Mr. Clement Edwards.*) This is not in accordance with Lloyd's contract, my Lord, so I cannot suggest what the weight would be. (*To the Witness.*) You cannot tell the weight of the boats? - I cannot say.

21445. Is it not the fact that those boats weigh a ton and a half? - I do not know.

21446. Will you take it from me they do weigh a ton and a half? - No doubt, if you have that in evidence from the firm it will be correct.

21447. Do you suggest that that deck would not weigh more than 64 times a ton and a half; that is to say, not more than 100 tons? - I do not think so.

21448. You do not think so? - I do not think so.

21449. You made a plan which involved, as I understand it, the placing of 64 boats on that very deck? - Yes.

21450. At the time that you made that plan, with the full responsibility as managing director of the building firm, did you think that the advantages of greater safety which the larger number of boats would give would outweigh this disadvantage of greater top weight? - Ships when they are finished are tested for stability, and if we find the stability was not right it can always be rectified either by more water ballast or solid ballast.

21451. So that you had that in mind when you went over the plans? - I never considered it at the time at all - not that part of it.

21452. May I put it that you would be able to correct any disadvantage in greater top weight by more definite ballasting or greater weight near the keel? - I believe so.

21453. Do you think that the entire disadvantage of making the ship tender in that way might be corrected by ballasting? - It might be.

21454. (*The Commissioner.*) And what would be the effect of that upon the vessel; would there be any effect upon it commercially? - If it was what you call a weight-carrying ship where you had a great deal of cargo it would tell against her, but these large liners are very seldom filled up. There is always plenty of space.

21455. I am quite uninformed about it; would it require any more coal? - Well, it would be such a small affair that it would not be noticeable. It would be likely a quarter of an inch in the draught or something of that sort. You could argue that it would be an enormous cost if you wanted to do it.

21456. But it does not occur to you? - It would never come into my ideas in thinking of the thing.

21457. (*Mr. Clement Edwards.*) I only wanted to put the point in a very general way. You said that you had one interview lasting a whole day, and only about five or ten minutes was devoted to the discussion of the lifeboat question, and another interview lasting four hours part of the time taken up with that discussion. Was there at any time between you and the Directors of the White Star a definite discussion as to the effect upon the safety of the ship of these much greater and more luxurious decks? - No, no discussion.

21458. No discussion at all. You have been present, I believe, when there has been some discussion taking place as to the relative advantages and disadvantages of longitudinal bulkheads, but have you devoted much attention to that problem? - Yes. I personally do not approve of anything but the vertical bulkheads. I do not approve of fore and aft bulkheads.

21459. You do not? - No.

21460. What is your idea as to the deck to which the transverse bulkheads should reach? - They are carried pretty high at present, but there is no use carrying them up above what we call the weather deck. That is *here*. (*Pointing on the model.*) They ought to be carried up to that, in my opinion; there ought to be as few doors fitted as possible, and those doors ought to be always closed at night.

21461. Can you say why in the construction of the "Titanic" the bulkheads were not carried above E deck? - Well, I could not answer that question right off; I really do not remember the pros and cons.

21462. You have already said that there should be as few a number of watertight doors as possible. What is your view as to whether there should or should not be watertight doors at all in the boiler section, that is to say, in the lower decks? - I think the doors ought to be there for the carrying on of the work of the ship, and I think it would be practically impossible to do without them.

21463. Is it not a fact that in the great warships there are no watertight doors in the bulkheads in the lower decks? - I never had the honour of building an ironclad, so I am not able to speak.

21464. You know generally? - I really could not say.

21465. Will you take it from me that that is a fact that a number of warships have bulkheads so constructed that there are no watertight doors on the lower decks? - I can quite believe it.

21466. I quite understand different reasons apply, but if that is possible on a warship why do you say it is not possible on a great mercantile ship? - Well, really, the differences are so very great you could not compare them, I think. I could not give you a comparison between the two, they are so very different. The one is made for going out and receiving shell and everything of that sort. We build ships to float, not either to hit icebergs or hit rocks. Unfortunately they do so.

21467. You have hit one? - We have.

21468. They require great speed in a warship; they require to move quickly inside a warship; so that if it is possible in a warship why is it not possible on a merchant ship? - Well, I do not think it is workable.

21469. From what point of view. Do you mean mechanically workable or commercially workable, or what? - Both mechanically and commercially.

21470. Why do you say it is not mechanically workable on a merchant ship if it is shown to be mechanically workable on a warship? - Well, you see they have such an immense number of artificers on a warship that they are able to put one or two or three of these men in each of these stokeholds. They have not to go about, whereas in a merchant ship you must keep one of the engineers in charge constantly in these stokeholds moving rapidly from one to the other so as to see that the fires have been properly fired, to see that the water is at the proper height in the boilers, and to keep a general supervision rapidly. I do not think that in a merchant ship the thing is possible.

21471. If it can be done with what you call artificers in the Navy it could be done with some equivalent person or persons in the merchant ship? - You could not run the ships at that expense.

It resolves itself into what I suggested, not a mechanical difficulty, but a commercial reason.

The Commissioner: Oh, no, it does not do anything of the kind; you must not say that.

Mr. Edwards: I am putting that interrogatively, my Lord.

The Commissioner: It is not the effect of his evidence.

21472. (*Mr. Clement Edwards.*) I am putting it to him interrogatively. (*To the Witness.*) Is there any mechanical difficulty in the way of having in each boiler section - in this case there were six sections - the equivalent of the artificer or artificers who you suggest make it possible to run a warship with bulkheads without watertight doors? - Will you just take the Navy and the Mercantile Service. A man in the Navy understands every inch of the ship and has very likely lived in the ship for years. The man who leaves Southampton in a great many cases has never seen an engine or a ship before; and therefore the two things are entirely different, and cannot be considered together. The Merchant Service being put on the same basis as the Admiralty to me only seems foolish.

21473. That is your view? - That is mine.

21473a. I am only now dealing in relation to a bulkhead without watertight doors. Does it then resolve itself into this, that owing to the difficulty of getting for the Merchant Service people of a similar character to the artificers who thoroughly understand their ship, you cannot run bulkheads in the lower decks without watertight doors? - I am not able to answer a question like that. That is something for you to ask the people that are running the ships, not the builder. I as the builder do not think the thing is workable at all, but the people to ask are the shipowners of the country, if they can do it.

21474. When I was asking them in this case they assured me that the builders would be able to tell me all about it. There will have to be recommendations from this Commission, and I was trying to get your views as a very experienced man on the construction of ships. Do you know what the financial relations are between Messrs. Harland and Wolff and the International Mercantile Marine Company? - I know nothing about it.

21475. It is no good asking the builder about that? - I never was a member of Harland and Wolff; I was not a shareholder; I was their general manager and their chairman of directors, but had no monetary interest in the thing, and, therefore, it was not my business to go into those details.

Examined by Mr. LAING.

21476. Was it not contemplated in 1909 to fit hollow tubes for davits in the "Olympic" and the "Titanic"? - It was considered.

The Commissioner: I think Mr. Edwards has made this part of the case very clear now. His questions have made it clear.

21477. (*Mr. Laing.*) Yes, my Lord, I thought it was clear. I only wanted to show the reason why and the reason was as I understand it that tubular davits were considered at one time? - They were, and afterwards the Welin's davit was adopted. That is the only point I was going to make, and if it is clear I will not go on.

21478. (*The Attorney-General.*) I think Mr. Carlisle agrees.

The Witness: Yes, we fitted a great many of those.

21479. (*Mr. Laing.*) The only point I will ask is this, and if you agree with me I shall not ask any more about it. The meetings which you refer to were meetings at which the model of the Welin davit was introduced for the purpose of considering its advantages as a davit? - No, they had had them in their ships before, it did not require to be considered.

21480. That was the object with which you took models down? - It was only a drawing; I took no models.

21481. The drawing was supplied to you by Welin himself? - From a sketch I sent him.

21482. Well, he does not say so. However, you say you sent him a sketch? - The idea is my own.

21483. What? The Welin idea is your own? - No, certainly not, but four boats was my idea.

21484. The sketch he sent, as a matter of fact, showed three boats? - It shows four.

21485. In his letter which is a letter to yourself, he says: "I am sending a sketch showing three boats on one pair of davits"? - He may have sent others, but that is his photograph there, so that you can take it.

21486. I think, if I may adopt my Lord's suggestion, Mr. Edward's question made that point clear. Did you say you personally considered the "Olympic" and "Titanic" had not sufficient boats? - That was my idea.

21487. Were you a party to the Report of the Advisory Committee of 1911? - I was.

21488. Are you aware that if the conditions required by the Board of Trade had been carried out your recommendations would involve the carrying of fewer boats than was in fact carried? - Yes.

21489. How can you justify your signing this report if that is your opinion? - I was asked to join that Committee two days before it finished. They had come to certain conclusions on certain points, and the Chairman drew my attention to the fact that if I pushed my idea for all ships the Bill would have to go back - any Bill connected with shipping would have to go back on all those ships, and it would not be fair; and they had no doubt that big ships would fit more boats than were required by the Board of Trade? - Do you mean you signed this document without agreeing with it?

21490. (*The Commissioner.*) Answer that question; it is very simple. - I did not consider it satisfactory, and I told them so, but I signed it.

21491. It is a very strange thing to do, to sign something you are not satisfied with, pretending, by signing it, that you are satisfied with it? - Well, I quite confess that it looks very extraordinary, but from what occurred at the meeting, if any of you had been present you would have seen the exact reasons for agreeing not to force it, and to bring the whole thing up again that had been worked at for I do not know how long - weeks or months.

21492. Do you want to go back on what you signed? - I certainly do not think it is enough, but I was not going to be a dog in the manger when a lot of gentlemen had come to the conclusion

that this was satisfactory for the mercantile shipping.

21493. (*Mr. Laing.*) I do not understand it. There is your signature purporting to agree with the resolutions of the rest of the Committee? - Yes.

21494. Which, in fact, reduced the number of boats? - That they could reduce them. Yes.

21495. For the "Titanic," although your opinion is she had not enough? - Yes.

21496. When you talk about your idea which you pressed before the Advisory Committee was that with regard to the Welin davits? - It was with the idea of taking more boats.

21497. With regard to this particular davit? - No, nothing at all.

21498. Are you interested in that davit? - I had no interest in it at the time. I took an interest in it in August, 1910 or 1911, after I left Harland and Wolff's. I never got any interest in it until after I left Harland and Wolff's.

21499. (*The Commissioner.*) Am I to understand that you are commercially interested in these Welin davits? - I was. The company was floated on the 30th of August.

21500. Are you now? - Yes, and I am now.

Examined by the ATTORNEY-GENERAL.

21501. I want to ask you with reference to one matter. This Committee, with reference to which Mr. Laing has put some questions to you, was the Advisory Committee in reference to Life-Saving Appliances? - Yes.

21502. And it was for the purpose of advising the Board of Trade what would be required that that Advisory Committee sat? - Yes.

21503. And you knew that in the ordinary course of things at least the Advisory Committee's Report would have much weight with the Board of Trade. You understood that? - I thought it would make them go into the matter.

21504. I am asking you because I see in this Report, which will be read later, when I come to the history of these Committees -

The Commissioner: I have not heard of it, you know.

The Attorney-General: I was not here, and I am not quite sure whether your Lordship's attention was directed to this - that the Report, which recommended the extension of the table of boat requirements - Yes.

21505. Had this effect, that for the gross tonnage of a vessel of 45,000 tons and upwards the total minimum cubic contents of boats required would be 8,300. Do you follow? - No, I do not.

21506. You were dealing with the table. There was a table already in existence. You were recommending, with a number of other expert gentlemen on this Advisory Committee, an extension of that table because of the increased tonnage which either had come into existence or might? - It was rather for the ships that were afloat - for the "Mauretania" and the "Adriatic." They were the ones that were practically considered at that meeting, as it would affect them all, any new rules that might be brought out.

21507. The gross tonnage of the vessel there - the highest requisition is 45,000 tons and upwards? - Yes.

21508. For that the requirement was to be a minimum of 16 boats under davits and a number of additional boats to be readily available for attachments to davits, eight? - Yes.

21509. Those 24 boats were to have a total minimum cubic content of 8,300 cubic feet. Do you follow? Look at it (*Handing a document to the Witness.*)? - Yes.

21510. That is right? - Yes.

21511. So that in point of fact the Board of Trade requirements on the "Titanic" before this report, or if this report was not acted upon, required a minimum cubic capacity -? - I do not think

that report was ever published till after the ship was lost.

21512. No, but if you follow my question you will see the point. It required a minimum capacity of 9,625 feet available in boats for the "Titanic"? - Yes.

21513. In point of fact, the requirements for the "Titanic," apart altogether from this report, were 9,625 feet. The boat cubic capacity required under this report, if acted upon, would have been 8,300 cubic feet; it would have been 1,325 cubic feet less if this latest report was acted upon? - Yes.

21514. So that, as I understand it, your latest Report - this one which has been referred to, and which my Lord knows, in fact required less boating capacity than actually existed or exists at the present time according to the present Board of Trade Rules for a vessel like the "Titanic"? - Yes.

And that was your view?

21515. (*The Commissioner.*) Answer that question. Was that your view? - It was not.

21516. Why on earth did you sign it? - I do not know why I did. I am not generally soft.

21517. (*The Attorney-General.*) Well, I should not have thought so? - But I must say I was very soft the day I signed that.

21518. (*The Commissioner.*) Who was it that persuaded you to sign it? - You see I do not remember one of their names although I know them nearly all to shake hands with.

21519. (*The Attorney-General.*) I suppose you know Mr. Norman Hill? - Yes. He was in the Chair, was he?

21520. I suppose so, because he signs first? - Yes, he was. Was not there a Labour M.P. on it, Mr. Havelock Wilson?

21521. (*The Commissioner.*) Did he agree? - I think he must have agreed.

Mr. Scanlan: He is one of the signatories to it.

21522. (*The Commissioner.*) He signed it?

The Witness: Yes; he was also soft, because he did not approve of it I remember.

The Commissioner: How many signed it without approving of it? I am told that Mr. Havelock Wilson is one of the signatories.

21523. (*The Attorney-General.*) Yes, my Lord, he is. There are ten signatories. I suppose they constituted the Committee? - At those meetings was there a note kept of my handing in those plans of extra boats, and what I said at those meetings on the boat question? Will you let me know that? Might I ask that question?

21524. (*The Commissioner.*) No, you may not.

The Witness: That would put some person in a hole, my Lord, and it would be better not to do it.

21525. (*The Attorney-General.*) Will you let me ask you a question now which I think to some extent corrects the impression that you have made by your answer to me and which I think is only fair to you, should be corrected. The table that I was putting to you was the extension of the table to 45,000 tons and upwards, but I see that there is an additional requirement in a later paragraph: "Additional boats and rafts required shall be of at least such carrying capacity that they, and the boats required by Columns 2 and 3 of the above table, shall provide together three-fourths more than the minimum cubic contents required by Column 4 of that table." So that you would have to add that to the 8,300. - Yes, it is only a few feet one way or the other. It is only a small affair; I know about that second part of it.

The Commissioner: He says it is a very small affair.

21526. (*The Attorney-General.*) I think he is wrong. Three-fourths must at least add something substantial if you compare it with the original figure they were taking. Really it amounts to this, this 8,300, and you have to take three-fourths of that? - 6,000?

21527. Yes, it is not a few feet more; it is 6,225 feet? - It is subject to the next paragraph about

one thing and another. It is put on in one place and taken off in the next, I think.

21528. I am only anxious to put it to you, because I thought I might be doing you an injustice in leaving it where it was? - Thank you very much.

21529. You seem to be suspicious, but I assure you that is the only object I have. I put it to you as 8,300 feet as compared with 9,625, but I see in the further paragraph here there is a requisition for 6,225 feet more, which would bring it up to 14,525 as against 9,625. That would be the right comparison; but it is quite true as you say. I suppose that is what you mean - I do not know whether it is - that it is only a question of a few feet. Do you mean the paragraph which goes on to say that "vessels divided into efficient watertight compartments to the satisfaction of the Board of Trade should, provided they are fitted with wireless telegraphy apparatus, be exempt from the requirements of additional boats or rafts" - Is that so? - Yes, that was the part doing away with it; you put them on and then took them off.

The Commissioner: I think we have had that before.

The Attorney-General: I think very likely your Lordship has; I am not quite sure.

The Commissioner: If not I have had it before me in print.

The Solicitor-General: I called attention to it, my Lord, in the existing rules.

The Attorney-General: This is the only report; you have not had any occasion for that.

The Commissioner: I do not remember this signed report at all. I have heard of it for the first time today.

The Attorney-General: No, my Lord, but you will have it all in proper order of date. The question I put rather suggested it exhausted it, and it was necessary to put it right.

(The Witness withdrew.)

21530. (*The Commissioner.*) Is Mr. Peskett here? Mr. Peskett, can you tell me how many compartments of the "Mauretania" forward, you know, would have to be full of water before she would sink?

Mr. Peskett: There is one of the conditions shown on that. (*Mr. Peskett explained the plan to the Commissioner.*)

(Adjourned to tomorrow at 10.30 o'clock.)

In the Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Tuesday 11th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

TWENTY-FIRST DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Mr. Harbinson: My Lord, there is at this stage a subject I should like to mention to the Court, which I conceive it my duty to bring forward. Up to the present representatives of the owners, the officers and crew of the "Titanic" have been called and have been allowed to present that aspect of the case, and I think this would not be an inopportune time when some indication might be given by those who represent the Board of Trade as to what time we might expect the representatives of the passengers, and especially the passengers in whom I am more deeply interested, to be called. I think it is only fair as one side of the case has been presented, in the interests of justice and public confidence, that the other side of the story should also be presented.

The Attorney-General: I find some difficulty in understanding what it is my friend wants.

The Commissioner: What is it you do want?

Mr. Harbinson: I want some indication from the representatives of the Board of Trade as to when representatives of the different classes of passengers will be called.

The Commissioner: You cannot have untimely intimations of that kind. They will conduct their case as they think right. That is all.

The Attorney-General: I should like to say this, so that at any rate, if my friend has any witnesses whom he likes to call, he should not let them go under any misapprehension. So far as I am aware and from the material before us, there is no useful light which can be shed upon the facts into which we are enquiring by any passengers whose evidence is available to us.

The Commissioner: Can you suggest any passenger, Mr. Harbinson?

Mr. Harbinson: I daresay, my Lord, that my solicitor may be able to.

The Commissioner: Do not say your solicitor. Can you suggest any person who can help in this Enquiry that you know of?

Mr. Harbinson: Yes, my Lord, I have the names of several survivors in America who, I think, would shed a useful light upon the subject.

The Commissioner: Survivors are not necessarily of the least value.

Mr. Harbinson: I submit to your Lordship that under the circumstances it would be desirable that the evidence of survivors should be produced in order that we may know exactly what took place at the time of the collision, and more especially to throw some light on the great disparity that exists in the number of deaths in the different classes of passengers.

The Commissioner: Have you any proofs from anybody?

Mr. Harbinson: It is because I have not proofs that I -

The Commissioner: Do answer my question. Have you any proofs from anybody?

Mr. Harbinson: I have not.

The Commissioner: Then I cannot form any opinion. If you have any proofs of witnesses that you desire to call, you may let me see them.

Mr. Harbinson: Statements have been made in the public Press, and it is because that has been done -

The Commissioner: What public press?

Mr. Harbinson: In the papers.

The Commissioner: Will you tell me the name?

Mr. Harbinson: The "Freeman's Journal," of Dublin, and the "Irish Independent," of Dublin.

The Commissioner: Will you hand up to me the "Freeman's Journal" and the "Irish Independent."

Mr. Harbinson: If I have the extracts here your Lordship shall have them.

The Attorney-General: May I point this out to my friend. Of course, a number of statements have appeared; some statements have been before us, and we have enquired into them, and I see no use whatever in calling the witnesses.

The Commissioner: Never mind, let me see those two papers.

The Attorney-General: I am ready to call any witnesses -

The Commissioner: To found a case upon statements found in newspapers seems to me most extraordinary.

The Attorney-General: All I am anxious to make plain is that I will call any witnesses who can give us any more light than we have at present. I do not intend to call witnesses who will only repeat evidence that we already have.

The Commissioner: "A terrible story of women and children locked in the steerage of the 'Titanic' is told by Miss Margaret J. Murphy, of Foster, County Longford, who, with her sister, Miss Katherine Murphy, were saved from the wreck." That lady does not appear to have been locked in the steerage. "Interviewed by a representative of the 'New York American'" - that is another paper.

Mr. Harbinson: No, my Lord.

The Commissioner: Is the "New York American" the same paper?

Mr. Harbinson: No, it is an extract.

The Commissioner: "Interviewed by a representative of 'The New York American' at the residence of their sister, Mrs. J. Tooney, No. 3,649 Olinville Avenue, the Bronx, Miss Murphy stated: - "Before all the steerage passengers had even a chance for their lives the "Titanic's" sailors fastened the doors and companionways leading up from the third class section. That meant certain death to all who remained below.'" You have never asked any man who has been in the box any question directed to this.

Mr. Harbinson: Oh, yes, my Lord, with great respect, I have.

The Commissioner: Tell me where you asked whether the sailors did not fasten the doors and companion ways.

Mr. Harbinson: I have asked them were they opened.

The Commissioner: That is not a fair way of asking such a question. The fair and proper way is to say, "Were they fastened by you or by any of the men working with you?"

Mr. Harbinson: That question, I believe, has been asked, too.

The Commissioner: Well, then, tell me where it is - "And while the sailors were beating back the steerage passengers, lifeboats were putting away, some of them not half filled." Then do you want me to read about "a brave Irish youth"?

Mr. Harbinson: No; your Lordship asked me for the paper, and I gave it to you.

The Commissioner: It is much longer than the part I have read. Do you want me to read the passage headed, "A brave Irish youth"?

Mr. Harbinson: I should hope, my Lord, that is not a solitary example of Irish bravery.

The Commissioner: I daresay not; but has it any bearing upon this Enquiry, because, if so, I will read it?

Mr. Harbinson: No, my Lord.

The Commissioner: Very well, what is the other extract from a newspaper? Is this the only foundation you have?

Sir Robert Finlay: May I make this suggestion to Mr. Harbinson? If he would supply the Attorney-General with a proof taken of any witness he thinks it would be desirable to call, the Attorney-General will consider that.

The Commissioner: I have suggested that. Apparently no proofs of anybody have been taken, and I really cannot prolong this Enquiry while we seek to verify statements which come apparently from the "New York American," whatever paper that is; I do not know what paper it is. I cannot do that, Mr. Harbinson.

Mr. Harbinson: My object was that the Board of Trade should -

The Attorney-General: We will call any witness who really can help.

Mr. Harbinson: I will submit to the Attorney-General a list of names.

The Attorney-General: That will not do.

The Commissioner: Oh, no, you must give the names, and you must show that a statement has been taken from them, and you must show that that statement contains material evidence, and then you know either my discretion will be exercised or the discretion of the gentlemen at the Bar will be exercised as to whether they ought to be called; but I cannot adjourn the Enquiry on the speculation that some witnesses may be found to bear out the statements of the "New York American."

CHARLES ALFRED BARTLETT, Sworn.

Examined by Mr. BUTLER ASPINALL.

21531. Do you hold a Master's certificate? - Yes.

21532. And are you also a commander in the Royal Naval Reserve? - Yes.

21533. I believe you are a Marine Superintendent of the White Star Line? - That is so.

21534. I believe you have held that position since January, 1912? - Yes.

21535. Were you for 30 years before that at sea? - Yes.

21536. And I think, of those 30 years, for 18 years you were with the White Star Line? - That is right.

21537. And during those years have you constantly been crossing the North Atlantic? - That is so.

21538. And in command, I think, for nine of those 18 years? - Yes, for nine years.

21539. Are you stationed at Liverpool or Southampton? - Liverpool.

21540. I believe you have three assistants there that assist you in the management of the line? - Yes.

21541. And I think they are all Master Mariners. And at Southampton you have a Marine Superintendent, Captain Steel? - Yes.

21542. He has an assistant, and I believe you have various Marine Superintendents in the United States and other countries? - Yes.

21543. And it is the business of you and those who work with you to see to the efficiency and upkeep of the ships and manning? - Yes.

21544. And all matters connected with their working as good and seaworthy ships? - Yes, that is connected with the Marine Department.

21545. With regard to one matter about which certain questions have been asked, the "Titanic" carried 66 sailors? - 66 in the sailing department.

21546. And according to the Board of Trade Regulations which have already been referred to, she was required to carry 48 in that department, I believe? - Yes.

21547. So you had got some 18 in excess? - Yes. Of course, they are not all deckhands. In the

sailing department you have to take into consideration that we have two surgeons, two stewards -
21548. What I wanted you to tell me was this. According to the Board of Trade Regulations the number of deckhands to be carried for a ship of the tonnage of the "Titanic" is 48? - Yes.

21549. I daresay you know that? - Yes.

21550. How many deckhands in the proper sense of the word had the "Titanic" on this voyage? - 58.

21551. So much for the manning. I do not think I need trouble you for more with regard to that matter. We have had a great deal of evidence with regard to the boats, and I want to take you as shortly as I can. Would it come within your department to take any part in seeing that proper drill takes place? - Yes, in Liverpool and Southampton, in the Home Ports when the clearances take place.

21552. That is before the Emigration Officer holds his survey just before the ship sails? - Yes, and, of course, the annual survey.

21553. Then, in addition to that, you have an annual survey? - Yes.

21554. Tell me, first of all, with regard to the drill before the clearance. Is it the duty of you or one of your subordinates, either at Liverpool or Southampton, to see that drill is properly performed, in conjunction with the Board of Trade Officer? - That is so.

21555. Do you, yourself, and do you see that those under you, give proper facilities for boat drill being carried out? - Yes.

21556. In connection with boat drill, in fact, have you had any difficulties with any of the crew? We have heard in a general way from Mr. Sanderson - you have been sitting there, I have seen you - that he had difficulties. That would probably come more directly before you, would it not? - Yes. In Southampton it would come more under the other Marine Superintendent.

21557. Since when have those difficulties been in existence? - To my knowledge, some 12 months or so.

21558. What has been the class of difficulty that you have had? - The firemen not turning up for this boat drill.

21559. Is this the drill before the ship is cleared? - On the clearance day, yes.

21560. And have you attempted to do anything to deal with that difficulty to get them to turn up? - Yes, we have offered them a half-day's pay to turn up on the day before.

21561. Before the ship sails? - Before the ship sails, so as to have this drill.

21562. Has that inducement been successful? - No, it has not.

21563. Is it, in your view, a serious matter that you cannot get what you consider to be an efficient drill before the ship leaves her port? - Well, I think it is necessary.

21564. You think it is necessary? - I do think it is necessary.

21565. That they should be there for that drill? - Yes.

21566. You say the inducement which you have offered them in the past has not availed. Are you taking any steps to see if you can now induce them to come? - Well, we are considering the matter.

21567. The matter is under consideration? - Yes, seeing what we can do.

21568. Who is giving it consideration? - Myself and assistants in Liverpool and Southampton.

21569. (*The Commissioner.*) I do not know how long you have been considering it, but have you arrived at any result? - We have not yet, my Lord.

21570. How long have you been considering it? - We have been considering it since this disaster. We have taken the matter in hand to see if we can really improve matters.

21571. I know, but that is not an answer to my question. I want to know how long you have been considering the matter? - The last two months.

21572. You have not been considering it for two months, you know. Where did you consider

it; where were you when you considered it? - In Liverpool.

21573. Where? - At my office.

21574. Is your office separate from the office of the White Star Company? - Yes.

21575. A separate office? - Yes.

21576. And who were there? - My assistants.

21577. Who are they? - Captain Thornton, Captain Roberts and Captain Lawrence.

21578. There were four of you. Have all four of you ever been together to consider what you can do to induce the men to come to a proper drill? - Well, I cannot say we have all four been together, my Lord.

21579. How many of you have been together? - Three.

21580. Which three? - Captain Thornton, Captain Roberts, and myself.

21581. How long did you sit together considering this question? - Several times.

21582. I did not ask you the number of times, but how long? - Well, I suppose about an hour.

21583. Do you know. Do you mean an hour each time, or do you mean an hour altogether? - An hour each time.

21584. Then you know, if you have been considering it for several hours together, considering how you can induce the firemen to turn up for a proper drill, I should think that you have formed some opinions about it? - It was not only that, my Lord, that we were considering; that is only one point.

21585. I only want to know about that at present. I do not want it mixed up with something else. How long have you considered this question? Have you considered it at all? - We have.

21586. Then what conclusion, or what opinions, have you formed. You say you have come to no conclusion? - Well, we have come to no conclusion.

21587. Well, have you formed any opinions? - No, my Lord.

21588. Then your deliberations do not seem to have been of much value up to the present point? - No, my Lord, they have not.

21589. (*Mr. Butler Aspinall.*) It is a matter of importance? - I think it is necessary, yes.

21590. (*The Commissioner.*) Can you now, in the Witness-box, suggest to me any means by which you can make men turn up to go through drill if they do not want to do so? - I am afraid I cannot, my Lord, not just now.

The Commissioner: Nor can I.

21590a. (*Mr. Butler Aspinall.*) There is another matter in connection with the lifeboats. The capacity of these lifeboats, we have been told - the lifeboats under davits - were to carry 65 persons, the D boats 40 and the collapsible boats 47 each? - Yes.

21591. Have you considered whether it would be desirable to have printed in large letters any notices on each boat that would indicate to the officer in the event of a disaster that the boat was capable of carrying either 65, or 40, or 47 persons, as the case might be? - We have that on most of our boats. We have it cut in the bow of the boats in nearly all our ships.

21592. (*The Commissioner.*) Was it done on the boats in the "Titanic"? This is the first I have heard of it? - I do not think it was.

21593. (*Mr. Butler Aspinall.*) Is this your evidence with regard to the matter; that in the boats on other ships in your fleet it is done? - It is done.

21594. But it was not done in the "Titanic"? - I am not quite certain; I would not like to say.

21595. (*The Commissioner.*) Now, let me ask you this: Has it been done in the other boats since this disaster? - No, my Lord, it has always been the custom.

21596. I cannot understand it at all. Why should you depart from the custom in the case of the "Titanic"? - I am not quite certain, my Lord, whether it was on the "Titanic."

21597. What do you mean by not quite certain; do you mean by that, that you did not see it

with your eyes? - I did not.

21598. Did you ever look? - No, I did not.

21599. Did anyone ever look? - I cannot say.

Sir Robert Finlay: On the "Olympic" there were such.

Mr. Butler Aspinall: I am just asking the Board of Trade Solicitor to hand to me one of the depositions made in New York by the Surveyor who examined the boats, in which he does speak of such a notice appearing on one of the boats.

The Commissioner: How many did he examine?

Mr. Butler Aspinall: He examined all those that were saved. My memory is not quite clear on the matter, but it is being got. That was a collapsible boat I believe I am right in saying?

The Commissioner: That is only one of the four.

21600. (*Mr. Butler Aspinall.*) Yes, only one out of all that were saved. (*To the Witness.*) I do not know whether your attention has been directed to this matter before? - No.

21601-2. But whose business would it be to see that the number was cut into the boat? - The officers of the ship would report it if it was not done.

But then it was not done, apparently, if your evidence is correct.

The Commissioner: What was that?

Mr. Butler Aspinall: He says, my Lord, that the officers would report if it was not done.

The Commissioner: Yes, I heard him say that, but you added some observation of your own.

21603. (*Mr. Butler Aspinall - To the Witness.*) Do you know with regard to this matter accurately what has happened, or are you guessing about it, if I may say so? - As far as the "Titanic" is concerned, I do not know; I am not certain.

21604. (*The Commissioner.*) I wish you would not create confusion by leading us at first to suppose that you do know, and then afterwards saying you do not know? - I said, my Lord, with regard to the "Titanic" I was not certain.

The Commissioner: You, Sir Robert, have been down to see the "Olympic"?

Sir Robert Finlay: Yes.

The Commissioner: So have I; but my attention was never drawn to any indication on the lifeboats that there was a notice of the number the boat would carry.

Sir Robert Finlay: I did not observe it myself, my Lord; but I am told it was there; my friend Mr. Laing observed it. It is a small plate stating the number the boat will carry.

The Commissioner: A small plate?

Sir Robert Finlay: Yes.

The Commissioner: Riveted on to the boat.

Sir Robert Finlay: So I understand.

21605. (*Mr. Butler Aspinall - To the Witness.*) What is the purpose of having it there? - Well, really, it is for the use of the Board of Trade Inspectors.

21606. (*The Commissioner.*) How can it be for the use of the Board of Trade? A notice of that kind must be for the use of the people who are going to use the boat? - Also, my Lord, for that.

21607. It is not a Board of Trade requirement, I suppose? - No, it is not.

Mr. Butler Aspinall: My Lord, there is a Board of Trade requirement with regard to the rafts.

The Commissioner: What do you mean by the rafts - the collapsible boats?

Mr. Butler Aspinall: Yes, my Lord, but no requirement with regard to the lifeboats.

The Commissioner: Will you tell me what the requirement is so far as regards what you call rafts?

21608. (*Mr. Butler Aspinall.*) Yes, I will read it. "Surveyors will note that both rafts and buoyancy apparatus must be marked in such a way as to indicate plainly the number of adult persons for which they are deemed sufficient. Plates will be supplied by the Board of Trade to be

screwed on to the woodwork of both rafts and buoyancy apparatus indicating this number, and forms of demand for plates, to be filled up and returned to the Board of Trade, will be issued for the use of the principal officer. No raft or buoyancy apparatus is to be regarded as finally approved until the marking plate has been affixed." (*To the Witness.*) I suppose you know of that rule, do you not? - Yes.

The Commissioner: Now, is there any corresponding rule for lifeboats?

Mr. Butler Aspinall: My Lord, I am told not. They are of the standard size, but still it might be that it would be useful.

The Commissioner: What do you mean by "standard size"?

Mr. Butler Aspinall: They are of such a size as must hold the number of people required to be carried.

The Commissioner: But what does "standard size" convey? It conveys nothing to my mind. I do not know what the "standard size" is or how it is ascertained.

Mr. Butler Aspinall: It has to be of a certain cubic capacity, and it has been worked out.

The Commissioner: And these were.

Mr. Butler Aspinall: Yes, these were.

The Commissioner: As I understand, it is calculated that a boat of a certain cubic capacity is fit to carry a certain number.

Mr. Butler Aspinall: That is so, my Lord - 65 for the lifeboats under davits, 47 and 40.

The Commissioner: Have you asked whether there is any such indication as on the lifeboats carried on men of war.

Mr. Butler Aspinall: No, but the Assistant Hydrographer is here for other purposes, and he might be able to give me the information.

The Commissioner: Well, ask him.

Mr. Butler Aspinall: I am told that there is no such plate or notice.

The Commissioner: I was advised by the Admiral that there is no such thing in a man-of-war. What points are you going to examine this witness upon, because he has not afforded me much information so far.

Mr. Butler Aspinall: Your Lordship sees his position; he is the Chief Marine Superintendent of the Line.

The Commissioner: Yes, I know, but what are the points?

Mr. Butler Aspinall: What I was directing his attention to were points which form the subject matter of some of the questions; for instance, manning, drill, boats; and the next question I was going to ask him is this: Have you since this disaster, in view of your position in the Line and in view of your practical experience as a seaman, considered the desirability of increasing the number of boats to be fitted.

The Commissioner: Has this gentleman ever been to sea?

Mr. Butler Aspinall: Yes, he holds a Master's certificate, he said.

The Commissioner: Quite right; I beg your pardon. Very well, now will you ask him the question.

21609. (*Mr. Butler Aspinall - To the Witness.*) In view of your position in the White Star Line and your practical experience as a seaman, have you since the disaster, considered the desirability of adding to the number of boats to be carried on a vessel of the class and size of the "Titanic"? - Yes.

21610. You have. Now what opinion have you come to with regard to that matter? - Well, we have already put on board all our ships a number of boats sufficient to carry every soul that is put aboard. With regard to future arrangements, we are waiting results as to what may be said at this Enquiry.

21611. (*The Commissioner.*) That answer I do not understand. You have done it, and yet you are awaiting results? - I have done it by orders.

21612. Then what results are you waiting for. You have done it, you say? - I put these boats on board according to instructions, my Lord.

21613. Can you tell me now what question Mr. Aspinall asked you? - He asked me if we had considered the advisability of putting more boats on.

21614. Yes, and you said, "Yes"; but he asked you then another question. Do you remember what it was? - I do not remember what it was.

21615. Then I will tell you what it was, and see if you can answer it: Have you formed any opinion as to the desirability of increasing the boat accommodation beyond that which was provided on the "Titanic"? - Yes, my Lord.

21616. Very well. Now you say Yes to that, and his next question was this: What opinion have you formed, and then you go on to a rambling statement that you have done this and done that and done the other. You did not answer his question. Do you know what the question is now? - Yes.

21617. What is it? - What is my opinion?

21618. Now let us have the benefit of it; if you have anything in any way, let us have it? - My opinion is we should not put too many boats on board a ship.

21619. Cannot you answer a question? The question is, in your opinion, ought the boat accommodation to be increased? - No, not to any great extent.

21620. And what does "any great extent" mean? - To hamper the other boats.

21621. Oh, no; I am not talking about hampering. How many more; if any, how many? - That I cannot say.

21622. Then you have formed no opinion? - No, no opinion as regards numbers.

The Commissioner: This evidence is worth nothing to me at all - nothing.

Mr. Butler Aspinall: Have you been consulted by any of your superiors, managing directors, or persons in that position with regard to this question?

The Commissioner: Has he given you a proof?

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: Do let me see it. (*The proof was handed to the Commissioner.*)

Mr. Butler Aspinall: Although the proof deals with many matters, I am not certain it deals with all the matters I have directed his attention to. I somewhat disregarded the proof, and have been rather guided by the questions which your Lordship will have to answer. That is what I was trying to get from this gentleman.

The Commissioner: Is there anything in this proof about boats?

Mr. Butler Aspinall: There is with regard to the number of boats, on the first page.

The Commissioner: I will read it: "With regard to the number of boats on the 'Titanic' we are guided to a large extent by the Board of Trade requirements, but, in fact, provide a larger boat capacity than the rules call for." Is that all?

Mr. Butler Aspinall: That is all that is in the proof.

The Commissioner: If that is all the man said I cannot blame him now.

Mr. Butler Aspinall: One is not always, in these cases, guided by the proof, or limited by it. I was rather seeking information.

The Commissioner: You were fishing in waters that had not very much depth.

Mr. Butler Aspinall: They have turned out not to have very much depth. I hoped they would have had.

Sir Robert Finlay: I think on the next page my friend will find something more about the boats.

Mr. Butler Aspinall: I did not think so.

The Commissioner: Will you read it, Sir Robert?

Sir Robert Finlay: "With regard to the number of boats to be carried in future, the present appliances used on board steamships do not enable a large number of boats to be handled; and until some other arrangement can be effected for the purpose of handling and lowering boats, I think it is a mistake to load the decks up with too many boats, and so hamper the handling of those boats which can otherwise easily be handled."

The Commissioner: I must say, in justice to the witness, that is in substance what he said, but it does not help me much.

Mr. Butler Aspinall: I was seeking for guidance for your Lordship in this case. One has often to depart from proofs.

The Commissioner: Guidance? What about?

Mr. Butler Aspinall: In order that your Lordship should be able to answer the questions which have been put by the Board of Trade.

The Commissioner: That is quite right.

21623. (*Mr. Butler Aspinall.*) That is what I was seeking to do. Of course, it has not been successful up to the present. (*To the Witness.*) With regard to binoculars. You are a practical man and have sailed these seas and advised this Company as their Marine Superintendent? - May I say I have never been in the position of Marine Superintendent since the first of the year. I am a sailor; I have been to sea.

21624. With your knowledge of the North Atlantic, what do you consider as to the desirability of binoculars being provided for look-out men? - I think they are not at all necessary.

21625. That is your opinion. Very well, that is your answer. That is the outcome of your practical experience as a seaman? - That is the outcome of my practical experience.

21626. Another question is with regard to searchlights. Do you think searchlights fitted on these vessels would serve a useful purpose? - Not at all.

21627. Since this disaster, have you considered that matter? - I have.

21628. And the result of giving your consideration to that matter is, you do not think it would be of any use at all? - No, I think it would be positively dangerous.

21629. Now this last matter, I am sure, is one which is within your knowledge, and it is due to the White Star Company to elicit it. With regard to the record of the officers, we have heard about Captain Smith. With regard to Mr. Wilde, he was an Extra Master. I will lead you as to it to shorten matters. I think he has been in the service of the White Star for 14 years? - That is right.

21630. With regard to Mr. Murdoch, he has been in the service of the White Star for 12 years? - That is right.

21631. With regard to Mr. Lightoller, he has been in their service for 12 years? - Yes.

21632. With regard to Mr. Pitman, he has been in their service for five years? - Yes.

21633. And all those gentlemen have either held or hold either extra master's certificates or master's certificates? - That is right.

21634. Then with regard to Mr. Boxhall, he has been, I believe, in the service of the Company for four years? - Yes.

21635. With regard to Mr. Lowe, he has been in the service for one year, and with regard to Mr. Moody, he has been in the service for eight months? - That is right.

21636. I think those three last gentlemen did not hold master's certificates, but held the necessary certificates to enable them to fill the position they occupied? - They held master's certificates.

21637. Did they? - Yes, all the officers in the "Titanic" held master's certificates.

Examined by Mr. SCANLAN.

21638. I suppose you are aware that the Board of Trade does not at present require you to have boat drill at all? - Yes.

The Commissioner: I wish you would ask him, Mr. Scanlan, what a boat drill consists of.

Mr. Scanlan: I will, my Lord.

The Commissioner: And then ask him what the boat muster is.

21639. (*Mr. Scanlan.*) Yes. (*To the Witness.*) Would you explain to my Lord what a proper boat drill is; what does it consist of? - A proper boat drill consists of mustering the men at the boats, hoisting the boats out, lowering them down, connecting them, pulling away, hoisting the sails, and a certain time, whatever the Captain or officer decides, to pull round or sail round the harbour, wherever they are, to come back to the ship, hook on, hoist up, and place the boats away.

21640. (*The Commissioner.*) When that boat drill is performed, how many men are there in the boat? - From four to five.

21641. There are no people who are what I may call dummy passengers to fill the boat? - No.

21642. Therefore there is no drill with a boat full of people? - No, my Lord.

21643. And there is no lowering of the boats from the davits with the people in the boat? - No.

21644. Except the men who are going to row her? - Except the crew.

21645. (*Mr. Scanlan.*) May I suggest to you that it would be an easy matter to put weights into a lifeboat which would correspond to a full complement of passengers in her? - Yes.

21646. If it were designed to test the boat as to the possibility of lowering her safely with her full load of passengers - I mean as to the falls being able to bear the strain - that could be done? - I think so, yes.

The Commissioner: But you would not suggest that that should be done at every boat drill.

Mr. Scanlan: No, I would not, my Lord.

The Commissioner: If it is done once you know the capacity of the boat is tested, and I think if you went on testing it for long enough you might break the boat.

Mr. Scanlan: One test would establish efficiency of the falls.

The Commissioner: I should not call that part of the boat drill; that I should call a mere testing of the boat. Now, will you ask him what a boat muster is, as distinguished from a boat drill.

21647. (*Mr. Scanlan.*) I will, my Lord, but I propose asking him, does he contemplate having all the boats lowered, and not one boat or two. (*To the Witness.*) Would a proper boat drill, in your view, consist in lowering all the boats and exercising all their crews? - I do not think it is necessary to lower all the boats.

21648. Of course, you would have more practice and more drilling, the more you lower. That is evident? - Yes, but we can vary that by having different boats at different drills.

21649. I see, but if you wanted to give adequate training, or any considerable training to your boats' crews, it would be desirable to lower them all, would it not? - Not at one time; I do not think it is necessary.

21650. You have told us what a boat drill is; now explain what a boat muster is? - A boat muster consists of all the men lining up on the deck, and having their names called, and then as they answer their names they proceed to their boats and stand opposite their boats; the officer or petty officer in charge of the boat reads their names over at the boat and reports to the Captain.

21651. Each man goes, I take it, in a muster to the boat to which he is stationed? - To the boat to which he is stationed.

21652. And his name is marked on a list opposite a boat with a certain number? - Yes.

21653. And that is the boat he has to go to? - That is the boat he has to attend.

21654. Do you think it would be desirable in the boat drill to have the crew of each particular boat exercise the boat to which they are stationed and to which they would attend in a muster? - Well, they do.

21655. That is what should be done? - They do now. That is what they are used for - for the lowering of the boat.

21656. You stated to Mr. Aspinall that you have experienced difficulty in inducing your men to take part in a boat drill.

The Commissioner: I understood the firemen - I think it is confined to the firemen.

Mr. Scanlan: Yes, my Lord. I am anxious to bring before your Lordship the view I am putting before you, which is that the firemen should be practised in boat drill.

The Commissioner: I think it is a great misfortune, if it is true, that the men do not turn up to this boat drill, in their own interests.

Mr. Scanlan: The information I have, my Lord, is that boat drill was unthought of for firemen until after this "Titanic" accident, and that what happened was that on the day of sailing two boats were lowered with a crew of sailors, all deckhands, just to satisfy the Board of Trade officer that the boats were in working order and not by way of a boat drill at all. I should like to bring some information I have before your Lordship's notice on this point.

The Commissioner: Very well.

21657. (*Mr. Scanlan - To the Witness.*) Do you know that you are not required by anything in the Statutes or by any rules of the Board of Trade to have a boat drill at all? - I believe that is so.

21658. May I refer your Lordship to the section. It is Section 9 of the 1906 Act. When you have boat drill you are required to enter it in the logbook? - Yes.

21659. And to produce this entry to the Board of Trade Superintendent when he calls for it. That is in Section 9. Now do you think it would help you in securing a boat drill if the Board of Trade made a Regulation - I do not know if they have power - or if they have not power, if you had a statutory direction that there should be a boat drill? - When?

21660. Well, I do not say when - at such times as would be found convenient and such times as would ensure efficiency in the manning of the lifeboats? - Yes, I think so. We already do that independent of the Board of Trade, for our own interests.

21661. Perhaps your Lordship will be interested in Section 202 of the New Zealand Act of Parliament, which is based on this Act of 1906. It is in Section 202 which corresponds with Section 9 of our Act of 1906. This is a provision which is not in our Act: "The Master of any inter-Colonial or home trade ship shall cause his crew to be properly exercised in boat drill once at least in each month in the case of home trade ships, and in the case of inter-Colonial ships once at least in the course of each round voyage."

The Commissioner: Does the Act of Parliament provide what is to be done if the men will not drill?

Mr. Scanlan: It lays an obligation on the Master.

The Commissioner: Yes; but what is the unfortunate man to do if the men will not?

Mr. Scanlan: I am putting this forward -

The Commissioner: I am not grumbling a bit.

Mr. Scanlan: I think the penalty is on the Master, because it is in the sub-section.

The Commissioner: It seems rather hard.

Mr. Scanlan: "Every Master who fails to comply faithfully with any of the provisions of this Section is liable to a fine not exceeding £20."

The Commissioner: I suppose it would be no excuse for him to say: "I tried to get the men to do it, but they would not."

Mr. Scanlan: The Master of a ship is supposed to have very stringent disciplinary powers and authority over his men.

The Commissioner: We know he is supposed to have.

21662. (*Mr. Scanlan - To the Witness.*) In your view it would help you to some extent if you had a regulation to this effect? - I do not think so.

21663. You do not think it would help you? - No.

Mr. Scanlan: I thought you said you did.

The Commissioner: I think what he said was that they do it already.

The Witness: We do it for our own interests.

Mr. Scanlan: Did not you also say you cannot do it because you cannot induce the firemen to take part in the drill.

The Commissioner: Sometimes, though they try, they cannot.

21664. (*Mr. Scanlan.*) You stated to my Lord that one inducement you held out to the men was that they should come the day before sailing and take part in the boat drill? - Yes.

21665. And for that day you offered them half a day's pay? - Yes.

21666. This is, of course, the fact, that their pay for the voyage does not begin until the following day? - Until the day of joining.

21667. There may be something even from the point of view of a fireman to be said of what is reasonable recompense for putting in a reasonable day's work.

21668. (*The Commissioner.*) Did they offer to come if they got more money? - No, my Lord.

21669. (*Mr. Scanlan.*) You made then an offer of half a day's pay, and Mr. Sanderson informed us that this offer of even half a day's pay has been withdrawn? - It has been withdrawn.

The Commissioner: Will you ask how long does a boat drill occupy?

21670. (*Mr. Scanlan - To the Witness.*) How long does a boat drill occupy? - It depends on the officer in charge really.

21671. (*The Commissioner.*) But can the officer in charge take a week over it? - No, my Lord.

21672. How long; do try to answer the question. How long does it take? - It can be done in half an hour and it can take two hours.

21673. Is two hours the maximum? - Yes.

The Commissioner: Now I know.

21674. (*Mr. Scanlan.*) May I take it that it would be for the convenience of the Master and officers of the ship to have this boat drill the day before sailing? - Yes.

21675. That is a day, so far as the men are concerned, for which without special arrangement they are not in receipt of any pay? - Unless they are on the ship at the time, on the ship's books. That is working by the ship.

21676. But the firemen are not, in practice? - Not all of them.

21677. (*The Commissioner.*) If you were to put the men on the list the day before she sails, then I suppose you would be entitled to their services on that day? - Yes, my Lord, we would, but I am afraid as long as they are in port they would not come.

21678. If they are not on the list and you merely invite them to come and go through the boat drill they are entitled to say, "No, we will not"? - Yes, my Lord.

Mr. Scanlan: The inducement held out to them of coming the day before has been withdrawn. I want to know whether it is your proposition now that the men who are going to be employed for the voyage should come on the day before they are entitled to pay, for nothing, and practise on the boats.

The Commissioner: Oh, no, no one suggests that.

21679. (*Mr. Scanlan.*) Very well, my Lord. (*To the Witness.*) Can you explain how it came, after the disaster to the "Titanic," that practically very few (I am within your Lordship's

recollection on this point) of the crew, the deckhands and officers went to the boats to which they were stationed? - Officers generally have a series of boats. They are stationed on one boat, but they have a series of boats to manoeuvre themselves.

21680. Practically all the ordinary seamen and firemen, so far as my recollection goes, who went to any boat, went to one boat to which they were not stationed? - They went where the officers ordered them.

21681. Would not one of the results of having regular boat musters be that in an emergency the men who had been trained in ordinary circumstances to go to their proper boats would do so? - They would go in their proper boats.

21682. I must ask one or two questions on this point, my Lord. You were asked in regard to the number of deckhands carried on the "Titanic." The only Regulation of the Board of Trade for manning graduates the number of deckhands by the cubic capacity of the lifeboats? - Yes.

21683. If you followed this Regulation and provided lifeboats to carry every passenger and every member of the crew, this scale would require to be considerably modified, would it not? - Yes.

21684. I see if you had 48 boats, with carrying capacity of 60 in each boat, you would require 28,000 cubic feet instead of 9,000 cubic feet? - Yes.

21685. So that if you provided a crew of deckhands on this scale, the crew would require to be considerably augmented? - On that scale they would be.

21686. How many deckhands do you think it would be desirable to have for each boat? - It depends for what purpose.

21687. I mean for working lifeboats? - For pulling lifeboats or for lowering lifeboats or for what?

21688-9. You say you carry a certain number of men corresponding to the number of lifeboats you have at present? - Yes.

Have you any view of your own as to how many seamen you require for each lifeboat?

The Commissioner: That does not help me much, because it appears to me to depend entirely upon the weather.

Mr. Scanlan: That is so, my Lord.

The Commissioner: You see in this particular case, as far as the passengers were concerned, it was very desirable that very few men should be taken on the boats. The fewer sailors in the boats, the better for the passengers, in this particular case.

21690. (*Mr. Scanlan.*) Yes, of course, my Lord. We have heard from Mr. Sanderson and this gentleman that every one in the shipping world is waiting on your Lordship's decision in this case to decide as to what lifeboats they are going to carry, or they are waiting on the Board of Trade to do something. They have been waiting a long time on the Board of Trade. Now here is the Regulation of the Board of Trade relating to deckhands. If there is any Order made as to increased boat accommodation some revision of this scale would be necessary, and I am taking this Captain as one who will be able to give some advice on it. (*To the Witness.*) How many seamen do you think should be attached to each lifeboat? - For what purpose?

21691. For the purpose of any emergency - the purpose for which lifeboats are carried on ships? - Two men accustomed to boats.

21692. That would be two deckhands? - Not necessarily two deckhands.

21693. Would you require one deckhand? - One deckhand.

21694. For each boat? - Yes.

21695. You heard Mr. Sanderson in his evidence say he thought you should have two seamen in each boat? - Not necessarily seamen as long as they are accustomed to boats - as long as they know anything about a boat, it is not necessary that they should be sailors.

21696. Would you desire any sailor? - Yes.

21697. One? - At least one.

21698. At least one? - Yes.

21699. Does that mean two? - No.

21700. (*The Commissioner.*) Are you an Irishman? - I am not, my Lord.

21701. (*Mr. Scanlan.*) Would not you require one for the tiller and one for the sails? - You are talking about when the boat is lowered into the water?

21702. Yes? - No. As long as one of them is a seaman that can handle the tiller it is not necessary for there to be a sailor in the boat.

21703. You have sails in the boat, and only a seaman would be able to manipulate the sails? - Not necessarily so. I have seen stewards just as good in a boat as a sailor, and a fireman as well.

Mr. Scanlan: If specially trained to the drill. We had some evidence with regard to the lowering of the boats which seemed to indicate confusion in the minds of the officers of the "Titanic" as to whether they could lower the boats from the boat deck, and then have the boats taken down along the sides of the ship either forward or aft to get passengers taken off.

The Commissioner: I do not remember that.

Mr. Scanlan: We had it from Mr. Lightoller, my Lord. I can give you the reference.

The Commissioner: Will you read me what he said. I remember the suggestion that the boats should be dropped until it came to a level with one of the gangway doors, but I do not remember any suggestion that the boat, having been dropped, could be moved along the side of the ship.

Mr. Scanlan: Yes, that is in the evidence of Mr. Lightoller.

The Commissioner: I beg your pardon. I did not understand what you meant. I thought you meant lowering the boat, and then before it is dropped in the water, carrying it along the side of the ship.

Mr. Scanlan: No, my Lord; I mean dropping it in the water, and carrying it along the side of the ship.

The Commissioner: Oh, yes, that is a different thing altogether. I beg your pardon. I misunderstood you. You need not trouble.

Mr. Scanlan: It is at page 316 of Mr. Lightoller, and Mr. Wilding spoke of it.

The Commissioner: He spoke of lowering the boat into the water and then pulling it round.

21704-5. (*Mr. Scanlan.*) Yes. (*To the Witness.*) Do you view that as a way in which lifeboats might be filled? - They might.

21706. In good weather conditions such as obtained on the night of the 14th April? - Yes.

21707. Do the captains and the officers of the boats know that such a provision is made? - Oh, yes.

21708. You are not a believer in binoculars for seamen? - No.

21709. Do you believe in them for officers? - Oh, certainly.

21710. Even in regard to officers they are for their use? - Yes.

21711. In the navigation of the ship? - Yes.

21712. To enable the officer to pick up anything ahead of him? - Not to pick up.

The Commissioner: The evidence appears to me to point to this, that they are not required for picking up objects, but for ascertaining with particularity what the objects are when they have been picked up.

21713. (*Mr. Scanlan.*) Yes, my Lord, I think there is a great deal in that view of the utility of binoculars. (*To the Witness.*) If binoculars have always been thought useful to officers, how do you come to arrive at the conclusion that they are not at all useful for look-out men and seamen? - Because look-out men are there to use their eyes and to report immediately anything they see, not to find out the character of that object they see.

21714. How could they report anything unless they had some notion of the character of it? - They report what is seen - I mean, if they pick up a light it may be a green or white or a red light -

The Commissioner: If I might suggest, Mr. Scanlan, a useful question to him would be this: Why is there a provision made in the crow's-nest for binoculars if they are not wanted?

21715. (*Mr. Scanlan.*) Yes. (*To the Witness.*) You heard that question. Why have you a bag or a box in the crow's-nest to hold binoculars if you do not think they are required? - That was not always for binoculars; that was for anything the men used in the look-out.

21716. It was not always for binoculars, but it was for anything a man might use on the look-out, you say? - Yes.

21717. What do you mean by that? - His muffler, his clothes, and his oilskin coat and that sort of thing. There is generally a canvas bag put up there.

21718. Take this bag that was on the "Titanic"? - That was a box, I may say, on the "Titanic."

21719. A box? - Yes.

21720. Specially there for binoculars? - Binoculars, yes, if they had them there.

21721. It was not for any other purpose, was it? - Yes, they put other things in.

21722. (*The Commissioner.*) What occurs to me, Captain Bartlett, is that it would be far better, if you are right, that there should be no binoculars there at all; they would be a sort of temptation to the man to be doing something he ought not to do? - I do not agree to binoculars in the look-out cage at all, my Lord.

21723. (*Mr. Scanlan.*) A suggestion has been made that for the discovery of ice the best position for the look-out man is at the stem head. Do you agree? - In hazy weather, yes.

21724. And at night when ice is expected? - Not a clear night, no.

21725. On a night when it is difficult to see? - It is hard to see how that can be if it is clear.

21726. With regard to the collapsible boats and the Englehardt boats, are they a new invention? Is it only very recently that Englehardt boats have been used by you? - Yes, quite recently by us. The "Olympic" was the first.

21727. From the evidence that we have had in this case, does it appear to you that they were not quite well understood by the crews? - I think they were.

21728. You think they were? - Yes.

21729. (*The Commissioner.*) If you think that, how do you account for the fact that one of the Englehardt boats was never launched at all? - That was the last boat, I think, my Lord. It was on top of the officers' house.

21730. Yes, that is it? - The ship was then near foundering when they went to take that boat away. I do not think they had sufficient time.

21731. (*Mr. Scanlan.*) Do not you think it was an improper place for this Englehardt, to have it on the top of the officers' house? - Not at all.

21732. It was a proper place? - It was a proper place.

The Commissioner: I think the evidence, Mr. Scanlan, is that that boat was thrown on to the deck. Is not that the evidence?

Mr. Scanlan: I think so, my Lord.

The Attorney-General: Yes.

Mr. Scanlan: But there was such a list then that it was impossible to move it.

The Commissioner: And it was swept away by the water into the sea.

Mr. Scanlan: Yes. The reason I ask that question is, I observe in the evidence of Mr. Lightoller in America, that he did not consider that was a proper position for it on the top of the officers' house. It was not put to him here.

Sir Robert Finlay: No suggestion has been made before that this was an improper position.

The Commissioner: I think so, Sir Robert.

Sir Robert Finlay: Not here, I think.

The Attorney-General: Questions have been asked about it in the course of the Enquiry as to whether that was a convenient and useful place for it. Nothing more has been said.

Sir Robert Finlay: It has been very slight.

The Attorney-General: Yes. I do not think there has been a suggestion that it was improper. The only question was whether it was most convenient.

Sir Robert Finlay: The Attorney-General says he does not think there was any suggestion that it was an improper place.

The Commissioner: No, the suggestion was that it was an inconvenient place.

The Attorney-General: That is exactly my view. The suggestion was that there might have been a better place found for it.

Examined by Mr. HARBINSON.

21733. You have told us that the Board of Trade had no regulations regarding boat drill? - I do not think they have.

21734. Do you know if they have any inspectors whose duty it is to ascertain if boat drill has been regularly practised? - Yes, they have. Not only that, but it is in the official log of every ship.

21735. Yes, you told us it was entered in the official log, but do those Inspectors make a periodical inspection of the official log - has that been their practice? - Yes, the log is inspected every voyage, not every year. Every voyage the official log goes up to the Board of Trade.

21736. (*The Commissioner.*) That is so, is it not? The official log is sent at the end of the voyage to the Board of Trade? - Yes, with the articles.

21737. Sent up to Whitehall? - The Board of Trade in the shipping port from which the ship sailed.

21738. (*Mr. Harbinson.*) Do I understand they have no officers to come down to the vessels and make inspections there periodically? - Yes, they do.

Mr. Harbinson: As regards the question of boat drill -

The Commissioner: I do not know what you mean by that.

21739. (*Mr. Harbinson.*) I mean to test the men as regards their efficiency? - They test that when they inspect the boats on clearance day every voyage.

21740. But do they make any enquiry or investigation as to whether boat drill has been carried out between one clearance and another? - I do not know whether the Inspectors themselves do, but they satisfy themselves that the ships are efficient and that the men understand the working of the boats on clearance day.

21741. That is all you know about it; on clearance day, such inspection as is made then? - Yes.

21742. Do you think it would be advisable to supply men when they are starting out on the voyage, with badges, to indicate on those badges the number of the boat to which they are allotted? - We are doing that now.

21743. You consider that desirable? - I do.

Examined by Mr. HOLMES.

21744. With reference to the boat drill, there is already a Section in the Merchant Shipping Act

giving power to punish a seaman who disobeys a lawful command? - Yes.

21745. Have you ever tried in connection with these firemen who have refused boat drill, putting that section in force? - We did on the occasion of the "Oceanic," but, myself, I have not; I have not had the experience of firemen refusing drill.

21746. Do you think your hand might be strengthened in putting that Section into force, if the order for a fire drill were made compulsory by Statute or by a Board of Trade rule? - Yes.

21747. You have told us of the length of service of the different officers of the "Titanic." During that time did they all give you perfect satisfaction? - Every satisfaction.

21748. And you have relied on them as efficient and careful officers in whom you had every confidence? - They were the pick of the service.

21749. Have you at any time had any complaints from your junior officers as to the existence of the two-watch system? - No, I have not.

21750. Do you not consider that the three-watch system for junior officers would keep the men fitter to perform their duties? - No, I think it is not necessary that junior officers of ships should have more than what we are doing at the present time - that is, the watch and watch system.

21751. You think four hours is sufficient from the time they go off watch till the time they go on watch again? - For a junior officer, yes.

21752. I suppose a junior officer will have calculations to make perhaps while on watch? - Some, yes.

21753. Some complicated calculations? - Yes.

21754. He may be required by the officer of the watch to find out the position? - He may, yes.

21755. Does not that require as clear a head as you can possibly have? - It does.

21756. Do you think a man is best fitted for that kind of work when he has only had four hours' sleep? - Yes, he would be checked by others, remember.

21757. Do you think he would be better fitted for it if he had eight hours off and four on? - I do not think it is at all necessary.

21758. Do you think he would be better fitted for it? - No.

Examined by Mr. LEWIS.

21759. I think you said that you had 66 in the Sailing Department on the "Titanic"? - Yes.

21760. And of that number 58 are what you term deckhands? - Yes.

21761. How do you make up that number? - There are 66 in the Sailing Department. Out of that you have to take two surgeons, two stewards, two masters-at-arms, and two window cleaners.

21762. Look-out men? - Look-out men are seamen.

21763. How many efficient able seamen would you have then? - I think she had 46 able seamen, counting look-out men and quartermasters.

21764. Have you counted lamp trimmers? - A lamp trimmer, yes.

21765. In the number you have left out? - No, he is a seaman; he is a deckhand.

21766. Now with regard to the difficulty you seem to have experienced with regard to boat drills, I take it that it is desirable, where possible, that the firemen should drill conjointly with the seamen and stewards? - I think it is a good idea, yes.

21767. When you have tried to muster the firemen have you made any attempt to drill them conjointly? - No, we have not.

21768. Why is that? - We have not had time yet.

21769. You consider it desirable, but you have not had time. Are you aware that the men themselves, the firemen, do desire to have boat drill, providing they are drilled with the other

men in the ordinary way? - I have never heard of it.

21770. You have stated in your evidence that your Company made an offer at Southampton to the firemen of half a day's pay. When was that offer made, and by whom? - I think I must refer you to our Marine Superintendent down at Southampton. He would know the exact circumstances.

21771. How could he make that offer? - I do not know.

The Commissioner: Do you mean did he make it in writing, or what do you mean?

21772. (*Mr. Lewis - To the Witness.*) Would he make the offer in writing? - I am not certain. Surely you are acquainted with it.

The Attorney-General: I am going to call him.

21773. (*Mr. Lewis.*) When the musters take place I take it the men are on the articles? - Yes.

21774. Of course, you could place firemen on the articles, and if they refused they would be liable to be summoned for disobeying the lawful commands of the Master, would they not? - They are liable, yes.

21775. Your Company has not refused on other accounts to take action against the men for refusing to obey the lawful commands of the master, have they? I want to know why, in this particular instance, if they think drills are desirable, and the men refused, they should not avail themselves of that same section of the Act? - I do not understand you.

21776. The men would be on articles when boat drills were to take place? - Yes, on sailing day.

21777. Would not they be subject to the ordinary law if they refused? - Yes.

21778. And you can summon them for refusing to obey the lawful commands of the Master at boat muster or drill? - We log them; the Government summon them.

The Commissioner: You cannot stop the ship to summon a man.

Mr. Lewis: I agree, my Lord, it is not always desirable to do that.

Sir Robert Finlay: Not always.

Mr. Lewis: But very often commanders do desire to give what they term an object lesson.

The Commissioner: Do you suggest all the passengers are to be kept waiting while a couple of firemen are summoned?

21779. (*Mr. Lewis.*) My object is to try to ascertain whether they have really considered it desirable in the past to exercise those firemen. My evidence is they have not really bothered to any extent about the firemen in this matter. You are aware that the men themselves did make an application for a muster to take place the day before the sailing? - I am not aware of it.

21780. Are you acquainted with the methods of other companies? - No, I cannot say I am very much.

21781. Your experience, I suggest, is pretty wide? - Yes.

21782. Do you know anything about the Cunard Company? - I know a little about the Cunard Company.

21783. Can you tell me whether they have any difficulty with regard to their men? - I do not know.

21784. Do you know anything of the Royal Mail Company? - Not much.

21785. Do you know if they experience any difficulty with regard to mustering the men? - I do not know.

21786. Do you know anything of the Union Castle Company? - No.

Mr. Lewis: I suppose the local manager will be called, and I will reserve my questions on that point.

Examined by Sir ROBERT FINLAY.

21787. (*Sir Robert Finlay.*) I think Commander Lyon expressed the desire to have a list of the Charts and Sailing Directions and so on supplied to the "Titanic." I have a list here. I think Captain Bartlett can identify it? (*Handing the same to the Witness.*) - Yes.

21788-9. Just hand that to Captain Lyon. (*The same was handed.*) - Messrs. Philips, Son and Nephew supply it.

Re-examined by the ATTORNEY-GENERAL.

Can you tell us what the number of effective deckhands was, counting in officers. There is some little confusion about it?

The Commissioner: I make it 50.

The Attorney-General: I make it 60, my Lord. It may be we include somebody as effective deckhands that your Lordship has ruled out.

The Commissioner: No, I was only listening to his evidence. He began with 66, and then he crossed out, as I understood, 8.

21790. (*The Attorney-General.*) It is just that that I want to get clear from him. Will you tell me again of the 66 who are the eight you cross out? - There are two surgeons, two stewards, two window cleaners, and two masters-at-arms.

21791-2. You rule out the masters-at-arms, do you? - Yes.

Well, that answers it. Then I agree, my Lord; it is clear now that it is 58.

The Commissioner: With regard to the masters-at-arms. I am advised that they are generally seamen.

The Attorney-General: According to our view they are.

The Commissioner: And would not be crossed out.

The Attorney-General: They are included according to our view. We made it 60 for that reason.

The Commissioner: Apparently this gentleman thinks they are not included.

The Attorney-General: Yes, we will soon ascertain.

The Commissioner: I do not know that it is very important.

The Attorney-General: No, as long as we know what is the point of doubt between us.

(The Witness withdrew.)

BERTRAM FOX HAYES, Sworn.

Examined by the ATTORNEY-GENERAL.

The Attorney-General: May I say with reference to this witness and the next they are Master Mariners who I am calling at the request of my friend, Sir Robert Finlay. I am going to call them and examine them pursuant to the course we have followed throughout, but I desire to guard myself against its being thought or being argued hereafter that I am in any way bound by what they are going to say, and, moreover, I shall contend at a later stage that, whatever their views may be on that particular point upon which I am calling them, they must be disregarded. With that reservation, I propose to ask them questions which I think will afford your Lordship some information which you may require.

Sir Robert Finlay: It is highly necessary that these gentlemen should be called now, if they are going to be called at all, as they are sailing this week. I regard their evidence as extremely

material, and, of course, I quite agree that the Attorney-General is not to be prejudiced in any argument hereafter by following the ordinary course of his putting the witnesses into the box.

21793. (*The Attorney-General.*) In any event, I agree with my friend to this extent, that your Lordship would desire to have the facts before you, whether it must be taken into account on one material point, which you will have to consider later, is another matter which we can argue then. (*To the Witness.*) You are a master mariner? - I am.

21794. You have held an extra master's certificate since 1897? - Yes.

21795. You are also a Commander in the Royal Naval Reserve, Active List? - Yes.

21796. You went to sea originally, I think, in 1880 in sailing ships? - Yes.

21797. You joined the White Star Line in March, 1889? - Yes.

21798. You were two years in the New Zealand service and were then transferred to the Atlantic service? - Yes.

21799. As Fourth Officer of the "Teutonic" in 1891? - Yes.

21800. You were appointed Commander of the "Britannic" in 1899? - June, 1899.

21801. And, as I understand, you were three years in the transport service? - During the South African War.

21802. With that exception you have been in the Atlantic service ever since you were appointed as Fourth Officer of the "Teutonic" in 1891? - With the exception of one voyage to Australia, which is included in those three years.

21803. And two years, I think, you were in command of the "Laurentic," a Canadian boat? - Yes.

21804. Since you have been sailing to New York do you remember sailing on any other tracks than the tracks referred to in the agreement of 1898? - No.

21805. Are they always followed? - They are always followed by our ships, so far as I remember.

21806. Now, I want to ask you with reference to ice reports. Since the Marconi system has been installed have you received ice reports by wireless telegraphy? - Innumerable ones.

21807. Giving the position in which the ice is when they first telegraph to you? - Yes.

21808. When you are approaching an ice region, that is to say, the position in which ice has been reported to you, do you take any precautions? - I take precautions according to the weather.

21809. Supposing the weather is clear? - We keep an ordinary look-out, which is always an excellent one.

21810. Do you mean the ordinary look-out in the crow's-nest? - Yes, and on the bridge; and I personally stay round.

21811. You do not put anybody in the bows? - Not in clear weather.

21812. Not in clear weather or fine weather? - Clear weather must be fine.

21813. Do you mean not when you can see clearly, but when you have a smooth sea? - I do not take the sea into consideration at all. It is as long as the weather is clear.

21814. Did you proceed at the same rate of speed? - At the same rate of speed.

21815. You made no alteration? - No alteration.

21816. Is that the practice in your Line, so far as you know? - It is the practice all over the world so far as I know - every ship that crosses the Atlantic.

21817. To make no alteration in speed, notwithstanding that you may have been advised of the presence of ice? - Ice does not make any difference to speed in clear weather. You can always see ice then.

21818. The experience of the "Titanic" shows you cannot always? - There were abnormal circumstances there which nobody has ever experienced before.

21819. But you said you can always see it? - In clear weather I am talking of.

21820. Now I want to ask you, at night - supposing you are steaming at night, and it is reported that along the course you are following you will come into an ice-field, according to your view would you make any reduction in the rate of speed? - None, till I saw the ice.

21821. None till you saw the ice? - No.

21822. If you saw it too close it would be too late? - But you would not see it too close in clear weather.

21823. What? - You would not see it too close in clear weather. That is my experience.

21824. Of course, I am only asking you according to that. Is this right then? Supposing the weather is clear, and a proper look-out is being kept, you would be able to see ice at sufficient distance to enable you to avoid it? - Certainly.

21825. That is what you mean? - That is what I mean.

21826. Whatever your rate of speed? - Whatever my rate of speed.

21827. And supposing you have an iceberg which is 60 to 80 feet high from the sea level, how far off do you think you would see that on a clear night? - Six or seven miles, I should say. I have seen it 10 miles.

21828. What is it that you see; what is it first calls your attention to the fact that there is an iceberg there? - You see a light there; the ice is light.

21829. You mean light against the horizon? - It is like looking at that piece of paper on the wall; you can see the brightness.

21830. Colour - something which attracts your attention? - The brightness of it attracts your attention.

21831. And is that the way you distinguish it at night? - That is the way you distinguish it any time; you see the colour of it. It is differentiated from land in the daytime.

21832. Have you ever been very close to an iceberg yourself? - Not in clear weather. I have steamed in between them. They have been scattered all over about the course on either bow, and I have gone on my course steering between them, at nighttime.

21833. I should assume that was in the daytime from what you tell me? - At nighttime approaching Belle Isle.

21834. (*The Commissioner.*) Going full speed? - Going full speed.

21835. (*The Attorney-General.*) What is your full speed? - 18 knots; the "Laurentic" was 18 knots.

21836. That was on the Canadian service? - Yes.

21837. Of the White Star Line? - Of the White Star Line.

21838. (*The Commissioner.*) That is in the track North? - Yes, by Belle Isle.

21839. (*The Attorney-General.*) Where you would meet more ice and expect to meet more ice than on this track? - Yes.

21840. Is that your invariable practice? - Everybody's invariable practice, as far as I know.

The Commissioner: No, not everybody's, because we have had evidence about the Canadian Pacific boat, I think it was.

Sir Robert Finlay: Not on this point, my Lord.

Mr. Scanlan: It is page 194, my Lord.

The Attorney-General: Oh, certainly, we have had evidence about it.

The Commissioner: I think the Master of the "Mount Temple" stated that he had standing directions never to go -

Sir Robert Finlay: I think it was not to enter field ice, and that is why I said, "Not on this point."

The Commissioner: Very well.

Sir Robert Finlay: It is on page 194.

The Witness: May I say, in his evidence at Washington, he said he stopped when he came to the ice? Therefore he saw it before he stopped.

The Attorney-General: It is Question 9263. You see I asked this witness these questions particularly about icebergs. The particular question to which your attention is directed is 9263. That does relate to field ice. I am going to ask you a question about that now. I think so far as the evidence goes we have had no evidence that steamers are stopped because they see icebergs.

Sir Robert Finlay: Or are warned of them.

The Attorney-General: Or are warned of them; but they do stop if they are warned of field ice or see field ice.

The Commissioner: They stop before they come to the field ice.

The Attorney-General: What I am referring to is this answer by Mr. Moore, the Captain of the "Mount Temple": "We are not to enter field ice at any time, no matter how light it may appear." That is what I had in my mind.

Sir Robert Finlay: I think it stops there - they are not to enter field ice - because it is given more in detail in our rule, which was issued to vessels using that track, the Northern track, to Canada, and it was pointed out that even if there is a lane it may very likely be a lane which does not go very far. It is no use to enter the ice.

The Attorney-General: It does not really stop there, it goes further. The next is: "When you got warning there was ice ahead, what precautions did you adopt? (A.) I simply steered down. I went down further to the southward," and he says his highest speed was about 11 knots.

Sir Robert Finlay: He is asked, "Did you decrease your speed? (A.) Not at all; it was daylight."

21841. (*The Attorney-General.*) He steered further to the southward, and his speed was only about 11 knots. Then he is asked if he makes any change in the look-out, and he says, "If we expect to see ice we always double the look-out." That is how it stands, I think. We shall have to consider later the evidence already given. (*To the Witness.*) I only want to get your view. Supposing you had had a report of field ice ahead, not of icebergs, would you still steam full speed ahead? - Till I saw that ice in clear weather, yes.

21842. Even at nighttime? - On a clear night.

21843. What I do not quite understand is this: Where there was an iceberg of from 60 to 80 feet from the sea level, and it was not seen until within half a mile away, how do you account for that if it was a clear night? - I was not there on that night.

The Commissioner: That is my difficulty.

The Attorney-General: I agree.

The Witness: There must have been some abnormal conditions which misled them.

The Commissioner: Or there was a bad look-out.

The Attorney-General: Either one or the other.

The Witness: I do not think there was, my Lord. I have known the two men, and there is no carelessness.

21844-5. (*The Attorney-General.*) I am not going to ask you to say there was a bad look-out on another White Star Line boat; do not think that? - No, not against the men.

Examined by Sir ROBERT FINLAY.

21846. Just one or two questions. What do you say with regard to the use of glasses, or binoculars, by the look-out man? - They are a source of danger, Sir. They spoil the look-out.

21847. How is that? - The look-out man when he sees a light if he has glasses is more liable to

look at it and see what kind of a ship it is. That is the officer's business. The look-out man's business is to look out for other lights.

21848. The look-out man ought to be looking about while the officer on the bridge finds out what kind of a light it is? - Yes, it is his business to find out what kind of a light it is, what way it is going, and so on.

21849. Has Mr. Ismay sailed on ships in which you have been? - Several times.

21850. Has he ever in any way interfered with the navigation? - No, Sir.

21851. Did he go simply as an ordinary passenger? - He was treated simply as an ordinary passenger.

The Commissioner: As far as I know there is no evidence that he interfered, unless the taking of the telegram from the Captain and keeping it in his pocket, can be regarded as interference. There is no evidence that Mr. Ismay interfered; the evidence goes the other way.

The Attorney-General: I do not want to mislead, or for my friend to be under any misapprehension with regard to that. Your Lordship's question to me I agree with - there is no evidence that he interfered in any way with the navigation of the vessel, but I do not agree that he was an ordinary passenger, or treated as an ordinary passenger.

Sir Robert Finlay: He was, of course, the Chairman.

The Attorney-General: Yes, and he was apprised of the icebergs.

Sir Robert Finlay: And although Chairman he simply travelled as any ordinary passenger travelled. He took no part whatever in the directing of the ship, and never interfered in the slightest way.

The Attorney-General: I do not want to argue it, but we have to bear in mind that the ice report was given to him for a specific purpose, and to no other passenger on the vessel.

Sir Robert Finlay: For a specific purpose?

The Attorney-General: Yes, there is evidence as to that.

Mr. Scanlan: There is the evidence also as to the discussion between him and the Chief Engineer.

The Commissioner: At Southampton.

Mr. Scanlan: At Queenstown, before he left.

Sir Robert Finlay: I wish really to appreciate the situation. The Attorney-General says that the ice report was given to Mr. Ismay for a specific purpose. I do not quite know what that means. That message related not merely to ice, but also to a tramp vessel said not to be under control, but I cannot trace any evidence as to any specific purpose for which that message was handed to Mr. Ismay.

The Attorney-General: I do not think my friend is accurate in his recollection of the facts, but I do not want to discuss the matter now. My impression is that Mr. Ismay admitted definitely to me that he knew it was given to him because it was an ice report, and a serious one. That is my recollection.

Sir Robert Finlay: I only wish to be clear as to what my friend means. Is it his suggestion that this telegram was handed to Mr. Ismay by the Captain in order that Mr. Ismay might advise him?

The Attorney-General: Oh, no.

Sir Robert Finlay: Is that the suggestion?

The Attorney-General: No, I never made it.

Sir Robert Finlay: Then I do not know what the suggestion is.

The Attorney-General: I am sorry my friend did not appreciate the point; I thought I had already made it pretty clear. If he does not know I will tell him; I have no objection to telling him - that the object of giving him the telegram was because he, as Chairman of the Company, was there; that it was looked upon as a very serious report; that it was given to him because it was a

very serious report; it was given to him to consider and apprise himself of the facts, and that it was then handed back, as we know from the evidence later on, to the Captain at seven or a quarter-past seven.

The Commissioner: With a request.

The Attorney-General: With a request; and the object of giving it to him, I certainly shall suggest, was that if he had any directions to give with regard to it that that was the time for him to give them. He was told what was happening.

The Commissioner: The real point of the matter is that he did not.

The Attorney-General: I quite agree to that.

The Commissioner: It is, to my mind, an extraordinary thing that the Captain, instead of pinning that thing up in the chart room, as I should have thought he ought to have done, should hand it to anybody - Mr. Ismay or anybody - to keep in his pocket. That is a very extraordinary thing.

The Attorney-General: Of course, it is, and at a later stage we will discuss it.

The Commissioner: Yes, it will have to be discussed.

The Attorney-General: It is extraordinary there was never a word exchanged about it.

Sir Robert Finlay: There must certainly have been if your views are right.

The Attorney-General: I am not certain that there was not, if you challenge me to say it.

Sir Robert Finlay: If my friend is going to say that he will have to deal with the evidence.

The Attorney-General: I know. We have the evidence of one person who has been called.

Sir Robert Finlay: If Mr. Ismay's word on that point is impeached it is another matter, and I will deal with that at the proper time.

(The Witness withdrew.)

CAPTAIN FREDERICK PASSOW, Sworn.

Examined by Mr. BUTLER ASPINALL.

21852. Do you hold a British Master's certificate? - Yes.

21853. Have you held it since 1880? - Yes.

21854. I believe you have been in command as master for the last 28 years? - Yes.

21855. Have you been serving during all that time in the Inman Line? - Yes, the Inman Line, and now the American Line.

21856. The Inman Line, as we know, has become an American line, and you passed on from the British company's service into the service of the American company? - Yes.

21857. I think you have crossed the Atlantic some 700 times? - About that. I have never kept an accurate record, but about 700 times.

21858. And at the present moment you are in command of the "St. Paul"? - Yes.

21859. She is one of the American Inman Line boats? - Yes.

21860. What speed boat is she? - About 20 knots.

21861. I think I can shorten your evidence in this way: Have you heard the evidence of the last gentleman who was in the box? - Yes.

21862. Did you hear the statements of fact that he spoke to? - Yes.

21863. And the expressions of opinion that he uttered? - Quite so.

21864. Do you agree or disagree with the statement of facts? - I agree with it.

21865. With regard to the expression of opinions do you agree or disagree? - Yes.

Examined by Sir ROBERT FINLAY.

21866. What routes have you followed on the Atlantic? - In my first experience, before I was in command of a ship, we used to sight Cape Race all the year round. There were no special routes. Then after that we had orders to go not less than thirty miles south of the Virgin Rocks, and then from 1898 we have used the present routes.

21867. In going over the Virgin Rocks would that take you over the Great Bank? - Yes, winter and summer.

21868. You were making for New York? - Yes.

21869. How far south of the Virgin Rocks do you say you went? - Not less than thirty miles.

21870. Since 1898 you have followed the usual tracks? - Yes, of all the other lines.

21871. The tracks agreed upon by them? - Yes.

21872. Do you see a great deal of ice on the tracks you follow? - On the Northern track we see a great deal.

21873. You have had a very large experience of ice? - I have had a very large experience of ice.

21874. I do not know whether your Lordship caught the last answer of the witness. He said that on that track, which he described as going 30 miles south of the Virgins, they saw a great deal of ice, including field ice. You have had a very large experience of ice? - Yes, a large experience of ice.

21875. Did you ever slacken your speed for ice as long as the weather was quite clear? - Not as long as it was quite clear - no, not until we saw it. If it was field ice of course we kept out of it if we could. We get into it sometimes.

21876. Was that the same by night and by day? - The same by night and by day, as long as the weather was absolutely clear.

21877. What do you say with regard to the use of binoculars for the look-out men? - I never heard of it until I read it in the paper the other day. We have never had them - I never have.

21878. Do you think it would be a good thing? - I do not think it would be any advantage, because the men would not use them in cold weather anyway, and we do not rely upon them very much. We always see everything first before the look-out men do.

21879. Have you in your time ever seen field ice on the present tracks - the tracks that have been followed since 1898? - Never once, only isolated bergs.

Examined by the ATTORNEY-GENERAL.

21880. I want to understand one thing. You said you never altered your speed, because you could always depend upon seeing the ice in sufficient time? - As long as the weather is perfectly clear.

21881. Has the disaster to the "Titanic" caused you in any way to modify your view? - I do not think so. Of course, I was not there and I did not see what they looked like. But I have never seen an iceberg of that size that you could not see on a perfectly clear night, and far enough off safely to clear it. I have seen a piece, quite a small piece, that you could see some distance off.

21882. (*The Commissioner.*) If you are right, and if this was - as we have been told by a great many witnesses it was - a perfectly clear night, how do you account for the collision? - I cannot account for it at all. They say it looked like a black iceberg, but I have never seen a black iceberg. I never saw anything but a white one, and that you can see on the darkest night. You can see field ice, too, on the darkest night in time enough for you to get out of the way of it.

21883. We have had an explanation given of it by Mr. Lightoller. He said that the sea was

absolutely flat - there was not, as I understood him, even a swell - and that the consequence of that was that there was no surf of any kind round the base of the iceberg. By the base, I mean, the margin on the waterline, and that, therefore, one of the best indications for the seeing of ice was absent. What do you think about that? - I think you would see the surf round it at a shorter distance than you would see the iceberg, if it was a large one. The ice has a phosphorescent appearance.

21884. I should have thought that, as a seaman, you would have had some sort of explanation to suggest? - I cannot think of anything, because they say the ice was dark blue, almost black. I never saw an iceberg like that in my life, and I have seen a good deal of ice too.

21885. Does that lead you to infer that they are mistaken when they say it was black? - I would not like to say that, my Lord. I do not know, of course; I was not there, but I never saw an iceberg of that kind.

21886. Have you ever seen a growler? - These low bergs?

21887. Yes? - Very seldom.

21888. What is the colour of a growler? - White.

21889. The same as an iceberg? - The same as an iceberg, only a smaller one. That is what I understand by a growler - a low-lying berg. We always see those.

21890. If there was any haze I suppose it would be seen from the bridge? - The berg?

21891. No. If there was any haze the haze would be seen? - Immediately. As soon as there is the slightest beard on the green light and we are in the ice region we slow down, because you cannot say how far you can see, but when it is absolutely clear we do not slow down for ice.

21892. Of course, if there had been a haze you could have accounted for it? - Yes.

21893. Would a bad look-out account for it? - Yes, but I do not believe there are bad look-outs on any Atlantic steamers. I do not believe that.

21894. There were two men in this crow's-nest and there were two officers, I think, on the bridge. You do not suppose there could have been a bad look-out? - No, I should not think so. I never knew a bad look-out on these steamers, especially when you are in the ice region - not necessarily because ice was reported, but from longitude 44 to 51 we are always looking out for it.

21895. If a haze comes on, is it the duty of the man in the crow's-nest to report it to the bridge? - No, Sir, it is not; we would know it quicker than he would, or just as quick, because we always see the little blur on the green light.

21896. It is the business of the man on the bridge to notice it? - Yes.

21897. And to give directions accordingly? - Call the Captain of the ship immediately.

Further examined by Sir ROBERT FINLAY.

21898. May I suggest one question with regard to what the witness said as to what Mr. Lightoller said? You said that you thought that if there had been a swell the white of the waves breaking at the foot of the iceberg would not be seen further than the iceberg itself? - I do not think it would be seen as far, unless there was a sea on. Then you would see the breakers just like breakers breaking on the beach.

21899. I am speaking only of an ordinary swell? - No, I should think you would see the berg first.

21900. You are speaking of the icebergs of which you have experience - white icebergs? - Yes.

21901. Suppose you had a black iceberg? - I would not see it, I suppose.

21902. Would the white of the waves, if there was a swell, be seen further under those circumstances? - Oh, yes, of course, according to the amount of sea.

21903. You were speaking of the white icebergs with which you are familiar? - Quite so, yes.

Further examined by the ATTORNEY-GENERAL.

21904. I understood you to say that you had never seen a black iceberg. Is that so? - Yes.

21905. Have you ever heard of one? - Never till I read of it in the papers.

(The Witness withdrew.)

CAPTAIN FRANCIS SPURSTOW MILLER, Sworn.

Examined by the ATTORNEY-GENERAL.

21906. Are you Assistant Hydrographer at the Admiralty? - I am.

21907. And you attend here on behalf of the Admiralty to give the views of the Admiralty to my Lord and the Court? - Yes.

21908. I want to ask you particularly with reference to searchlights. First of all, in the Admiralty you have searchlights on board ship, and they are certainly more used there than in the Mercantile Marine? - Very much so.

21909. They have a greater experience of searchlights, or the best experience at any rate. In your view, are these searchlights on board ship of great value in detecting an ice-field or an iceberg? - Yes, I should imagine they were.

Sir Robert Finlay: I do not gather that this gentleman has any experience, because, in answer to the question, he said: "I should imagine they were."

The Attorney-General: I do not understand you. Are you objecting to the evidence?

Sir Robert Finlay: Yes, I do object. The witness is asked whether searchlights are of value in detecting ice. In reply, the witness does not say that he has any experience with regard to the use of searchlights; he simply says: "I should imagine they were."

The Attorney-General: I really do not quite understand what the objection is. I will tell my friend what the object of the evidence is. I am calling this gentleman from the Admiralty in order to give the Court some information with regard to the Admiralty's experience of searchlights, and that is the point of the evidence. It is not directed against anybody or anything.

Sir Robert Finlay: I will not put it as an objection to the admissibility of the evidence, but I wish to guard against any particular weight being attached to it unless it proceeds on some experience.

21910. *(The Attorney-General.)* I think you will see that it does. *(To the Witness.)* I do not know whether I am right, Captain Miller, but are you speaking from actual experience or are you speaking from information supplied to you by the Admiralty, and which you are attending here to give? - I am speaking, if I may say so, on behalf of the Admiralty as far as I can. I am not speaking my own individual experience. I have had some, but I am here, I believe, to speak on behalf of the Admiralty.

21911. To tell the Court what the result of the Admiralty's experience has been with regard to searchlights; that is so, is it not? - I am speaking, more or less, as to the advantages or disadvantages of searchlights on board ship.

21912. That is quite right - so as to put, at any rate, the information that the Admiralty has, before the Court? - Yes, the Admiralty's view.

21913. Representing, as we understand you do, the views of the Admiralty to the Court, will you tell us whether the use of searchlights is of value in detecting icebergs or ice-fields? - Yes.

As far as our own ships are concerned, we have not had many ships in the ice region, but for other purposes, such as picking up buoys and land searchlights have been frequently used.

21914. Or rocks? - Or rocks. They are also useful in passing through a channel, or through a canal. I submit they are also useful in cases where a ship is stranded.

21915. To assist in life-saving? - And also for salvage work, and for life-saving. Those are the advantages.

21916. Then there are some disadvantages, are there not? - Yes.

21917. I want you to tell the Court the Admiralty's view as to the disadvantages? - The disadvantages of searchlights, with regard to searchlights on board the ship itself, are that they may dazzle the officers and the look-out men on board the ship, and in that case specially so, if they happen to be badly placed with regard to the people who are observing. Secondly, they cause a good deal of interference with general navigation, and they would do so very much indeed in crowded waterways. If on the open sea, of course, the objection would be less. The effect of interference on other vessels would be, as is well known, to blind the officers of the watches on board those ships, and, consequently they would make it difficult for them to detect other vessels in their vicinity, and so possibly bring about collision. Thirdly, the lights would have the effect possibly of reducing the brilliancy of the ship's navigation lights from which the searchlight was being exhibited.

21918. (*The Commissioner.*) That is the green and the red lights? - Yes, and possibly the masthead light.

21919. (*The Attorney-General.*) Are there any more disadvantages? - They might also, especially in thick weather and in fog, be mistaken for electric lights of the lighthouses on shore. They also have the effect of screening those shore lights from passing vessels. Another thing with regard to searchlights on board ships might be that a vessel so fitted might depend too much on her searchlights, and get into dangerous proximity to the land and shoal water and buoys, trusting to her searchlights. Further, she might be induced to continue at a high rate of speed, trusting again to her searchlights when, under similar circumstances with regard to weather and so on she would - and rightly so - reduce her speed. I think, too, that the advantages of having searchlights on board ship may not be so great as the disadvantages of causing general interference with the navigation of the ships themselves, and, as I have said, leading vessels to go on at a high rate of speed when they ought to reduce speed. But, in any case, if searchlights are established on board ship very stringent regulations should be laid down as to how they should be worked, especially avoiding doing so in crowded waterways.

21920. I suppose the question of where they are fixed is of importance too? - Yes, that would be very important, and would depend on the number of searchlights established.

21921. Have you found in the experience of the Admiralty that from time to time inconvenience is caused to vessels approaching by the use of searchlights at the defended ports? - Yes, frequent complaints have been received, and early this year a notice to mariners, No. 274, was issued, and a system of signals was introduced to enable vessels to ask the people on shore who were working the searchlights to take the lights off their vessel, by sound, signal, and by flashing.

21922. Has the Admiralty recently called upon officers who have had experience in navigation of ice-fields to report to them upon the use of searchlights? - Yes, they have recently sent a communication out to the officers who have been in command of ships on that station, but so far we have only received the report of one officer. The other reports, no doubt, will come in, and the Admiralty will be prepared to lay them before the Court.

21923. Will you tell us, just shortly, the result of the one report which you have got? - One report was received, and the officer stated that in all cases in clear weather the iceberg was

sighted before the searchlights picked it up. The iceberg was sighted at about two miles; the searchlight was then switched on, and lit up the iceberg very clearly, showing a white clear light. Then they detected the ice-floe at a distance of about one and a half miles from the ship, and also low pans and pieces of ice floating between the ship to a distance of about a mile off.

21924. What is not quite clear to me from what you have said is whether it is a fact that the iceberg was first discovered by ordinary sight? - Yes I believe with ordinary sight. I do not know whether it was with binoculars or not.

21925. Was that because the searchlight was not being used, or because the searchlight failed to pick it up? - The report does not say whether the searchlight was actually being used at the time, but it said that they picked up the ice first by sight.

21926. And then turned on the searchlight afterwards? - Yes, and then they saw it beautifully lit up.

21927. (*The Commissioner.*) I do not quite see what the value of that report is. I thought the object was to ascertain whether searchlights could pick up ice before the eyesight could pick it up? - That is the only report that has come in.

The Commissioner: It does not seem to me to be to the point.

21928. (*Sir Robert Finlay.*) Have you got the report here? - I have it here, but I do not know that I am permitted to produce it.

21929. (*The Attorney-General.*) You will not object to produce it to me? I can see it. If you will show it to me I can see whether it throws any light upon the question or not? - Yes, I can hand it to you.

The Attorney-General: Will you get it for me, please? Your Lordship will understand that we have been inquiring about this matter of the searchlights to see what assistance we could render to the Court. In the mercantile marine I think they are practically not used at all.

The Commissioner: Yes, that I understand.

The Attorney-General: And therefore the only evidence that we can get of value as regards actual experience is from the Admiralty.

Sir Robert Finlay: I think, my Lord, in reference to what your Lordship said that the searchlight must have been in use at the time, otherwise the whole report would be meaningless.

The Attorney-General: I am not so sure about that.

The Commissioner: As the report is described in the witness-box it seems to me to entirely fail in its object.

Sir Robert Finlay: I think the searchlight must have been in use, but it was the naked eye that picked up the iceberg first. However, we will see. (*The Report was produced.*)

The Attorney-General: I think your Lordship had better see the actual Report. I have seen it, and there are three questions which I think, perhaps, I might read.

The Commissioner: Is there any reason why you should not read them?

The Attorney-General: Not the slightest.

The Commissioner: Then I wish you would read them.

The Attorney-General: I was proposing to read three questions and answers. There is some other matter which is not of much importance.

The Commissioner: You can omit anything which you think it is not advisable to read.

21930. (*The Attorney-General.*) The Report says: "23rd May, 1912. Sir, With reference to your letter M.12645/12, of 17th May, 1912, I have the honour to submit herewith for the information of the Lord Commissioners of the Admiralty a Report of my experience as to the value of searchlights for detecting floating ice. Dealing seriatim with your questions -

(a.) Have you had any opportunity of lighting up an iceberg with a searchlight? - Yes.

(b) Are icebergs, growlers, and others made conspicuous at a distance by searchlights? - Yes,

in dark, clear weather.

(c) At what distance do you consider on a clear dark night a 24-inch projector would reveal an iceberg? - It has never been my experience on a dark night to *first* detect a large or moderate-sized iceberg with a searchlight, but after having detected an iceberg with the naked eye I have on several occasions lighted the berg up with a searchlight, and on one occasion the searchlight illuminated the berg at a distance of more than two miles, and clearly showed the edge of ice-field at a distance of at least 1 ½ miles also revealing low ice pans and small ice at a distance of about 2,000 yards, which floated between the ship and icefield, and which had not previously been detected. I have on other occasions, in clear and thick weather, used searchlights with view of detecting ice, and consider that on dark clear nights, provided that the observer does not look into the beam of light, and when a 24-inch projector is situated as in case of foremost projector in H.M.S. "Brilliant," namely, on top of chart house or fore bridge in centre line of ship, if the beam is thrown from above and behind, but on side of observer, a path of from 800 to 1,000 yards ahead of ship is clearly illuminated, in which path any ice must be revealed at once, and within these distances the instant the beam of a searchlight touches floating ice, the ice appears brilliantly white, and its size and description can be determined at once.

"It was my further experience, when using a searchlight from after bridge of "Brilliant" to sweep on beam of ship to bow if the observer stood well forward, and at a lower level than, and was well screened from the searchlight, a path of over 2,000 yards was well lighted up." That is about double what he said before. "In fog, thick mist, drizzling rain, or snow, a 24-inch projector throwing a *white* beam was found to be practically no use." Then there are some questions as to the best position of a light for this purpose, which I will not trouble your Lordship with, because that is a matter for subsequent consideration. The letter is dated the 23rd May, 1912, in reply to a letter of the 17th May, 1912, putting these questions in consequence of this disaster. (*To the Witness.*) Can you tell me how far a searchlight of the character mentioned here, a searchlight, called here a 24-inch projector, would be of any use ordinarily? - About 2,000 yards.

21931. Not more? - No, you cannot depend much beyond that.

The Attorney-General: I do not think there is any point in keeping this document. It will get on the notes from my having read it.

Sir Robert Finlay: I have nothing to ask the witness.

21932. (*The Commissioner.*) I should like to ask you a question. You gave us what I may call the pros, and cons, with reference to the use of searchlights. You pointed out to us the advantages and the disadvantages. Weighing the one against the other, what is the conclusion, if any, that you have arrived at as to the desirability of using searchlights on this track in ships of the mercantile marine? - I think the Admiralty's view is that it would be advisable not to use them.

21933. That you think is the result of your experience? - Yes. Taking the general navigation throughout - not limited only to the immediate vicinity of ice, but the use of searchlights generally, if they were established in ships in the mercantile marine they might be used in any locality - in the English Channel or in any crowded waterways.

21934. You think it is better that ships of the mercantile marine should be without them? - Yes.

21935. (*The Attorney-General.*) I want to follow up what my Lord said to you. Would it be possible to do this, to have searchlights which could be fixed, supposing it was known that upon a particular night there was a possibility of encountering either icebergs or an ice-field? - Would it be possible to have them fixed?

21936. To have them there ready to be fixed for use, but not otherwise fixed in position for use; that is what I want to know? - Yes, they could be moved up or down, as necessary - yes, certainly.

21937. Supposing that that was the case, and there was a report received that icebergs or ice-fields would be encountered in the night, do you think it would be an advantage to use a searchlight on that night for the purpose of illuminating the space in front so as to detect the icebergs or ice-fields? - Yes, it might possibly be of advantage.

21938. As I understand with regard to the disadvantages which you have pointed out to my Lord, on balance, you are afraid of their being used in places where they will create confusion and danger? - Yes, that was the idea.

21939. Or being used on the particular track even in that respect? - If they are established there ought to be stringent regulations as to their use.

21940. They should only be used in certain conditions such as I have described? - Yes, under certain conditions.

21941. (*The Commissioner.*) Are those observations of yours that you have just made intended to qualify the opinion that you expressed to me just now, that, on the whole, it is desirable that ships should not have them? - Yes, I think the summary of the conclusion would be rather that they should not carry searchlights, but that if they did they should be under stringent conditions.

21942. Then it comes to this: You think, on the whole, it is better that they should have no searchlights at all, but if they should have them then there must be some stringent regulations governing the use of them? - Yes.

(The Witness withdrew.)

The Attorney-General: That is all the evidence we propose to give, my Lord, with regard to the searchlights.

The Commissioner: I think there have been some enquiries made in Germany about the use of searchlights, and as far as I am able to gather it has not been favourable to the use of searchlights in ships of the mercantile marine.

The Attorney-General: I gather that the same sort of difficulty has been found by them - I am only speaking on my recollection of a newspaper report - as Captain Miller has pointed out - has resulted from the experience of the Admiralty.

The Commissioner: It was some Committee or body which sat in Berlin to consider the question.

The Attorney-General: Yes, I think so.

Sir Robert Finlay: It has not reported yet. The statement my friend made refers to a very early stage of the proceedings. I do not think the formal report has appeared yet.

The Commissioner: I am talking about something that I read about a month ago.

The Attorney-General: So am I; that was about the time.

CAPTAIN BENJAMIN STEEL, Sworn.

Examined by Mr. RAYMOND ASQUITH.

21943. Captain Steel, you are a master mariner, and have held an extra master's certificate for 19 years? - Yes.

21944. You are also a Commander in the Royal Naval Reserve? - Yes.

21945. Are you the Marine Superintendent at Southampton for the White Star Line? - Yes.

21946. Were you present on board the "Titanic" on the 10th of April when there was a boat drill or boat muster? - Yes.

21947. Was Captain Clarke, the Board of Trade Emigration Officer, present also? - He was.

21948. Will you tell the Court what was done with regard to the boats on that occasion? - Two boats were exercised; two boats were put into the water and rowed about the dock manned by about eight men each.

21949. What sort of men? - Sailors.

21950. All sailors? - Yes.

21951. Did any stewards or firemen take part in the drill? - Not on that occasion; not that I recollect.

21952. Each of those boats, you say, were manned by eight deckhands? - Yes; eight sailors and an officer.

21953. And lowered into the water? - Yes.

21954. What happened then; did they row about? - They rowed about the dock. We usually set the sails, but on that occasion it was gusty and windy, and we set no sails on that particular day. They simply rowed about the dock and the boats were taken on board again.

21955. Did you inspect the boats to see whether they were properly equipped? - I did in a general way, yes.

21956. What did you find. Were they properly equipped? - As far as I saw, yes.

21957. Did you look at each boat? - I did, yes.

21958. As far as you could see they were properly equipped? - Exactly, yes.

21959. Did you notice whether the boats had any indication upon them as to what their carrying capacity was? - No, I cannot say that I noticed that. No, I did not on that occasion.

21960. You do not know whether they had or not? - I do not.

21961. Have you ever experienced this difficulty which has been spoken of with regard to getting firemen to take part in the drills? - Yes, we have recently.

21962. Was any attempt made to get them to take part in the drill on the "Titanic," as far as you know? - No. May I state, my Lord, that we have had a lot of difficulty with these firemen at Southampton.

21963. (*The Commissioner.*) They refused to go to sea the other day, did not they? - Yes, my Lord.

21964. (*Mr. Raymond Asquith.*) Do you mean you have had trouble since the "Titanic" disaster? - We have, yes.

21965. Have you made them offers to try and persuade them to take part in these drills? - We have.

21966. What have you offered them? - Half a day's pay to come down on Tuesday, the day before sailing, and take part in the boat drills.

21967. And have they refused that offer? - Not one appeared. That was equal to a refusal.

21968. (*The Commissioner.*) How much is half a day's pay? - I should say, my Lord, it is about 2s. 4d. I believe that is the exact amount, for work which, I think, will take about two hours.

21969. (*Mr. Raymond Asquith.*) I think you produce the compass deviation card, do you not? - Yes.

(*The compass deviation card was handed in.*)

21970. Have you had experience of the North Atlantic yourself? - About nine years, I think.

21971. Have you formed any views with regard to the use of searchlights for detecting ice? - Yes.

21972. What are your views? - I do not believe in them myself.

21973. Have you used them in fact? - No.

21974. (*The Commissioner.*) You have had no experience? - Not of searchlights, no my Lord, except during the time I served in the navy. I was in the navy for twelve months, and I saw them used there.

21975. (*Mr. Raymond Asquith.*) With regard to the use of glasses, or binoculars, have you any opinion upon that subject? - I never have believed in them.

Examined by Mr. SCANLAN.

21976. Do you agree with the evidence of the two previous Captains we have had, Captain Hayes and Captain Passow, that on a clear night an iceberg can be seen at six or seven miles distance? - On a clear night I should think so, yes.

21977. If on this night we have it on the evidence of Mr. Lightoller that an iceberg could only be seen about a mile and a half or two miles, would you say that the night must not have been clear? - I should think a great deal depends upon the size of the berg.

21978. If it was found, as it is stated by Mr. Lightoller, that he had observed from six o'clock to ten o'clock on the night of the 14th of April that it was more difficult than under normal circumstances to see an iceberg, would that suggest to you, from the point of view of seamanship, that a double look-out should have been set that night? - No.

21979. Do not you think it would be desirable to place an extra look-out man on the bows? - No.

Examined by Mr. LEWIS.

21980. Was any offer of half-a-day's pay made prior to the "Titanic" disaster? - The offer of the half-a-day's pay to which I referred was made in the case of the "Oceanic" before she sailed. That was the only time we have made that offer.

21981. When would that have been? - When the men signed on.

21982. Would that be recently - since the "Titanic" disaster? - Oh, yes, since.

21983. You have no recollection of any offer having been made to the men prior to that? - No.

21984. Do you consider it would be desirable to muster the day before? - Yes.

21985. Even to the extent of giving the men a day's pay? - I believe so, yes.

21986. (*The Commissioner.*) That means 4s. 8d.. Would they come on the day before if you gave them 4s. 8d.? - I do not think they would, my Lord, not from our past experience.

21987. If you offered them a £5 note each they might come? - I doubt if some of them would, even if you offered them that.

21988. (*Mr. Lewis.*) How long have you been Marine Superintendent at Southampton? - I have been Marine Superintendent nine years altogether - about four or five years at Southampton.

21989. Are you aware that the men suggested about two years ago that they should muster the day before sailing? - No, I have never heard of it. We can hardly get them to muster on clearance morning, much less before the day of sailing.

21990. Are you aware whether any officials of an organisation have had interviews with your local managers with reference to this point? - No, I cannot recollect any.

21991. The general complaint has been, I think, that men leave on the day of sailing and come back again just as the boat is going off. That is the general complaint, is it not? - Yes, always.

21992. You have no recollection of definite suggestions being made in order to get over that difficulty by the men's leaders, if I may use that term - that it was bad for the men to turn up late; and did they suggest to the company that it would be far better for the men to muster earlier in the day? - To muster earlier than eight o'clock, our usual time, our customary time?

21993. Instead of mustering so early to muster and remain on board the ship? - I never heard that.

21994. What time do you muster now on the day of sailing? - We muster at half-past ten. We

muster the firemen at half-past ten. The sailors and stewards are mustered at eight o'clock.

21995. How long has that been in vogue? - I really cannot call to mind now, I think perhaps about six weeks or two months. I really could not say.

21996. (*The Commissioner.*) That was because the firemen would not turn up at eight o'clock? - That was the reason. The reason was in order to get them on board ship at half-past ten and muster them so that they would not have time to go on shore again.

21997. (*Mr. Lewis.*) Was not a suggestion made by the men's officials for putting it at a later time in order that they should be kept on board, instead of having them earlier, allowing them to go away, and running the risk of their not coming back in time? - Well, of course, I have not much to do with the firemen. That is the Superintending Engineer's business and these arrangements may have been made unknown to me. I personally do not know anything about it.

21998. Is it within your knowledge that the men's officials have endeavoured to arrange that this mustering business should be carried out satisfactorily? - No, I cannot say that I know anything about that.

21999. You are not aware as to whether they have interviewed the Superintending Engineer with regard to the matter? - They may have done so, but I really know nothing about it.

22000. Is this difficulty confined to your Company in Southampton? - That I do not know. I do not know much about the other companies there.

22001. Have you ever heard of any difficulty with regard to other companies in Southampton so far as the mustering is concerned? - I do not know about the other companies. I do not bother much about the other companies; I have quite enough to do without doing that.

22002. Have you ever heard of any difficulty? - No.

22003. If there had been any difficulty you probably would have heard it? - I do not know that I would.

22004. Do you know whether the other companies muster the firemen with the sailors and stewards? - No, I cannot say I do.

22005. You could obtain the information, I suppose? - If I liked to enquire I suppose I could, but I never see any of the officials belonging to the other companies that you speak of. I very seldom meet them.

22006. Do not you think it would be far more practical for the firemen to muster and drill with the sailors? - Well, as I answered before, we are trying to bring that about, but we have not been successful so far.

22007. Have you ever heard of any complaints on the part of the firemen because they did not muster with the sailors? - No.

22008. No objection on that score at all? - No.

Examined by Sir ROBERT FINLAY.

22009. Do these other companies have as big ships as yours? - In Southampton?

22010. Yes? - No.

22011. I suppose if the ships are not so big they have not so many firemen? - They have nothing like the crews that we have.

22012. Now with regard to the boats. Before the Board of Trade certificate is given does the Inspector satisfy himself as to the equipment of each boat? - Certainly.

22013. Have you been much at sea yourself? - I think I was at sea about 26 or 27 years. I am not quite sure of the time.

22014. Have you commanded vessels? - Yes.

22015. In the Atlantic and the North Atlantic? - Yes, but not for very long.

22016. How long were you in the Atlantic? - About nine years altogether, but not in command.

22017. You were in the North Atlantic trade for about nine years? - Yes, or more, perhaps ten.

22018. And for how long in command? - About 12 months altogether, I think.

22019. And for the rest of the time as officer? - Yes.

22020. With regard to approaching icebergs, what do you say as to the effect of icebergs on the temperature; is a fall in the temperature a sign of approaching an iceberg? - I should not judge it so - not in my opinion.

22021. You have heard the evidence which has been given today, and previously, as to not slackening speed on account of ice as long as the weather is clear; is that the practice in your experience? - It is. I have never known any other practice.

(The Witness withdrew.)

Sir Robert Finlay: My Lord, this is the Certificate of Adjustment of the compasses.

(The Certificate was handed in.)

The Commissioner: I have had these Tables handed in.

Sir Robert Finlay: This is the Certificate showing when the adjustment was made.

The Attorney-General: My Lord, just before the adjournment I would like to fill up the time, if I may, by calling a short witness whom I am anxious to call, and then I propose to go to the Board of Trade evidence, which is the last that your Lordship will have to deal with. The witness is Mr. Adams. Your Lordship will remember that Mr. Adams was the wireless operator on the "Mesaba," and I undertook at one time to call him whenever he came home. I doubt very much whether the evidence is going to add anything material to our knowledge, but I said I would call him, and I will therefore do so.

STANLEY HOWARD ADAMS, Sworn.

Examined by the ATTORNEY-GENERAL.

22022. Mr. Adams, you were in April of this year the wireless operator on board the steamship "Mesaba" were you not? - Yes.

22023. On the 14th April of this year do you remember the Captain of the "Mesaba" handing you an ice report which he had written on paper? - I do.

22024. And did he give you directions with regard to the transmission of that report? - Yes. He said that it should be transmitted to all East-bound ships.

22025. Before you had in fact transmitted that report, did he give you another report? - He did.

22026. Did you then place the two reports together? - Yes, on one message form.

22027. Do you remember what the second report was? - No, Sir; it was in relation to ice.

22028. So that you had got these two ice reports which he had given you in writing which you incorporated into one message which you then transmitted? - Yes.

22029. Do you recollect transmitting it to the "Titanic"? - I do.

22030. Have you got your *procès-verbal* before you? - Yes.

22031. I think if you look at that you will see that you transmitted it at 7.50 p.m. If your Lordship happens to have the document that I gave you containing a collection of messages received and sent, your Lordship will find that message on page 3: "Office sent to M.G.Y.," that is the "Titanic"? - Yes.

22032. "Time sent 7.50 p.m." That, I understand, is New York time? - Yes.

22033. "By whom sent, S.H.A." That is you? - Yes, my initials.

22034. "Mesaba' Office, 14th April, 1912. - Prefix Ice Report. From 'Mesaba' to 'Titanic.' In latitude 42 N. to 41.25, longitude 49 W. to longitude 50.30 W., saw much heavy pack ice and great number large icebergs, also field ice, weather good, clear." I need not ask you in detail about your recollection, but did you get an acknowledgment from the "Titanic"? - Yes.

22035. Have you got it on your *procès-verbal*? - The acknowledgment?

22036. Yes? - No, it is on the original message itself.

22037. You have looked at the original message, and it has it on, has it? - Yes.

Sir Robert Finlay: Has what?

The Attorney-General: The acknowledgment by the "Titanic" of the receipt of this message.

Sir Robert Finlay: Have you got it here?

The Commissioner: No acknowledgment is copied on this.

22038. (*The Attorney-General.*) No; your Lordship will see why. (*To the Witness.*) Will you just let me look at it for one moment? (*The document was handed to the learned Attorney-General.*) Here is the original message. I do not quite follow what it is; perhaps you will explain it to us. You say that that enables you to say that the "Titanic" had received it? - I sent this message, and the "Titanic" sent: "Received, thanks." If I had not received that acknowledgment I should not have put the office I had sent it to, the time, and my signature. As soon as I received the official received signal I timed it, dated it, put the office sent to, and initialled it.

22039. I think I understand it now. Is it your practice, first of all, to do this: You send the message first of all, and then this part in the column: "Office sent to, time sent and by whom sent," if I follow you correctly, is not filled up, is it? - No, not until I get the received acknowledgment.

22040. Then when you get an acknowledgment you know that you have transmitted the message to the designated ship? - That is quite right.

22041. And when you have that you fill in that you have sent it and the time and your initials so as to show that you have sent it? - Yes.

22042. And what you get then is "Rd Tks"? - Yes.

The Commissioner: Is this system of keeping the *procès-verbal* the same as the system on the "Baltic"?

The Attorney-General: I do not know; we will see.

The Commissioner: Because the "Baltic" apparently enters on the *procès-verbal* the answer.

The Attorney-General: But this is not the *procès-verbal* that we are dealing with. This is the original message.

The Commissioner: I know that, but I understand he has no record of the answer.

The Attorney-General: No, I understand not.

The Commissioner: As I understand it, in the "Baltic" they have a record in their *procès-verbal* of the answers.

The Attorney-General: Is not that something more? Your Lordship sees the difference. In the one case it is a mere acknowledgment; in the other it is: "Thanks for your message and good wishes; have had fine weather since leaving." That is the "Baltic" message.

The Commissioner: Yes, I know it is, and it appears to me to be substantially the same as this.

The Attorney-General: Oh, no.

The Commissioner: What is the difference - "Had fine weather since leaving."

22043. (*The Attorney-General.*) Certainly, that is not the same as "Received, thanks." It is something more than merely receiving the acknowledgment. (*To the Witness.*) Is this right? Is "Rd. Tks." anything more than an acknowledgment? - No, that is a contraction for "Received, thanks."

The Commissioner: Take the "Empress of Britain." There is an answer there: "Many thanks

for your kind message from all here."

The Attorney-General: Supposing instead of "Rd. Tks." you had received in answer to that message: "Thanks for your message and good wishes, had fine weather since leaving," what would you have done? - I would have done nothing unless it was an official message from the Captain.

22043a. (*The Commissioner.*) It is signed "Smith." Does that make any difference? - If the Captain authorises the Marconi operator to reply I should have put it on the official message.

22043b. (*The Attorney-General.*) If the Captain of your vessel authorised you to reply to the message from the Captain of the "Titanic" you would then have put it on? - Yes, an official form.

22044. (*The Commissioner.*) But if he did not authorise you, you would take no notice of it? - Because it was not sent as an official message.

22045. Except to fill up the form relating to your original despatch? - That is so.

The Commissioner: I do not know that it matters at present. Mr. Attorney, I am by no means satisfied that the "Mesaba's" message was ever delivered on the bridge.

The Attorney-General: Your Lordship remembers we had some little discussion about that, and I stated then the result of the enquiries made and the information we had obtained. We can take it no further. We said then we would call him in order to satisfy the Court, but we can get no further than that. This gentleman says it was sent, and he received an acknowledgment from the operator on the ship.

The Commissioner: At present I have very little doubt that the message was sent.

The Attorney-General: We cannot take it further because we have not got the message from Captain Smith, which would show that he had received it. That is how it stands. Your Lordship is right about that.

Examined by Sir ROBERT FINLAY.

22046. I think you made a statement, did not you, on getting to this country? - I did.

22047. Is that the statement; is that your writing? (*The document was handed to the Witness.*) - Yes, it is.

22048. It was made, I think, to the owners of the ship? - To the shore captain at the Royal Albert Docks.

22049. Of your company? - Yes.

22050. This is the statement, my Lord: "Saturday, 8th June, 1912. I hereby state that on Sunday, 14th April, I had communication with s.s. "Titanic," bound East" - it is written "East" here. Is that right? (*The statement was handed to the Witness.*) - It should have been "West," sir - "bound West."

22051. "And that during the day he" - that is the "Titanic"? - Yes.

22052. The operator - "was very busy with Cape Race. Time of communication, 7.50 p.m. New York time (9.40 ship's) sending ice report, after which he went on working to Cape Race again"? - That is so.

22053. That is subscribed by you? - Yes.

22054. Then is this a copy of your log with regard to these messages on the "Mesaba"? (*The document was handed to the Witness.*) - Yes, that is simplified.

22055. That is what? - It is the log simplified. There are no technical words in that. I have taken out the technical words.

22056. (*The Attorney-General.*) Is that the same as what you call *procès-verbal*, only in ordinary language? - Yes, but that is not the original.

Sir Robert Finlay: This is not the original, but a copy.

The Commissioner: It is not even a copy.

22057. (*The Attorney-General.*) It is a translation.

The Witness: Yes, it is a translation.

The Commissioner: A paraphrase of it.

22058. (*Sir Robert Finlay.*) The only other entry I will read is the one opposite the hour 7.50 relating to this message: "Exchanged. T.R.'s with s.s. 'Titanic' bound West, sent ice report, standing by while 'Titanic' calls Cape Race." What does "standing by" mean? - "Standing by" means keeping on the instruments waiting for him to finish calling Cape Race.

22059. That he was in communication with Cape Race, and you were kept waiting while he went on communicating with Cape Race - is that it? - No, not necessarily. I sent that message, and when I said "standing by" - that should read as waiting for a reply. I had had a received signal from the "Titanic," but I was waiting for a probable reply from the Captain.

22060. I see, it is quite right as it stands - "standing by while 'Titanic' calls, Cape Race"? - Yes.

22061. That means that you were kept waiting. You got no answer from the Captain and you waited for some time while the "Titanic" was working with Cape Race? - Calling Cape Race.

22062. And the answer never came? - The answer never came.

22063. (*The Commissioner.*) I thought an answer did come then? - Yes, but that was the operator's.

22064. And you waited for the answer to come, possibly expecting - I do not know - that an answer would come from the Captain of the "Titanic"? - Yes, sir.

22065. It did not come from the Captain? - It did not.

22066. It came from the operator? - I should have had that in any case, but I thought that the Captain of the "Titanic" would have some news to communicate to us.

22067. (*Sir Robert Finlay.*) I think the two messages are here. The "Received thanks" came from the operator? - From the operator.

22068. As soon as you sent your message? - As soon as I sent my message.

22069. Then you kept on waiting, thinking that there might be a message from the Captain of the "Titanic"? - Yes, to the Captain of the "Mesaba."

22070. And that never came? - That never came.

The Commissioner: That rather bears out the view that I am at present disposed to take about the "Mesaba's" message - that it never left the Marconi room on the "Titanic" at all.

22071. (*Sir Robert Finlay.*) Yes, my Lord. (*To the Witness.*) Just one other question. You said something about combining two messages into your message to the "Titanic"? - That is so.

22072. What were the two messages which you combined? - They were both reports of ice.

22073. Have you got them? I want to see them? - No, I have not. I copied them out on a special form, and got the Captain's authorisation to send them, and then I destroyed the two pieces of paper.

22074. But the two messages that you combined - I suppose you know what they were? - Yes, this is one, the same as I have - the same as I have just shown you.

22075. We have the combination, of course? - Yes.

22076. Were these messages from other ships? - No, they were received from the Captain, to be transmitted to all east-bound ships.

22077. He gave you two messages? - Yes, he gave me two messages.

22078. Have those messages been destroyed; does the paper no longer exist? - The pieces of paper he brought them on no longer exist.

22079. Is there a copy? - No, Sir, only the combination.

22080. Can you tell us what each message by itself was? - It was with reference to the ice we had seen in the morning, and the one I received later was with reference to the ice we saw in the afternoon.

22081. Can you tell us at all how they ran? - They ran something like this: "Latitude so and so, and longitude so and so, passed so many bergs," and giving the time - the G.M.T. I received another one in the afternoon, or the evening rather, on another piece of paper with a similar report of what we had seen in the afternoon.

22082. (*The Commissioner.*) Why did not you send the one in the morning? - That was my first communication with the "Titanic."

22083. I see, you had not got the time rushes? - No.

22084. Until the afternoon? - Until 7.50 p.m.

22085. And then you found there were two messages to be sent, and you made them up into one? - That is right, my Lord.

The Attorney-General: And submitted them to the Captain?

22086. (*Sir Robert Finlay.*) When was the first one? What time in the morning was the first message? - It was in the afternoon about four o'clock, according to my recollection.

22087. (*The Commissioner.*) And the next one was somewhere about 7.50? - About seven o'clock.

22088. (*Sir Robert Finlay.*) So that this message combined what had been seen at two different portions of the day; is that it? - That is so.

The Commissioner: And that explains, I suppose, the forms in which it is couched - "In latitude 42 North to 41.25, longitude 49 West to longitude 50.30 West"?

The Attorney-General: Yes.

Sir Robert Finlay: It gives the impression, of course, as it stands of that oblong, as it has been called, being much more packed together with ice than it may have been, because this is compressed. It is not: "We saw much pack ice throughout the whole of the area described by the latitude and longitude," but "While we were in that area between the longitude given and the latitude given we saw," and it turns out at different periods of the day "icebergs."

The Commissioner: I do not think from my point of view at present it matters at all, because it never reached the bridge.

Sir Robert Finlay: That is so.

(The Witness withdrew.)

(After a short adjournment.)

Mr. Roche: I do not know whether it is an opportune time to make a suggestion to your Lordship. My friend the Attorney-General has made an intimation as to the course of the case. It is drawing to an end with regard to witnesses, which I daresay is as welcome to your Lordship as it is to other persons. But there is one point which occurs to myself which has not been elucidated. My clients will not be in a position to do it, and I do not know whether my friend the Attorney-General could not do it or get it done very shortly. Your Lordship has had evidence this morning with regard to speed, and speed in the past is most material as to whether it was negligent or not to go at a certain speed. Another question also occurs to me as to what should be the speed in the future - whether your Lordship should make any recommendations or not in regard to speed in the future under certain circumstances. That depends upon one fact, or is influenced by one fact which is not before your Lordship, and that is that with ships of these dimensions what is the turning circle, or perhaps it would be more correct to say the turning

curve of the vessel at any given speed, at full speed, half speed, and so forth. That depends upon information as to the details of the rudder and so forth, and the construction of the vessel, which my friends from the Board of Trade may be able to procure from the persons whom they have available. I do not know how that commends itself to your Lordship as a point which your Lordship will have to consider. Your Lordship quite understands what I mean by the turning circle.

The Commissioner: I do.

Mr. Roche: It occurs to me it would not be a lengthy matter, and these are factors which your Lordship and those who advise you will probably have to consider.

The Commissioner: Are you going to put any evidence before us on this point, Mr. Attorney?

The Attorney-General: We did not intend to, but it can be done. If there is any question which suggested itself to my friend, it would have been better if it had been asked of the witnesses.

The Commissioner: It is suggested that the point was put to Mr. Lightoller, and that there then came an intimation from you - I do not know if it was from you personally, but it was from someone with you - to the effect that that matter would be dealt with later on.

The Attorney-General: It certainly can be done.

The Commissioner: It does affect the question of speed.

The Attorney-General: Yes.

The Commissioner: I mean to say the question of how the ship would answer to her helm and what curve she would make at different speeds may be a matter to be considered.

The Attorney-General: Your Lordship shall have it.

The Commissioner: You will think about it.

Mr. Roche: I am very much obliged to your Lordship. In explanation of not putting the questions, I may say I was desirous of not putting questions of that sort to people who had not made the calculation. It would not have been satisfactory.

The Attorney-General: I am not making any complaint, but if my friend had told me he wanted it I would have called evidence about it.

Mr. W. M. R. Pringle: May I resume my application for leave to appear on behalf of the Shipwrights' Association. You may remember at the earlier stages I made an application on two occasions on behalf of this Association. At that time you allowed me to remain.

The Commissioner: I thought I had enough, and I still think I have got too many; but at the same time if you have any questions to ask of any of the witnesses who come into the box, and will suggest them to me, if I think them the least relevant. I shall no doubt allow you to put them. You must remain here and listen to the evidence, and then if any questions occur to your mind, suggest them to me, and if they appear to me to be really relevant I shall, of course, allow you to put them.

Mr. Pringle: Of course, I should not think of interfering in any circumstances in which I should not be assisting your Lordship in the Enquiry.

Sir WALTER J. HOWELL, Sworn.

Examined by the ATTORNEY-GENERAL.

22089. (*The Attorney-General.*) This is the oblong which appears in the "Sphere" of June 8th. (*Handing same to the Commissioner.*) It strikes me as useful. (*To the Witness.*) Sir Walter Howell, are you one of the Assistant Secretaries to the Board of Trade? - Yes.

22090. And Chief of the Marine Department? - I am.

22091. You entered the Board of Trade nearly 40 years ago? - Yes.

22092. And you became head of the Marine Department in 1899? - That is so.

22093. Is the Marine Department of the Board of Trade charged with the administration of the Merchant Shipping Acts? - Yes.

22094. And also some of the Acts affecting shipping with which we are not concerned at this Enquiry? - Yes.

22095. It is entrusted also with the general superintendence of all matters relating to merchant shipping and seamen? - Yes, as defined in the Merchant Shipping Act, 1894.

22096. With regard to foreign law applicable to ships, do you strive as far as possible to obtain international agreement? - Yes.

22097. And especially as affecting the safety regulations? - Yes.

22098. Much has been done to secure that object? - I think a considerable deal has been done.

22099. The regulations as to the survey of passenger steamers enforced in France, Germany, Denmark, Japan, the Netherlands, Norway and Belgium have been recognised as of equal effect with your own since 1907? - That is so.

22100. What is the position with regard to the United States? - They were recognised by mutual agreement in 1905.

22101. That is as to survey of passenger steamers? - That is as to survey of passenger steamers.

22102. There are negotiations proceeding on the subject of passenger steamers with other countries, and I need not go into detail with regard to that? - Yes.

22103. Now will you tell me, with reference to foreign requirements as to life-saving appliances, have they also been considered by the Board of Trade with a view to recognition since 1907? - Yes, since the passing of the Act of 1906.

I think there are only two sections in the Act of 1906 with which your Lordship need be troubled - Sections 4 and 9, I think, are the ones. Section 4 of the Merchant Shipping Act of 1906 gave power to apply our rules as to life-saving appliances to foreign ships in certain cases. I will read the section, and your Lordship will see at once how it stands: "Sections four hundred and twenty-seven to four hundred and thirty-one of the principal Act relating to life-saving appliances shall, after the appointed day apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships; Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the principal Act, on proof that those provisions are complied with in the case of that ship."

The Commissioner: That is Section 4.

22104-5. (*The Attorney-General.*) Yes, of the Merchant Shipping Act of 1906. That is the only section which relates to the life-saving regulations with which we are now dealing. (*To the Witness.*) In the same way, have the life-saving appliance rules of France, Germany, Norway, Sweden, Denmark, and the Netherlands been recognised by Orders in Council under Section 4 of the Act of 1906? - Yes, after considerable negotiation they have.

22106. And negotiations are proceeding with other countries for the same purpose? - Quite so.

22107. The life-saving appliance rules of the United States have I think not been recognised by an Order in Council under this Act? - No.

22108. Does the mutual recognition of the British and American passenger certificates include the recognition of the life-saving appliance rules with which the passenger steamers of the two countries have to comply? - It does; the mutual recognition between this country and the United States preceded the passing of the Act of 1906, and it was therefore unnecessary to do anything further.

22109. You have the effect without the Act of 1906? - That is so.

22110. Have you for the purpose of carrying out the duties of your department a large staff assigned to that branch of the department? - I think I may say a very large staff.

22111. So far as is relevant to this Enquiry there is first of all the Head Quarter Staff? - Yes.

22112. That consists of administrative and technical officers with the necessary clerical assistance? - Quite.

22113. The Head Quarter Staff includes a number of principal consultative officers? - It does.

22114. First there is the professional member of the Marine Department? - Yes, he is in a sense Surveyor-General and Chief of the staff.

22115. And he is a sailor? - He is a sailor.

22116. Then there is the Engineer Surveyor-in-Chief? - Yes.

22117. Who is that? - Mr. Boyle.

22118. Will you give us the names as we proceed? - Certainly.

22119. Who is the professional member of the Marine Department? - Captain Young.

22120. And the Engineer Surveyor-in-Chief is Mr. Boyle? - Yes.

22121. And the principal Ship Surveyor or Naval Architect? - Mr. Archer.

22122. Then the principal Surveyor for Tonnage? - Mr. Colvill.

22123. And the principal Examiner of Masters and Mates? - Captain Harvey.

22124. Then there is a Chief Examiner of Engineers and Chief Inspector of Ships' Provisions? - The Chief Examiner of Engineers is Mr. Seaton -

22125. They do not affect this case, so you need not trouble. Is the executive work of the Department carried on by a large number of officers stationed at the principal ports of the United Kingdom? - It is.

22126. And that staff consists, first of all, of a Survey Staff? - Quite so.

22127. And then the Mercantile Marine Office Staff, Inspectors of Ships' Provisions, and Examiners of Masters and Mates? - Quite so.

22128. Now the Survey Staff we are principally concerned with in this case. In addition to the principal consultative officers whom you have already mentioned, into how many districts are the ports of the United Kingdom grouped? - The country, including Ireland, is grouped under nine ports.

22129. And in those nine ports are there engineer, nautical, ship, and sanitary Surveyors? - Yes.

22130. And in the duties of the Survey Staff is there first of all the survey of ships for passenger certificates? - Yes, including the hull, equipments, and machinery.

22131. Hull, equipments, and machinery? - Yes.

22132. I will ask you a little more about that presently. Then is there the survey and clearance of emigrant ships? - Yes.

22133. That is in pursuance of the provisions of the Statute? - Yes.

22134. There are a number of other matters with which I need not trouble the Court which also involve duties to be performed by the Survey Staff? - Yes, numerous very important duties.

22135. But not relevant to the particular matters we are enquiring into now? - Probably not.

22136. Now will you direct your attention to the case of the "Titanic"? - Yes.

22137. Has your attention been called to the questions which are submitted to the Court? - Yes, it has.

22138. The second question is, "Before leaving Queenstown on or about 11th April last did the "Titanic" comply with the requirements of the Merchant Shipping Acts, 1894-1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of 'passenger steamers' and 'emigrant ships.'?" - Yes, she complied with both sets of requirements.

22139. That particular Question concerns your department? - Yes, that concerns my department.

22140. The particular Questions, I think, my Lord, which are affected by the Board of Trade evidence are 2, 4, 5, and 26, which is the recommendation. Your Lordship will remember it invites the Court to report upon Administration. Those I think are the Questions that are affected by this evidence. (*To the Witness.*) Now the "Titanic" had to comply with the law which is applicable both to passenger steamers and emigrant ships? - Quite so.

22141. Are those the most stringent provisions under the Merchant Shipping Act? - Those relating to emigrant ships are certainly the most stringent.

22142. Now, just before I go to that, there is one matter I want to call attention to. I want you to direct your attention to some figures which have been compiled with reference to the number of passengers who lost their lives over a period of years on voyages from the United Kingdom to America. The point of it is that the Court may have before it what did happen during the 20 years that preceded this accident, and it has a material bearing of course upon the recommendations that ought to have been made and that were made. Will you take first of all the 10 years from 1892 to 1901? The total number of passengers carried inward and outward between the United Kingdom and the United States and British North America on all ships - that is, both British and foreign ships, was over 3 ¼ millions? - That is so.

22143. And of those 3 ¼ million passengers was the great proportion carried in ships belonging to the United Kingdom? - By far the greater proportion.

22144. Will you give me the number of passengers who during that period of ten years lost their lives by casualties to vessels belonging to the United Kingdom? - In the years 1892 to 1901 the number of passengers lost by casualties to vessels at sea was -

22145. Belonging to the United Kingdom? - Belonging to the United Kingdom, was of passengers - west-bound 66, east-bound 7.

22146. Seventy-three in all? - Seventy-three in all.

22147. Have you also considered the figures for the ten years 1902 to 1911? - Yes.

22148. Was the number of passengers carried under the same conditions by both British and foreign ships over six millions? - Over six millions.

22149. And of those six millions was the greater proportion carried by vessels belonging to the United Kingdom? - Certainly; far the greater proportion.

22150. Now, will you give me the number of passengers who lost their lives by casualties at sea in vessels belonging to the United Kingdom? - West-bound 8, east-bound 1.

22151. Nine in all during that ten years? - Nine in all.

22152. I suppose it is not possible for you to give the figures with regard to the total which you have given, because that includes both the British and foreign ships? - Yes. I want to be very careful to point that out.

22153. You only have the figures available for vessels belonging to the United Kingdom? - Quite so.

The Attorney-General: I have a Table, my Lord, which I have summarised, giving you what I think are the material figures, but I have a Table here for every year, showing them exactly. It did not seem to me that that was necessary. The total is what is required.

The Commissioner: I suppose it is not possible to say how many of those 6,000,000 and 3,250,000 were carried in British ships?

The Attorney-General: I am afraid not.

The Commissioner: Very well.

22154. (*The Attorney-General - To the Witness.*) You told me that by far the larger proportion of passengers included in the total of six millions was carried in vessels belonging to the United

Kingdom? - Yes.

22155. Can you give us any indication of what that larger proportion consisted of? - I cannot.

The Commissioner: The total loss comes to about four persons in a year.

The Attorney-General: That is counting the twenty years.

The Commissioner: Yes.

The Attorney-General: During the last ten years -

The Commissioner: It is much less.

The Attorney-General: It is not quite one.

The Commissioner: Yes. Taking the whole 20 years it is about four a year.

The Attorney-General: Yes. I think your Lordship will find from the figures, if you go back further, that the loss of life has always been a decreasing quantity in proportion to the increasing number of passengers carried.

The Commissioner: These figures show that, but, of course, they only deal with two periods of 10 years.

22156. (*The Attorney-General.*) Yes. I might exhaust the figures as we are upon them. I do not want to go back to them. I am only going to give the summary. Will you just tell me whether this is right: For the 10 years ending the 30th June, 1881, there were 822 lives, crew and passengers, lost? I am going back, as your Lordship sees, to an earlier period, and I am including crew. The figures I gave just now were only dealing with passengers. For the next 10 years ending the 30th June, 1891, were there 247 lives, crew and passengers, lost? - From the 1st July, 1881, to the 30th June, 1891, three vessels and 247 lives.

22157. That includes crew and passengers? - That includes crew and passengers. I thought it was not quite right to confine my observations with regard to statistics simply to passengers, and I compiled these figures to give them both with regard to crew and passengers.

22158. Quite right. And then to the 30th June, 1901, that is carrying the period forward for another 10 years - 183 lives, crew and passengers, were lost? - Yes.

22159. That would compare with the figure of 73 which you gave us first, would it not? The 183 would include the 73? - It would include the 73, yes.

22160. It is the same period? - It is the same period.

22161. So that you have got seventy-three passengers and that would mean 110 crew? - Quite so.

22162. Then for the next period to the 30th June, 1911, there were fifty-seven? - Fifty-seven lives lost.

22163. Of which as we know there were nine passengers? - Yes. There is one remark I ought to make here. This only includes casualties through which over fifty lives were lost.

22164. I was going to ask you that. Does that apply to both sets of figures which you have given us? You have given us first of all the passengers, and then you have given us the crew and passengers? - In the first there is no reservation, I think, with regard to the fifty lives lost.

22165. That stands altogether apart from the calculation you have made? - Yes.

22166. That is both the seventy-three and the nine? - Quite.

22167. But in this later table of the forty years which you have given, that only deals with casualties in which over fifty lives were lost. Is that right? - That is quite right.

22168. I think we understand how that stands, and I do not think we need burden the Court with further figures upon that. Then "Passenger Steamers" is defined in the Statute under the Merchant Shipping Act, 1894, and to some extent also by the Act of 1906, but substantially it includes every steamship, British or foreign, carrying passengers from, to, or between places in the United Kingdom? - Quite so.

22169. That is the substance of it - I am not using the exact words. Then Section 271 of the

Merchant Shipping Act which your Lordship will find in that little abstract at page 7, provides for an annual survey of every passenger steamer which carries more than 12 passengers? - Yes, the survey must be at least once a year.

The Attorney-General: Quite right.

The Commissioner: Have you a spare copy of that?

22170. (*The Attorney-General.*) Yes, certainly - (*Handing the same to his Lordship.*) There must be a survey at least once a year your Lordship sees if a passenger steamer carries more than 12 passengers. And further that vessel must not ply or proceed to sea without a certificate from the Board of Trade.

The Witness: That is so.

22171. Then Section 72 of the Act of 1894 amended to some extent by the Act of 1906 deals with the mode of survey? - Yes.

22172. And requires certain particulars to be stated in the Declaration of the Surveyor. That continues in the Abstract, my Lord, and your Lordship will find the main point set out on page 8. Obviously the object of these provisions in the Statute was to ensure that the survey should be adequate? - Exactly.

22173. That is what Parliament intended? - Yes.

22174. The Board of Trade appoint Surveyors for this purpose? - Yes.

22175. And a person who is appointed as a Surveyor may be both a ship Surveyor as well as an Engineer Surveyor, may he not, if he has the qualifications for both? - Yes.

22176. Generally speaking, as vessels are now built, made of iron and steel, is the work of surveying passenger steamers carried out by Surveyors who hold appointments both as engineer and ship Surveyor? - Speaking generally, that is the case.

22177. Does that mean that before entering the Board's service they have had experience of engineering at sea? - Yes.

22178. In engineering as apprentice and as a seagoing engineer? - Yes.

22179. Do they have to pass a Surveyor's technical examination before entering the Board's service? - Yes.

Do they then have to undergo training and pass a further examination as to their ability to survey a ship before they undertake the work on their own responsibility for the Board of Trade? - That is exactly so.

22180. The survey of the passenger steamers would cover the hull, equipment and machinery of the steamer, I think, you told us in the early part of your evidence? - Yes.

22181. And that is conducted in accordance with the regulations which are made by the Board of Trade? - Yes.

22182. There are instructions which are issued with reference to that, are there not? I will not trouble you for the moment to go into it. I think a later witness will tell us more in detail. You yourself did not survey the "Titanic" at all? - No.

22183. That would not be your business? - Certainly not.

22184. But you would get reports I suppose from your Engineer Surveyor in Chief? - Not in the usual course from the Engineer Surveyor in Chief; usually from the local Surveyor or Surveyors.

22185. And it is they who can speak as to what actually was done with regard to the "Titanic"? - That is exactly so.

22186. Now, just let us understand what happens. Does the Surveyor make a declaration? - Yes.

22187. Showing that the vessel has complied with the requirements which he makes for the purpose of the survey? - Yes.

The Attorney-General: Your Lordship has already had the particular one relating to the "Titanic" put in evidence.

The Commissioner: Yes.

22188. (*The Attorney-General - To the Witness.*) I do not think I need trouble you to go further in detail with regard to that; I only want to get the practice. On receipt of the Surveyor's Declaration is a passenger's certificate issued by the Marine Department under Section 274 of the Act? - Yes, that is exactly the procedure.

22189. Do you give that certificate? - I give that certificate and sign it.

22190. I do not want to go into it in detail - it can be given if necessary, but it does not seem to me that it would help - but substantially did the "Titanic" in complying with the requirements of the British Merchant Shipping Acts and the Statutory Regulations and Requirements of the Board of Trade generally, comply with the Requirements of the United States law? - That is so.

22191. That is the substance of it; they are not identical, but they are certainly substantially similar for these purposes. Now I want to take you to emigrant ships. Besides the passenger certificate to which I have referred the "Titanic" was also required to comply with the requirements as an emigrant ship? - Exactly.

22192. (*The Attorney-General.*) An "emigrant ship," your Lordship will find defined by Section 268, which is on page 5 of the Abstract, and Section 364, which is on page 46 of the Abstract. I do not think really your Lordship need trouble very much about page 46. It extends the voyages to which it is to apply, that is all. Substantially what it amounts to is, that it is a British or foreign ship which carries in any voyage from the British Isles to any port out of Europe, and not within the Mediterranean Sea more than 50 steerage passengers.

The Witness: Quite right.

22193. Or, as it is also put, "a greater number of steerage passengers than the proportion of one statute adult for every 20 tons of the registered tonnage of a steamship." Is that right? - Quite right.

22194. And as my friend, Sir Robert, quite rightly says a "statute adult" is a person of 12 years or upwards. I do not think that is very material to go into. The Board of Trade have issued, relating to emigrant ships, a book called Instructions for the guidance of Emigration Officers appointed to carry into effect the provisions of the Merchant Shipping Acts relating to Emigrant Ships? - Yes.

22195. That your Lordship also has. It is a document, a yellow book called "Instructions relating to Emigrant Ships." There is very little in it with which your Lordship need be troubled. (*To the Witness.*) With regard to emigrant ships, the object is not only to secure their seaworthiness and proper equipment, but also to provide a reasonable minimum of accommodation for emigrant passengers? - That is so.

22196. And also that adequate and sufficient food is given, and so forth? - Yes.

22197. There is a provision which is relevant at any rate to some of the questions which have been put, for the meaning of emigrant ships? - Yes.

22198. That your Lordship will find at page 24 of the Abstract of the Act. It is Section 305 of the Merchant Shipping Act 1894. "Every emigrant ship shall be manned with an efficient crew for her intended voyage to the satisfaction of the Emigration Officer from whom a certificate for clearance for such ship is demanded; after the crew have been passed by the Emigration Officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing," and so on. Then Sub-Section (3) gives the right of appeal. "If the Emigration Officer considers the crew inefficient." The only thing that occurs to me as material at present in the book called "Instructions relating to Emigrant Ships" is on page 9 where you will find the instructions relating to the manning.

The Commissioner: At page 10 you get the capacity of lifeboats and so on.

The Attorney-General: Yes, that is quite right.

The Commissioner: And the number of deckhands to be carried.

22199. (*The Attorney-General.*) Yes, and if you look at the number of deckhands to be carried in that Table, you will find 48 is the number which would be applicable to this vessel. Now, we need not trouble about the loadline. There are provisions with regard to that, but I do not think any question arises in this case with reference to the loadline on the certificate of the loadline. If it does become necessary Sir Walter can give some information with regard to it. (*To the Witness.*) But I want you now to go to bulkheads and watertight compartments. First of all, will you tell me, does the Board of Trade, speaking generally, interfere with the design of the vessel? - No, the Board of Trade has always been very reluctant to do that.

22200. Is that left to the shipowner and shipbuilders? - Yes, I think so.

22201. Has it been thought, as a matter of policy, that hard-and-fast regulations would tend to cramp the free development of shipbuilding in this country? - I think that exactly explains the position.

22202. Is that also the case in connection with bulkheads and the subdivision of a vessel into watertight compartments? - Yes.

22203. And has that same policy been pursued? - Yes, I think generally speaking, it has.

22204. Subject to certain specific matters to which we will call attention. Let us get the history shortly to what the Board of Trade has done with regard to bulkheads. First of all the Steam Navigation Act of 1846 required steam vessels to be built with a bulkhead on each side of the engine room thus dividing the ship into three watertight compartments? - That was so.

22205. There was a similar requirement in the Merchant Shipping Act, 1854? - Yes.

22206. In 1862 was it thought that the old requirements were unsuitable? - Yes, they were thought to be entirely unsuitable, and the law was repealed in that year.

22207. I want to draw particular attention to this. Since 1862, and apart from Rule 12 of the Life-saving Appliance Rules, have any requirements been made or laid down by Statute as to bulkheads and watertight compartments? - No.

The Attorney-General: Your Lordship will see Rule 12, to which attention has been called at some time in the case, but of which I remind your Lordship at the present moment - it is page 16 of the Book containing the rules for life-saving appliances. The only points of it, your Lordship will remember, is that if the ships are divided into efficient watertight compartments to the satisfaction of the Board of Trade then they are required to carry a less number of additional boats.

The Commissioner: Yes.

22208. (*The Attorney-General.*) That is the point.

The Witness: That is exactly so.

22209. That is to say, that the requirements upon the ship to carry additional boats is lessened by one-half? - Three-quarters in some cases.

22210. But it is lessened by one-half, is it not? - Yes.

22211. And some three-fourths? - Yes.

22212. You understand what I am putting? - Yes.

22213. Whatever it may be, if X is the requirement of additional boats, if the ship is divided into efficient watertight compartments to the satisfaction of the Board of Trade it is only one-half of X which has to be carried by that ship? - Yes.

22214. In point of fact, your Lordship will remember no question arises in this case with regard to it, because no such application was made by the "Titanic" to the Board of Trade. And, apart from that provision in Rule 12, there is no provision, I think, anywhere which makes any

regulations or requirements as to bulkheads and watertight compartments? - That is so.

Now I want you to go for a moment to the year 1887.

22215-6. (*The Commissioner.*) Has this Rule 12 ever been put into operation? - Oh, yes, in numberless cases - in a great number of cases.

The Attorney-General: I think we have had it in evidence that some few vessels applied. Your Lordship is quite right in thinking it was a very few.

The Commissioner: I was wondering in reading it whether any boat ever applied for the approval by the Board of Trade on the matter of watertight compartments for the purpose of getting a reduction made in the lifeboats.

The Attorney-General: I will prove the figures later, but I am told that since the passing of this rule there have been 103 applications, and 69 have been granted.

The Commissioner: And when did this rule pass?

The Attorney-General: In 1894.

22217. (*Mr. Laing.*) 1890, I think.

The Witness: I think it was in 1890.

The Attorney-General: It was in existence in 1894.

The Commissioner: This rule has been in existence 22 years.

The Attorney-General: Yes, since 1890.

The Commissioner: And how many ships do you say?

The Attorney-General: One hundred and three applications have been made.

The Commissioner: And 69 have been granted?

The Attorney-General: Yes.

The Commissioner: That is five a year?

The Attorney-General: Yes, it is quite a few.

22218. (*The Commissioner.*) It is quite negligible.

The Witness: In recent years it is becoming fewer and fewer every year. Nearly all those applications were made in the earlier days of the passing of the rule.

22219. Then is it the fact that the rule has become practically obsolete? - I think it is the conditions that have been felt to have become obsolete.

The Attorney-General: I understand it is about four a year now, so a gentleman tells me who is more familiar with the exact figures.

The Commissioner: Is that a matter of any consequence?

The Attorney-General: I think not. The only point of it is to call the Court's attention to the fact that there is that rule in existence and except for that rule there is no statutory requirements with regard to bulkheads and watertight compartments.

The Commissioner: And the object of the rule is to enable shipowners to be relieved of the obligation of finding a certain number of lifeboats.

The Attorney-General: I think the object was to encourage them to have efficient watertight compartments.

Sir Robert Finlay: Yes.

The Commissioner: And so it was said to them, "If you will satisfy us on the question of watertight compartments then we will say to you, 'You need not carry so many boats.'"

The Attorney-General: Yes. I can put a few questions which will make it quite clear. The policy has been almost from the start; anyhow up to a very recent date. I will not say anything about what it is to be in the future - that it was more important to have efficient watertight compartments than to have a full number of boats.

The Commissioner: Yes, and that is right, is it not?

The Attorney-General: I should have thought so; it is much more important to keep your

vessel afloat than to have a large number of boats.

The Commissioner: Of course, obviously.

22220. (*The Attorney-General.*) Otherwise your vessel might go down at once; if you had not efficient watertight compartments, you would have no time to launch your boats if the ship was seriously damaged. But I think that has been the policy and it has been considered a good many times. I think that substantially represents what it is and I will put the dates and the material facts in connection with it to Sir Walter. (*To the Witness.*) In 1887, to which I call your attention, the then Assistant Secretary of the Marine Department of the Board of Trade gave evidence before a Select Committee of the House of Commons on Saving Life at Sea? - He did.

22221. I see there were a good many inquiries about this time. There was first of all, in 1886, a Board of Trade Departmental Committee, which sat to inquire and report into this matter? - Yes; that was quite a small Committee, a domestic Committee.

22222. A Committee of three, and also in 1886 there was a Royal Commission which sat on Loss of Life at Sea? - That was the great Royal Commission on Loss of Life at Sea, and it mentioned this quite incidentally in its report.

22223. And it reported in 1887 I think? - Yes.

22224. Correct me if I am wrong - you are much more familiar with it than I am - it really hardly touched this question, did it? - No, quite incidentally.

22225. In 1887 a Select Committee of the House of Commons sat, and then in giving evidence (I take this as the statement of what was thought to be the policy then) the Assistant Secretary of the Marine Department said this to the Committee, "I would not interfere with the construction of the ship." "As regards bulkheads, there used to be a law that a ship should have one bulkhead before the engine room and one aft." "The law was repealed which compulsorily required two bulkheads, and on the repeal of that law there came to be four, five, and six bulkheads directly. So that," as he argued, "that shows that if you want improvements to go on you must not tie any industry down by hard-and-fast statutory laws, however good they may appear at the moment." The point is, I understand, that then it was made clear that as soon as you had removed the provision which required these two bulkheads the number of bulkheads commenced to increase? - Yes.

The Commissioner: Can you explain to me why that was?

The Attorney-General: I should assume what it means is this: that if you have a provision which says you must have a minimum or you must have those two, generally speaking, persons were satisfied with having those two. As soon as that regulation was done away with then it was considered that the minimum was dispensed with.

The Commissioner: I expect that is the explanation.

The Attorney-General: I see Sir Digby Murray, who was the then professional member -

The Commissioner: I am told as a probable explanation that about this time, or somewhere about this time, Lloyd's required more bulkheads.

The Attorney-General: Yes.

The Commissioner: And then the shipowners would introduce them for the purposes of insurance.

22226. (*The Attorney-General.*) Quite. It is not perhaps a very fruitful subject of speculation or Enquiry, but it is rather interesting to know whether Lloyd's did not do it in the same way, because of course the minimum had been repealed and then they began to consider that something else was necessary. Their minds were directed to the question. Sir Digby Murray, the then professional member of the Marine Department of the Board of Trade, also gave evidence before that Committee? - Yes.

22227. He was in favour of the efficient subdivision or bulkheading of passenger ships as a

better method of ensuring the safety of the passengers than by large provision of boats. That was the policy he advocated? - Yes.

He said, "I think I may further say that it is perfectly useless to supply a ship with a number of boats if in case of collision she is to founder immediately if she is not properly subdivided so that she will float, or, on the other hand, if there are not a sufficient number of seamen on board the vessel to man the boats."

The Commissioner: What is it you are reading from?

The Attorney-General: I am reading from the evidence of Sir Digby Murray, then the professional member of the Marine Department of the Board of Trade before this same Select Committee of the House of Commons in 1887. The Committee reported in 1887. I have got all the documents, but it is so much more convenient to summarise it, and get it on the Note for your Lordship in this way.

The Commissioner: That is what I want.

The Attorney-General: It saves so much looking through documents.

The Commissioner: Yes, and there I can find it.

22228. (*The Attorney-General.*) It is very difficult if you have to follow this from several documents. The Committee reported, "Though the question of construction was clearly not included in the reference to the Committee, still they think it only right to state, after having heard the evidence, that the proper placing of bulkheads, so as to enable a ship to keep afloat for some length of time after an accident has occurred, is most important for saving life at sea, and a thing upon which the full efficiency of Life-saving Appliances largely depends." Then in 1890 a Committee came into existence which was presided over by Sir Edward Harland? - Yes.

The Commissioner: Was that gentleman a member of the firm of Harland and Wolff?

22229. (*The Attorney-General.*) I think so?

The Witness: Yes.

22230. (*The Attorney-General - To the Witness.*) He was, I should imagine? - Yes.

22231. I am told he was the founder of the firm. That Committee was formed mainly with reference to the standard to be required by the Board of Trade in granting exemptions under the Life-Saving Appliance Rules? - Yes, it was the fact that that rule was laid down which led to the appointment of the Committee.

22232. That rule came into existence in 1890? - Yes.

22233. Under that rule some standard was to be laid down by which the Board of Trade was to determine whether a ship was divided into efficient watertight compartments? - Yes.

22234. So this Committee was formed? - Yes.

22235. Then, incidentally, the best method of dividing ships into watertight compartments was also discussed? - Yes, that was a necessary part of it.

22236. One further thing with reference to it. Was the method then considered of subdividing ships into watertight compartments so as to float in moderate weather with two compartments in free communication with the sea? - That was what was laid down.

22237. I mean it was not two adjoining compartments? - "In moderate weather with two compartments in free communication with the sea."

22238. When that Committee reported did the Board of Trade adopt its recommendation with regard to the standard of subdivision into watertight compartments? - They did.

22239. That would be presumably when an application was made under this Rule 12? - Precisely.

22240. That was the standard then upon which they acted? - That was the standard.

There is one clause - I will not trouble you with the book, I will read it so as to get it on the Note - in the regulations and suggestions as to the survey of hull, equipments, and machinery of

steamships carrying passengers issued by the Board of Trade under the Merchant Shipping Act which deals with this question of bulkheads and that is the only other, I think, that there is dealing with bulkheads. It is Clause 16 page 8 of the book. It is in another book, to which reference has not been made, at any rate, not today. That is why I was going to read it, so that your Lordship will have it on the note. I wanted to avoid having to refer to the book. Your Lordship will find it on this separate paper, but I will read it.

Mr. Edwards: May I ask through your Lordship the learned Attorney-General to allow my friends and myself to have a look at those instructions. Application has been made to purchase at the Board of Trade these particular instructions, and we have been unable to get them.

The Attorney-General: That shows the advantage of applying to this Court, because my friend shall have them without purchasing them.

The Commissioner: Certainly you shall see them.

Mr. Edwards: Thank you very much.

The Attorney-General: If my friend had applied to me he should have had them at once. "An efficient and watertight engine room and stokehold bulkhead, as well as a collision watertight bulkhead, and an after watertight compartment, to enclose the stern tube in each screw-shaft, should be fitted in all sea-going steamers, both new and old, and in the absence of any of these the case must be specially referred to the Board of Trade before a declaration is given. As regards other bulkheads, although a thorough subdivision of the ship is desirable, the Surveyors should not for the present refuse to grant a declaration because these are not fitted. The distance of the collision bulkhead from the after side of the stem measured at the level of the lower deck should not be less than one-twentieth of the vessel's length, measured from the afterpart of the stem to the fore part of the stern post, on the range of the upper deck beams in one, two, and three decked and spar decked vessels, but on the range of the main deck beams in awning decked vessels." In the book the next two paragraphs are struck out because they are altered by another circular. It goes on as it now is: "The collision bulkhead."

The Commissioner: No, the next paragraph I have is: "In all sea-going steamers coming under survey for passenger certificate for the first time, the following requirements regarding the height of the bulkheads should be complied with"; and then "the collision bulkhead," etc.

The Attorney-General: Then your Lordship has the modern edition, which is right.

The Commissioner: What is the date of this?

The Attorney-General: February, 1907; the amendment of Clause 16.

The Commissioner: Apparently that is the date of the amendment.

The Attorney-General: That is right.

The Commissioner: But it is not the date of the original rule?

The Attorney-General: No, I thought your Lordship wanted the date of the amendment.

22241. (*The Commissioner.*) I did, but I wanted the date of the original rule as well. I think it is 1905.

The Witness: That is quite right my Lord.

The Attorney-General: I am not sure whether I can give you that information. We have it as far as this, that Clause 16, at any rate, is incorporated in a book which is issued in 1905, but I am not at all satisfied that it was not in existence before, and that is what I am enquiring into. At present we will take it 1905 and we will see whether that is right. 1905 as amended in February, 1907.

The Commissioner: That is the way I have taken it. You are quite right in saying it is not certain, that is the right description.

The Attorney-General: No, but at any rate it is how we have got it at present. The amendment is "In all sea-going steamers coming under survey for passengers certificate for the first time, the

following requirements regarding the height of the bulkheads should be complied with. The collision bulkhead is in all cases to extend to the upper deck. If an iron or steel watertight deck or flat is fitted below the upper deck at the afterend of the vessel, and forms the top of the after watertight compartment, the aftermost bulkhead may terminate at the said watertight deck or flat, but if no such watertight deck or flat is fitted, the aftermost bulkhead should extend to the upper deck. When the loadline disc of the vessel is placed at least as low as is required, by Table C of the Freeboard Tables for awning deck vessels, the remaining bulkheads may terminate at the deck next below the upper deck, but when the disc of vessels other than those of the awning deck type is placed higher than required by Table C, all the bulkheads should extend watertight to the upper deck. In interpreting the above rule, in the case of vessels of the shelter deck type, the deck next below the shelter deck may be regarded as the upper deck, and accordingly the collision bulkhead, as well as the other bulkheads, may terminate at the deck next below the shelter deck provided the Surveyor is satisfied that the deck in question would not, owing to a deficiency of sheer, or for any other reason be brought dangerously near the water surface in the event of the collision compartment being holed. When, however, the Surveyor is in any doubt as to the vessel being able to steam at sea with the collision compartment holed, full particulars should be submitted to the Board of Trade before a declaration is issued. The above regulations regarding the height of the bulkheads and the position of the collision bulkhead are intended to apply only to passenger steamships coming under survey hereafter for the first time." And then you go back to the original clause 16, my Lord, "The collision bulkhead should not have any opening in it, nor should it be fitted with any valves or cocks for draining the compartment in front of it. Pipes should not be carried through it without the special permission of the Board of Trade." I do not think I need read the next two paragraphs; they do not affect this.

The Commissioner: The "Titanic" complied with them?

[There is no Question 22242.]

22243. (*The Attorney-General.*) Yes, and we will call the gentleman who went through it. I will go into detail if necessary. I am only anxious with Sir Walter to get all the material before you, before we get to the actual facts of what happened. (*To the Witness.*) Did the question of bulkheads and watertight compartments come before the Board of Trade at all, except in connection with this Clause 16, because we know the "Titanic" made no application under Rule 12? - It only came formally before the Board of Trade in connection with arrangements for closing the watertight doors and in connection with the loadline certificate.

22244. I think I caught the expression "formally." Did you use that? - Yes, I think so.

22245. That would be a matter which would formally come under the cognisance of the Board of Trade, although the Surveyors on board the ship may see what is going on from moment to moment? - Quite right.

22246. What was done in those two matters would have to be dealt with by the Engineer Surveyor-in-chief and the principal Ship Surveyor? - Yes.

22247. I think those are the two who are concerned with it. Has an expert committee been recently appointed by the President of the Board of Trade to consider the whole question of bulkheads and watertight compartments? - Yes, quite recently.

22248. That, I think, is since the "Titanic" disaster? - Quite so.

22249. That is an Advisory Committee which is now either sitting or at any rate which is now considering it? - Yes.

22250. (*The Commissioner.*) Has it sat yet? - I believe it has, but I am not quite sure, but it has certainly held preliminary meetings.

The Attorney-General: Yes, it has held those, I know, because the question came before me.

The Commissioner: Who are the gentlemen on this Committee?

22251. (*The Attorney-General.*) I wanted the names. (*To the Witness.*) Have you the names? - I have them here.

22252. Will you let us have them? - Mr. Archibald Denny, Chairman, Mr. James Bain, Mr. Henry Robert Champness, Mr. George Burton Hunter, Mr. Summers Hunter, Mr. J. Foster King, Mr. Andrew Laing, Mr. W. J. Luke, Mr. S. P. J. Thearle and Professor John Joseph Welch.

22253. (*The Commissioner.*) Are there any terms of reference? - Yes, my Lord, they are quite short. Shall I read them?

22254. Yes, let me hear what they are? - "To be a Committee to advise the Board of Trade, in the interests of safety of life, - (1) As to what, in their opinion, would constitute efficient subdivision with regard to each of the classes of vessels included in the Rules for Life-Saving Appliances made by the Board of Trade under Section 427 of the Merchant Shipping Act, 1894, having due regard to the nature of the service in which they are respectively engaged. (2) Whether independently of the foregoing the Committee desire to make any recommendations with reference to the subdivisions of vessels already built, or of new vessels, which would in their opinion, contribute to the safety of life at sea."

22255. There is nothing there that will cover the question of lifeboats? - No, they are not mentioned.

The Attorney-General: I do not think it was meant to cover that.

The Commissioner: The submission only relates to questions affecting the construction of the ship.

The Attorney-General: That is right. I am dealing with bulkheads now. What I wanted to see was who were the members of the Committee which reported in 1891. That was the Committee appointed by the President of the Board of Trade to report upon the spacing and construction of watertight bulkheads in ships of the mercantile marine. The President was Sir Michael Hicks Beach, now Lord St. Aldwyn, and the gentlemen appointed were Sir Edward Harland, Mr. James Anderson, Professor Philip Jenkins, Mr. Alexander Kirk, Mr. James Laing, and Mr. Thomas B. Roydson. There is this passage: - "We have shown some appreciation of the importance of efficient subdivision of ships in Class 1, Division A. paragraph G of these rules." That rule there referred to is what is Rule 12. "But we consider it our duty to further express our sense of the importance of the question and to recommend that it should be investigated by a Committee of duly qualified persons, the subject as a whole having been held to be outside the scope of the reference to this Committee."

22256. (*The Commissioner.*) Was it ever investigated by a Committee? - The investigation was made by Sir Edward Harland's Committee, the Committee of which the names have been just read to you by the Attorney-General.

Sir Robert Finlay: What was the passage you just read, Mr. Attorney?

The Attorney-General: I thought I read a passage from the Committee's Report, but I see what the mistake is, my Lord. That which I just read is not Sir Edward Harland's Committee's Report but of a committee which sat earlier. It was in consequence evidently of that that this committee which sat in 1890 and reported in 1891 was appointed.

The Commissioner: Now I think I understand.

The Attorney-General: That is how it is. I see what happened now. I am coming now to the one over which Sir Edward Harland presided.

The Commissioner: What were the terms of submission to that other committee.

22257. (*The Attorney-General.*) I am going to see how far it is material, my Lord. It deals altogether with the subdivision of a ship into watertight departments. I do not know whether you have it.

The Witness: I can tell you quite shortly what the position was. First of all came the Life-

Saving Appliances Committee of which Mr. Thomas Ismay was Chairman. That was based upon the recommendations of Lord Charles Beresford's Committee in the House of Commons and made law by the Act of 1888, and in that Report is what the Attorney-General has read: "We have shown some appreciation" and so on. Then in order to determine what should be the standard for the bulkheads, Sir Edward Harland's Bulkheads Committee was appointed. That is exactly the sequence of events and you read the names of that committee, Mr. Attorney.

22258. (*The Attorney-General.*) Yes I read them. The only thing that occurs to me about it is it does not seem to be confined to the rule, although of course, in order to give effect to it you would have to ascertain what are efficient watertight compartments, and consequently the standard that had to be set up was inquired into by this Committee so as to give effect to Rule 12? - That is it exactly. Sir Edward Harland's Committee reported in 1890.

22259. They were appointed on the 7th March, 1890. Do you say they reported in 1890. I thought it was in 1891? - I think it was 1890, speaking from memory.

22260. I do not think so, but it does not matter. The Report is rather long, my Lord, but I am afraid I must read it.

The Commissioner: Are you going to read the whole of it?

The Attorney-General: No. I think what would be far better is that I should read it and summarise it.

The Commissioner: I think so too.

The Attorney-General: It is too long to read. I thought we had a summary of it, but apparently we have not.

Sir Robert Finlay: Would it not be better if it were put on the notes without being read here; it would be very convenient for reference afterwards.

The Attorney-General: I have no objection, but it is very long. I will read the recommendation, and then we can have the rest on the note, and if there is anything else in it I can refer to it.

Sir Robert Finlay: There are only four pages.

(*The recommendation was read by the Attorney-General.*)

The following is the Reference, Report, and Recommendation: -

"To be a Committee to consider and report upon the following matters, viz.: -

"1. As to the manner in which ships shall be subdivided so that they may float in moderate weather with any two compartments in free connection with the sea, and what rule there should be as to the proportion of freeboard of the watertight deck next above to which such bulkheads are attached, as shall be sufficient to enable the ship so to float.

"2. As to the description of ship to which such should apply, in regard to size, or what difference, if any, as between Paddle or Screw Steamers, or Sailing Ships or as to Ocean Voyagers, or Cross-Channel Steamers.

"3. Upon the construction and fitting of watertight bulkheads with a view to their being able to sustain the necessary strain, particularly when the ship is rising and falling in a seaway, without shoring or other adventitious aid, should it so happen that two adjoining compartments are in free communication with the sea, regard being given to the support of any 'tween decks abutting thereto.

"4. In what manner the Surveyors of the Board of Trade can best determine the sufficiency of such Bulkheads.

"5. Under what restrictions may passageways be permitted through such bulkheads as closable by portable plates, or so-called watertight doors, self-acting or otherwise, and what precautions are necessary as to openings in longitudinal bulkheads, to enable the water to pass freely or under control from one side to the other in case of the ship showing signs of instability, as might readily be the case should she be struck on a transverse bulkhead, and two compartments, both

on one side, be in free communication with the sea.

"6. Whether a transverse compartment divided into two by a longitudinal bulkhead should be treated as one or two compartments.

"7. What particulars, drawings, and calculations should be furnished by the owners of ships to the Board of Trade when they desire to take advantage of the following paragraph in the rules made under the Merchant Shipping (Life-saving Appliances) Act, 1888 (51 and 52 Vict., cap. 24): -

"(13) *Watertight Compartments.*

"When ships are divided into efficient watertight compartments, so that, with any two of them in free communication with the sea, the ship will remain afloat in moderate weather, they shall only be required to carry additional boats or life-rafts of one-half of the capacity required by Paragraph (f), Class 1, Division A, of these rules.

"8. Whether, independently of the precise requirements of the foregoing paragraph the Committee have any recommendations to make with reference to bulkheads which would, in their opinion, contribute to the safety of life at sea.

"(Signed) M. E. Hicks-Beach."

"REPORT OF THE BULKHEADS COMMITTEE."

"To the Right Honourable Sir Michael E. Hicks-Beach, Bart., M.P., President of the Board of Trade.

"Sir, - In your minute of the 7th March, 1890, you requested us to consider and report upon the following matters, viz.: -

"1. As to the manner in which ships shall be subdivided so that they may float in moderate weather with any two compartments in free connection with the sea; and what rule there should be as to the proportion of freeboard of the watertight deck next above, to which such bulkheads are attached, as shall be sufficient to enable the ship so to float.

"2. As to the description of ship to which such should apply in regard to size, or what difference, if any, as between paddle or screw steamers, or sailing ships, or as to ocean voyagers, or cross-channel steamers.

"3. Upon the construction and fitting of watertight bulkheads, with a view to their being able to sustain the necessary strain, particularly when the ship is rising and falling in a seaway without shoring or other adventitious aid, should it so happen that two adjoining compartments are in free communication with the sea, regard being given to the support of any 'tween decks abutting thereto.

"4. In what manner the Surveyors of the Board of Trade can best determine the sufficiency of such bulkheads?

"5. Under what restrictions may passageways be permitted through such bulkheads, as closeable by portable plates, or so-called watertight doors, self-acting or otherwise; and what precautions are necessary as to openings in longitudinal bulkheads to enable the water to pass freely or under control from one side to the other, in case of the ship showing signs of instability, as might readily be the case should she be struck on a transverse bulkhead, and two compartments, both on one side, be in free communication with the sea.

"6. Whether a transverse compartment divided into two by a longitudinal bulkhead, should be treated as one or as two compartments.

"7. What particulars, drawings and calculations should be furnished by the owners of ships to the Board of Trade when they desire to take advantage of the following paragraph in the rules made under the Merchant Shipping (Life-Saving Appliances) Act, 1888 (51 and 52 Vict. Cap.

24): -

(13) *Watertight Compartments.*

“When ships are divided into efficient watertight compartments so that with any two of them in free communication with the sea, the ship will remain afloat in moderate weather, they shall only be required to carry additional boats or life-rafts of one-half of the capacity required by paragraph (f) Class 1, Division A, of these rules.

“8. Whether independently of the precise requirements of the foregoing paragraph the Committee have any recommendations to make with reference to bulkheads which would, in their opinion, contribute to the safety of life at sea.

“In approaching these questions we found that but little definite information existed concerning them; and although we have had much valuable and interesting evidence from several well-known experts, we thought it necessary to have recourse to actual experiments, carried out under our own supervision, in order to obtain the information contained in Appendices A and B to our report. These experiments have been proceeding continuously for about a year, and our endeavour has been to arrange the results in a practical form.

“As regards the sizes and classes of vessels assigned to the several grades of subdivision, in our reply to para. 2 we may observe that our conclusions in this respect are the result of much deliberation, and are based on what we deem a fair adjustment as between loss from broken stowage on the one hand, and the greater safety on the other, resulting from improved subdivision. In judging of this matter, we have supplemented our own practical knowledge with reports and evidence from representative shipowners and shipbuilders, as to the minimum length of hold admissible in various trades.

“We now proceed to answer the questions categorically:-

“1. Vessels may be considered able to float in moderate weather with any two adjoining compartments in free communication with the sea, if fitted with efficient transverse watertight bulkheads, so spaced that when two such compartments are laid open to the sea, the uppermost watertight deck to which all the bulkheads extend, and which we will call the bulkhead deck, is not brought nearer to the water surface than would be indicated by a line drawn round the side at a distance amidships of $\frac{3}{100}$ ths of the depth at side at that place below the bulkhead deck, and gradually approaching it towards the ends where it may be $\frac{3}{200}$ ths of the same depth below it. This line we may call the margin-of-safety line.

“With longitudinal bulkheads in combination with transverse bulkheads the vessels should not, under the above conditions, list so as to bring the deck on either side below the water level. Vessels in which the bulkheads do not extend to a continuous deck require a modification of the margin-of-safety line, as to which see Appendix A.

“The arrangement of plane transverse bulkheads necessary to satisfy the above condition, may be determined with the aid of the curves and tables in Appendix A, or by separate calculations in accordance with the assumptions made in that Appendix.

“These curves and tables show the maximum spacing of such bulkheads permissible in vessels of various descriptions and under various conditions at any point in the length measured along the loadline from the foreside of the stem to the afterside of the sternpost, in connection with any given freeboard measured from the *bulkhead deck*. The freeboard to be used is not necessarily that required under the Merchant Shipping Act, 1890, but may be any freeboard which, on the application of the shipowner, may be registered by the Board of Trade. Such freeboard we will call the *bulkhead freeboard*, and the corresponding loadline the *bulkhead loadline*. With the tables so arranged it is, we submit, unnecessary for us to frame rules with regard to the proportion of freeboard in relation to the size of the vessel.

“The tables have been constructed for vessels carrying coal cargoes, but it will be obvious that

a vessel whose bulkheads are spaced on the assumption that she carries a cargo of coal, will not be able with equal safety to carry an equal weight of a cargo of greater density - say, pig iron.

“There are thus two methods of proceeding, either of which would enable the condition specified in the Board's question to be fulfilled, viz.: (1) bulkheads must be spaced for cargoes of some specified density, and the vessel will then be able to take full cargoes of such or any less density; or (2) bulkheads must be spaced for some average cargo, and when a cargo of greater density is carried, the vessel must have a greater freeboard, *i.e.*, must carry a less weight.

“With a view to measuring the effect which difference in the density of the cargo has upon the spacing of the bulkheads, a series of experiments were carried out for a sailing vessel with cargoes of salt and iron, as well as of coal. No table has been prepared giving the spacing of the bulkheads suitable for the two former cargoes, but the curves deduced from the experiments are shown in conjunction with that for the coal cargo, and similar curves can be approximately deduced for cargoes of intermediate densities (Diagram 1).

“It is obvious from an examination of the curve for the iron cargo, that to require such a spacing of bulkheads in sea-going cargo vessels as would fulfill the conditions of the Board's question under all circumstances of loading, would cause the holds to be too short for general trade. We recommend, therefore, that the arrangement of bulkheads in the vessels specified in the several grades, be fixed on the assumption that the cargo spaces in each, contain cargo such as coal, occupying 47 cubic feet to the ton, sufficient with the full complement of bunker coals on board to immerse the vessel to the bulkhead loadline, and so distributed as a whole that she may float on an even keel. Such cargo we have assumed to admit water to 40 cubic feet in every 100 cubic feet of the space it occupies.

“In order that the advantage resulting from efficient subdivision of vessels by means of bulkheads may not be nullified by insufficient regard being given to dangers connected with openings in vessels' sides, we recommend the adoption of the following precautions in regard thereto: -

- “(a.) That all coaling and cargo ports in a vessel's side below the bulkhead deck be efficiently closed and made secure before the vessel puts to sea, and be not opened except when she is coaling or taking in or discharging cargo.
- “(b) That there be no sidelights or ports the sills of which are nearer the bulkhead loadline than 12 inches.
- “(c) That all sidelights fitted in coal bunkers and bunker holds be fixed. That the glass in such sidelights have a thickness of not less than one-half of their clear diameter, be enclosed in a sufficiently strong frame, and be recessed not less than 1 inch within the outer surface of the shell plating. That sidelights the sills of which are at a distance from the bulkhead loadline less than one-fourth of the bulkhead freeboard be not opened at sea except when, through the consumption of coal or otherwise, the vessel has lightened so much as to make the freeboard to the sills of the sidelights greater than one-fourth of the bulkhead freeboard, and in that case the provisions of sub-section (d) may be held to apply. That ventilators in the vessel's side capable of closing automatically in case of submersion as well as by hand may be fitted, provided the sill of the opening on the inside be not within 2 feet of the loadline, but that any such automatic arrangement should be examined at least once a week, and if not in order it should be closed.
- “(d) That all other sidelights and ports below the bulkhead deck be of sufficient strength. They may be fixed or capable of being opened, but in the latter case the sidelights as well as the ports, if any, should not be adapted to be opened by passengers, they should be closed before the vessel puts to sea, but may be opened

during the voyage by the master's special orders if the sill be not less than one-fourth of the bulkhead freeboard above the loadline. The time of and reason for opening, and also the time of closing such sidelights and ports, should be noted in the official logbook. All sidelights, except those immediately under the bulkhead deck, and bullseye sidelights should be fitted with hinged metal covers.

“(e) That sidelights immediately under the bulkhead deck may be capable of being opened by passengers provided they be arranged to close automatically in case of submersion as well as by hand.

“(f) That notwithstanding the foregoing provisions to the contrary sidelights and ports immediately under the bulkhead deck, may be under the control of the crew or passengers, and need not be arranged to close automatically, provided the freeboard for the purpose of bulkhead spacing is measured not from the bulkhead deck, but from a line 3/100ths of the depth amidships below the line of the sills of any such sidelights and ports

“(g) That all other openings in a vessel's side below the bulkhead deck, such as scupper and sanitary pipes, etc, be fitted with efficient non-return valves, and that these be carefully examined before sailing on each voyage.

“2 Although all vessels, whatever their length, can be subdivided so as to be able to float in moderate weather with any two adjoining compartments in free communication with the sea, yet if small vessels were subdivided to that extent their holds would be so reduced in length as to impair their value for commercial purposes. Having regard therefore to the exigencies of trade, we recommend that the following six grades be adopted according to which certain vessels should be fitted with bulkheads in the manner indicated in Appendix A, viz.: -

“FIRST GRADE. - Vessels subdivided throughout their lengths so that they may float in moderate weather with any two adjoining compartments in free communication with the sea.

“This grade should apply to: -

“(a.) Sea-going steam vessels whether paddle or screw which have passenger certificates under the Merchant Shipping Act, and which are not less than 425 feet in length.

“(b) Cross-channel steamers, irrespective of their length, whose principal employment is the carriage of passengers, or passengers and mails - as, for instance, those running between Holyhead and Dublin or Kingstown, Dover and Calais, Folkestone and Boulogne, Newhaven and Dieppe, Liverpool and Isle of Man.

“SECOND GRADE. - Vessels subdivided throughout their length so that they may float in moderate weather with any two adjoining forebody compartments, or with any one afterbody compartment, in free communication with the sea. A compartment, the fore end of which does not extend more than a quarter of its length forward of the centre of the vessels length may be treated as an afterbody compartment.

“This grade should apply to sea-going steam vessels which have passenger certificates under the Merchant Shipping Acts, and are less than 425 feet but not less than 350 feet in length.

“THIRD GRADE. - Vessels subdivided throughout their length, so that they may float in moderate weather with any adjoining two of the three foremost compartments or with any one of the other compartments, in free communication with the sea.

This grade should apply to sea-going steam vessels which have passenger certificates under the Merchant Shipping Acts, and are less than 350 feet, but not less than 300 feet in length.

“FOURTH GRADE. - Vessels subdivided throughout their length, so that they may float in

moderate weather with the two foremost compartments, or with any one of the other compartments in free communication with the sea.

"This grade should apply to: -

"(a.) Sea-going steam vessels which have passenger certificates under the Merchant Shipping Acts, and are less than 300 feet in length.

"(b) Sea-going sailing vessels, irrespective of their length, which carry more than fifty passengers in all, or a greater number of passengers, cabin and other, than in the proportion of one statute adult passenger to every 33 tons of the registered tonnage of such ships.

"FIFTH GRADE. - Vessels subdivided throughout their length, so that they may float in moderate weather with any one compartment in free communication with the sea.

"This grade should apply to: -

"(a.) Sea-going steam vessels not having passenger certificates under the Merchant Shipping Acts and being not less than 300 feet in length.

"(b) Sea-going sailing vessels not coming under the fourth grade, and being not less than 275 feet in length.

"SIXTH GRADE. - Vessels subdivided in the forebody, so that they may float in moderate weather with any one of the forebody compartments in free communication with the sea.

"This grade should apply to: -

"(a.) Sea-going steam vessels not having passenger certificates under the Merchant Shipping Acts and being less than 300 feet, but not less than, 260 feet in length.

"(b) Sea-going sailing vessels not coming under the fourth grade and being less than 275 feet, but not less than 225 feet in length.

"Every vessel coming under any of the above categories should have her foremost bulkhead at a distance from the stem, measured along the loadline, not less than 5/100ths of the ship's length.

"By way of illustration of the above we give in Appendix A (Diagram 2) some examples of possible subdivision in vessels of various lengths, according to the grades to which they belong.

"3. Bulkheads forming watertight compartments may be considered of sufficient strength to withstand the strain, particularly when the vessel is rising or falling in a sea-way, without shoring or other adventitious aid, if constructed in accordance with the table of scantlings given in Appendix B, regard being had to the support of any 'tween decks or other permanent structure abutting thereto. Such bulkheads should be efficiently secured to the outside plating by means of frames or angle-irons, and also to the deck to which they extend.

"4. The Surveyors of the Board of Trade may accept the designs and scantlings contemplated in the tables above referred to as a standard of sufficiency, but other modes of construction may be allowed provided that it be shown to the satisfaction of the Board of Trade that the strength will not be less than it would have been if the bulkheads had been constructed as in Appendix B. In all cases regard is to be had to any collateral support given by decks, partial decks, longitudinal bulkheads, bunkers, trunkways, etc.

"5. We recommend that any passage ways through such bulkheads should be subject to the following conditions, viz:-

"(a.) That all openings in watertight bulkheads be fitted with efficient watertight doors. That portable plates be inadmissible except in the engine room space, and that an entry be made in the ship's logbook wherever such a plate is removed, and also when it has been efficiently replaced, and that such entry be afterwards copied in the official logbook.

"(b) That all doors forming part of watertight bulkheads - except such as are already shut - be closed before the vessel puts to sea, and be closed subsequently at least

once in every twenty-four hours while on the voyage, and the fact entered in the official logbook. In addition we recommend that watertight door drill be a preliminary to the usual fire and boat drill.

- “(c) That a watertight door may be self-acting or otherwise, but should be workable from above the bulkhead deck, and have an index showing whether such door is open or closed, except in the case of double doors the mechanical arrangement of which necessitates one being closed before the other can be opened, and in the case of doors which are only used when the vessel is loading or discharging cargo, or at a port or place of call; such doors should be closed under the supervision of the officer in charge of the vessel before she is cleared for sea, and an entry to that effect made in the ship’s logbook at the time, and signed by the said officer, a copy of such entry being afterwards made in the official logbook.
- “(d) That openings in watertight bulkheads through which coal may be worked during the voyage, be fitted with approved double doors as described above, or any equally safe arrangement. In no case should a watertight door be considered as forming part of a watertight bulkhead when coal, which may be passed through it while the vessel is at sea, is liable to rest against it.

“6. A compartment subdivided by one or more longitudinal bulkheads should be treated as one compartment only, unless the owners satisfy the Board of Trade that the vessel will not have her stability seriously reduced, or list, so that any part of the bulkhead deck at the side is under water, in the event of the space between a longitudinal bulkhead and the vessel’s side, or of two such adjoining spaces on the same side of the vessel being open to the sea. If the Board of Trade be not satisfied in the above respect trimming valves should be fitted to each such longitudinal bulkhead, each valve being workable from above the bulkhead deck, and having an index showing whether it is open or closed.

“7. Owners desiring to take advantage of any exceptions made in favour of efficiently subdivided vessels should furnish the Board of Trade with the following particulars and drawings: -

- “(a.) Longitudinal elevation in section showing the sheer, the bulkheads, the bulkhead deck, and any other decks proposed.
- “(b) Plan and elevation of each bulkhead, showing recesses and doors, if any, with their positions marked, together with details of the appliances for opening and closing them.
- “(c) Proposed bulkhead freeboard and corresponding loadline; also the lines of the sills of the sidelights between the bulkhead deck and the bulkhead loadline.

“Where bulkheads are constructed as specified in Appendix B they may be regarded as of sufficient strength without further calculation.

“8. We recommend that each watertight compartment intended for occupation by crew or passengers should be provided with some independent means of escape, other than by watertight doors, available under all circumstances. Having regard to the great additional safeguard which such subdivision as we recommend would provide against loss not only by collision or stranding, but also by fire, we would suggest that the Board of Trade might well offer a larger concession than that mentioned in Section 7 of the Reference to this Committee, as an inducement to owners to subdivide their vessels to the extent that we have indicated under the several grades. We therefore submit that in such case owners might be relieved of the obligation to carry any part of the additional boats, rafts, and other life-saving appliances required by the rules issued by the Board of Trade under the Merchant Shipping (Life-Saving Appliances) Act, 1888.”

22261. (*The Attorney-General.*) The effect of that is this. The Committee thought, having regard to the great additional safeguard when the subdivision which they had recommended had taken place, that a greater inducement should be offered than existed under Rule 12 of the Life-Saving Appliance Rules which exempted such a vessel, with efficient watertight compartments to the extent of one-half of the additional boats and rafts which were required. This Committee seemed to have thought that there should be a greater inducement even than that, because they thought it was so much more important to have efficient bulkheads than it was boats, and that you could therefore exempt them from providing further boats if they made the subdivision of the ship into watertight compartments more efficient. That is what it amounts to?

The Witness: That is it.

The Commissioner: Pursuing the policy of reducing the boats in consideration of the increase of the watertight compartments.

The Attorney-General: Quite; and that is the position as the result of the Committee appointed in 1890. From that time no other Committee has sat with regard to this matter until one was appointed, I think, in April, 1911.

The Commissioner: And that Committee's Report was not acted on?

The Attorney-General: It has not been acted upon.

The Commissioner: It has not been acted upon?

The Attorney-General: That is so up to now.

The Commissioner: It was made in 1901, was it not?

The Attorney-General: No, 1911.

The Commissioner: I beg your pardon.

The Attorney-General: Is your Lordship speaking of the last Committee, or of this one of 1890?

The Commissioner: I really do not know, but I am speaking of the recommendations which you have just read to me.

The Attorney-General: Those are the recommendations of the Committee appointed in 1890.

The Commissioner: Have they ever been acted upon?

The Attorney-General: No, there has been no further exemption granted.

The Commissioner: They advised a further exemption which would have necessitated an alteration of Rule 12.

The Attorney-General: Yes.

The Commissioner: But although they made these recommendations nothing has been done.

The Attorney-General: I think that is right.

22262. (*The Commissioner.*) Is that right, Sir Walter?

The Witness: That is quite right; you have put it exactly, my Lord. The Board of Trade did not adopt the recommendation.

The Attorney-General: What it amounts to is this, that although they recommended that the additional lifeboats required should be dispensed with if you had efficient watertight compartments the rule as it stands continued, and as it then existed, that is to say that no alteration was made in it.

The Commissioner: Then so far as the recommendation of the Committee is concerned it need never have been made. It had no effect.

The Attorney-General: I think it had.

22263. (*The Commissioner.*) What effect had it?

The Witness: The Board of Trade were not satisfied as to what constituted a watertight compartment or bulkheaded ship, efficiently bulkheaded, and so they referred to this Committee to say what was an efficiently bulkheaded ship, so that they might be exempted from the

additional life-saving appliances referred to in Rule 12; and this Committee gave them the advice and they adopted it. But it went further. These recommendations went beyond it. They said, "You shall do away with the whole of the deduction allowed for life-saving appliances instead of one-half."

The Commissioner: I did not understand that.

22264. (*The Attorney-General.*) No, not quite; the whole of the additional ones.

The Witness: Yes, you are right, "More liberal deduction." I think the expression in that report was -

22265. They dealt with a number of other matters? - Yes.

22266. In connection with bulkheads? - Quite.

22267. But as to this particular recommendation at paragraph 8, my Lord, is right in saying that that was not followed? - That is quite right.

The Attorney-General: That is what my Lord asked you.

The Commissioner: That is all I meant, that so far as that recommendation goes it might as well never have been made because nothing was done upon it.

The Attorney-General: That is right.

(The Witness withdrew.)

(Adjourned until tomorrow, 10.30 o'clock.)

In the Wreck Commissioner's Court

SCOTTISH HALL,
BUCKINGHAM GATE,

Wednesday 12th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-SECOND DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)
MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)
MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)
MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on

application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Sir WALTER J. HOWELL, Recalled.

Further examined by the ATTORNEY-GENERAL.

22268. I propose now to pass to the consideration of the Board of Trade's activities with regard to boats and other life-saving appliances. I think it would be more convenient to deal with what has happened on the Report in July, 1911, after bringing the history up-to-date for both boats and life-saving appliances. In March, 1886, the Board of Trade appointed a small Departmental Committee to consider the subject, that is life-saving appliances? - Yes.

22269. There were certain requirements in the earlier Acts, in the Merchant Shipping Act and the Passengers Act of 1855, but they are not of sufficient importance to call his Lordship's attention to them. I do not think they assist, even historically. But in March, 1886, there was this Committee, and they reported that the existing requirements, such as they were, were obsolete and inadequate? - Quite so.

22270. Some reference was made to this matter - it is not easy to see what, without examining it in detail - by the Royal Commission on Loss of Life at Sea in 1887? - Yes, quite incidental.

22271. Yes, so that we get no assistance from that. By that time I think the subject had already been discussed at the Colonial Conference of that year? - That is so.

22272. And then a Select Committee of the House of Commons had been appointed to deal with it, that is the Select Committee of which Lord Charles Beresford was the chairman, to which you referred in connection with bulkheads yesterday? - Yes.

22273. They reported in 1887, and recommended that the Board of Trade should appoint a committee to frame rules as to life-saving appliances? - Quite so.

22274. That that committee should consist of shipowners, shipbuilders, persons acquainted with the navigation of vessels and the recognised Association of Seamen, Lloyd's Register and kindred societies? - Exactly.

22275. It was of selections from those persons that the committee was to consist? - Quite so.

22276. Then I see, in 1888, there was a Bill passed, which was the Merchant Shipping Life-saving Appliances Act, 1888? - Yes.

22277. That was passed in consequence of and in accordance with the recommendations of the Beresford Committee of 1887? - Yes, it followed the lines of that Committee almost exactly.

22278. And under that Act power was given to the Board of Trade to make Rules as to boats and other life-saving appliances? - Quite so.

22279. Under that Act also provision was made for a Committee to be formed to advise the Board of Trade on the Rules which were to be formulated? - Exactly.

22280. The constitution of the Committee was provided in the Schedule to that Act; it was reproduced in the Merchant Shipping Act, 1894, and forms the 17th Schedule to the Merchant Shipping Act, 1894; and under that it says that the constitution of the Committee shall consist of - "(1) Three shipowners selected by the Council of the Chamber of Shipping of the United

Kingdom; (2) One shipowner selected by the Shipowners' Association of Glasgow, one shipowner selected by the Liverpool Steamship Owners' Association and the Liverpool Shipowners' Association conjointly; (3) Two shipbuilders selected by the Council of the Institution of Naval Architects; (4) Three persons practically acquainted with the navigation of vessels, selected by the Shipmasters' Societies recognised by the Board of Trade for this purpose; (5) Three persons being, or having been able bodied seamen, selected by Seamen's Societies recognised by the Board of Trade for this purpose; (6) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters." When one bears in mind the provisions in the Statute, it is easier to follow the constitution of the Committee which has hitherto existed. That Committee was formed by the then President of the Board of Trade, the present Lord St. Aldwyn? - That is so.

22281. I think in November, 1888? - Yes.

22282. And certain draft Rules were prepared - we may take this quite shortly - and these Rules were adopted by the Board of Trade under date of June, 1889? - Quite so.

22283. Those were the first that were formulated in consequence of this Statute? - Quite so.

22284. Those were the Rules which were eventually recommended and formed the subject of some discussion in 1890 at various dates, and were adopted, I think, in November, 1890? - They were adopted in November, 1890; I think so.

22285. Some reference was made to it yesterday? - Immediately the first Rules had been issued there was a slight revision of them, and I rather think that was what came in November, 1890. That is how it was, I think. The first Rules were early in 1890, and the revision came later.

22286. We need not pause to discuss that. There is some question. I see what you mean, in 1889 and 1890, but the new Rules presented to Parliament with regard to the exemption from the required additional number of boats, as we know, first came into force in 1890? - Yes.

22287. Now for a moment let us deal with those original Rules, because I want to ask you one or two questions about them. In the first place I notice that the scale for passenger and emigrant ships was based on gross tonnage, and not upon the number of passengers carried, and so far as we have the documents before us, that seems to have been the guiding principle ever since? - Yes.

22288. Up to the present moment? - Yes.

22289. The scale is gross tonnage, and not the number of passengers, as of course your Lordship noticed at a very early stage. We are dealing now with the years 1889 and 1890, when these Rules were drafted and eventually adopted. Had there been any scale in existence before? - There had been a slight scale, I think; I do not remember quite accurately what it was, but the Board's Surveyors had some guidance on the subject. But this was the first statutory scale laid down.

22290. Was it on gross tonnage? - It was based on gross tonnage also, so far as my memory serves me.

The Attorney-General: It is only for the purpose of history, my Lord, and nothing else, but I notice in the Statute of 1854, the earliest Merchant Shipping Statute, there the scale was registered tonnage. I only want to see exactly how it was we got registered tonnage.

The Commissioner: I do not know what you are trying to do.

The Attorney-General: I am trying to trace how it was that the scale was gross tonnage instead of the number of passengers.

The Commissioner: It was so.

The Attorney-General: Yes, and now I am seeing why it was so. The first thing I was tracing out from that was that originally apparently in 1854 the first scale we have at all (and which it is

not necessary to go into further) is registered tonnage on this scale, and not gross. That is the only point.

The Commissioner: By registered tonnage you mean net registered tonnage.

The Attorney-General: I am going to refer to the authority upon it.

The Commissioner: I recognise that book; I have not seen it for 20 years.

22291. (*The Attorney-General.*) The Statutes are all dealt with in that book. It is only for historical purposes, otherwise it is of no avail. (*To the Witness.*) Does that refresh your recollection? - Yes. I remember that the earlier one was on net registered tonnage, and that the first one on gross tonnage was the outcome of these first statutory Rules.

22292. Can you tell us at all why it was that the change was made? - It was felt to be a better indication of the size and power of the ship - gross tonnage rather than net tonnage.

22293. Can you also tell us why it was that the scale that was adopted was a tonnage scale and not a number of passengers scale? - You mean adopted by this Committee?

22294. Yes. I want you to follow the question that I am putting to you, because at first sight, at any rate, it does not seem to be clear why, when you are providing accommodation for the crew and the passengers in a ship, you should provide the boating accommodation according to tonnage instead of the number of persons to be carried in the ship? - Quite so.

22295. That is what I want you to tell us? - When the Board of Trade later came to the Committee it said they were to have regard to several considerations: First of all, the number of persons carried; secondly, how many boats they could carry consistently with not destroying the stability or seaworthy qualities of the ship, or unduly hampering her decks. Then the Committee proceeded to consider it on those terms, and the point was mentioned whether they should take the basis on this view. I think it was mentioned, but only to be rejected at once, I think. At any rate, they adopted the basis of gross tonnage because they thought they were instructed to divide the ships into divisions and classes, and that that was a clear indication that they were to take size as the basis of their consideration. If it had been intended that they were to take the number of persons on board as their basis they would not have been told to divide the ships into classes. There would have been no necessity to do anything of the sort.

22296. Told by whom? - In the Reference to them by the Board of Trade. The Reference to the Board of Trade was that the ships should be divided into classes and the Board of Trade passed that on to the Committee that ships should be divided into classes.

22297. (*The Commissioner.*) What classes? - That was precisely the question they had to settle. They came to the conclusion that it meant classes having regard to their size as indicated by gross tonnage.

22298. I do not understand that. Can you tell me what the classes were that they did divide it into? - Yes, certainly.

22299. What were they? - First of all, emigrant passenger ships.

22300. Those classes I understand? - And then on to other classes.

22301. Were there other classes? - Yes, the foreign-going passenger ships, and then the foreign-going cargo steamships and steamers; I am speaking from memory. Then, sailing ships engaged in carrying passengers, and so on. It was graded into classes, and those classes were based upon gross tonnage, as being the best indication of the size of the ships.

22302. But you have not answered the question that was put to you by the Attorney-General: Why was it that tonnage measurements were taken as the standard to go by, rather than the number of persons carried on the ship? - That I think I can indicate quite clearly again; I had endeavoured to already.

22303. But you have not succeeded in informing my mind about it? - If it had been intended -

22304. I do not care about what was intended, but I want to know why it was - what the reason

was for taking tonnage as the standard instead of the number of people whose lives were to be saved by the life-saving appliances? - The Committee proceeded at once to consider whether they could do it on that basis.

22305. Oh, well, if they could not do it on that basis, that is an excellent reason? - Then they proceeded to divide it into these divisions by tonnage, as they found the other impracticable.

22306. Either you do not understand my question or I am not sufficiently intelligent to understand your answer; I do not know which it is. I want to know why, when they were applying themselves to the question as to how to provide for the safety of a number of lives, they excluded the number of lives from consideration and took into consideration only the tonnage of the ship? - I should be sorry to say that was the only thing they took into consideration, but it was the main consideration.

22307. Did they take into consideration the number of lives on the ship? - Yes, undoubtedly.

22308. I did not understand that they did? - Oh, yes; but that was not the main basis they took. The main basis they took was the tonnage of the ship, because that indicated her size. A consideration running through it all was the number of lives on board, so that they took both.

22309. (*The Attorney-General.*) Still one vessel may carry a very much larger number of persons in proportion to her tonnage than another? - Quite so.

22310. Nevertheless, according to your views, they were to carry the same number of boats. That is the difficulty that we want you to explain? - I was secretary of this original committee. I was not a member of it.

22311. Are you speaking now of the Committee that reported in 1887? - No, of the Life-Saving Appliances Committee.

22312. Formed under the Statute of 1888? - I was secretary, and I am telling you what I remember, what my impression is after this long period of time, that first of all the Committee said, "We have to consider the number of lives on board; can we form that as a basis?"

22313. (*The Commissioner.*) You are putting the thing all the other way about. You say the very first thing they did was to consider the number of lives on board? - "Can we take this as the basis? No, we think it impracticable."

22314. Can you take which as the basis? - The basis of the Rules to be drawn up.

22315. You say, "Can we take this as the basis?" What is the "this"? - One consideration was: Can we take the basis of persons on board, or is it better to take the basis of size, as indicated by gross tonnage; and they came to the conclusion that it was better to take the basis of size as indicated by gross tonnage.

22316. But why? - Because they thought so, I suppose.

22317. But why did they think so? - I cannot tell you; I cannot tell you what other persons thought.

22318. But cannot you give me any notion? - I was trying to do so just now.

22319. Well, what is it? - The reason was they were told to divide the ships into classes. If they were told to do that, why should they say the basis is lives, because that would not require the division of the ships into classes. You would simply say ships of all classes are to carry boats sufficient to save all on board. That would not require division into classes and size and so on. It would be simply enunciating one principle.

22320. (*The Attorney-General.*) Suppose you had to divide your vessels into classes, it would mean that you would have one class for emigrants, carrying the largest number of passengers; another class would be passenger ships; another class would be cargo ships, foreign-going cargo ships; and then I suppose you would also have the home trade passenger ships? - Yes, every sort of ship; every class of ship.

22321. You would have excursion steamers, I suppose? - Of course.

22322. And supposing you said that they would have to carry according to the number of passengers, unless you made an exception with regard to excursion steamers it would mean that they would have to carry on these ships boats for passengers on the same scale as a foreign-going vessel. Is that what you mean? - Not quite. What I mean is this: Supposing you had made up your mind that the principle was to be the safety of all carried - that boats were to be provided for all carried - then you would take each class, and you would say how many for this, how many for that, but you would have no distinction. You would say every ship going to sea, whether an emigrant ship, or passenger ship, or excursion ship, or whatever she is, is to carry sufficient boats to save all on board. There is no necessity to divide into classes at all. Any class of vessel would have the same.

22323. The only difficulty that strikes me is that that is met by making an exception of certain classes? - Quite. I think it would have meant that at once. If they had taken that basis that would have arisen at once; but they did not; they took the basis of gross tonnage. They preferred it.

22324. (*The Commissioner.*) Do not leave it until you understand it, Mr. Attorney.

The Witness: I can only go on repeating what I have said. I am most anxious to explain this as far as I can. I am perfectly clear in my own mind, but my explanatory power must be weak.

22325. (*The Attorney-General.*) What is clear in your mind will no doubt get clear in ours in time, but we have to get it? - It is my fault no doubt, I quite understand.

22326. Why I referred to the division of vessels into classes was because I understood you to say that was the reason why the Committee did not take the number of lives as the basis, because they were required to divide the vessels into classes? - Yes.

22327. Then what I was puzzled about was that after all you may divide into classes and still require a number of boats according to the number of passengers? - Yes, but the same principle would run through the whole of the classes.

22328. But you may adjust that principle? - Certainly.

22329. (*The Commissioner.*) You speak at large, and in language that I do not understand. You say the same principle runs through all the classes. What is the principle that you are talking about? - I said that -

22330. No, do tell me so that I may understand your answer. What is the principle to which you have just referred when you said the same principle would run through all the classes. What is the principle? - The principle running through all the classes, as they are at present, is the principle of gross tonnage, of course.

The Commissioner: That does not get us any forwarder.

22331. (*The Attorney-General.*) I have before me the divisions that were made in the classes, and it is obvious that although they proceed upon gross tonnage instead of the number of passengers, they did make a distinction between the various classes of steamers in the requisition for boats? - Oh, yes.

The Commissioner: Then, if that is so, I begin to see some daylight.

The Attorney-General: They did do it.

22332. (*The Commissioner.*) Probably. What they did I do not know, was to say, "Now, there are emigrant ships; put them in a class"; and then I expect you will find they provided a larger supply of lifeboats in that class than they did in a cargo-carrying ship, say? - Yes, that is quite right.

22333. And that the difference was measured by the tonnage? - That is quite right.

The Attorney-General: No.

The Commissioner: No, no. What I said was not intelligible. It was not right.

The Attorney-General: The difficulty I have still remains, and I think your Lordship will see it. Dividing into classes does not help you at all except, of course, that you may make a different

requisition according to scale.

The Commissioner: Yes.

The Attorney-General: And you may either say tonnage or number of passengers, and it is possible you may make exceptions.

The Commissioner: What they did, I expect, was this. Just listen to me and see if it is right. Here is an emigrant ship, 3,000 tons; here is a cargo boat, 3,000 tons; the number of boats for the emigrant ship will be calculated on the tonnage, but at a greater proportionate rate.

The Attorney-General: That is right.

22334. (*The Commissioner.*) A greater proportionate rate than the cargo ship. That is what it must have meant?

The Witness: Yes, that is it.

22335. (*The Attorney-General - To the Witness.*) Now, that is what you mean, Sir Walter, is it? - That is exactly what I mean.

The Attorney-General: Now, if you take the book your Lordship will see how that is carried out.

The Commissioner: In which of these books is it?

The Attorney-General: I mean the Rules made by the Board of Trade under Section 427 of the Merchant Shipping Act, 1894.

The Commissioner: Very well.

22336. (*The Attorney-General.*) There your Lordship will find, if you look at page 4 of the book. "For the purposes of these Rules British ships shall be arranged in the following classes: Division A, Class 1, Steamships carrying emigrant passengers subject to all the provisions of the Merchant Shipping Act; Class 2, Foreign-going steamers having passenger certificates under the Merchant Shipping Act"? - Quite so.

"Class 3, Steamships having passenger certificates under the Merchant Shipping Act authorising them to carry passengers anywhere within the home trade limits, that is to say, between places in the United Kingdom, or between the United Kingdom and ports in Europe, between the River Elbe and Brest. Class 4, Foreign-going steamships not certified to carry passengers." Those are all Division A. Those are steamers, and they are steamer emigrant ships, passenger ships, home trading passenger ships, and foreign-going steamers not certified to carry passengers. It deals with four. Then Division B is substantially the same thing with regard to sailing ships. Then Division C -

The Commissioner: I do not think you need go any further.

The Attorney-General: That is the basis upon which it is carried out.

The Commissioner: Those are the classes the Witness referred to.

22337-8. (*The Attorney-General.*) Yes. Now, if your Lordship will turn to page 6 you will see how it is done; at any rate you will understand the principle upon which it is done, whatever the view may be about it. Page 6: "Division A, Class 1. Rules for steamships carrying emigrant passengers subject to all the provisions of the Merchant Shipping Act." This is the one which applies to the "Titanic" which has already been referred to. This is the one which makes the most demands on steamships to carry boats. Then it is continued right through.

The Witness: May I interrupt one moment. The leading principle running through all that is the tonnage Table.

22339. The Table at page 17? - That is it, and the basis of that Table you will see is tonnage.

If you follow it right through you will see Sir Walter is quite right. It is all based on tonnage.

The Commissioner: Oh, yes.

22340-1. (*The Attorney-General.*) But, of course, the number decreases -

The Witness: May I interrupt. In some of the divisions and classes you will see they go away

from the principle of tonnage rather, and adopt the principle of lives on board. This is what I have been trying to explain to you. Let us pass to the first cargo boat.

22342. Which is that: Division A, class 4, "Foreign-going steamships not certified to carry passengers," on page 8? - Let me read that.

22343. (*The Commissioner.*) If you look at that, a boat of that kind which is not designed for passengers at all is to carry sufficient boats to accommodate all passengers on board? - Quite.

Mr. Edwards: Apparently, my Lord, according to the reading of it, it has to carry sufficient boats on each side; it is double.

22344. (*The Attorney-General.*) Where there is ample opportunity for providing boats on each side sufficient to carry the number on the ship, the Board of Trade does provide by its Rules that on each side there shall be a sufficient number of boats? - Is not that a justification of what I said just now?

22345. (*The Commissioner.*) Pray do not begin to argue? - Oh, no, I do not want to.

22346. (*The Attorney-General.*) That is what you mean now? - Yes. This is a defection from the tonnage basis to the basis of lives on board.

The Commissioner: Is this the principle upon which they go - that where you have an emigrant ship it is impossible to provide sufficient boats for all the people on board if you are to have proper regard for the stability of the ship and the working of the ship?

The Attorney-General: Yes.

22347. (*The Commissioner.*) But where you have a cargo boat on which there are few people you can easily, and therefore must, provide sufficient boat accommodation for everyone on board? - Double that.

The Attorney-General: In that particular case it is double.

The Commissioner: That is to say, a sufficient number on each side to accommodate everyone on board?

The Attorney-General: Yes, that is the principle.

The Commissioner: Therefore, so far as the lifeboats are concerned a man is safer upon a cargo ship than upon an emigrant ship?

The Attorney-General: Yes.

The Commissioner: And of necessity, as this Committee thought, because they thought you cannot put on an emigrant ship the number of boats that are required to save everybody?

The Attorney-General: Quite.

The Commissioner: Without interfering with the navigation of the ship.

The Attorney-General: Quite. Might I add to that, your Lordship has in mind, no doubt, a very important consideration, that when you are dealing with passenger and emigrant ships that come in the first class you will have the best skill and the best means of guarding against the sinking of the vessel if your watertight compartments are efficient.

The Commissioner: You will have the greatest degree of floatability.

The Attorney-General: Yes, and the greatest number of precautions taken, so far as they can be, apart from boats.

The Commissioner: That is what, at any rate, the gentlemen who framed those Rules thought at that time.

The Attorney-General: Yes.

Sir Robert Finlay: And I think it is carried out in the first three classes also by providing that they need not carry the number shown on the Table on declaring that the boats they have are sufficient for all on board.

The Attorney-General: Which is that?

Sir Robert Finlay: Division A, class 1 under B.

The Attorney-General: "(F.) Provided nevertheless," do you mean?

Sir Robert Finlay: No. "Master or owners of ships claiming to carry fewer boats," etc. The same thing occurs in class 3.

22348. (*The Attorney-General.*) (F.) really embodies it: "Provided nevertheless that no ship of this class shall be required to carry more boats or rafts than will furnish sufficient accommodation for all persons on board." (*To the Witness.*) As I understand it, Sir Walter, that has been the guiding principle ever since that Committee sat and the original Rules were framed, with amendments and improvements. That has been the principle up to the present date? - Yes, that is so.

The Commissioner: Are you going to take him to page 17?

The Attorney-General: Yes, but I think there is a little to get before we get as far as that. Those are the Rules for 1894. Now, we may get a little further information. The first section of the Merchant Shipping Act, Life-Saving Appliances, of 1888, is to this effect. I think it throws some light certainly upon what Parliament thought at the time, and what the Board of Trade must necessarily have considered in framing these Rules: "It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with Rules under this Act, with such boats, lifejackets and other appliances for saving life at sea as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers." Those are the conditions they were to take into account.

The Commissioner: I did not hear anything of those words which would point to leave to take into consideration the commercial values. I see it says, "Best calculated to preserve the lives of those on board," but it occurs to me that you must have regard to the ship as a commercial venture, otherwise a ship would never go to sea at all. If you are to think only of the lives of the people on board and nothing else you might have such a complicated system of life-saving apparatus that the ship could never sail.

The Attorney-General: As they were dealing with merchant shipping I presume they did not think it was necessary to put that in.

The Commissioner: But there are a great many things to consider.

The Attorney-General: Oh, yes, it is not so easy as some people think to determine the question, when you consider it.

The Commissioner: Oh, dear no. It appears to one's mind at the first blush of the thing that you ought to have boats to save every life, and if what happened on the "Titanic" is a fair sample of what would take place in similar circumstances on other boats, you ought not only to have sufficient boats to save every life, but you ought to have nearly one-third more than sufficient because these boats on the "Titanic" did not go away anything like full. If that is to be the normal state of things you want a great many more boats than sufficient to carry the number.

The Attorney-General: And of course that assumes a very calm night in which you can launch all your boats on each side, which is, of course, rather an abnormal state of things.

The Commissioner: Of course, it may be said against that that the boats would have carried their full complement if there had been proper discipline, and so on.

The Attorney-General: Yes, but I was assuming that the boats had gone away with their full complement; then they would have saved 1,178 instead of 703 persons, but there was a very large number of persons for whom there was no accommodation.

The Commissioner: You still have a large margin.

The Attorney-General: And if you want to make the ship quite safe - at least, quite safe you never could, but so safe that there is boat accommodation which can be launched for all the people on board - you would have to provide for full accommodation on both sides of the ship,

that is to say, each side of the ship ought to be able, if you could have an ideal state of things, to launch sufficient boats to carry the complement of passengers and crew on board.

The Commissioner: Undoubtedly, because we have had evidence which appears to me at present that in certain states of the sea you could not launch any boats on one side of the vessel; you would have to confine yourself to the other side.

The Attorney-General: Yes, you would have to get to the lee-side. That would work out at over 80 boats a side if you were to work on that basis. But at any rate it would mean that you would have to have sufficient boats on each side to carry all. And your Lordship notices that that is the view that was taken, where you can do it, by this very special provision.

The Commissioner: Yes, I noticed it. Mr. Edwards pointed it out just now.

Sir Robert Finlay: It might, further, involve a good many more men on board than were wanted for the navigation of the ship, to deal with those boats?

The Commissioner: Yes.

The Attorney-General: Of course, you have to man them all.

The Commissioner: By degrees you may reach a state of things which makes it impossible to send these boats to sea, commercially. You *may* reach such a point.

The Attorney-General: I have already indicated to your Lordship that the argument which I shall use will be that it is much more important to make your ship as near as unsinkable as you can than to provide boats?

The Commissioner: Of course it is.

22349. (*The Attorney-General.*) Although no doubt there is value to be attributed to providing boats as well. (*To the Witness.*) I was coming to this to get it before my Lord historically. In 1890 new Rules were made by the Board of Trade. That is the question I was on? - The first Rules were made on the recommendations of this Committee.

22350. In 1890? - Yes. May I say something? I know the Committee had in mind the commercial considerations referred to by Lord Mersey, and I think they took these words in the section as covering this: "Having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck." They thought that met it sufficiently.

The Attorney-General: It is in the Merchant Shipping Act, at any rate.

Sir Robert Finlay: Where is that?

22351. (*The Attorney-General.*) Those words occur in the first Section of the Act of 1888. (*To the Witness.*) What actually happened was, the Rules which were made by the Board of Trade in consequence of the Committee's recommendations would in the ordinary course have come into force on the 31st March, 1890? - That is so.

22352. The Committee met again in 1890, and as a result of that they formulated some new Rules which were put before the Board of Trade; they were then presented to Parliament and were to come into force on the 1st November, 1890. That is right, is it not? - Yes, I think that is right.

22353. That brings it to this, that they were to come into force on the 1st November, 1890. And one of those Rules provided that boats, and rafts additional to boats under davits, should provide in the aggregate three-fourths more than the minimum cubic contents of the boats under davits? - Yes.

22354. That is the Rule we have had referred to and which we have discussed. Now, the New Rules that were made subsequent to that after the Life-Saving Appliances Committee had met again in 1893, were Rules which were presented to Parliament and which were to come into effect on the 1st June, 1894? - Yes.

22355. Those are the Rules which are contained, with certain alterations, in this book to which

we have just been referring? - Yes.

22356. That is, the Rules made by the Board of Trade under Section 427 of the Merchant Shipping Act, 1894? - Yes.

22357. And the alterations that are made are not material for the purpose of the point we are considering, are they? - Not in the least; they were quite minor alterations.

22358. I only want to get to the point we are considering. It is useless to give his Lordship all the documents leading up to this. On page 17 of this book we get to the Table which is actually in force at the present moment? - Yes.

22359. That is what we are concerned with, and that is the Table which came into force on the 1st June, 1894? - No, that only went up to 9,000 tons. The present one goes up to 10,000 and upwards.

22360. I do not think our minds are quite on the same point. The Rules that came into force on the 1st June, 1894, are the scale which is at present in force? - Yes.

22361. That is the one at page 17? - That is the one at page 17.

22362. That is what I was putting to you? - I thought you said the originals.

No; I purposely did not; I said the 1st June, 1894.

The Commissioner: But nevertheless, the answer is a useful one.

22363-4. (*The Attorney-General.*) I agree; but until one understands it, it is useless proceeding with it. (*To the Witness.*) I know what you are referring to, but I want to get, first of all, clearly before my Lord that the scale which is now in force is the scale which has been in force since the 1st June, 1894? - That is exactly right.

22365. That is the scale you find at page 17? - That is exactly so.

22366. But that was not the same scale as had been in force before? - That is quite so.

The Attorney-General: That is it.

The Commissioner: What was the scale?

22367. (*The Attorney-General - To the Witness.*) Is the alteration in the scale to 10,000 and upwards? - That is the sole alteration.

22368. So that before the 1st June, 1894, Rules you had not the scale applying to vessels of 10,000 tons and upwards; you stopped apparently at 9,000 and upwards? - Yes, 9,000 and upwards.

22369. So that it is really the first line in the scale which is new by this? - That is quite right.

The Commissioner: Now, tell me this: When did the previous scale, which finished at 9,000, come into operation?

22370. (*The Attorney-General.*) 1890. (*To the Witness.*) That is right, is it not? - Yes, in 1890.

The Commissioner: Very well. In 1890 you had a scale that provided for the lifeboat accommodation on ships up to 9,000 and upwards, as I understand.

The Attorney-General: Yes.

22371. (*The Commissioner - To the Witness.*) It was thought worthwhile, on the 1st June, 1894, to alter that scale by including it in ships of 10,000 and upwards? - Quite so.

22372. That is to say, in a period of four years you altered it. This present scale has been in existence 18 years. Now, why has it never been altered? - I can only just indicate to your Lordship. That will be explained by the professional officers, but I will indicate it to your Lordship. At the time when the Rules were made, on the 1st June, 1894, the largest ship complete was the "Lucania," 12,952 tons, certified to carry 1,857 passengers and crew.

The Attorney-General: I think I will ask the question first, and then I will direct his mind to the questions your Lordship is putting.

The Commissioner: I am jumping a little too soon, I think.

22373. (*The Attorney-General.*) It will direct his mind more to the answer you want. When

those Rules came into force on the 1st June, 1894, was the largest ship afloat the "Lucania," a ship of 12,952 tons, and certified to carry 1,857 passengers and crew? - Yes.

22374. According to these Rules, which were framed to come into force on the 1st June, 1894, the Table was extended from 9,000 and upwards to 10,000 and upwards; but even that 10,000 tons apparently was put upon 3,000 tons short of the "Lucania's" gross tonnage? - Yes.

22375. So that if I follow correctly what was done there, for some reason there was an addition to the scale and an increased number of boats required for vessels of 10,000 tons and upwards, but still not a scale which dealt with a vessel of 13,000 tons, except in so far as it is covered by the requirement as to 10,000 and upwards? - Quite.

22376. When you once got to 10,000 tons and upwards it did not matter how much the increase was apparently, you still only had to carry according to the Board of Trade Regulations the 16 boats under davits? - Yes, that is quite so. But you have not quite got my point. My point is that it was quite clear that the scale was intended to include the "Lucania," because she was in existence and already launched, and her tonnage was 12,952, so that that vessel was in existence when the Rules for 10,000 and upwards were laid down.

22377. That I think you do make clear. Whatever may be thought of it, that is quite clear, that although you had a vessel of 13,000 tons in existence at the time they passed these Rules, they did not mean to make a scale which would extend to that, but would be satisfied if that vessel complied with the scale for one of 10,000 tons and upwards? - Yes, that is exactly what I mean.

22378. But it still does not answer the question which my Lord put to you, which we want to know something about, if you can help us, as to why it was that it was thought worthwhile to alter the scale by adding this line "10,000 and upwards"? - In order to include ships similar to the "Lucania."

The Attorney-General: Well, it made a small demand upon a vessel like the "Lucania."

The Commissioner: It would have been included in the 9,000 and upwards equally.

The Attorney-General: Yes, but she would have to find more boats.

The Commissioner: There may be no significance in it, I do not know, but the "Lucania" was practically a boat of 13,000 tons.

The Attorney-General: Yes.

The Commissioner: Very well. Its amended scale which included the words "10,000 and upwards," was, according to the Witness, made in view of the fact that the "Lucania" was a boat of 13,000 tons.

The Attorney-General: Yes.

The Commissioner: Now the provision in the scale before it was altered was that as far as boats of 9,000 and upwards went they were to carry 14 boats. You have a boat then made which is more than one-third bigger - nearly half as big again - and yet the increase for the number of boats in the "Lucania" would only be two, from 14 to 16.

The Attorney-General: That is it.

22379. (*The Commissioner.*) It may be that it is right, but it appears to me that it is wrong. I am not poking fun at it at all. It may be that it is not wrong, but it looks wrong.

The Witness: At any rate, it shows they made some increase there.

22380. (*The Attorney-General.*) I will tell you what it shows. If I may say so respectfully, what my Lord says is really the crux of the criticism to be directed to this scale? - I am quite aware of that, and that will be dealt with by the professional officers.

The Attorney-General: We want to understand it.

22381. (*The Commissioner.*) You have not answered my question, you pushed it off on to somebody else, who is not in the witness-box, and that is: Why, having thought it worthwhile to make one alteration in the course of four years, did it never occur to anybody in the next 18 years

to make any alteration? - That is a question I am not competent to answer.

22382. But I am sure, Sir Walter, that you must have talked about it to somebody in the Board of Trade? - Oh, yes.

22383. Now, to whom did you talk? - I talked to the professional officer of the Marine Department.

22384. And what explanation did he give? - He said that he did not think the scale required any further alteration.

22385. Why not? - I have not a very clear recollection of what his reasons were. I would rather he gave them in his own words.

22386. I should have thought it was so important that you would have had? - No, because conversations were taking place frequently on many things.

22387. The gentleman is here, I understand, and you prefer to leave him to get out of the difficulty? - I prefer that the professional officer should answer professional questions.

22388. (*The Attorney-General.*) To whom are you referring? - To Sir Alfred Chalmers, the professional adviser of the Board of Trade then.

22389. Whatever the reason may be, the one thing that is established by this is that at this time, in 1894, when you had not only the "Lucania" but the "Campania" also with a tonnage of just upon 13,000 tons -? - They were nearly the same tonnage.

22390. The Committee thought that the number of boats required apparently should be the 16 mentioned in the scale? - Quite so.

The Commissioner: Can you tell me how this Table would be altered? What procedure would have to be adopted for the purpose of altering it?

The Attorney-General: I think the Board of Trade would do it.

The Commissioner: Who has the power?

The Attorney-General: My impression is that the Board of Trade can do it. I think it is an administrative action which they can take at once.

The Commissioner: It is an Appendix to Rules made by the Board of Trade. If they alter the Appendix they alter the Rules. How do they alter their Rules?

22391. (*The Attorney-General.*) I think the Rules are framed, and on the authority of the President are laid before Parliament, and lie on the Table for so many days, I think 40 days, and after that they become law. Is not that it?

The Witness: That is quite right.

The Attorney-General: Dealing with only the last three years preceding this year. In May, 1909, there is an alteration made in these Rules with reference to motor lifeboats. In April, 1910, there is an alteration made - I will give a reference to it later in more detail, with regard to stowage of boats in board or under davits. In June, 1911, there is another one.

The Commissioner: I was wondering whether it was some cumbrous procedure.

The Attorney-General: Oh, no, it is the ordinary procedure of Parliament. When there is a power given by Statute to a Department to make Rules, the Rules lie on the Table of the House, and, of course, can be dealt with by an Address to the House if objected to, and if the House does not object then they have the force of Statute within the powers of course conferred by the Statute upon the person who has made the Rules.

Sir Robert Finlay: My friend, Mr. Laing, has had prepared an analysis and a consecutive statement of all that has been done with regard to this, setting out the material sections, and I think it might be of very considerable service if your Lordship would look at it, and your Lordship will say whether it might be convenient that it should be printed. It will be very useful.

The Attorney-General: I should like to see it before it is dealt with, because I have a print of the same thing. We are having it printed, so that your Lordship should have the whole story.

The Commissioner: Whether it is from you or Sir Robert is a matter of indifference. It would be of assistance to have it tabulated on one sheet.

The Attorney-General: We had better look at it, because I think we have a good deal that Sir Robert has not.

The Commissioner: Mr. Maurice Hill will look at the two, and select, impartially you know, the one which he thinks is the better.

The Attorney-General: I can say nothing about it, because I have not seen it.

The Commissioner: You will let me have one or the other.

The Attorney-General: Yes, and it may be the two may be given. We have one which I think, so far as I know -

The Commissioner: You naturally think is better than theirs.

The Attorney-General: No, I do not think it is better, because I have not seen theirs.

Sir Robert Finlay: My friend has not seen Mr. Laing's work.

The Commissioner: But he nevertheless thinks his is better.

The Attorney-General: No, I do not.

The Commissioner: You have just said so.

The Attorney-General: No, what I said was I thought it was useful; I did not go further. I certainly should not, without seeing Mr. Laing's. But there is some information which the Board of Trade as a Department has which Mr. Laing cannot have. That is what I meant.

The Commissioner: The serious point, to my mind, here, and the one which I want to have cleared up, is this. Why did the Board of Trade leave this Table which finishes at 10,000 and upwards in existence for 18 years without any revision. That is the point.

The Attorney-General: Yes, I know the answer.

The Commissioner: That the shipowners thought the Table was not sufficient is obvious, because they themselves provided a considerable number of boats beyond the number mentioned in the Table and that must have been because they thought the Table was not sufficiently stringent.

22392. (*The Attorney-General.*) It would be better that the Witnesses should give the answer. I know what their answer is, and we shall discuss afterwards whether it is a good one (*To the Witness.*) I will pass somewhat rapidly on, Sir Walter. As far as I understand, between 1894 and 1904 there was no great development in the tonnage of passenger steamers? - No, I think not.

22393. There was a development in the direction of increasing the tonnage, but no great development. I notice the "Baltic" was built in 1904. She was over 20,000 tons? - Yes.

22394. There was also the "Celtic," which I see was built in 1901, she was 20,000 tons or more, was she not? - Yes.

22395. (*The Attorney-General.*) There was some increase. Your Lordship will see it is an increase undoubtedly from the 13,000 that we have got. It is not quite right to say between 1894 and 1904, I think, to make it right, we had better say between 1894 and 1901 here is no great increase, but from 1901 to 1904 there are several steamers built of over 20,000 tons? - Yes, those three.

22396. That is how it stands? - Yes.

22397. (*The Commissioner.*) I suppose that every ship that is built informs the Board of Trade of the number of lifeboats to be carried? - Certainly. They have to be to the satisfaction of the Board of Trade.

22398. So that if the Board of Trade is satisfied that a sufficient number of boats are, in fact, carried there is, in a sense, no occasion to alter the Table? - Yes, my Lord.

The Commissioner: Perhaps you will not assent to that, and I am sure Mr. Scanlan will not.

The Attorney-General: Your Lordship has in mind the provision with regard to additional boats

and rafts that have to be provided. I mean this scale is not exhaustive, as your Lordship knows. If you want to see exactly how it stands you must not only take page 17, but you must take page 6 as well.

The Commissioner: Yes, I know that.

The Attorney-General: Because the requisition for the "Titanic" was not 5,500, as the scale would indicate; it was 9,625 cubic feet capacity, and that is arrived at by taking the scale at page 17, which is for vessels of 10,000 tons and upwards, requiring 16 boats of the capacity of 5,500 cubic feet; then you have to go to page 6, paragraph D, and it is under that that you get the requirement for the three-fourths additional cubic capacity in the number of boats and rafts.

The Commissioner: You had better read it.

The Attorney-General: "If the boats placed under davits in accordance with the table do not furnish sufficient accommodation for all persons on board, then additional wood, metal, collapsible, or other boats of approved description (whether placed under davits or otherwise) or approved life-rafts shall be carried. One of these boats may be a steam launch, but in that case the space occupied by the engines and boilers is not to be included in the estimated cubic capacity of the boat. Subject to the provisions contained in paragraph (f) of these Rules, such additional boats or rafts shall be of at least such carrying capacity that they and the boats required to be placed under davits by the Table provide together in the aggregate in vessels of 5,000 tons gross and upwards, three-fourths, and in vessels of less than 5,000 tons gross, one-half, more than the minimum cubic contents required by Column 3 of that Table. For this purpose three cubic feet of air case in the life-raft is to be estimated as ten cubic feet of internal capacity. Provided always that the rafts will accommodate all the persons for which they are to be certified under the Rules, and also have 3 cubic feet of air case for each person. All such additional boats or rafts shall be placed as conveniently for being available as the ships arrangements admit of having regard to the avoidance of undue encumbrance of the ship's deck, and to the safety of the ship for her voyage." Now, that is the scale that is applicable.

Mr. Scanlan: Look at the qualification on page 16.

The Attorney-General: That, of course, we have had. I will read it again.

The Commissioner: We have had it, but you had better read it again.

22399. (*The Attorney-General.*) One must bear in mind it does not apply to this particular case, but, of course, it is a general Rule. On page 16 is the one, Rule 12. That is the one we discussed yesterday: "When ships of any class are divided into efficient watertight compartments to the satisfaction of the Board of Trade, they shall only be required to carry additional boats, rafts, and buoyant apparatus of one-half of the capacity required by these Rules, but the exemption shall not extend to lifejackets or similar approved articles of equal buoyancy suitable to be worn on the person." We have the three provisions and to work that out, as I understand it, is this. First of all, if it is a vessel of more than 10,000 tons, you must, in accordance with the scale at page 17, have a minimum of 16 boats with a cubic capacity of 5,500 feet minimum? - Yes, and those are the boats under davits.

22400. That you must have, but then in addition to that, in accordance with what is provided in the Rules at page 6, there must be a boat accommodation but not necessarily an accommodation under davits, of an addition of three-fourths of the minimum cubic capacity required under the scale at page 17? - Quite right.

22401. So that would mean that you would have to have not only the 5,500, but in addition you must have three-fourths of 5,500 cubic feet capacity measured in boats; in other words, you would have to have boats with a cubic capacity of 9,625 cubic feet provided on that ship? - Quite right.

22402. And of the boats making up that cubic capacity of 9,625 cubic feet, 16 at least must be

boats placed under davits? - Quite so.

22403. That is what it comes to? - Yes.

22404. But if the vessel had applied under Rule 12 on page 16, and the Board of Trade had been satisfied that her subdivision into watertight compartments was efficient and satisfactory, then instead of having to carry additional boats to the extent of three-fourths of the 5,500 cubic feet capacity, should would only have had to carry one-half of that cubic capacity? - That is quite right.

22405. So that instead of 9,625 cubic feet in boats of that capacity in sum total, she would have had to provide boats with a total capacity of 7,750 cubic feet? - Quite right.

The Commissioner: That is absolutely correct, so far as I follow it.

The Attorney-General: If your Lordship pleases. We have had the evidence. I cannot put my finger on it; but my impression is that the evidence as it stands is that the "Titanic," with the boat accommodation she had, including collapsibles, that is taking the 20 boats, had a capacity for 1,178 persons and a cubic capacity, I think, of 11,325 cubic feet.

Mr. Laing: That is right.

The Commissioner: There is no doubt that she complied with the requirements.

The Attorney-General: And more.

The Commissioner: And more.

22406. (*The Attorney-General.*) It may be necessary when we are discussing this question to see exactly how you measure the number of persons to be carried in regard to the cubic capacity of the boats, but that varies to some extent. It does not seem to me that it is at all important with reference to this matter. There are the Rules which deal with it. You may say, speaking approximately, that if you divide by 10 you get the number of persons? - Yes.

22407. But, of course, there are some in which you may divide by eight, I notice? - Yes.

22408. I rather think that applies to collapsibles, does it not? - It does.

22409. That is how it stands, with collapsibles you may divide by eight. It is not unimportant to bear it in mind, having regard to the latter development to which your Lordship's attention will be called. I think that is all I need say about it at present. (*To the Witness.*) Now, I had brought your attention to the 1901 to 1904 period when we had got to the construction of vessels of over 20,000 tons. At that time was the matter considered by the Board of Trade; that is to say, was any consideration given to the necessity of altering the scale by requiring more boats for vessels of greater tonnage? - Was this in 1904 you are referring to?

22410. Yes. You see what I am directing attention to? - Yes, the period in 1904. I know the attention of the professional officer was specially directed to that subject at that time, and as far as I remember what he said to me as the result of conversations was that he was strongly of opinion that the increase of tonnage and accompanying increase of persons carried was counterbalanced by the greater safety of the ships themselves. This greater safety I understood was due, first, to improvements of construction; second, the adoption of regular routes across the Atlantic for the purpose of avoiding collisions with other vessels, and avoiding ice; and, third, somewhat later, the introduction of wireless telegraphy.

22411. Let us pause there for a moment. That means, when this question was considered, there were those three factors to be taken into account. When you speak of improved construction, does that take into account and cover also the subdivision into watertight compartments? - That is the main point of it, I think.

22412. Then there was further this, that regular routes had been adopted across the North Atlantic out and home? - Quite.

22413. Which gave greater safety? - As I understand it, they were laid down for that purpose.

22414. So as to avoid collisions? - Yes, avoiding collisions with other vessels and with ice.

22415. Then there is the third element which was taken into consideration, and that was the introduction of wireless telegraphy? - Quite; I understood that those were the main reasons which influenced him.

22416. Which, of course, gave an opportunity of calling for assistance? - Yes.

22417. Then, was any consideration directed to the number of disasters in the trans-Atlantic passenger trade? - Oh, yes. I remember the splendid record of safety of life at sea was one of the points to which attention was directed then.

The Commissioner: I want to correct, and I hope correctly, something that the Witness has just said, that the new track was one of the matters taken into consideration in 1904. It is pointed out to me that the new track was adopted in January, 1899, so that one can scarcely say that the new track was of any importance in 1904.

The Attorney-General: With great respect, I should have thought that it was, because they had had the Rules in existence since 1894. Then, when this development came in the direction of increasing the tonnage of the vessels, they had to see how that compared with the state of things when they passed the Rules in 1894, and then they found, amongst other things, that there was this matter of the tracks.

The Commissioner: Which had supervened.

22418. (*The Attorney-General.*) Yes, and that therefore when the increased tonnage arose that was a thing to be taken into account. Of course, I agree nobody suggested it until this came into existence, but in contrasting 1894 and 1904 it does become an element. The figures which you gave me yesterday have shown us what, in fact, were the casualties which had occurred during the years 1892 to 1901, and I suppose that could have been ascertained up to 1904, or very nearly to 1904? - Oh, yes.

22419. All those matters were taken into consideration? - Yes, I am quite sure they were.

22420. And as a consequence no alteration was made? - Yes, that is so.

22421. Was it thought that wireless telegraphy was a very important consideration in determining whether or not you required an extended scale? - It was certainly one of the things discussed. I think wireless telegraphy really came into practical use in about 1907. I know it was commented on very much in the case of the "Republic," which happened in 1909. It was of the greatest service there, I remember.

22422. The Advisory Committee was invited in April, 1911, to advise on this very question of the necessity for increasing the requirements under the scale, was it not? - Quite so.

The Attorney-General: We have referred to what happened with reference to that, but I am not sure whether your Lordship had it clearly brought before you. Some reference was made to it when we were examining Mr. Carlisle.

The Commissioner: Yes, I remember.

The Attorney-General: Of course this is important, because I am now coming to what happened in 1911.

The Commissioner: You are coming to the document that Mr. Carlisle, among others, signed?

The Attorney-General: Yes.

The Commissioner: Apparently, according to his own admission, very foolishly.

The Attorney-General: In the document that will be printed, your Lordship will have that included, also with the terms of reference. (*The document was handed to the Commissioner.*) (*To the Witness.*) On the 4th of April, 1911, you, as representing the Board of Trade, wrote to the Secretary of the Merchant Shipping Advisory Committee, by direction of the Board of Trade, asking that the Advisory Committee should consider certain questions. The one I particularly want to call attention to is this. Questions had been asked in the House of Commons, and this is stated, this is the letter of the 4th of April which precedes: "The Board are of the opinion that the

Table in the Appendix to the Rules should be extended upwards in the form indicated in the accompanying scale, so as to provide for vessels of tonnage up to 50,000 tons gross and upwards. It appears to the Board that the number of boats and the boat capacity need not necessarily increase in a regular proportion according to the increase in tonnage, and that due regard should be paid to what is reasonable and practicable in passenger steamers exceeding 10,000 tons. The attention of the Merchant Shipping Advisory Committee is invited to the Rule of the 19th April, 1910, as to the stowage of boats required to be placed under davits, and to the fact that the capacity of the additional boats and/or rafts required by division A, class 1, Clause (d), of the Rules is governed by the capacity of the boats required to be placed under davits. I am to state that the Board would be obliged if the Merchant Shipping Advisory Committee would be so good as to suggest in what manner the scale (*See accompanying copy.*) should be continued upwards, having due regard to the considerations indicated above."

The Commissioner: That was 1911.

The Attorney-General: The 4th April, 1911: "I am further to state that the Board would be glad to learn whether the Advisory Committee are of opinion that Rule 12 should or should not be revised so as to exempt altogether from the requirements of additional boats and/or rafts those vessels which are divided into efficient watertight compartments to the satisfaction of the Board of Trade. I am to add that, in considering the questions dealt with in this letter, the constitution of the Merchant Shipping Advisory Committee should be identical with that of the Committee as recently constituted for the purpose of considering an amendment of the Life-Saving Appliances Rules in connection with the Englehardt collapsible lifeboat." Now, let us see. The result of that was that the Advisory Committee which as already stated, came into existence in accordance with the Statute of 1888, was asked to consider these questions, and in accordance with the scale which was imposed in that letter.

The Commissioner: I have got that Report.

The Attorney-General: Yes, but now I want your Lordship to have the letter of the 4th April.

The Commissioner: The letter which you have just read?

The Attorney-General: Yes, which includes the terms of reference and encloses the scale.

The Commissioner: Is it the letter signed by Mr. Norman Hill?

The Attorney-General: No. What I have read is a letter from the Board of Trade to the Advisory Committee which precedes all those, and which suggests or proposes to the Advisory Committee a new scale.

The Commissioner: That is the 4th April.

The Attorney-General: Yes.

The Commissioner: The one I have is the 4th July.

The Attorney-General: Yes. I wanted your Lordship to have that before you. This is only for present use; you shall have it all bound up in proper form. May I say, of course those copies which we are having printed will be supplied to all the Members of the Court. If you look at that letter you will see that encloses the scale proposed by the Board of Trade: "Minimum number of boats to be placed under davits on vessels of 10,000 tons to 50,000 tons and over." Then it gives the scale. "Gross tonnage" beginning "50,000 and upwards, 45,000 and under 50,000, 40,000 and under 45,000, 35,000 and under 40,000, 30,000 and under 35,000, 25,000 and under 30,000, 20,000 and under 25,000, 15,000 and under 20,000, 12,000 and under 15,000, 10,000 and under 12,000."

The Commissioner: It is just the sort of Table that I suggested it would have been right to have made during the 18 years.

22423. (*The Attorney-General.*) Yes. Substantially, we may take it, it decreases in 5,000 tons, 30, 25, 20, 15, until you get to vessels of 15,000 and under 20,000 tons, and then from that the

gradation is a little less steep; it is from 12,000 tons to 15,000 and 10,000 to 12,000; and then from that, of course, take out the words "and upwards," and it is in accordance with the present scale. Will your Lordship turn over the page of the document I have just handed to you, because that gives us the names of the Merchant Shipping Advisory Committee, and tells us whom they represented. Sir Norman Hill was nominated by the Shipowners' Parliamentary Committee, as were also Mr. Cuthbert Laws, Mr. Watts, Mr. Raeburn and Mr. Roxburgh, and they all represented shipowners. Sir Raymond Beck was nominated by Lloyd's and represented underwriters. Mr. Samuel Cross was nominated by the Liverpool Underwriters' Association and also represented underwriters? - Yes.

22424. Sir Theodore Doxford was nominated by the Institution of Naval Architects and represented shipbuilders, and Dr. Inglis the same? - Yes.

22425. Captain John Trenery was nominated by the Mercantile Marine Service Association and British Shipmasters' and Officers' Protection Association, and represented Masters and Officers. Captain Hampson was nominated by the Imperial Merchant Service Guild, represented by my friend today? - Yes.

22426. And he represented the Masters and Officers. Your Lordship will remember the Imperial Merchant Service Guild is represented by my friend Mr. Holmes in this Enquiry. Mr. Sheares was nominated by the Institute of Marine Engineers and represented the Engineer Officers. Mr. Spencer was nominated by the Marine Engineers' Association, and he also represented Engineer Officers. Then Mr. Henson and Mr. Cathery and Mr. Havelock Wilson were nominated by the National Sailors' and Firemen's Union, and represented seamen. Mr. Barrie was a shipowner and Mr. Joyce was a pilot; Mr. Henry Radcliffe, shipowner, and Sir Walter Runciman, shipowner, were additional members, the last four being appointed by the Board of Trade. That made the Committee. That was the Committee which had been in existence for a number of years. I do not know whether you can tell me how long? - It is reappointed at intervals.

22427. I am not sure what you mean. The Committee was appointed originally under the Act of 1888? - Quite.

22428. And its constitution is provided by the Statute, and again under the Merchant Shipping Act of 1894, under that 17th schedule to which I referred? - Yes.

22429. Then there is the appointment of the Committee. It must have been under the Merchant Shipping Act, 1894? - Quite.

22430. Does that Committee continue in existence up to the present moment? - No, it was appointed for two years.

22431. And then? - And then can be re-appointed with or without alteration.

22432. When was this Committee appointed consisting of the gentlemen whose names I have read? - In 1909. There has been very slight alteration in the Committee's constitution from the beginning. There are one or two things to which I will call attention. If your Lordship has the document before you, the three or four paragraphs that follow I think should be read: "When matters concerning the revision of the Rules for Life-Saving Appliances are to be considered by the Merchant Shipping Advisory Committee the Board of Trade appoint representatives of the Committee of Lloyd's Register and the Committee of the Institute of London Underwriters to assist the Advisory Committee. On this occasion" - that is referring to the 1911 Committee and Enquiry - "Messrs. T. Rome and R. A. Ogilvie represented Lloyd's Register and the Institute of London Underwriters respectively. The following two gentlemen were also co-opted for this occasion - Rt. Hon. A. M. Carlisle, representing shipbuilders, and Mr. T. Royden, representing shipowners."

The Commissioner: Is this sheet which you have given me torn out of the historical document

that you intend to furnish me with?

The Attorney-General: Yes, but I wanted it a little re-arranged, and I also thought it would be better to have it printed a little larger. This was part of the Appendix, but I do not want to hand it in as it is now, because it really includes a little too much and wants a little alteration. I had given directions before we came in this morning that it should be done. It is only because I have some Departmental papers, which my friends could not have, which made me think I had some material which could not be included in Mr. Laing's document. But we will make a comparison, and I have no doubt anything Mr. Laing has done will be most useful so far as it goes, and we will incorporate in it also our own papers. It is this Committee which reports in July of 1911. If your Lordship looks at the names you will see -

The Commissioner: They are substantially the same.

22433. (*The Attorney-General - To the Witness.*) It was a Sub-Committee, I think, was it not? - Yes.

22434. It does not include all members? - No.

The Commissioner: I thought it was a Sub-Committee.

The Attorney-General: It really must have been because of the names.

The Witness: On page 17 it is so headed.

The Commissioner: Mr. Norman Hill in his letter of the 4th July refers to the Report of a Sub-Committee.

The Attorney-General: That Sub-Committee consists of a number of persons who either constituted the Committee, or were nominated in accordance with the powers of the Board of Trade, according to the paragraphs which I read after reading the names of the members of the Committee.

The Commissioner: For instance, it will include Mr. Carlisle, who was not one of the Committee.

The Attorney-General: Yes, and Mr. Royden, who was a shipowner, and also Mr. Rome, who represented Lloyd's Register, and Mr. Ogilvie, who represented the Institute of London Underwriters.

The Commissioner: And none of those gentlemen are mentioned on the Committee.

22435. (*The Attorney-General.*) No, none of those four are mentioned. (*To the Witness.*) Why was it that on the 4th April, 1911, the Board of Trade was minded to have this scale reconsidered? What had happened in the interval? - In the interval between when?

22436. The last consideration of which you have told my Lord before April, 1911, was 1904? - Yes.

22437. Had there been an increase in the tonnage of the boats constructed during the few years preceding 1911? - Yes, I think so, considerably.

22438. Does your Lordship remember at one stage my friend, the Solicitor-General, handed in a picture with a Table showing the increase in the tonnage of the boats constructed over a period of years?

The Commissioner: I do not remember it.

The Attorney-General: You did have it; it was this, (*Showing a picture.*) only a little larger.

The Commissioner: Oh, yes, we have that.

22439. (*The Attorney-General.*) It only dealt with the White Star Liners, but it showed the increase. (*To the Witness.*) The tendency during those intervening years had been towards increasing the tonnage of the vessels constructed? - Yes.

22440. It had the "Mauretania" and the "Lusitania" in it? - Yes.

22441. Which I think were over 30,000 tons? - Yes.

22442. It was about 1907 that they were built? - Yes.

22443. And subsequently to that, of course, we had the designing of the "Olympic" and the "Titanic," which were the two largest? - Yes.

22444. It was that tendency to increase the size of the vessels that caused the Board of Trade to direct the attention of the Advisory Committee to the scale then in existence? - Quite so.

22445. (*The Attorney-General.*) Now, my Lord, I propose to refer to the Report of the Committee. (*Copies were handed to the Court.*) On the 4th July, 1911, there is a letter from the Merchant Shipping Advisory Committee forwarding Report on proposed amendments of the Life-Saving Appliances Rules. "We have the honour to report that your letter of the 4th April, with reference to the minimum number of lifeboats to be carried on vessels of 10,000 tons gross tonnage and upwards and your letter of the 17th May, on the subject of the depth of lifeboats, have been very carefully considered by the Merchant Shipping Advisory Committee, and that it was unanimously decided at a meeting held on the 29th ultimo to adopt the report of a Sub-Committee which was specially appointed to enquire into these questions. A copy of the Report is accordingly forwarded herewith, and the Committee desire us to suggest, for the consideration of the Board of Trade, that effect should be given to the recommendations contained in it." That is signed by Sir Norman Hill, Chairman, and Mr. R. W. Matthew, Secretary. Am I right in this, that Mr. Matthew, who was Secretary, was in the Board of Trade? - Yes.

22446. He occupied some position, I am not quite sure what it is? - He is an Upper Division Clerk in the Board of Trade.

22447. Was there any other representative of the Board of Trade upon it? - There are the four members who were appointed by the Board of Trade as additional members, but not as representatives of the Board of Trade.

22448. They are not officials of the Board of Trade? - No.

22449. They are four shipowners and shipbuilders and so on, who were nominated by the Board of Trade to sit on the Committee? - Yes, the President thought there should be a few more, and he put those on.

22450. The reason I make that correction is because somebody, I think it was Mr. Carlisle, did say that there were a number of officials of the Board of Trade upon the Committee. That is wrong. The only one is Mr. Matthew, who is the Secretary. There are four persons appointed by the Board of Trade, but they are not officials.

The Commissioner: Mr. Matthew is not on the Committee.

The Attorney-General: No.

The Commissioner: He is appointed in the ordinary way; Secretary to the Committee.

The Attorney-General: Except for that this is an Advisory Committee independent of the Board of Trade. There are only four nominated by the Board of Trade. This is the Report: - "In accordance with the decision of the Merchant Shipping Advisory Committee at their meeting on Friday, the 28th April, we have given careful consideration to the letter of the 4th April from the Board of Trade, in which the Committee were asked to advise: -

"(1) As to the manner in which the Table in the appendix to the Life-Saving Appliances Rules should be extended so as to provide for vessels of tonnage up to 50,000 tons gross and upwards; and

"(2) As to whether Rule 12 should, or should not, be revised so as to exempt altogether from the requirements of additional boats and for rafts those vessels which are divided into efficient watertight compartments to the satisfaction of the Board of Trade.

"In considering these questions, we have had specially in mind the fact that the number of passengers carried does not necessarily increase in proportion to the increase in the tonnage of the vessel. This is particularly true in the case of vessels exceeding 10,000 tons, a type of vessel which is practically only built to provide special accommodation for large numbers of first and

second class passengers.

“Similarly there is no fixed relation between the tonnage of vessels and the deck space available for the carrying of lifeboats under davits. Increase in the length of a vessel is only one of the factors and often not the most material factor contributing to the increase in its tonnage, and it should also be remembered, in estimating the space available for the launching of lifeboats, that it is impossible to place davits forward of the bridge and very undesirable to have them on the quarters of the vessel.

“We are strongly of opinion that every encouragement should be given to secure the provision of vessels which by their construction have been rendered as unsinkable as possible and which are provided with efficient means for communicating with the shore or with other vessels in case of disaster.

“In view of these considerations, we have agreed upon the following recommendations:-

- “1. That it is questionable whether it is practicable to increase the number of davits;
- “2. That any increase in the number of lifeboats to be carried can probably be best effected by providing for the launching of further boats from the existing davits;
- “3. That the Table should be extended in the manner indicated below, viz.:-

Gross Tonnage	Minimum number of boats to be placed under davits.	Minimum number of additional boats to be readily available for attachment to davits.	Total minimum cubic contents of boats required by columns 2 and 3.
10,000 and under 12,000	16	-	5,500
12,000 and under 20,000	16	2	6,200
20,000 and under 35,000	16	4	6,900
35,000 and under 45,000	16	6	7,600
45,000 and upwards	16	8	8,300

That 8,300, your Lordship will see, is to compare with 5,500 at page 17 of the existing Rules.

The Commissioner: Or it compares with the 10,000 in this Report.

The Attorney-General: It does. The reason I am comparing the last is because that is what would apply to the “Titanic.” That is, of course, merely what is required for the attachment to davits.

The Commissioner: What strikes one at once looking at this Report is this: in cases where the gross tonnage has increased more than four times, or about four times, the cubic contents of the boats required to be carried is only increased about one-half.

The Attorney-General: Yes, not quite 50 percent.

The Commissioner: About one-half. That strikes one on the face of it as singular.

The Attorney-General: Your Lordship sees how it stands.

The Commissioner: You see a corresponding increase in the number of boats, but not those under davits; they remain stationary.

The Attorney-General: They are to be readily available for attachment to the davits, as your Lordship points out. Then the Report goes on: -

“It is further recommended that all passenger vessels of 10,000 tons gross tonnage and upwards should be required to be fitted with wireless telegraphy apparatus.

"4. That the Rules should be amended so as to admit of decked lifeboats of an approved type being stowed on top of one another or under an open lifeboat, subject to suitable arrangements being made for launching promptly the boats so stowed;

"5. That the additional boats and rafts required under the provision of division (A.), class 1 (d) of the Life-Saving Appliances Rules shall be of at least such carrying capacity that they, and the boats required by columns 2 and 9 of the above Table, provide together three-fourths more than the minimum cubic contents required by column 4 of that Table;

"6. That vessels divided into efficient watertight compartments to the satisfaction of the Board of Trade should (*provided they are fitted with wireless telegraphy apparatus*) be exempt from the requirement of additional boats and/or rafts. The Committee suggest in this connection that the Board of Trade should review the requirements designed to attain the standards as to watertight compartments at present enforced by them under Rule 12, having regard to the developments of shipbuilding since the report of the Committee on the spacing and construction of watertight bulkheads.

"We have also had before us the Board's further letter of the 17th May, enquiring whether, in the opinion of the Advisory Committee, it would be advisable to prescribe a maximum depth for lifeboats as compared with their breadth, and, if so, what that proportion should be.

"In connection with this letter, we have been supplied by the Board of Trade with reports from their Principal Officers in Great Britain, giving the dimensions and cubic capacities of the various kinds of boats on five typical ships in each of eight ports.

"We recommend that the Board should be advised to alter the Life-Saving Appliances Rules so as to provide that, in [the] future, the depth of lifeboats supplied to a British merchant vessel shall not exceed 44 percent of their breadth.

(Signed)

Norman Hill,
A.M. Carlisle,
S. Cross,
Wm. Theodore Doxford,
Geo. N. Hampson,
Robert A. Ogilvie,
T. Royden,
T. Rome,
Thomas Spencer,
J. Havelock Wilson."

The Commissioner: Someone has written in pencil opposite to those names, "E. Booth, Cunard."

The Attorney-General: I do not know what that is.

The Commissioner: Mr. Booth is Chairman of the Cunard Company.

The Attorney-General: This means nothing; it was a note.

The Commissioner: It perhaps means that Mr. Booth is not amongst them.

The Attorney-General: I do not know what it is.

The Commissioner: Did Mr. Carlisle say to me that Mr. Booth was on that Committee?

The Attorney-General: Oh, no. If he did I did not hear him.

The Commissioner: It was in answer to me. I do not know that it matters much. Is there anybody in that list that does represent the Cunard Line?

The Attorney-General: I do not think so.

The Commissioner: Mr. Carlisle at that time did not represent Harland and Wolff.

The Attorney-General: I understand Mr. Royden represented the Cunard Company. There is nothing on the papers to show it. That is to say, he is a director of the Cunard. He was nominated by the Board of Trade. What your Lordship is referring to I see is at page 552, in the evidence of Mr. Carlisle. I will read you all that there is that applies to it.

The Commissioner: I do not think it matters. Do not stop to do it. Does it matter?

The Attorney-General: Not the slightest, except that your Lordship seemed to suggest there was somebody who was not included in it. I see how the mistake arose. He thought it was the Chairman, and then your Lordship said: "Do you mean Mr. Booth?" and he said he did, whereas it was a director, who was Mr. Royden.

The Commissioner: He meant Mr. Royden.

The Attorney-General: Yes, that is the explanation. I notice in comparing this with the scale, there is a different gradation adopted by the Committee. It is a much steeper one than the one suggested by the Board of Trade in their letter of the 4th April.

The Commissioner: May I look at that paper again which has "E. Booth" pencilled on it? (*The same was handed to the Commissioner.*)

The Attorney-General: If you compare that scale with the scale in the print at the foot of the letter of the 4th April, 1911, you will see that, although its limits are the same the gradation is much steeper in the Advisory Committee's recommendation.

The Commissioner: Now, you have got to the 4th July, 1911.

The Attorney-General: Yes.

The Commissioner: Now, what was done after that?

22451. (*The Attorney-General - To the Witness.*) After the receipt of this Report was the Report first of all examined and considered by the Board of Trade? - Yes.

22452. Is it the practice to examine and consider it before it is laid before Parliament? - Yes, always.

22453. (*The Commissioner.*) I should like to know, as a matter of curiosity, what you mean by the "Board of Trade" in that connection? Who are the gentlemen? - The Marine Department.

22454. Who are the gentlemen? - The gentleman who would examine it at once would be the chief professional officer.

22455. What is his name? - The chief was at that time Captain Young. He was the professional member of the Marine Department.

22456. Would anyone else examine this Report? - He would call into counsel any other of his officers he thought necessary.

22457. Do you know whether he did call in anybody? - I am not sure; I think he did.

The Attorney-General: I am going to call him.

The Commissioner: Very well.

22458. (*The Attorney-General.*) Was this question as to the relative proportion of the depth and breadth of the lifeboats considered an important one? - An extremely important one, I know, because he told me so himself.

22459. I do not want to go into it in any detail, but the point was this, that unless you had some restriction or some Rule with regard to the relative proportion, a vessel could say it was complying with your Rules as to cubic capacity although the depth would be so great that the boats would not be able to carry the number of passengers intended? - Not properly carry them.

22460. So that it was thought necessary to have some fixed proportion between the depth and breadth so as to really make your Rule operative, so that the cubic capacity required should in boat accommodation be sufficient to carry a certain number of passengers according to your

scale? - Yes, that the boat should be of a good type.

22461. We need not go further into that at the moment. Were some experiments undertaken at your chief ports? - Yes, they were; very exhaustive experiments, I believe.

22462. By local principal officers? - By local officers under Captain Young's directions.

22463. That is one of the matters dealt with in that Report, as we see from reading it.

The Commissioner: I thought the experiments were subsequent.

22464. (*The Attorney-General.*) So they were, but the question of the relative preparations were of importance because, in consequence of them, some new Regulations would have had to be made by the Board of Trade to carry the recommendations into effect. (*To the Witness.*) Before the Rules were made and in order that you should once for all make a regulation which was to apply to all future boats, you were making experiments so that you might be quite sure of your ground before you demanded that boats should have a certain proportion of depth to breadth? - That is precisely the position.

22465. When were those experiments concluded? - I think, speaking from memory, towards the end of the year.

22466. Were Rules drafted? - No.

22467. Was there an amendment of the general Rules submitted to the Department? When you had got to the end of your experiments and you had got your reports by November, 1911, in the ordinary course of things then the Board of Trade would have to give effect to those views? - Yes.

22468. If they meant to change anything they would have to amend the general Rules then in existence. That is right, is it not? - Quite.

22469. Did they draft an amendment of those general Rules? - No.

22470. What happened? - They were not satisfied altogether with the position. They thought that the matter should go back to the Advisory Committee for certain other consideration.

22471. Let us follow that I think there is a little confusion, because I am speaking from a statement which I have got. Was not there a draft amendment of the general Rule submitted to the Department by the Principal Ship Surveyor at the end of January, 1912? - Yes, I rather foolishly misunderstood your question.

22472. There was a draft amendment of the Rules submitted? - Yes, there was.

22473. Was that at the end of January, 1912? - Yes, and it was only by one officer.

22474. That is the Principal Ship Surveyor? - Yes.

22475. Was the matter then further considered? - Yes, it was.

22476. By whom? - By the professional member.

22477. Was that during February and March? - Yes, during the early months of this year.

22478. And then on the 4th April did you direct that a letter should be sent to the Advisory Committee? - Yes.

22479. Is there any note of that direction? - Oh, yes, it is on the official minutes.

22480. Was it a direction that a letter should be sent to the Advisory Committee with regard to the extension of the boat scale and of the draft Rule as to the form of boats? - That is so.

22481. As far as I know that letter was not actually sent till the 16th of April, 1912? - That is quite true.

22482. Had the Easter recess intervened? - It had.

The Attorney-General: The important thing is the date.

The Commissioner: A critical date.

22483. (*The Attorney-General.*) Yes, a very critical date (*To the Witness.*) It strikes one at once that the letter which is sent is sent really on a date after we received the news of the "Titanic" disaster? - That is true.

22484. We received that on the 15th, and then the letter is sent by you on the 16th, but as I understand you, the direction for that letter had been given on the 4th April, before the Easter recess? - Yes, the most precise directions.

22485. (*The Commissioner.*) Where are those directions recorded? - On the Board of Trade minutes.

22486. Have you got them here? - No.

22487. (*The Attorney-General.*) There is no difficulty in getting them, is there? - It is not usual to produce the minutes.

22488. (*The Commissioner.*) You need not allow a difficulty of that sort to stand in your way? - I do not wish to raise any difficulty at all.

The Attorney-General: I quite understand, it is not usual to produce them, and you think you ought to point that out. But all we want is to see the direction that was given on that particular day. That is what my Lord wants to see.

22489. (*The Commissioner.*) And then I want to ask another question. Why was not the letter written? And then I want to ask another question. Was the letter of the 16th April written because of the "Titanic" disaster? - Shall I answer those questions now?

22490. Yes, if you can? - This is the position. I hope I shall make it quite clear. The action of the Board of Trade had been directed on the 4th. The letter was not prepared until some days afterwards, and it was actually sent on the 16th. Before the letter actually went it was brought to me, and it was pointed out: "This disaster has happened, is this letter to go?" And I said "Certainly it is to go at once without the smallest alteration of any kind or sort."

22491. When had the letter been prepared? - Between the 4th and 16th.

22492. Oh, but when? - I cannot give you the date. My directions were given on the 4th.

22493. I know that. Do you mean to say it was prepared before you heard of the loss of the "Titanic"? - Oh, I think not - not the actual draft.

22494. Then there is no significance in that? - I want to explain why I did it, my Lord.

The Commissioner: All I want to see are the minutes directing that this letter should be prepared.

The Attorney-General: The minutes have been sent for, and your Lordship shall have them.

The Commissioner: They are close at hand?

The Attorney-General: Oh, yes. In point of fact the letter which bears date the 16th April deals, of course, with the questions raised in the report. There is another letter which, at any rate, your Lordship should have in mind whilst your mind is directed to this point. There was the letter written on the 20th April, which has specific reference to the "Titanic."

The Commissioner: You might read us that.

22495 (*The Attorney-General.*) This is on the 20th April. This is from Sir Walter Howell to the secretary of the Merchant Shipping Advisory Committee: "Sir, - With reference to previous correspondence between the Department and your Committee respecting the revision of the statutory Rules for life-saving appliances on British ships, and particularly to the letter from this Department of the 16th April, I am directed by the Board of Trade to state that as an entirely new situation has been created by the recent disaster to the s.s. 'Titanic,' they assume that the Committee, in reconsidering the matter in connection with the suggestions already put before them by the Board, will have full regard to this new situation, and the facts of the disaster so far as ascertained. As you are doubtless aware, suggestions have been made in the House of Commons and elsewhere to the effect that, in view of the loss of the 'Titanic,' action should be taken by the Board of Trade in regard to certain questions other than those expressly dealt with in the Life-Saving Appliances Rules, *e.g.*, in regard to (1) steamship routes in the North Atlantic; (2) the speed of steamers where there may be dangers to navigation; and (3) the provision and

use of searchlights on large passenger steamers; and the Board would be glad to know the Committee's views in regard to these, and any other suggestions which may have come to their knowledge, intended to diminish the risk or to mitigate the effects of accidents to passenger vessels at sea." Then there is an answer to that which is, I think, the last letter that I think need be read and which will be included in the documents which will go before your Lordship. It is the 27th April. This is from Sir Norman Hill, the Chairman, and the Secretary, "We are desired by the Merchant Shipping Advisory Committee to inform you that your letters of the 16th, 20th, 24th and 25th inst. were brought before the Committee at a meeting held yesterday." I have the letters of the 24th and 25th, but they really do not add anything. "The Committee fully recognise that the proved impossibility of keeping such a vessel as the 'Titanic' afloat, after a collision with ice, until the arrival of outside succour, has created an entirely new situation, which was neither in the contemplation of the Board of Trade nor of the Committee in the consideration of the extension of the existing boat scale in regard to vessels of 10,000 tons and upwards. In advising on such extension in July last, the Committee aimed at providing ample boat accommodation on large passenger vessels in accordance with the principles that were adopted by the original Life-Saving Appliances Committee, and which principles had apparently been fully justified by many years of experience. It is with satisfaction that the Committee note that the Board of Trade, apart from the new possibilities demonstrated by the loss of the "Titanic," agreed in the essentials with the recommendation of the Committee. In face of the new facts, the Committee, at their meeting yesterday, reopened entirely the question of the revision of the boat scale for large passenger vessels, with a view of providing the maximum of protection for the passengers and crew in the event of an overwhelming disaster, whilst, at the same time, maintaining the principles in regard to the stability and sea-going qualities of the ship itself, and to the prompt and efficient handling of the boats carried under the existing scale, which hitherto have proved not only essential to safety, but also adequate for all ordinary emergencies. The questions involved are not free from difficulty, but they will receive the immediate attention of the Committee. Pending their consideration the Committee note that assurances have been received by the Board of Trade from representatives of most of the large passenger lines to the effect that every effort will be made to equip their vessels, at the earliest possible moment, with boats and rafts sufficient to accommodate all persons on board. In regard to the recommendations forwarded with the Committee's letter of the 4th July last that the Board of Trade should, having regard to the developments in shipbuilding since the Report of the Committee of 1891, on Spacing and Construction of Watertight Bulkheads, review the requirements designed to attain the standards at present enforced under Rule 12, the Advisory Committee note that the Board of Trade have under consideration the appointment of a Committee of equal standing to that of the Committee of 1891. In view of the great importance of this question the Advisory Committee desire us respectfully to urge that such a Committee be appointed at as early a date as possible. The subject of the general revision of the statutory regulations as to boats and life-saving appliances on all ships, which, apart from the questions on all ships, boat accommodation on vessels over 10,000 tons, is for the first time referred to the Advisory Committee by the letter of the 25th instant, together with the particular questions raised in the letters of the 16th, 20th, and 24th instant, are also receiving the immediate attention of the Committee. At yesterday's meeting sub-committees were appointed to give immediate consideration to the subjects requiring detailed examination. These sub-committees will pursue their enquiries concurrently, and we are desired by the Advisory Committee to inform you that their investigation into the revision of the Life-Saving Appliances Rules will be proceeded with as expeditiously as possible." That, I think, is all the correspondence that is really material. There are letters which refer to it, but I do not think they help at all. Now if I may just deal, while they

are getting these minutes, with the report of July, 1911. It is quite clear from that, that if that Report had been adopted the boat accommodation on the "Titanic" would have been very far short of that which would have been necessary to take off all the passengers and crew from the vessel.

The Witness: That is so.

The Commissioner: And it appears to me it would have been very far short of what was, in fact, on the "Titanic."

The Attorney-General: Yes. If it took advantage of the right to apply for exemption provided they satisfied the Board of Trade as to the watertight compartments and also that they had the proper wireless telegraphy apparatus, that would be the case.

The Commissioner: What was the tonnage?

The Attorney-General: 46,000.

The Commissioner: She would have had 16 boats under davits.

The Attorney-General: Yes, and 8 which were to be readily available for attachment to davits. So that it would be 24 boats which must have a minimum cubic capacity of 8,300.

The Commissioner: What was the cubic capacity of the boats on the "Titanic"?

The Attorney-General: The total capacity was 11,325, of the 20 boats.

The Commissioner: Comparing the boat accommodation by the cubic contents, the boat accommodation was, in fact, on board the "Titanic" considerably in excess.

The Attorney-General: But I think we are measuring a little too soon, because you have to add something to the 8,300. I put the question a little too quickly yesterday to Mr. Carlisle, and then pointed out that it was not quite right. If you add the three-fourths you will get then 6,225 which must be added, giving a cubic capacity altogether of 14,525 as against 11,325, the actual cubic capacity of the boating accommodation on the "Titanic."

The Commissioner: It would be short by the difference between 11,000 and 14,000.

The Attorney-General: Yes, there would have been accommodation for about 300 persons more.

Sir Robert Finlay: But that additional accommodation, 6,225, which my friend has referred to, would not be required, having regard to the watertight compartments under the recommendation of the Committee, on application to the Board of Trade.

The Attorney-General: I agree.

The Commissioner: So that, I think, as Mr. Carlisle said, it comes back again to the same thing.

The Attorney-General: I think so.

The Commissioner: If you take into consideration the sufficient watertight bulkheads or compartments to satisfy the Board of Trade.

Sir Robert Finlay: The obvious intention of the report was that the provision of watertight bulkheads should be encouraged by allowing a dispensation from the additional boats.

The Attorney-General: I agree.

The Commissioner: This correspondence shows that, I think.

Sir Robert Finlay: And the comparison is really between the 8,300 cubic feet which are required and the 11,325 cubic feet which the "Titanic" had. It comes back to what was said in the first instance.

The Commissioner: Just allow me to read something which may explain or afford an answer to a question which I put as to why the White Star Line stopped at 1,178 in finding accommodation for the people on board. The "Titanic's" boats could carry 1,178. The suggestions of the Advisory Committee would necessitate boats to carry 1,452. That is what you said just now.

The Attorney-General: Yes, quite right.

The Commissioner: If the Board of Trade's approval as to subdivision were obtained and one-

half the additional boats excluded, the number would be reduced to 1,141, and the White Star Line provided accommodation for 1,178, that is to say, a little above the total number required.

Sir Robert Finlay: That is under the old Rule - under the Rules as they existed unmodified by the recommendations of the Advisory Committee.

The Commissioner: No, that is not at all what I mean. What I mean is that the boats provided upon the "Titanic" complied with the recommendations of this Advisory Committee, the Sub-Committee.

The Attorney-General: I think probably my friend and I are in agreement upon it. What we are venturing not to agree with in what your Lordship said is in taking the half of the 8,300 in order to give you that total of 11,000 odd. That you only do under Rule 12 of the old Rules. If, as Sir Robert Finlay says quite rightly, you adopt the Committee's recommendation, as you do for your figure of 8,300, and if you assume that the "Titanic" had applied for exemption because of its efficient watertight compartments, then following out still the recommendation of the Committee you would exempt them from all additional craft, and therefore you would get back to the 8,300.

The Commissioner: Yes, you would.

Sir Robert Finlay: That is right.

The Commissioner: But apparently they had not adopted that.

The Attorney-General: They had not. That is right. And, of course, if the "Titanic" did not apply, then she had to provide boat accommodation for a capacity of 14,525 feet. I think this recommendation of the Committee is the first time, so far as I can trace in the very numerous documents I have had before me, that the Merchant Shipping Advisory Committee had recommended that there should be a total exemption from the requirements for the additional craft if efficient watertight compartments were provided, and also provided that there is a proper wireless telegraphy apparatus. So that the direction of the Committee apparently in 1911 was still more for less requirements for boats if you have both the proper wireless telegraphy apparatus and efficient watertight compartments. That is the position, I think.

The Commissioner: Of course, the great object I suppose must be to reach that condition of things which will render recourse to lifeboats quite unnecessary.

The Attorney-General: That is it.

The Commissioner: That is what you strive for.

The Attorney-General: And one has always to bear in mind the enormous importance of wireless telegraphy in that connection, because if you can manage to keep your vessel afloat for a few hours, and particularly if you are on a track, as these Atlantic vessels are, you then can communicate with all other vessels on the track, and there is every chance of passengers being saved straight from the vessel by the boats which are provided. That is, no doubt, what the Advisory Committee had in mind, and that they had to compare with the question of hampering the boats and encumbering the decks by the provision of many more boats and davits. Those are some of the balancing considerations, and the Merchant Shipping Advisory Committee took the view which your Lordship has before you.

Sir Robert Finlay: There is also the possibility of fire to be considered as a reason for lifeboats.

The Attorney-General: Certainly, but I think the same consideration would apply. At first sight it looks as if, if there was a fire, there must be accommodation for all the passengers at once, and that undoubtedly is a very serious question to consider. But that brings us to the matter again, to the other considerations which do not apply to collisions.

Sir Robert Finlay: The question is what is reasonably practicable. If it were carried to the extreme there would be no ships.

The Commissioner: It always comes back to that. The difficulty one has with a statement of that kind is to say what is reasonable.

Sir Robert Finlay: It would realise the dream of the poet of an oarless sea.

The Attorney-General: I propose now to give your Lordship a short statement, with the assistance of Sir Walter Howell, as to the requirements of the law in foreign countries, but your Lordship has brought it upon yourself, because you asked for it, and I think it is rather important you should have it.

The Commissioner: That was because I thought it would help.

The Attorney-General: It may.

The Commissioner: I did so because I had seen it suggested that upon the German boats particularly a larger provision was made for life-saving apparatus than on ours.

The Attorney-General: That is right. Certainly, according to the legal requirements they would have to provide more boats than according to our requirements, and it is for that reason I will give them to your Lordship. I will do it shortly. It is again a document which will be printed.

The Commissioner: Do you want Sir Walter Howell for it?

The Attorney-General: I do not think so. We will have sufficient copies printed to supply all my friends, so that they will be in the same position as everybody else in the case.

Sir Robert Finlay: We can see it, and if anything arises on it observations can be made or questions put, but it is probably not necessary to read it aloud in Court. It takes a long time. It may be put upon the notes, and anything necessary can be added by way of statement.

The Attorney-General: It may be necessary to ask some questions about it.

The Commissioner: You must do it in your own way.

The Attorney-General: I am not desirous of reading it in Court, and I do not think it is necessary to do that in detail.

The Commissioner: Have you shown it to Sir Robert Finlay?

The Attorney-General: No, I have not.

The Commissioner: Do not you think it would be worthwhile to let him consider it and see if you can agree upon it?

The Attorney-General: There is no difficulty about that. I do not require his agreement. The documents are all taken from official documents. The difficulty is to present it in a concise form. That is the trouble. There is no controversy about that matter at all. But it is long -

The Commissioner: I do not want to have a long document put before me on a point of this kind. I should be satisfied if you could tell me whether the German requirements if applied to the "Titanic" would have provided a larger lifeboat accommodation than was provided on the "Titanic."

The Attorney-General: Yes, undoubtedly. I have told your Lordship that.

The Commissioner: Yes, you have said that.

The Attorney-General: If you are satisfied with that, of course it is very short.

The Commissioner: I am not sure that I need anything more, because I should probably come to the conclusion that if on the German boats a larger accommodation is provided, it is practicable to do it, that is to say, that it does not make the boat tender, it does not unduly encumber the deck, and that the accommodation is an advantage and not a disadvantage.

Sir Robert Finlay: I think the figures with regard to these two boats, the "President Lincoln" and the "President Grant," were handed in whilst Mr. Wilding was in the box. I think the result arrived at is that the German requirements would have been slightly in excess of what was on board the "Titanic."

The Attorney-General: I do not agree with that at all.

The Commissioner: I daresay you can give it to me in percentage.

Mr. Maurice Hill: I worked them out the other day, but I cannot find my note. My recollection is that one of the "President" ships had boat accommodation equivalent to 36 percent of the total

passengers that could be carried, the other 38 percent, and the "Titanic" had 33 percent. I will work it out again.

The Commissioner: 33, 36, and 38.

Mr. Maurice Hill: That is my recollection.

The Commissioner: The two larger ones being the Germans?

Mr. Maurice Hill: Yes.

The Attorney-General: There is one important factor with regard to this. We may be dealing with two different things. As I understand it, my friends are dealing with facts. I was not. It is important we should get it clear, because I think there is a distinction. I was calling your Lordship's attention to what the requirements are, not the number in fact carried, but what the requirements are according to the German scale. They may not be the same thing.

Sir Robert Finlay: That is what we were dealing with.

Mr. Maurice Hill: The figures I dealt with were the figures given the other day, which I think were the total number for which boat accommodation was required on board German ships compared with the total number of passengers and crew which could be carried on those German ships.

The Attorney-General: But that is a different thing from what you said. If that is what you mean, then I know where we are. But in answer to my question it was said that that was the number which was in fact carried. At any rate, so long as we know where we are, that is all right. We only want to be quite clear. I wanted to give your Lordship the requirements according to the German law. I think it is a matter that wants looking into, because the figures worked out by my friends do not agree with my view at all of the German requirements.

The Commissioner: That is why I suggested you should compare your statement with that of Sir Robert Finlay.

Sir Robert Finlay: I am certain what my friend has in his statement will be accurate. It has been carefully prepared officially. It may require possibly supplementing; but I do suggest that it would be very unedifying to have read out this very long document.

The Attorney-General: Nobody is suggesting that it should be read out. We are not upon that at all. What I am upon now is this - I have agreed entirely with what you said with regard to that -

Sir Robert Finlay: I beg your pardon.

The Attorney-General: What I am dealing with is what my Lord said, because I was doing this in consequence of a statement which I made earlier in the case, when your Lordship said you would like evidence about it, and I said we would give it. In consequence of that somebody at the Board of Trade has prepared a memorandum giving the history with regard to various countries. Your Lordship says you do not require that particularly if it is right to say that the requirements according to the German scale are sufficiently large to provide boat accommodation to carry all the passengers and crew on the "Titanic."

The Commissioner: I did not quite say that. What I meant was this. I want to know what are the German requirements with reference to the number carried in the ship, the requirements as to lifeboat accommodation: I want to compare them with the English requirements, and see what the difference in percentage is. I understand Mr. Maurice Hill to tell me that the percentage in the "Titanic" would be 33 percent., the percentage in one of the two German boats 36 percent, and in the other 38 percent.

The Attorney-General: Does my friend mean by that that according to the requirements of the German law the boats would have accommodated 36 percent. and 38 percent of the human life on board the vessel?

The Commissioner: No.

Mr. Maurice Hill: The maximum human life which according to the German law could be

carried on the vessel.

The Commissioner: That is what I understand. It may be the figures are wrong, but, if the figures are right, then I think I have sufficient information.

Mr. Maurice Hill: I am going to check my arithmetic, because I did it somewhat hurriedly, and it may be wrong.

Sir Robert Finlay: I think it would be convenient that this general statement with regard to the laws of foreign countries and requirements should be handed in. It is not necessary to read it, but it may be convenient to refer to it, and it is highly desirable that when a memorandum of this kind has been drawn up giving information it should be available for future use.

22496. (*The Attorney-General.*) There is no difficulty about it; it can be done. (*To the Witness.*) I do not know whether you have made a calculation or whether anybody at the Board of Trade has made this calculation of the number of boats which would have been required according to German requirements for the "Titanic"? - No, I have not had a comparison of that made, but I have the particulars about the large German ships.

Sir Robert Finlay: At page 538 of the Notes your Lordship will find a statement with regard to the "President Lincoln" and the "President Grant," and a Note with regard to the British Board of Trade requirements, the American law requirements, and the German law requirements. The Note is what is most immediately in point in regard to your Lordship's question. "The British Board of Trade require 9,625 cubic feet; the American law requires 11,520 cubic feet; and the German law requires 13,343 cubic feet" of boat accommodation in each vessel.

The Commissioner: There is a difference there of 50 percent.

The Attorney-General: Yes; I cannot understand my friend's figures. However, we shall not get any further by discussing it now, but what we must do is to calculate them and agree upon them, and then we will give your Lordship a tabulated statement which has been agreed between us with regard to it.

Sir Robert Finlay: Yes.

The Commissioner: Who was it who produced those statistics?

Sir Robert Finlay: Mr. Wilding, my Lord. It was a statement handed in while Mr. Wilding was in the box. Mr. Laing says at Question 20887: "It is the particulars of the 'President Lincoln' and the 'President Grant' which Mr. Wilding told us about; and he has tabulated on a piece of paper the British Board of Trade requirements, the American requirements and the German requirements. (*The Commissioner.*) I should like to see it," and it was handed in.

The Commissioner: I notice in the two German boats to which reference was made, there is a very large proportion of collapsible boat accommodation.

22497. (*The Attorney-General.*) Yes. I am not sure that is the way to get at it; it certainly is not the most reliable. We have got the requirements, and you have to calculate from those requirements what a vessel with a tonnage of 46,000 tons would have to carry in boating accommodation. I make it a very big number of boats indeed, far more than has been mentioned, and I am anxious to have it right. (*To the Witness.*) Will you tell me, Sir Walter, have you yourself, or somebody in the Board of Trade, made the calculations on the basis of the German requirements? - What the German requirements would have been for the "Titanic"? No, we have not.

22498. I have done it, but what I want to know is can you tell me whether in fact the German liners carry boats, speaking generally, of the number required according to the German law? - No, I cannot say.

Sir Robert Finlay: It is extremely important to know what the practice is.

The Attorney-General: And that is why I was drawing the distinction between the statement of requirements and facts.

The Commissioner: I quite appreciate that. That is why you criticise Mr. Maurice Hill.

The Attorney-General: Yes.

(After a short adjournment.)

The Attorney-General: My Lord, I have now got the minute from the Board of Trade, which I will read.

The Commissioner: You mean the minute of the 4th of April, 1912?

22499. (*The Attorney-General.*) Yes. The minute of the 4th of April, of Sir Walter Howell's is: "I agree to the action proposed." Then there is a note of Captain Young's of the 28th of March, and there is also a note of G. E. B. That is Mr. Baker. (*To the Witness.*) Mr. Baker is your principal clerk? - In the Marine Department.

22500. You have looked at this, I think? - Yes.

22501. Is this what you referred to when you said you gave directions on April 4th for that letter which was subsequently sent on April 16th? - Yes.

22502. Was any other direction than that given before the letter of April 16th was sent? - No direction whatever.

22503. So that the letter of April 16th, according to that, would be carrying out the directions which you had given on April 4th? - Precisely.

22504. Is that how it stands? - That is exactly how it stands.

22505. So that it would follow from that that when the letter was sent on April 16th no alteration was made in that letter in consequence of the loss of the "Titanic"? - Not the slightest alteration.

22506. It was simply carrying out what had been directed on April 4th? - Exactly.

22507. And nothing else? - And nothing else.

22508. Then, as I read to my Lord, there is a letter on April 20th, which does refer to the loss of the "Titanic"? - Exactly.

22509. And is that the first letter there is, and the first reference in any way to the loss of the "Titanic"? - Quite.

22510. Would the letter of 16th April be a letter drafted in accordance with the directions which had been given which would appear on the minute? - Exactly.

22511. Will you just look at this? (*A document was handed to the Witness.*) You have a copy of the minute in front of you? - I have.

22512. I see there is a draft there of Mr. Baker's? - A minute of a draft.

22513. A minute of a draft. What is the date of that? - 1st February.

22514. You have the document in front of you. Then there is a note, is there not, of Captain Young - a memorandum? - It is referred to Captain Young before it comes to me.

22515. Let us just understand the steps. On that minute there is first of all the minute of a draft by Mr. Baker? - Quite.

22516. That is the 1st of February? - The 1st of February.

22517. Then after that what happened? - That is referred to Captain Young and to me.

22518. But first of all referred to Captain Young? - First of all, referred to Captain Young.

22519. Then what does Captain Young do on that? - He proceeds to consider it, and on the 30th March he says, "Please see my remarks herewith."

22520. Are those remarks there and are they dated the 28th of March? - The 28th of December.

22521. No, no - look - The 28th of March, I beg your pardon.

22522. Then that comes before you with his minute and the remarks attached? - Quite.

22523. You go through it? - Yes.

22524. And then you agree with it? - Yes.

22525. In the note which I have it is "I agree to the action proposed" - It came on to him on the 30th March, and on the 4th April I put, "I agree to the action proposed."

22526. Then the letter which is sent is in accordance with the draft, and the note by Captain Young? - Precisely.

The Commissioner: To sum it all up, the letter of the 16th April is based upon data collected before the "Titanic" sank.

22527. (*The Attorney-General.*) Quite, and made with the aid and written in pursuance of directions given by Sir Walter on the 4th April. (*To the Witness.*) That is how it stands? - That is exactly how it stands.

The Attorney-General: Then the subsequent correspondence I have read to your Lordship - you see how it stands - when attention is called to the loss of the "Titanic" by the letter of the 20th.

The Commissioner: The letter of the 20th is not of much significance.

The Attorney-General: No, my Lord.

The Commissioner: It was the letter of the 16th. I wanted the suspicion, if there were any, cleared away that that letter was written in consequence of the loss of the "Titanic." If this Witness is right, it is obvious that it was not.

The Attorney-General: The only importance of the letter of the 20th, if it is of importance, is that that first takes up the point of the loss of the "Titanic." I think it right to state, my Lord, with reference to the point we were discussing before with regard to German requirements - that they should be gone into more carefully and agreed between us, so that your Lordship might have the exact calculation according to the German requirements of the boats that the "Titanic" would have had to provide - that so far as I can follow from the "President Grant" and "President Lincoln," and the boats which were provided by the "President Grant" and the "President Lincoln," in fact, the boating accommodation was not up to the scale which is required by the German Rules. I do not know what the reason may be. Whether they have any power to deal with it, I cannot tell. It is important to bear that in mind, and that is why I drew the distinction between the facts stated and the requirements according to the scale.

Sir Robert Finlay: With reference to what the Attorney-General has just said, the difference between my friend Mr. Maurice Hill's calculation and the note as to the requirements - your Lordship pointed out how different the percentage would be - would be explained if the boating accommodation which in fact was required for the "President Lincoln" and the "President Grant" was less than the boating accommodation apparently required by the Rules. Then, of course, the discrepancy to which your Lordship called attention between the apparent requirements of the Board of Trade Rules and the German Rules, and the percentage worked out by my friend Mr. Maurice Hill, which was based upon the actual boating of the "Titanic," and these two vessels - that disappears.

The Attorney-General: That explains what I could not follow in the percentages which my friend Mr. Hill was giving.

Sir Robert Finlay: I daresay we shall be able to get possibly some information of whether there is any ground for supposing that in practice the German requirements are not always insisted upon.

The Attorney-General: It is rather difficult to get that.

The Commissioner: I daresay it is. According to the statement of the Attorney-General, whether they are insisted upon or not, they are not complied with.

The Attorney-General: That is what I find by reference to the "President Grant" and the "President Lincoln," which are the two instances we have before us.

The Commissioner: According to his statement, the requirements are one thing and the

compliance with them quite a different thing.

22528. (*The Attorney-General.*) It may be - we shall have to look into it and see - that there is some dispensing power in regard to the German Regulations and that possibly that is the explanation of it - that although it does not comply with the scale, nevertheless it may be in compliance with the German law as administered. (*To the Witness.*) I would like to ask you this. With reference both to the American and the German Rules which you have put before us, am I right in this, that neither the American nor the German Rules provide that there should be boating accommodation for all on board? - That is quite right.

22529. And, further, that both of them are based on gross tonnage? - Quite right.

22530. Can you tell me - I am asking this question because I think it will save your Lordship going through so many documents - what is the case with reference to other countries? Take, for example, France. How do the Rules of France compare with our own requirements of boats? - I think they are reasonably approximate to our own. I think I may say that of most of the other countries. Some are a little more and some a little less, but they are reasonably approximate to our own.

The Attorney-General: It does not seem to me, subject to anything that your Lordship may desire, that it is useful to compare them unless there is a real substantial difference between them.

22531. (*The Commissioner.*) As far as I am concerned, I do not want to trouble you with the German Rules.

The Witness: I have a half-sheet of paper here containing a few particulars which, I think, really crystallise the matter. It will show you all the facts.

22532. (*The Attorney-General.*) May I see it. (*The document was handed to the Attorney-General.*) I think this is quite useful, it gives the information in a very compendious form, and unless your Lordship thinks it will not assist you I will have it put on the Notes, so that it will be available to everybody. (*The document was handed to the Commissioner.*) It is a Table showing the minimum requirements of the Life-saving Appliances Rules of certain foreign countries for a vessel of just over 10,000 tons. (*To the Witness.*) That, if I understand it correctly, only shows the minimum requirements for a vessel of just over 10,000 tons? - Quite so.

22533. It does not help us as to the requirements for a vessel, say, of 46,000 tons? - Quite so.

The Commissioner: I do not see that it is of much value.

22534. (*The Attorney-General.*) It does not seem to me to be of much value if that is all it shows - a vessel of just over 10,000 tons? - My point is that we have accepted that as reasonably approximate to our own.

22535. That is not the point we are on. We may take that, I think, quite compendiously as showing that the requirements of Denmark, France, Germany, the Netherlands, Norway, Sweden and the United States, for vessels of just over 10,000 tons, are approximately the same as our own? - Yes, and for all of those below.

The Attorney-General: Yes, I know, but we are not concerned with that. If that is all that we shall get out of this Table I do not think I will encumber the Note with it.

The Commissioner: I do not think it is worth encumbering the Note with it.

22536. (*The Attorney-General.*) Nor do I. (*To the Witness.*) There is one other matter I wanted to ask you about, and that is with reference to wireless telegraphy. Your Lordship will remember there is a question with regard to that before you. Has there been an inter-departmental discussion between the Board of Trade and the Post Office as to the action to be taken? - Yes, there has.

22537. And the question of how far wireless telegraphy should be made compulsory, and under what conditions and safeguards, is at present under consideration, is it not? - Yes.

The Attorney-General: Then subject, my Lord, to this question of the agreement between us, with which I do not think it is necessary to trouble Sir Walter, I think that is all I want to ask him.

The Commissioner: Mr. Scanlan, before you begin to examine the Witness, could you tell me in a few words first of all whether you are going to make or suggest any charges of neglect against the Board of Trade? Can you tell me that first?

Mr. Scanlan: No, there is no specific charge of neglect. I think there appears on the evidence matter on which a comment of neglect could very properly be made to your Lordship, and I purpose asking a few questions dealing with that.

The Commissioner: I will tell you why I am asking you. Both you and Mr. Edwards have been of great use to me in putting your points to the Witnesses, and it would help me to understand your view of the conduct of the Board of Trade if before you examine this Witness and the others you could tell me whether there are any specific acts - if that is the right word - of neglect that you suggest against the Board of Trade.

Mr. Scanlan: Yes, my Lord.

The Commissioner: I ask you the question for this reason. We all know that outside there has been a considerable outcry against the conduct of the Board of Trade, and I am to enquire into the circumstances. I should like to know from you now, if you can tell me, if there is any specific act of neglect - I do not like the expression - that you charge against them?

Mr. Scanlan: I follow your Lordship. I say that there is a neglect in reference to the life-saving appliances, basing this assertion on the fact that the obligation to make provision for life-saving appliances is imposed not on an Advisory Committee but on the Board of Trade itself, and that the Board of Trade, through the years in which the tonnage of ships has been going on increasing, have been negligent, as a Department of State, in not making better regulations, in not bringing the regulations more up to date. Another point is that in the interval, since the Advisory Committee reported, attention was drawn in the House of Commons, the only place where the responsible executive head of the Board of Trade can be got at, to the importance of providing life-saving appliances commensurate with the number of passengers carried, as opposed to provisions based on tonnage. And, again, we say that the Board of Trade Regulations with respect to the manning of ships are defective; in point of fact, that when a former President presided at a Commission especially appointed to enquire into this, he had the importance of a manning scale brought under his notice, and he stated that the Department already had power to impose a manning scale under the provisions of the Act of 1906. I am going to make this point, my Lord, that notwithstanding the powers which the Board have, and which a former President of the Board of Trade credited his Department with having, the manning scale is defective. For instance, if the "Titanic" had been allowed to go to sea with what the Board of Trade Department looks upon as the adequate, the maximum requirements which they had designated for any ship up to the present, she would have had not half of the crew which she carried. Then another point which I think it is worthwhile to raise, and which I intend to put to Sir Walter Howell, is this: In a Commission appointed by the Government for the Board of Trade in 1896 the question of manning and deficiency of the crew was specially considered, and one of the recommendations of that Commission in regard to the engine department or for firemen is that: "A candidate for the rating of fireman should be 18 years of age or over and have had six months' service as trimmer in a steamer," and this recommendation of their own Committee has been ignored.

The Commissioner: What sort of a Committee was that - A Departmental Committee?

Mr. Scanlan: This, my Lord, I understand, is Sir Edward Reed's Committee. It is the Committee appointed by the Board of Trade to enquire into the Manning of British Merchant Ships. The names of the Commissioners are: The Right. Hon. Mr. Mundella, Sir E. J. Reed, the

Right Hon. A.B. Forward, Sir Francis Evans, Mr. Havelock Wilson -

The Commissioner: That is sufficient. The Committee obviously comprised people who were not officially connected with the Board of Trade at all.

Mr. Scanlan: That is so, my Lord.

The Commissioner: You appear to me to be a little inconsistent. You began by making a charge against the Board of Trade, as I understand, of this kind, that they called in aid Advisory Committees, whereas they ought to act upon their own judgment.

Mr. Scanlan: Of course, I say that, and I think it is a tenable, general proposition.

The Commissioner: And then you go on to say - it may be logical or reconcilable - that you complain that they did not act upon the advice of the Advisory Committees.

Mr. Scanlan: Well, my Lord -

The Commissioner: You first of all say that they ought not to have any Advisory Committees at all, and secondly, you complain that they do not act upon the advice of the Advisory Committees.

Mr. Scanlan: With respect, my Lord, I have said that the Board of Trade, as a Board - I do not know what it is -

The Commissioner: There is an old joke about that, but you must not trot it out!

Mr. Scanlan: It is not that, my Lord, but I think if the Regulations are in question it is important that we should know something of the personality of the Board of Trade.

The Commissioner: You have given me enough information now. Now let me hear your questions.

Mr. Scanlan: There is another point that I should like to mention to your Lordship, if I may. I do not know whether your Lordship will allow questions to be put on it, but it is right that I should mention it - it was touched on by the learned Attorney - and that is in reference to the alteration of the loadline.

The Commissioner: I did not hear him touch upon it with Sir Walter Howell.

The Attorney-General: I mentioned it, and I said that I did not think, as far as I could see, that it affected this case, and therefore I was not going into it.

The Commissioner: Nor has he touched on the question with Sir Walter Howell about the Rules and Regulations as to the manning.

Mr. Scanlan: Yes, my Lord.

The Commissioner: There is no reason why you should not.

Mr. Scanlan: Certainly, my Lord.

Examined by Mr. SCANLAN.

22538. Without going into the history of the Board of Trade Regulations, may I take it from you that the "Titanic" had a supply of lifeboats and other life-saving appliances considerably in excess of the requirements of the Board of Trade? - She certainly had more boats than were required by the Board of Trade.

22539. Now, I want to put to you another question with regard to the provision of bulkheads, and watertight compartments. Is it the case that in order to qualify a ship for exemption from some part of the requirements of lifeboats, all that the Board of Trade require in a ship like the "Titanic" would be four watertight bulkheads? - Before she has any relaxation from the Rules she has to prove to the Board of Trade that she is an efficiently subdivided ship to their satisfaction.

22540. (*The Commissioner.*) You must bear in mind that I suffer from the infirmity of

deafness. You do not speak so that I can hear you. Do not whisper into the ear of Mr. Scanlan. Let me know what you are saying - Yes, my Lord, I am very sorry.

22541. (*Mr. Scanlan.*) In order to qualify for exemption, I submit to you that what the Board of Trade instruct their superintending officers to require in a ship like the "Titanic" would be four watertight compartments. Is that so? - No, certainly not.

The Commissioner: Where did you get that from, Mr. Scanlan?

Mr. Scanlan: I have just got information from one of those instructing me that that is so.

The Commissioner: It must be in some printed document. I have not heard of it so far.

Mr. Scanlan - To the Witness: Do your Instructions for the Regulation of surveys of ships apply to this point?

The Commissioner: Apply to what point?

Mr. Scanlan: The point of the division of ships efficiently into bulkheads and watertight compartments.

The Commissioner: "Efficiently" is one thing, and "Into four separate compartments" may be quite another thing.

Mr. Scanlan: It is No 16 of those Rules.

The Commissioner: Do not you be misled by bad examples and found your questions upon mere hearsay information.

Mr. Scanlan: This is a point I was instructed to put, my Lord, on the responsibility of those who are advising me.

The Commissioner: Where is the gentleman who is advising you?

Mr. Scanlan: Here, my Lord. (*Pointing.*)

The Commissioner: Sit down for a moment or two and ask him what he means and then get up again.

Mr. Scanlan: If your Lordship pleases I will pass from that point and go to another.

The Commissioner: But you have not elucidated it. You have left me in a fog.

Mr. Scanlan: I think the Witness is able to take you out of the fog, my Lord.

The Commissioner: Then get him to do it.

22542. (*Mr. Scanlan - To the Witness.*) Can you explain, Sir Walter, what is the provision in your Regulations in regard to watertight compartments? - With reference to emigrant ships like the "Titanic"?

22543. Yes? - It is that in order to get any exemption from the requirements as to boats, they must comply with the requirements laid down in the Reports of the Bulkheads Committee, which have been adopted by the Board of Trade as the standard for bulkheads.

The Commissioner: Now ask him what that is?

Mr. Scanlan: Do you mean the requirements of the Bulkheads Committee as applied to a ship like the "Titanic"? - That I must leave to be explained by the technical officers.

22544. (*The Commissioner.*) Oh, dear, dear me. I get into confusion when you push off the answer to somebody else who is not in the witness-box? - It is simply because I am afraid of misleading you, my Lord.

The Commissioner: Never mind about that. Answer the question. Go on.

Mr. Scanlan: May I take it, Sir Walter, that you are not in a position to give this information?

The Commissioner: Oh, don't you help him in that way. I want you to make him give me the information.

22545. (*Mr. Scanlan.*) Sir Walter, if you are not able to give this information, why are you not able to give it? - Because I cannot carry in my head all the recommendations of the Bulkheads Committee.

22546. But you are the head of the Marine Department of the Board of Trade, and this is an

important concern of your Marine Department. I suppose you will take care that you will get this information from somebody else in your Department? - Certainly.

22547. Now with regard to the manning scale, is there any suggestion to your inspecting officers as to what would be a sufficient crew for a ship like the "Titanic"? - The "Titanic" was an emigrant ship.

22548. Yes? - There are certain Regulations laid down to guide the emigrant officer in declaring that he is satisfied with the manning. He has to clear the ship and be satisfied with her manning before she goes to sea.

22549. Is there any standard of sufficiency by which he may satisfy himself? Has he any directions as to what would be a sufficient crew? - Yes, he has.

22550. What, according to his directions, would be a sufficient crew? - "In steamships" - shall I read it or give a general idea of it?

The Commissioner: Will you put your question again, I did not hear it?

22551. (*Mr. Scanlan.*) What would be the requirements of the Board of Trade, the instructions given to your clearing officers, as to a sufficient number of crew? - I have in my hand the scale. It goes up to 9,700 cubic feet - the "total capacity of boats and rafts required under the life-saving appliances Rules" - and here are the different scales - the total capacity of boats and rafts that should be carried. I will take the 8,900 to 9,300, which is nearly at the end of the scale - 46.

The Commissioner: Where can I find it?

Mr. Scanlan: It is the "Instructions Relating to Emigrant Ships."

The Attorney-General: Page 10 of the book, "Instructions Relating to Emigrant Ships."

22552. (*Mr. Scanlan.*) You will find the Table and scale on that page, my Lord. - That is the Table they have to guide them.

22553. This deals exclusively with deckhands? - Yes.

22554. Do you give any directions to your clearing officers as to the number of officers a ship should carry - a ship, say, like the "Titanic"? - There are certain statutory requirements with regard to that.

22555. Can you say, according to those requirements, how many officers would be required? - I think a master - I am speaking from memory, I have not the paper before me - two mates.

22556. A carpenter? - A master and two mates. Are you asking me to define deckhands?

22557. No, I am not asking you yet to define deckhands, but to tell my Lord how many of a crew a ship like the "Titanic" would be expected to carry? - I have given you an indication from the Table.

22558. I know you have given me an indication that applies exclusively to deckhands. Do you give any directions to your Marine Superintendents as to the number in the stokehold, in the engine room, and in other departments of the ships? - No.

22559. Or the number of officers? - The number of officers I can tell you in a moment. You mean the number of masters and so on.

22560. Masters, and so on? - One master, two mates, two certificated engineers.

22561. One master, two mates, two officers of the rating of mate, and two certificated engineers? - Yes.

22562. Is that all? - Yes, I think that is all the statutory requirement.

22563. Of course, it would be manifestly an improper thing to let a ship depart on a voyage with such an incomplete crew as that - a ship like the "Titanic." Am I right in thinking that unless you call the requirements which you have indicated to my Lord a manning scale there is no such thing in existence as a manning scale for modern ships? - Yes, that is so.

22564. (*The Commissioner.*) I heard your question, but I did not hear the answer. Please speak out a little? - I am so sorry, my Lord. The answer is that there is no definite manning scale for

merchant ships.

22565. Do not use an adjective of that kind. I do not know what you mean when you say "definite." Is there any? - No.

The Commissioner: Then you can leave out "definite."

22566. (*Mr. Scanlan.*) Has the attention of the Board of Trade been frequently called to the importance of stipulating for a minimum scale of manning? - Yes, the Board of Trade has frequently had its attention called to that point.

22567. (*The Commissioner.*) Have they considered the matter? - Oh, yes, it has been considered, my Lord.

22568. What has happened upon the consideration? - That no manning scale hard-and-fast has been laid down.

22569. You have used another qualification. I do not know what "hard-and-fast" means. Has any manning scale been laid down at all? - Well, instructions have been issued to the officers as to the number of deckhands that must be carried as a minimum, or else the vessel is regarded as not being fit to go to sea and seaworthy.

The Commissioner: Where are those instructions?

The Attorney-General: Do you mean with regard to emigrant ships?

The Witness: In order to answer Mr. Scanlan's question, I should really have to read you these requirements in the Circular.

22570. (*The Commissioner.*) In what circular? - In the "Instructions relating to Emigrant Ships" that your Lordship has before you.

22571. What page do you want to read? - I want to give an instance of the engine room staff.

22572. What page? - Page 11, paragraph 23. There are instructions to our Surveyors there that: "The following scale has been prepared for the guidance of the Emigration Officers with regard to the manning of the engine room and stokehold." Then there is a Table on page 11 of these "Instructions relating to emigrant ships."

The Commissioner: What was the horse power of the engines of the "Titanic"?

Mr. Wilding: Indicated, or nominal, my Lord?

The Commissioner: Nominal.

Mr. Wilding: I have not got the nominal figures here, my Lord. The total indicated horse power plus the shaft horse power was about 60,000. The nominal horse power appears in the certificate, and I have not got the figures.

22573. (*The Commissioner.*) I am told the nominal horse-power was 6,906. (*To the Witness.*) What in this scale would indicate the number of engineers to be carried in a vessel the nominal horse-power of which is 6,906? - I am very sorry not to be able to answer your Lordship, but I am unable to answer that question.

The Commissioner: Am I right in saying that there is nothing in the scale to indicate it?

Mr. Scanlan: Six thousand nine hundred and six I take to be the nominal horse-power, my Lord.

The Commissioner: That is right. Now, I am asking him what there is in this scale which indicates the number of engineers to be carried in a vessel with engines of that capacity or power, and as I understand - I do not know whether I have understood him rightly - there is nothing in this scale.

The Attorney-General: There is something, I should think.

Sir Robert Finlay: I think the last line seems to indicate it.

22574. (*The Commissioner.*) I do not know whether Sir Walter will say that? - No. I should like to ask one of my technical officers to answer that question.

22575. The only thing I see is "600 and over" - seven engineers? - There is nothing else so far

as I can see at present.

The Commissioner: How many engineers did the "Titanic" carry, in fact?

Mr. Scanlan: I think the total in the engine room department was 327.

Mr. Roche: The engineers numbered about 32. It depends upon whether you count electricians, but they numbered about that.

Mr. Scanlan: I was including the engineering department and the boiler department, my Lord, and, from an abstract I have, it appears to be 327.

The Commissioner: What is 327?

Mr. Scanlan: The total crew carried by the "Titanic" in the engine room and the stokehold.

22576. (*The Commissioner.*) You said just now that in order to answer Mr. Scanlan's question you must refer to page 11 of the book under the head of "Engine room Staff." Now, is there anything else under that heading which will help us? - There is a series of paragraphs after the scale which give the emigrant officer guidance in dealing with this matter.

The Commissioner: Let us see what they are.

The Attorney-General: It is said to be a guide, and not a hard-and-fast Rule.

22577. (*The Commissioner.*) "The following scale has been prepared for the guidance of the Emigration Officers with regard to the manning of the engine room and stokehold." Taking the only figure that can by any means be considered as applying to the present case for engines of the nominal horse power of 600 and over, seven engineers are required, one donkeyman, three greasers, two store-keepers, and one fireman for every 18 square feet of fire-grate surface in the boilers." Is that right? - Yes, that is as I read it.

22578. That applies to a boat with engines of 600 nominal horse power and over? - Yes, my Lord.

22579. Do you suggest that that constitutes any guide to your Emigration Officers as to the requirements in respect of manning the engine room that should be made when the engines are ten times as great and powerful as those as are specified here? - As far as they go, my Lord.

22580. What do you mean by "as far as they go"? - They go to 600 and over.

22581. I know. But do you mean to say "600 and over" means anything. I do not know how far it means. Do you mean to say that it would have been sufficient in the "Titanic" to have had seven engineers, one donkeyman, three greasers, two storekeepers and one fireman for every 18 square feet of fire-grate surface in the boilers? - Oh, no.

22582. Where is the man who has this book put into his hand to find what he ought to require in the case of a ship with engines like the "Titanic"? - I am afraid I cannot satisfactorily answer your Lordship's question.

22583. Do you think an answer is to be found at all? - I think the answer will be found when you examine the technical officer who deals with this matter.

22584. It may be so? - Yes, my Lord, that is it.

22585. (*Mr. Scanlan.*) May I direct your attention, Sir Walter, to the agreement and account of the crew prepared by the Registrar-General. I see some particulars given here as to the number the crew shall consist of. Are you acquainted with this document? - Yes.

22586. Will you please read this and tell me if this printed matter at the top has reference to the manning? (*The document was handed to the Witness.*) - Yes, it is such minute print that I can hardly read it. That is the agreement between the men and the master of the ship.

22587. That is the agreement which the Board of Trade revise and assent to? - It has to be entered into in the presence of the superintendent.

22588. Have the details given there any relation to what the Board of Trade considers sufficient? - I can only put it to you in this broad way. The Emigration Officer before he clears the vessel has to be satisfied that she is properly and efficiently manned, and the instructions that

he is given are only as a sort of guide to him in what his requirements should be.

22589. Those are the only instructions? - I think those are the only instructions.

Mr. Scanlan: May I take it from you that there are no instructions issued acting on which an officer of your Board would be in a position to demand that there should be for a ship like the "Titanic" a crew of anything like the proportions of the crew carried.

The Commissioner: I do not understand that question.

Mr. Scanlan: I mean your requirements, I submit, are not at all up to what the owners evidently consider a proper crew for the "Titanic."

The Commissioner: I do not know what you mean. You talk about "your requirements," addressing Sir Walter.

Mr. Scanlan: I mean the Board of Trade.

The Commissioner: I know, but I do not know what their requirements are.

22590. (*Mr. Scanlan.*) Quite, my Lord. (*To the Witness.*) You have, I take it, a general power - I think it is under the Act of 1906 - to regard a ship which is insufficiently manned as unseaworthy? - Yes.

22591. But you have not yet drawn up a manning scale expressing the view of the Board as to what is a sufficient and a deficient crew? - That is so.

22592. I was asking you a moment ago if this question had been brought under the notice of the Board, and you stated that it had. I want to ask you this further question. Was it brought under the notice of the Board of Trade, both on behalf of the seamen and on behalf of owners? - I do not quite follow your question.

22593. (*The Commissioner.*) It is a plain enough question. - I do not know what he means by "on behalf of owners."

The Commissioner: What he means to say is this: Did the owners bring the matter to your notice, and did the Unions bring the matter to your notice? That is what he means by the seamen - the Unions.

22594. (*Mr. Scanlan.*) Mr. Havelock Wilson, in particular? - The Unions certainly have often desired a manning scale.

22595. Have the shipowners themselves desired a manning scale? - I do not recollect that they have.

Mr. Scanlan: I take it that it has been brought forward by the men?

The Commissioner: Do not deal with this too long. You must remember that this is a little bit away from our Enquiry, because it has not been suggested that there were not enough men in the engine room.

Mr. Scanlan: On the contrary, my Lord. I say I have no fault whatever to find with the number of men in the engine room, but that in the conduct of their department which your Lordship is asked to go into in this Question 26, it is relevant to consider what Rules they had made for the manning in the engine room.

The Commissioner: I do not say it is irrelevant, but inasmuch as there is no complaint against the manning of the engine room in the "Titanic," I point out to you that it is not, in this Enquiry, of very great importance. Generally, you may ask him whether they have power to draw up a manning scale, and whether they have drawn it up, and whether they have been asked to do so.

22596. (*Mr. Scanlan.*) You have said, Sir Walter, that you have been asked to draw up a manning scale. I will put this further question to you: No manning scale has been drawn up? - No manning scale extending to all vessels has been drawn up.

Mr. Scanlan: I want to ask you now if you consider it would be desirable to draw up a manning scale.

The Commissioner: I am not sure that you should ask him that. The Union think so, obviously.

22597. (*Mr. Scanlan.*) With regard to the rating -? - Will you allow me, before passing from this, to call your attention to Section 305 of the Merchant Shipping Act of 1894, which deals with the crew of an emigrant ship.

22598. (*The Commissioner.*) What is it? - It shows the way my Lord, in which the Emigration Officer, who is the responsible officer, deals with the clearance of an emigrant ship - the legal requirements.

22599. Read it to me. - "Every emigrant ship shall be manned with an efficient crew for her intended voyage to the satisfaction of the emigration officer, from whom a certificate for clearance for such ship is demanded. After the crew have been passed by the Emigration Officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of that Emigration Officer or of the superintendent at the port of clearance. (2) Where the consent of a superintendent has been obtained, it shall within 24 hours thereafter be lodged with the said Emigration Officer. (3) If the Emigration Officer considers the crew inefficient, the owner or charterer of a ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the appellant, appoint two other Emigration Officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point."

The Commissioner: As I understand it, Mr. Scanlan, that seems to answer you?

22600. (*Mr. Scanlan.*) That is in the Act of Parliament? - That is so.

The Commissioner: It is left by law to the discretion of the Emigration Officer.

Mr. Scanlan: What I suggest, my Lord, is that if it is left to the discretion of the individual Emigration Officer, you may have a difference in practice between one port and another.

The Commissioner: Certainly you may.

Mr. Scanlan: And it is for that reason, my Lord, that I respectfully suggest, as a matter for this Inquiry, that it is desirable to recommend a manning scale which would be universally observed.

The Commissioner: That would appear to me to involve - it may be right, you know - an alteration of the law, not to leave the matter in the discretion of different minds at different places, but to make one hard-and-fast Rule.

Mr. Scanlan: That is so, my Lord.

The Commissioner: That does not throw any discredit in any way upon the Board of Trade itself. You cannot yet - I do not know what you may be able to do later on - blame them for obeying the law.

Mr. Scanlan: I will read, my Lord, one short sentence from the report of a conference between the representatives of the United Kingdom, the Commonwealth of Australia and New Zealand on the subject of Merchant Shipping legislation.

The Commissioner: What date is that?

Mr. Scanlan: It is in 1907. The then President of the Board of Trade, Mr. Lloyd George, was talking with reference to manning, and he is asked, "Which section?" and he said, "There is only one section. We have simply extended the definition of unseaworthiness to undermanning. We can issue any instructions we like to our Surveyors; we can impose a scale."

22601. (*The Commissioner.*) Who said that is extending the definition of unseaworthiness to undermanning, because I always understood undermanning did constitute unseaworthiness? - A special Act was passed. Doubt had been expressed whether unseaworthiness included undermanning. I never thought it did, but an Act was passed to make it quite clear that unseaworthiness included undermanning.

22602. Did you suppose it did not? - I never supposed it did not, but some people raised doubts, and an Act was passed to remove those doubts.

Mr. Scanlan: That is the Act of 1907.

The Commissioner: You may drop this now, and go on to the next point.

22603. (*Mr. Scanlan.*) You know it was stated in this paragraph that I have referred to that you could issue instructions. May I, my Lord, with your permission, carry it this one step further? You have not issued any such instructions, or imposed such a scale as the President said you might then impose? - I think this is rather difficult matter, and I hope I may be allowed to explain it to you for a moment. It rather involves me construing what Mr. Lloyd George said, but I think I must do it. Mr. Lloyd George said that the Board of Trade can detain any ships which they or their officers regard as being unfit to proceed to sea without serious danger to human life, and they can also issue to their Surveyors instructions to guide them in coming to a conclusion as to when a ship was or was not unseaworthy and that among the reasons for which a ship could be detained were defective equipments, machinery, over and improper loading, and undermanning, so that in a sense it would be possible for the Board of Trade to lay down a scale with regard to the vessels - to say you should detain a vessel if she did not come up to a certain standard. That, I think, explains that matter.

22604. It explains everything except the reason why you have not imposed such a scale or issued such instructions? - But we have.

22605. Can you explain that? - We have issued the instructions.

22606. (*The Commissioner.*) Apparently, there are Emigration Officers, or whatever they are called, to survey these ships, and that gentleman apparently has the power of saying a ship is not sufficiently manned, and if he says so, then the ship does not get a certificate, and cannot go to sea. Is not that the position? - With regard to emigrant ships, certainly, but Mr. Scanlan was asking me about all sorts of other ships - a manning scale.

22607. (*Mr. Scanlan.*) There is not, so far as the "Titanic" is concerned; but it is considered desirable by those whom I represent to bring before your Lordship as a point at this Inquiry the desirability of having a fixed scale. (*To the Witness.*) Do you think it would be desirable with regard to the rating to fix a standard of efficiency for the stokehold, in accordance with the recommendation I read to you? - When was that recommendation made?

22608. It is in the report of the Manning Committee of 1894. - That is a great many years ago. That report, or rather those reports, for there are several of them, made very numerous recommendations to the Board of Trade, and the several reports do not agree with each other. What the Board of Trade attempted to do on receipt of that report was to see what the majority of the Committee agreed upon, and if possible to act upon it. It is many years ago now. I do not remember whether that particular recommendation was in the Majority Report or not.

22609. I think this is the Majority Report signed by almost all of the members? - Very well.

22610. The recommendation here is very distinct, as you will hear - "That a candidate for the rating of fireman should be 18 years of age or over and have had six months' service as a trimmer in a steamer"? - I am quite sure the Board of Trade have laid down no Rule which adopted that recommendation.

22611. Have you any recommendation contrary to this from any other committee on this point? - I do not think so.

22612. May I submit that it would be desirable to make some Rule on this point? - The Board of Trade that day were evidently advised not to do it.

22613. I am speaking of now? - You are not asking me for an opinion, are you?

22614. I am told not to ask you for an opinion, and I will bow to his Lordship's ruling. With regard to the Rules for the provision of lifeboats and life-saving appliances, the only alteration made since 1890 is the one alteration from 9,000 tons and upwards to 10,000 tons? - 10,000 tons, and upwards.

22615. And the only additional accommodation stipulated for there is 250 cubic feet - that is

on page 17? - That is right.

22616. Two hundred and fifty cubic feet according to your scale means lifeboat accommodation for 25 additional people? - And it also carries with it the additional requirements for additional boats, you know. Every time you raise the proportion of boats in davits you proportionally increase the other, the additional boats.

22617. That is 25 here, and 18, I am informed, with a possible diminution in respect of bulkheads? - I have no reason to think that is wrong.

22618. That is for about 40 people additional? - Yes.

22619. You were asked some questions with regard to America, and your statement to my friend Sir Rufus Isaacs was that at present, roughly speaking, we are in the same position as America for lifeboat accommodation? - Each has accepted the passenger certificate of the other. I am not prepared to say that in every detail they assimilate, because that is not so.

Mr. Scanlan: Are you aware that a recommendation, or a Rule, is now in force, since April of this year for ocean going steamers, which provides that "each and every steamer navigating the ocean must be provided with sufficient lifeboat capacity to accommodate every person on board, including passengers and crew, excepting infants in arms."

The Commissioner: That is some American book, is it?

Mr. Scanlan: It is the general Rules and Regulations provided by the supervising inspectors as amended in January, 1912, and the date is April 27th of this year.

The Attorney-General: That is after the "Titanic."

The Commissioner: I was asking you: Is it an American book?

Mr. Scanlan: Yes, I think so.

The Commissioner: That is a sort of - if I may respectfully say so, I do not wish to criticise what they do in America - legislation after the event.

22620. (*Mr. Scanlan.*) Yes, my Lord. We have heard people like Mr. Sanderson say here to you, my Lord, that he and the shipowners were waiting anxiously for the recommendation of your Lordship, and under this Question 26 your Lordship is invited to advise as to what alterations should be made in the recommendations; and in that view I think this alteration in America of very special importance to bring under your Lordship's notice.

The Witness: There has been a great deal done here since the "Titanic" disaster.

22621. Are you aware of this regulation? - I was not aware of it until you told me.

The Commissioner: I have at present serious doubts whether it would be a wise thing to direct lifeboat accommodation for every soul on board - I have serious doubts about it. It never has been done. It is quite true that the loss of the "Titanic" appears to point to the probability of it being wise to increase the lifeboat accommodation.

Mr. Scanlan: From other information which I am able to place at your Lordship's disposal, the whole of the shipowners of this country have come to the Board of Trade and have expressed their willingness to put on lifeboat accommodation for every person carried.

22622. (*The Commissioner.*) That may be? - I should like to say what has been done with regard to that. The President himself has held a series of conferences at the Board of Trade with the shipowners in order to see whether anything could be done to bridge the interval of the loss of the "Titanic," and the recommendations of this tribunal and of the Committees appointed: the President, by means of conferences with the representatives of the shipowners, and by means of correspondence, has been in communication with the owners of the various classes of passenger steamers - emigrant ships, foreign-going passenger vessels, home trade vessels, cross-Channel boats, and excursion steamers. In the result, as regards foreign-going passenger vessels the owners of practically the whole of foreign-going passenger ships of 1,500 tons and upwards have intimated that they either already carry boat and raft accommodation for all on board or that they

intend to do so as soon as practicable. I am bound to add that in certain cases it was intimated -

22623. Are you reading something? - I am only reading my own note of what has taken place: I am bound to add that in certain cases it was intimated that the owners had doubts as to the expediency of a large increase of boats, but that the full complement of boats was made chiefly with a view to meet public opinion.

22624. Public opinion is of very little value against the opinion of experts? - I entirely agree with that, my Lord.

The Attorney-General: Your Lordship may remember that I read a passage in a letter which was written by Sir Norman Hill with reference to this.

The Commissioner: That was the letter of - when?

The Attorney-General: The 27th of April, 1912.

The Commissioner: Will you read it again to me?

The Attorney-General: This is the letter which, unfortunately, you have not before you now, but which you shall have in the documents: "In face of the new facts, the Committee at their meeting yesterday re-opened entirely the question of the revision of the boat scale for large passenger vessels with a view of providing the maximum of protection for the passengers and crew in the event of an overwhelming disaster, whilst, at the same time, maintaining the principles in regard to the stability and sea-going qualities of the ship itself and to the prompt and efficient handling of the boats carried under the existing scale, which hitherto have proved not only essential to safety, but also adequate for all ordinary emergencies. The questions involved are not free from difficulty, but they will receive the immediate attention of the Committee. Pending their consideration, the Committee note that assurances have been received by the Board of Trade from representatives of most of the large passenger lines to the effect that every effort will be made to equip their vessels, at the earliest possible moment, with boats and rafts sufficient to accommodate all persons on board."

Mr. Scanlan: May I read to you, my Lord, just one sentence from a speech by the President of the Board of Trade? It is practically what Sir Walter has said: "Some time ago I told the House that the owners of practically all the ships over 10,000 tons have assured me that in future as soon as circumstances permit, that is as soon as they can get the boats, they will in every case carry sufficient boat or raft accommodation for every one on board."

The Commissioner: What is it you are reading from?

22625. (*Mr. Scanlan.*) I am reading from Hansard the report of the speech of the President of the Board of Trade. - That is the same thing as I have told you, only it does not include so much.

22626. Have you had any dissent from any large body of shipowners to making this provision? - Any large body of shipowners?

22627. Yes? - I have heard several, but I cannot say I have heard it from a large body of shipowners. I have heard some of them say: "We have done this against our better judgment in order to meet public clamour."

22628. You were asked in the course of your examination by Sir Rufus if there was an objection on the score of the commercial running of ships profitably to provide boats. Is that an objection - that they are too costly? - I cannot tell you that because I do not know the cost.

22629. (*The Commissioner.*) I do not think the cost could be an objection - Nor do I, my Lord.

22630. (*Mr. Scanlan.*) I do not think so, my Lord. There is a view put forward that one way to secure safety is to increase the floatability, if I may use the expression, of ships. Has that been brought under your notice? - You mean the improvement of watertight bulkheads.

22631. Or of making better and more scientific provision to ensure that the ship will float after a certain accident? - Yes.

22632. I suggest to you as a reasonable thing, in view of new regulations, that not only should

more stringent regulations be enforced in regard to bulkheads, but that it is also reasonable to provide lifeboat accommodation for every person carried on a ship - on an emigrant and passenger ship? - What question do you ask about that?

22633. I suggest to you that it is reasonable and I ask your view? - I do not care to express my view, my Lord, unless you tell me to. This is the way I can answer your question, that I think it is a matter that deserves very attentive consideration. That is my personal view, please.

22634. Your Department is responsible for making regulations to ensure the safety of the passengers carried? - Yes, but in any case I am sure you do not wish to misunderstand me. I am not expressing here today the view of the Board of Trade. I expressed that personal view to you because I thought it was only fair to you.

22635. I think you indicated in your evidence that the question of the speed at which vessels should be allowed to travel in fog or in the presence of ice is a matter on which you are likely to make regulations? - Did I?

Mr. Scanlan: It was touched on in the evidence.

The Commissioner: When?

Mr. Scanlan: I do not remember.

The Commissioner: Not by this gentleman, certainly.

22636. (*Mr. Scanlan.*) Is the question of speed and the presence of ice a matter which is under consideration by the Board? - I think it possibly comes under the terms of reference to the Advisory Committee - possibly, I am not sure. I think so.

22637. I think it does. It is stated by the President of the Board of Trade that that is a matter which he expects to be carefully considered here? - Quite.

Mr. Scanlan: Now, with regard to the loadline. Again I agree, my Lord, that it may be fairly said that this is not strictly relevant to the loss of the "Titanic."

The Commissioner: If you fancy that I am going to suggest every point upon which it is possible, and perhaps right, for the Board of Trade to make new Rules you are making a mistake.

Mr. Scanlan: Yes, my Lord.

The Commissioner: I shall do nothing of the kind. I should never come to an end with this Enquiry.

Mr. Scanlan: I had not thought that, my Lord, but I was instructed to raise this point. I thought it might happen that, as there has been referred from this Court the information which your Lordship has collected in regard to bulkheads and watertight compartments, some reference back of that kind might be made in reference to such Rules.

The Attorney-General: It opens up such a big question. I hope you will not unless it is necessary.

The Commissioner: I cannot go into questions like that - no.

Mr. Scanlan: I do not wish to do anything more than indicate that it is a subject in respect of which seamen are dissatisfied with the Board of Trade.

Examined by Mr. CLEMENT EDWARDS.

22638. Unless a ship gets a declaration of clearance from the Board of Trade it cannot go to sea? - No.

22639. That is to say, the Board of Trade accepts and discharges the duty and responsibility of saying whether a ship is seaworthy or not? - Are you referring to an emigrant ship?

22640. I am referring to any kind of ship for the moment? - The responsibility is totally different with different ships. I must ask you to confine your questions to one particular class of ships.

22641. So far as the Board of Trade is concerned it is a universal responsibility, is it not? - No. If you will tell me what sort of ship you are referring to, I shall be able to answer you quite precisely.

22642. Will you tell me what is the distinction in the responsibility of the Board of Trade in the giving of a declaration as to a ship -? - What sort of ship?

22643. Will you kindly follow me, Sir Walter, and allow me to complete my question so that you will then be able to answer. Will you kindly explain what is the difference between the responsibility of the Board of Trade in regard to the declaration in the case of a ship which is not an emigrant ship and in the case of a ship which is an emigrant ship? - Certainly. In the case of an emigrant ship the Board of Trade has, in the most minute way, to make itself responsible for the fitness of the ship to go to sea. Not only her seaworthiness and her equipment of every kind, but even her medical stores; and the clearance is refused unless the officer is absolutely satisfied in every respect that she is fit to go to sea. That is in the case of an emigrant ship.

22644. What happens in the case of a non-emigrant ship? - In the case of the next class, the passenger steamer -

The Commissioner: No, no.

22645. (*Mr. Clement Edwards.*) Surely Sir Walter, you could not have appreciated the point, or I did not make myself clear. It is a responsibility that is imposed upon the Board of Trade in all cases? - What is a responsibility?

22646. The giving of a declaration before a ship may proceed to sea? - Certainly not.

22647. Will you now explain what is the position in the case of a ship which is not an emigrant ship? - That is precisely what I was doing when you interrupted me. I said that in the case of a passenger steamer the Board of Trade have a declaration from their shipwrights' Surveyor, their engineering Surveyor, that that ship is fit to carry passengers - so many passengers. That is a totally different thing from an emigrant ship. No examination of the ship is made before she goes to sea unless there is some reason to believe that she is unseaworthy. She has her declaration; that authorises her to carry passengers, to have so many boats for these passengers, and so on, but no clearance is required unless there is reason to believe that she is unseaworthy.

22648. I put this to you: Can any sort of a ship proceed to sea from this country without a declaration or an authority from the Board of Trade? - Certainly.

22649. What sort of a ship can? - Any kind of a ship but an emigrant ship.

22650. Do you suggest, Sir Walter, that any registered English ship can leave a port of this country without an authority from the Board of Trade? - Certainly.

22651. Do you know the form called the A.A. form? - That is with regard to emigrant ships.

22652. Only? - Only.

22653. Is it not a form for every ship which signs on its crew in this country? - That is the Customs form you are referring to.

22654. I am referring to the Board of Trade. Have you an A.A. form there? - No, I have not. I do not remember quite what it is, but I do know that the Board of Trade have no power to stop a ship unless she is unseaworthy, and that the only ships they clear -

22655. That is not what I am putting to you. The certificate of the Board of Trade is taken as tantamount to a declaration that she is seaworthy, is not that so? - That means that no question has been raised. I should like to have the form before me.

22656. This is the point I want to get to, Sir Walter, that there is no other body in this country except the Board of Trade which accepts and discharges the responsibility of permitting the ship to go to sea in a state of supposed seaworthiness? - I believe the Board of Trade is the only body.

22657. That is all I wanted to get at. Now what I want to ask you is this. I want to ask you several questions as to the extent, character, equipment, and competency of the Board of Trade

for this purpose, and I want to ask you this question first of all; who are the Board of Trade for this purpose? - You are asking me to answer an antiquarian question, I think.

22658. I think we know that constitutionally the Archbishop of Canterbury is a member of the Board of Trade? - I will do my best to answer you, with pleasure. I may say that legally I believe the Board of Trade is a Committee of the Privy Council.

22659. (*The Commissioner.*) Mr. Edwards said, "For this purpose." I do not think that is what Mr. Edwards means? - I was going on, my Lord, to say what practically it consists of.

22660. I think he wants to know who are the persons - give their names, so that we may know who take these matters under their special care? - You mean in the Marine Department?

22661. I do not know where they are? - Am I to begin with the President, the Cabinet Minister?

22662. (*Mr. Clement Edwards.*) For the purpose of the Merchant Shipping Act has the Board of Trade any other meaning except the Marine Department of the Board of Trade? - As controlled by its political officers, of course, it means the Marine Department of the Board of Trade, certainly.

22663. So that for all practical purposes of responsibility, when we are talking of the Board of Trade in connection with this Enquiry it is the Marine Department? - Yes, but subject to what I have said, controlled by the Parliamentary Officers and the Permanent Secretary.

22664. Then for this purpose it is the Marine Department, plus the Legal Adviser, plus the Permanent Secretary, plus the President, plus the Under-Secretary? - The Parliamentary Secretary - it is the same thing. That is so.

22665. Now of whom does the Marine Department consist? - I think most of this is in the evidence.

22666. Will you kindly answer my questions unless you are stopped from answering by my Lord? - Well, it consists first of all of the headquarters staff and the Chief.

22667. You are the Chief? - Yes. I am assisted by a professional member of the Marine Department who is a sailor. Then there is a staff of consultative officers, the principal Surveyor for tonnage, the principal ships' Surveyor, who is a naval architect, the chief inspector of ships' provisions, and the Engineer Surveyor-in-chief. I think I have given you all of them. Those are the principal consultative officers.

22668. Then in addition to those you have a body of Surveyors? - Yes.

22669. And they are divided into Shipwright Surveyors and Engineer Surveyors? - I might complete my list of the consultative officers. There is also the principal examiner of masters and mates and the chief examiner of engineers. I think that completes the list now.

22670. Now as to the Surveyors; they are divided into Shipwright Surveyors and Engineer Surveyors? - Shall I tell you what they are?

22671. Yes? - There are the principal district officers - there are nine of those; 80 Engineer Surveyors; 34 ship Surveyors; 17 nautical Surveyors, including one assistant to the principal examiner of masters and mates; five sanitary Surveyors; 31 clerks, assistant clerks and boys; and 72 boat-men; a total of 273 officers.

22672. Does that include the emigrant officers? - Certainly.

22673. What are the qualifications required for the Chief District Officer? - Some of the Chief District Officers are sailors; others are engineers.

22674. Are there any qualifications laid down in writing for these different positions? - Yes, I could give the form of application for each of those posts, beginning at the bottom, showing exactly what the qualifications are, if necessary. That is all set out in printing.

22675. Will you kindly let us have those? It does not matter now, but we would like to have them some time? - You want to know what the qualifications are for each class of officer?

22676. What qualifications are required for each class? - That shall be prepared.

22677. You have certain instructions which you issue to Surveyors, is that not so? - Yes.

22678. And those instructions are varied from time to time? - Yes, by circular.

22679. Who is responsible for the variation of those instructions from time to time? - The Department itself.

22680. That is the Marine Department? - That is the Marine Department.

22681. What I want to know is this. Supposing you come to a case where you think there should be a variation in the instructions to a Surveyor, what will be the procedure gone through by the Department for the purpose of issuing the new instructions? - It depends upon the nature of the instruction. They will take the best advice available as to whether that instruction should be issued - that variation.

22682. Supposing there is a variation in the instructions as to the requirements for bulkheads, for instance? - That would go to the Chief Ships' Surveyor or Naval Architect. We should be advised by him.

22683. Who will be responsible for initiating? - It might be anybody. It may be a Surveyor at the port, it may be a member of the public, it may be some public body. It might emanate from anybody.

22684. Who will exercise the responsibility as to deciding the relative importance of a suggestion of this sort which may lead to a fresh instruction? - I have told you the technical officers would advise the Department.

22685. That is to say, if something comes into your Department relating to a particular thing? - Let us say bulkheads.

22686. That would automatically go to whom? - Mr. Archer, the Chief Ships' Surveyor.

22687. And will he on his own responsibility draft a fresh instruction, or is there any consultation, and if so, between whom? - It depends entirely upon the circumstances of the case. He probably would make a suggestion. He might say, "I entirely agree with this," or "I entirely disagree," giving his reasons for either course, or he might suggest that we should make further inquiries before we decide.

22688. Who will he say that to? - He would refer that to the Department.

22689. The Department - does that mean to you for this purpose? - It means that if it were a professional case it would go to the professional officer first, to Captain Young, and then it would come to me from Captain Young.

22690. That is to say, it is not in the nature of a round table conference from time to time, if I may use that term, but a document passed on and initialled with a recommendation, or something of that sort? - If it is an important recommendation all kinds of things may happen - conferences with shipowners, conferences with the Seamens' Union. All sorts of conferences might happen if it was an important thing.

22691. There is no one definite method of fixing responsibility for a new suggestion from time to time? - Yes.

22692. Do you follow? - Any new suggestion of importance would go on from me with my endorsement either in favour or against for the approval of the Parliamentary Chiefs, if it were of any importance.

22693. What power have you to insist upon either the erection of bulkheads or as to their shape and character in a ship? - Do you mean in the case of an emigrant ship?

22694. Yes, in the case of an emigrant ship? - I think if the Local Surveyor pointed out anything that he thought was wrong, that would go to the Chief Ships' Surveyor.

22695. I am not asking you as a matter of practice. I put it to you, what legal powers have you to either order the erection of a bulkhead or to determine its shape and character? - I might say that if the arrangements which were being proposed would make the ship unseaworthy we

should refuse clearance.

22696. Where do you get any legal power from to insist upon a bulkhead? - It would entirely depend upon the opinion of the Surveyor who was going to issue that declaration.

22697. I am afraid I have not made myself clear. Do you say that you have power under the Merchant Shipping Act to insist upon the erection of bulkheads? - I think I may say no. If we have any power it is very indirect.

22698. That is exactly what I am coming to. You do not suggest that you have any direct power under the Merchant Shipping Act to order the erection of bulkheads in any ship? - That is so.

Mr. Edwards: Is your only power derived indirectly because you are clothed with authority by the Merchant Shipping Act to order a certain number of boats or life-saving apparatus?

The Commissioner: I do not think so. They have the same power which Sir Walter Howell read to us from the Act of Parliament, to refuse to allow a ship to go to sea unless it satisfied the requirements of the particular Surveyor as to seaworthiness. You remember that?

Mr. Edwards: Yes, I was coming to that point. It is Section 305, I think, or Section 271.

The Commissioner: The way you were putting the question would lead apparently to this, that the "Titanic" might have gone to sea without a single bulkhead in her.

Mr. Edwards: I think, my Lord, with respect, that that is the strictly legal position, and what I am really directing my question to show is the insufficiency of the law, and therefore the insufficiency of fixing the responsibility in the matter of bulkheads. (*To the Witness.*) Where do you say, Sir Walter, that you get any authority from to insist upon a bulkhead?

The Commissioner: He has told you that there is none. I think the answer involved in that question is that the ship cannot go to sea unless she gets a certificate from a competent man appointed by the Board of Trade to say that she is fit to go to sea, and part of the requirement to make her fit would be bulkheads. There is no direct authority in any Act of Parliament that I know to the Board of Trade to require bulkheads, but there is, you may call it, an indirect authority - the authority that is covered by the section of the Act we have heard read. That is the way, I think it stands; I may be wrong.

22699. (*Mr. Clement Edwards.*) You have heard what my Lord has said. Do you agree that that is the position? - I think it would be quite impossible for a vessel like the "Titanic" to go to sea certified by the Board of Trade without any bulkheads. The Emigration Officer would not clear her. The Shipwright Surveyor would not say she was all right in his declaration, in fact the declaration would be refused, and so would the clearance by the indirect powers to which his Lordship referred.

22700. You have heard what my Lord has said, that inasmuch as you have power to withhold your declaration because a ship is unseaworthy it is competent for you to say that she would not be seaworthy without bulkheads, and therefore you say she must have bulkheads? - It would be competent for the Board of Trade to take that line. It has to be remembered that the shipowner always has an appeal from their decision to a Court of Survey.

22701. The next point that I want to come to is, if that is your power that is exercised by the giving of the declaration by your Surveyors? - Yes. The decision is come to by the Department, of course.

22702. I do not quite follow you? - I mean, if a difficult question were raised it would be referred to the Department for decision.

22703. That is to say, if a difficult and special question were raised it would be referred back to the Department? - Yes.

22704. That I am coming to in a moment, but in the ordinary way, it is in your Surveyor's discretion to give a declaration as to the seaworthiness of a ship? - Yes.

22705. Have you any definite regulations which fix the character and form and strength of the bulkhead by which your Surveyors may be guided? - No, there are no definite Rules on that subject.

22706. So that the question of whether a ship is seaworthy, at all events, in relation to the bulkheads, is a matter which is left to the personal judgment, without guidance, of each particular Surveyor that you have in your employment? - I am perfectly sure that every Surveyor would report any question about bulkheads of that sort to the Department for guidance.

22707. I will put that to you in a moment. What may or may not be done is one question. So far as the powers are concerned, it is within the personal discretion of each Surveyor to say whether he considers a particular bulkhead in a particular ship is right or not - he has not to refer to any specific standard? - What he has to do is to declare that he is satisfied with the hull of the vessel.

22708. And for that purpose he has not to refer to any specific standard? - No. I do not think any specific standard has been laid down.

22709. Is it not a fact that you have among your Surveyors a large number of persons who have had no special training apart from any experience they may have derived in their position in the Board of Trade, in the testing of the character of bulkheads? - Every Surveyor, before his appointment is confirmed, has to pass an examination that satisfies the Chief Ships' Surveyor that he is -

22710. (*The Commissioner.*) I wish you would try, when the question admits of an answer of "yes" or "no," to answer it by "yes" or "no." - Yes, my Lord, I always try to do that.

The Commissioner: If you will listen to the question put to you again you will see that it admits of one of those answers. Now put it again, Mr. Edwards.

22711. (*Mr. Clement Edwards.*) Have you not in your employment as Surveyors a number of gentlemen who have had no practical experience and training in bulkheads except what they have derived in their experience as Surveyors to the Board of Trade? - If I am to say "yes" or "no," I think I will say "no."

22712. Then we may take it from you that every one of your Surveyors has had experience of testing bulkheads apart altogether from their experience in the Board of Trade? - That is where it becomes so necessary for me to qualify what I say.

22713. I did not ask you not to qualify your answer, Sir Walter. Qualify it as you like? - A Surveyor is not allowed to make a declaration for a vessel upon the particular points with which he is entrusted that is to say, hull, equipment and machinery, until he has satisfied the Board of Trade that he is fit to do it.

22714. That is a very general and beautifully vague answer. What test have you at the Board of Trade for the efficiency of your Surveyors in this matter of bulkheads? - That the officer has passed the Chief Ships' Surveyor. I really must ask you to ask the Ship's Surveyor any further questions on that when he is examined. I cannot carry it any further.

Mr. Edwards: Who is the gentleman that you suggest that I should ask, because it seems in this Enquiry we are constantly being put off and told that other people are coming who will give the information, and when they come they do not give it.

The Commissioner: Oh, you must not make that complaint, Mr. Edwards. I have asked you over and over again to give me information, and you always tell me that you are going to do it at some other time.

22715. (*Mr. Clement Edwards.*) Of course, my Lord, I know I have shown a pedantic regard for the Rules.

The Witness: What I am most anxious that the Court should understand is that I am not a technical officer but an administrative officer, and that the whole of my administrative staff is at your disposal.

The Commissioner: Never mind, let us go on.

22716. (*Mr. Clement Edwards.*) Will you give me the name of the gentleman who can give me all this information? - Mr. Archer.

22717. Is it not a fact that you have regulations and instructions which only require under any circumstances four bulkheads to be put in a ship? - Yes.

22718. And that upon those bulkheads, if they satisfy a particular Surveyor, there may be a declaration of seaworthiness so far as bulkheads are concerned? - I do not think the declaration would go very far.

22719. I did not ask you that, Sir Walter. Do you mind, please, answering my questions in the form in which they are put. Any qualification you like to make you can make afterwards, of course. Is it not a fact that, under your regulations, if there are four bulkheads put in, that then your particular Surveyor may issue a declaration of seaworthiness so far at all events as bulkheads are concerned? - And so far as his personal responsibility is concerned, yes.

The Commissioner: Will you refer me to this Rule?

Mr. Edwards: Yes, my Lord.

The Commissioner: That is the Rule that Mr. Scanlan referred to.

Mr. Edwards: It is on page 8, my Lord, Rule 16: "An efficient and watertight engine room and stokehole bulkhead."

The Commissioner: What book are you reading from now. Is it another one.

Mr. Aspinall: It is the "Regulations and Suggestions as to the Survey of the Hull, Equipments and Machinery of Steamships Carrying Passengers." It is the book which your Lordship was referred to yesterday by the Attorney-General when he was examining Sir Walter, especially in the earlier stages of his examination. He was directing your Lordship's attention to this Clause 16. He was there dealing with the jurisdiction of the Board of Trade in seeing that proper collision bulkheads were put in, and a part of that clause has since been deleted, as appears in the book that the Attorney-General handed up.

The Commissioner: What is the book called.

Mr. Aspinall: The book is called, "Regulations and Suggestions as to Survey."

The Commissioner: Have I had a copy of it.

Mr. Aspinall: I think so, my Lord. My recollection is that the Attorney-General handed it in to your Lordship yesterday afternoon. I may be wrong. It may be that the Attorney-General handed it up in the form in which Mr. Dones is handing it up to your Lordship now. (*The document was handed to the Commissioner.*)

The Commissioner: Is this it, Mr. Edwards, "16. Collision bulkheads, watertight compartment round stern tube, and other bulkheads."

Mr. Edwards: That is it, my Lord.

The Commissioner: Let me see what it says.

Mr. Edwards: "16. An efficient and watertight engine room and stokehole bulkhead, and an after watertight compartment to enclose the stern tube of each screw shaft, should be fitted in all seagoing steamers, both new and old, and in the absence of any of these the case must be specially referred to the Board of Trade before a declaration is given. As regards other bulkheads, although a thorough subdivision of the ship is desirable, the Surveyors should not for the present refuse to grant a declaration because these are not fitted."

"The distance of the collision bulkhead from the after side of the stern measured at the level of the lower deck should not be less than one twentieth of the vessel's length measured from the afterpart of the stern to the fore part of the stern post."

The Commissioner: Where is the statement that he is bound to issue a certificate though there may be only four bulkheads?

Mr. Edwards: At the end of the clause: "As regards other bulkheads, although a thorough subdivision of the ship is desirable, the Surveyors should not for the present refuse to grant a declaration because these are not fitted."

The Commissioner: Is that all.

Mr. Edwards: That is all on that point, my Lord.

The Commissioner: But it is not enough for you. This does not say that if he thinks a ship is unseaworthy he is to grant a certificate.

Mr. Edwards: I am afraid that your Lordship did not quite catch the whole of the question. I spoke of seaworthiness in relation to the bulkhead.

The Commissioner: Is there anything here which says if he thinks the ship is unseaworthy with four bulkheads, he must nevertheless grant a certificate?

Mr. Edwards: No, my Lord. If my question suggested that, I at once desire to say that I did not intend that.

The Commissioner: I think you were suggesting that there was some obligation upon him to grant a certificate if there were four bulkheads.

Mr. Edwards: No, my Lord - that if there were only four bulkheads, and the ship in his opinion was seaworthy, that then he could grant his declaration without reference back to the Board of Trade.

The Commissioner: Oh, yes; possibly he can, but then the important thing is, of course, is the ship seaworthy?

Mr. Edwards: In his opinion?

The Commissioner: In his opinion - you must have it in the opinion of somebody, you know.

Mr. Edwards: Quite, my Lord. But, if your Lordship will notice, according to him, in the case of four bulkheads the Surveyor may himself exercise a personal judgment. In other cases he has to refer back to the Board of Trade.

The Commissioner: They think, I suppose, perhaps with good reason or bad reason, that they can rely upon their Surveyors to exercise a wise judgment.

Mr. Edwards: That I have no doubt about.

The Commissioner: This Rule does not appear to me to bear out the suggestion that I understood you to make; that is all I mean.

Mr. Edwards: My Lord, if I by any slack use of language conveyed the impression to your Lordship's mind -

The Commissioner: Mr. Scanlan had this Rule in his head, I suppose, but when I pressed him about it he put his helm hard a'starboard and shunted away from it.

Mr. Scanlan: May I say, my Lord, that Sir Walter said he was bringing forward a Witness who would answer that point.

Mr. Edwards: In the meantime, I had not got the exact point.

(Adjourned to tomorrow at 10.30 a.m.)

In the Wreck Commissioner's Court

SCOTTISH HALL,

BUCKINGHAM GATE,

Thursday, 13th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-THIRD DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Sir WALTER J. HOWELL, Recalled.

Further examined by Mr. CLEMENT EDWARDS.

22720. I think yesterday we were just on the subject of the Regulations and Suggestions to Surveyors, and we were on Rule or regulation 16. I notice on page 8, Rule 16, that certain paragraphs have been struck out, and there is inserted, dated February, 1907, a slip of an amended Rule: "In all sea-going steamers coming under survey for passenger certificate for the first time the following requirements regarding the height of the bulkheads should be complied with." The collision bulkhead is in all cases to extend to the upper deck. If an iron or steel watertight deck or flat is fitted below the upper deck at the afterend of the vessel and forms the top of the after watertight compartment, the aftermost bulkhead may terminate at the said watertight deck or flat, but if no such watertight deck or flat is fitted, the aftermost bulkhead should extend to the upper deck." What was it that led to that alteration in February, 1907? Can you tell me? - I am sorry to say I cannot. This is rather an illustration of what I have said once or twice, that I am anxious that questions of this kind should be put rather to the officers who will follow me as experts on their particular points, than to me as an administrative officer.

Mr. Edwards: I am quite content with that, Sir Water, if I know that that officer or those officers are going to be called as Witnesses.

The Attorney-General: Which officer is it you are referring to?

The Witness: This is Mr. Archer.

The Attorney-General: He will be called.

22721. (*Mr. Edwards.*) Very well. (*To the Witness.*) Now yesterday I think your expression was that in cases of special difficulty, or in things of an exceptional character, the matter would not be decided in the discretion of the local Surveyor, but would be referred to the Board of Trade? - Any question of importance would be.

22722. When it was proposed to build these two colossal ships, the "Titanic" and the "Olympic," was there any reference to the Board with regard to that? - That is a question Mr. Archer will be able to answer much better than I should be able to do.

22723. You can tell at least if there was any reference to the Board. I am not going to ask you as to details? - I am under the impression that certainly there were questions referred to the Board.

22724. If there were, would Mr. Archer be in possession of the documents relating to the reference? - Yes.

22725. Can you tell me apart altogether from the special reference, when the question came up of the construction of these two great ships which were something above and beyond anything we had had before, whether the Board gave any special consideration to their size in relation to safety? - I am under the impression that the professional officers certainly did consider that.

22726. And again perhaps I can get something from Mr. Archer? - And Sir Alfred Chalmers

and Captain Young.

22727. Apart from those two officers, was there any general consideration or discussion? You told us yesterday that on matters of great importance there might be discussion between the different members of the Department? - I think they were talked about, but I do not remember any special discussion with regard to any difficult question that arose.

22728. You have no record, no minute or anything of that sort dealing with the subject? - I do not recollect one, but these officers will be able to tell you better than I can.

The Commissioner: It would be a convenience to me if you would tell me what particular questions they are which you think ought to have been discussed?

Mr. Edwards: One of the questions which has emerged is that on a boat of this size with these decks, the provision of a large number of boats on the upper deck was likely to make the ship tender.

The Commissioner: That is quite enough for that; I can understand that. Now what other question?

Mr. Edwards: Then there is the point as to the relative means of access from the different quarters of the ship to the boat deck in the event of accident.

The Commissioner: Very well, you mean relative as between the different classes?

Mr. Edwards: I mean relative to the different classes and the crew, and also relative of course to the size of the ship, with these additional decks as compared with what for convenience I will call the older type of ship.

The Commissioner: What is the other question if there is any?

Mr. Edwards: Then there is the question, of course, of the bulkheads and the watertight doors, and the question of manning, which I did not wish to touch upon except in a general question. There was a question I was going to ask as to the efficiency of the deckhands and their numbers.

The Commissioner: Is there anything else?

Mr. Edwards: No, I think not.

The Commissioner: That serves as an indication to Mr. Archer, who I hope is here, of the matters upon which he must prepare himself as far as you are concerned.

22729. (*Mr. Edwards.*) I am obliged, my Lord. (*To the Witness.*) I think it was in 1909 you issued some instructions on the subject of manning - a circular? - Yes.

22730. And I think in that circular you stated that there must be a sufficient number of efficient deckhands. Now, have you any standard or test of efficiency of a deckhand? - The deckhands -

The Commissioner: Do answer the question. Have you any standard? I do not know what it means, because I do not know what the standard of a deckhand is, but have you any?

22731. (*Mr. Edwards.*) A standard of efficiency?

The Witness: There is no standard laid down in this circular, but the Emigration Officers have a standard.

22732. (*The Commissioner.*) What is it? - I do not know.

22733. How do you know that? - Well, I happen to know in my own mind.

22734. I do not see how you can know they have a standard, if you know nothing about the standard? - Then I must say I know nothing about it.

22735. I do not know what a standard of efficiency for a deckhand means? - I suppose it means the service they have had - the experience they have had.

22736. The length of service? - Yes, the number of years they have been at sea. That would be regarded as a standard, whether they attain the standard laid down for an A.B., for instance, service of so many years before the mast. But I am rather construing Mr. Edwards's meaning.

22737. (*The Commissioner.*) When are boys taken on a ship? I suppose at 14 years. Is there a standard of efficiency so far as a boy of 14 years old is concerned? - There is no standard of

efficiency as far as we are concerned with regard to a boy of that kind.

22738. I suppose he must be a healthy well-grown boy with hands and feet and arms and legs?
- Yes; no doubt.

Mr. Edwards: Is there issued from the Marine Department of the Board of Trade anything in the nature of a code of qualifications by which your respective officers may test the efficiency?

The Commissioner: The answers to that I am sure is No. Do you want a printed qualification for a greaser? I do not know what this means.

Mr. Edwards: If I may say so with respect, I only want to get this point. We have it with regard to the seaworthiness of a ship; we have it in regard to bulkheads, that it is a matter in the discretion of the local Surveyor.

The Commissioner: Be clear. What is the "matter in the discretion"? You say "it" is a matter. What is it?

Mr. Edwards: What I have just said.

The Commissioner: Then say it again.

Mr. Edwards: What is a matter within the discretion of the local Surveyor is the issuing of a declaration that a ship is efficient.

The Commissioner: That we know.

Mr. Edwards: And seaworthy.

The Commissioner: Is that the "it" that you referred to?

Mr. Edwards: And in the case of bulkheads Sir Walter told the Court yesterday that there was no regulation laid down and no standard fixed for bulkheads. The matter of deciding whether they were right and proper was within the discretion of the local Surveyor without reference to any code or standard.

The Commissioner: Yes.

Mr. Edwards: Now, what I really want to get is this: when the Marine Department issue a circular requiring that there shall be efficient deckhands, whether there is any actual test of that efficiency, or whether that again is a matter to be determined entirely according to the particular views of the particular local officers.

The Commissioner: What is it you suggest ought to be in these directions - the height of the man, the width across the chest, or - which I can understand - how long he has been at sea? That I can understand as being of some value.

Mr. Edwards: Exactly, my Lord. I do not pretend there is a test of efficiency dependent upon the height.

The Commissioner: It must be, more or less, you know. I should think that if a dwarf presented himself he would be rejected. I think he ought to be rejected.

22739. (*Mr. Edwards.*) There is authority for asking "why God made the gem so small, and why so huge the granite"? (*To the Witness.*) All I want to get at is this: whether there is any sort or kind of common standard laid down by the Board of Trade by which the local officers may test the efficiency of a deckhand? - I can answer that quite simply, No.

22740. Therefore it is left entirely to the discretion and the judgment of the different local officers? - That is so.

The Commissioner: You do not help me unless you suggest to him what you think ought to be done. Suggest to him what ought to be done.

22741. (*Mr. Edwards - To the Witness.*) Do you not think that when your Department takes upon itself the responsibility of saying there shall be efficient deckhands it should issue instructions indicating of what that efficiency shall consist? - It has been thought better to leave it to the local officers.

22742. Do you or do you not think it would be better to have a common fixed standard for all

the ports in the United Kingdom, instead of that standard, varying with the particular judgment of the different local officers.

The Commissioner: You know it is there I want your assistance. What do you say ought to be the standard laid down?

Mr. Edwards: That there ought to be a medical test and that there ought to be a test of service and a test of efficiency.

The Commissioner: What do you mean by a "test of service"?

Mr. Edwards: Length of service.

The Commissioner: Do you mean enquiries into the man's past connection with the sea?

Mr. Edwards: Yes, my Lord.

The Commissioner: You do not mean some practical test?

Mr. Edwards: I am coming to that.

The Commissioner: But do you mean that? Do you mean that he is to be put into an engine room to grease in order to see whether he can grease?

Mr. Edwards: That would not be a deckhand, my Lord.

The Commissioner: Well, take a deckhand.

Mr. Edwards: I was coming to that. A deckhand might include the duty of being a look-out.

The Commissioner: Is the ship to put out to sea with men in the crow's-nest in order to find out whether they are good look-out men?

Mr. Edwards: I do not suggest that, my Lord. There are commonsense limits.

The Commissioner: I want to know where the commonsense limits come in, because it appears to me at present that if you have a really qualified man representing the Board of Trade to see these men, to look at them, and to make enquiries about them, and to ascertain what their past is, you have as good a test as you can have.

The Attorney-General: There is some definition of it. I do not know whether your Lordship noticed it. But I am afraid I was trying to get something else for the Court, and I am not sure I followed exactly what Mr. Edwards means.

The Commissioner: I understand the suggestion of Mr. Edwards is that the selection of the deckhands and of the crew generally should not be left in the discretion of a local officer representing the Board of Trade, but that he should have a list of printed directions - and then I am asking Mr. Edwards, what they are to be - which would control the discretion.

The Attorney-General: There are some instructions with reference to it.

The Commissioner: Will you tell me one?

The Attorney-General: Yes, I notice this, that amongst the requirements, which have been already mentioned, in the book, "Instructions Relating to Emigrant Ships," at page 10, which gives the scale, to which my friend's attention was called, there is this: "The term 'deckhands' means the master and the mates and all *bona fide* able-bodied seamen. The carpenter, boatswain, quartermasters, lamp trimmer and other petty officers who have served or are fit to serve in the capacity of A.B. may be regarded as *bona fide* able-bodied seamen for this purpose. Of the total number of deckhands carried one in five may be an ordinary seaman and two boys may be taken in place of each ordinary seaman so allowed. One cook and one steward may be reckoned as *bona fide* able-bodied seamen if they produce proof that they have served as A.B.'s, and the Emigration Officer is satisfied by actual trial that they can pull an oar and are fit to serve in that rating. Tradesmen, such as joiners, etc., are not to be counted." Those are the instructions. Of course, as your Lordship knows, the able-bodied seaman is defined, there is no doubt as to what that means. That is section 126 of the Merchant Shipping Act. He must have served at sea for three years before the mast. Then there is the ordinary seaman and, of course, ship's boys.

Mr. Edwards: Do you not think, Sir Walter, that there ought to be a minimum standard or test laid down for every one of the deckhands in the matter of boat handling, for instance?

The Commissioner: Will you, if you can, in words state to me what the direction is to be or what you suggest it should be? Tell it to me in words.

Mr. Edwards: I suggest, my Lord, that the men ought to undergo an examination and a test to show that they can handle a boat, not only in a smooth sea, but can handle a boat in even a rough sea.

The Commissioner: How is that test to be applied.

Mr. Edwards: I should suggest that it might very well be applied by the local Marine Board or the local marine officers. It is not a test which I suggest should be applied *ad hoc* a particular voyage, but it is a test which should be applied as a condition of a man getting a certificate.

The Commissioner: I want to know from you how is it to be applied; you cannot order a rough sea, you know.

Mr. Edwards: You can take advantage of a rough sea, my Lord.

The Commissioner: But the men may not be there when there is a rough sea.

Mr. Edwards: Exactly.

The Commissioner: The local officer may say: "It is a great pity you did not come here yesterday; we had a high wind; today it is all smooth and calm." Have a little common sense. You cannot lay down these hard-and-fast Rules, and in my judgment, at present, at all events, it is very undesirable that you should. It is far better to leave the matter in the discretion of a qualified man, and let him exercise his discretion. It seems so to me.

Mr. Edwards: With very great respect, my Lord, it is rather, if I may say so, because I apprehend that to be your Lordship's present view -

The Commissioner: It is.

Mr. Edwards: And because your Lordship will be responsible for the issue of recommendations from this Enquiry that I am very anxious to give evidence which may somewhat shake your Lordship's faith in the view to which you have given expression.

The Commissioner: Do you really suggest to me - I understood you did just now - that at Belfast or Southampton or wherever it may be, the local officer is to wait for a rough day in order that a seaman may go out in a boat and show him what he can do. Is that what you suggest?

Mr. Edwards: I do suggest that, my Lord.

The Commissioner: Then I think it is an outrageous thing. Are steamers to be kept waiting until it is a rough day?

Mr. Edwards: I purposely safeguarded myself by saying that I did not suggest that this kind of test or examination should take place *ad hoc* a particular voyage.

The Commissioner: When is it to take place?

Mr. Edwards: It may take place at any time before a man gets a certificate that he is an efficient person capable of being a deckhand.

The Commissioner: Then this is not a test that is to be applied before the Surveyor issues his certificate to that particular steamer; it is a test to be applied some time or other in the lifetime of the particular sailor?

Mr. Edwards: That is precisely what is now done, my Lord, in regard to A.B.'s. That is to say, it is required by the Merchant Shipping Act that so many A.B.'s shall be carried. When a man comes and says, "I am an A.B.," he is not put through any particular test; he is asked to produce his certificate.

The Attorney-General: That is right.

The Commissioner: That is quite right.

Mr. Edwards: And what I suggest is, if that is done with A.B.'s, there is no reason why it should not be done with any ordinary seaman, and I was going to put this: Is it not the fact that a recommendation -

The Commissioner: Is there any Rule which requires that an A.B. shall be tested in a rough sea in an open boat?

Mr. Edwards: No, my Lord.

The Commissioner: Do you suggest that there should be?

Mr. Edwards: I do suggest that there should be a test for the deckhand.

The Commissioner: Of that kind?

22742a. (*Mr. Edwards.*) Of that kind, and that before a man may obtain a position on a ship as a deckhand he shall produce a certificate which shows, among other things, that he is perfectly capable of handling a boat under all the probable circumstances which are likely to arise on a voyage. (*To the Witness.*) Sir Walter, has not a recommendation come or has not the Advisory Committee considered this question of tests for all seamen? - I believe it has been before them.

22743. Is not this the proposal which came before the Advisory Committee: "That this Committee call the attention of the Board of Trade to the failure on the part of certain shipping companies to carry out the recommendation of the Advisory Committee respecting the crews engaged in the deck department on British vessels, and this Committee recommends that in future all seamen engaged in the deck department be qualified seamen and prove such qualification either by producing three years' certificates of discharge, or failing this, proving that they have knowledge of the compass, can steer, do ordinary splicing of wire and hemp rope, tie ordinary knots, and have a knowledge of the marks and deeps of the lead line."

The Witness: Which letter is that?

22743a. (*Mr. Clement Edwards.*) It is in the minutes of the Advisory Committee of 1910.

The Witness: I have no exact recollection of it; I do not remember that particular letter. The professional officer will be able to answer that, I think. I have now the reply sent to their recommendation, if I may read it.

22744. What is the reply? - This is an extract from a letter to the Advisory Committee in reply to their recommendations. This is dated 13th October, 1908.

22745. Will you read your reply? - Yes, it is a long letter. This is in reply to the report of the Merchant Shipping Advisory Committee, 1908. They made a recommendation, and this is the reply: "The proposal to test and certify the efficiency of seamen beforehand is also not free from difficulty from the administrative point of view. The present practice, as stated above, is to require that the members of the minimum effective watches shall all be efficient seamen, and if there is any doubt the men are examined on board by one of the nautical Surveyors. This ensures a practical test of the men at the commencement of the voyage, and it has been carried out without difficulty or delay. To test and certify the efficiency of the men beforehand might possibly obviate the necessity for a visit by the Surveyor, but the tests, if they are to be of real value to masters and men, would have to be systematised and standardised and protected from impersonation and fraud. Apart from the practical difficulties which this would entail, the Board feel great hesitation in attempting to inaugurate such a system by departmental instructions without express statutory authority."

22746. That is in 1908? - That is in 1908.

22747. Now, in the Minutes of 1910 you will find, I think, a further reference to this subject by the Advisory Committee? - I have not it.

The Commissioner: Read it, Mr. Edwards; you have got it, I have no doubt.

22748. (*Mr. Edwards.*) "That this Committee is of opinion that no superintendent of a Mercantile Marine office should allow any seaman to be treated as equivalent to an efficient

seaman unless such seaman can produce a certificate from any competent body recognised by the Board of Trade showing that he can comply with the requirements above referred to." Those are the requirements I read: "And this Committee further recommends that specific instructions be sent to superintendents to that effect." Now, have you that Minute? - I have not it before me here; I think the nautical officer can give it to you.

22749. Can you tell me if, in fact, any instructions have been issued to superintendents of the marine offices to that effect? - No, I think not.

22750. Do you issue from the Board of Trade any regulations as to distress signals at sea? - Yes.

22751. Can you refer the Court to them? - Speaking from memory, I think the distress signals are contained in the International Regulations for Preventing Collisions at Sea.

The Commissioner: Now what points are you going to make on this, Mr. Edwards? Is it that distress signals are not effective, or what?

Mr. Edwards: No, my Lord. The point here is as to whether, if there are common distress signals part and parcel of the Regulations under the Merchant Shipping Act, then it may bring the responsibility home to those responsible for the navigation of the "Californian." That is what I am upon.

The Commissioner: At present, so far as I am concerned, you need not labour that point, because, if it be the fact, as I am disposed at present to think it is, that the "Californian" saw those distress signals, and that they were the signals of the "Titanic," I have no doubt at all in my mind that they ought to have made efforts to get to the "Titanic."

Mr. Edwards: Then I will not pursue that point.

Examined by Mr. HARBINSON.

22752. Is there a Statistical Branch of the Board of Trade? - Yes.

22753. Does that Statistical Branch keep a record of the passengers that leave this country and go to America every year? - I have no personal knowledge of what is kept in the Statistical Department, but I believe they do.

22754. Could you ascertain for the Court, the percentage of the different classes that leave the United Kingdom each year and go to America? - Yes, I can certainly promise that, if you will say within what period.

22755-6. I will before the Enquiry closes? - You will send us word.

The Commissioner: Can you tell us how many Irish emigrants were on board this ship the "Titanic"?

Mr. Harbinson: Less than 200, my Lord.

The Commissioner: And how many emigrants were there altogether?

Mr. Harbinson: I should say, my Lord, somewhere about 800.

The Commissioner: Now can you tell me this. The 600 were foreigners, I suppose.

Mr. Harbinson: English and foreign, I should think.

The Commissioner: I am not at all sure.

Mr. Harbinson: I am not able to say the exact percentages.

The Commissioner: No, the exact percentages I should not expect you to be able to ascertain. I think you will find it is a fact that something less than 200 were Irish emigrants.

Mr. Harbinson: Roughly speaking, 180, I think, my Lord.

The Commissioner: Something like that; I think that is right, and that the remainder were foreigners. Now have you ascertained what percentage of the Irish emigrants were saved and what percentage of foreigners were saved?

Mr. Harbinson: I do not think there are any returns. I know the percentage of Irish.

The Commissioner: What is the percentage of Irish?

Mr. Harbinson: The percentage of Irish was something like 30, but I will tell you accurately.

The Commissioner: I will accept it for the moment; I daresay it is right. That would be about 60 of the Irish emigrants saved. Now what percentage of the others were saved?

Mr. Harbinson: It has been put in, my Lord; I will just refer your Lordship to it in a moment.

The Commissioner: Does it distinguish between Irish emigrants and foreign emigrants?

Mr. Harbinson: No, my Lord.

The Commissioner: That is what I want.

Mr. Harbinson: There is no table put in distinguishing them. There is none.

The Commissioner: How many third class passengers were saved altogether. In the Attorney-General's opening, is it?

Mr. Scanlan: Yes, my Lord.

Mr. Harbinson: The Table put in quite recently by the Solicitor-General sets it out.

The Attorney-General: That is the same thing. It only sets out what I opened.

Mr. Harbinson: Of the third class passengers the Attorney-General says there were 709 carried, 176 saved, making the percentage of saved 25 percent.

The Attorney-General: That is right.

The Commissioner: You say there were 180 Irish emigrants?

Mr. Harbinson: Roughly that is it, my Lord, I think.

The Commissioner: And 60 were saved?

Mr. Harbinson: That is my recollection.

The Commissioner: Very well, 60 saved. How many third class; there were 709, were there?

Mr. Harbinson: Yes, 709 carried and 176 saved.

The Commissioner: There were 529 other than Irish. Now how many of those were saved. I suppose 116. Is that right? If the figures are right the unfortunate people whom you represent were saved to a much greater extent than the foreigners.

Mr. Harbinson: Of course, my Lord. So far as I know that is a speculative calculation. There has been no evidence put in which would give the figures correctly.

The Commissioner: But we know the total number.

Mr. Harbinson: Yes, and there has been no evidence given of the exact number of Irish, and no discrimination made.

The Commissioner: I am taking your own figure.

Mr. Harbinson: As far as I know, I have given them to you.

The Commissioner: I think they are probably right.

The Attorney-General: Will your Lordship tell me the figure? Am I right in thinking the figure was 60 of Irish emigrants which my friend gave.

The Commissioner: Yes.

The Attorney-General: It is very desirable to keep as close as we can to the percentage. He says it is under 200 that were carried. I wanted to ask this. I suppose he arrives at that from the number of third class passengers who sailed from Queenstown.

Sir Robert Finlay: Yes.

The Attorney-General: Because Irish emigrants are not likely to have shipped at Cherbourg.

Mr. Harbinson: No, I should not think so.

The Attorney-General: We have the exact number; it is 113, and if that is right and 60 were saved, it would make it that more than 50 percent of the Irish emigrants were in fact saved.

The Commissioner: What do you say to that?

Mr. Harbinson: I merely gave your Lordship a rough estimate of the figures.

The Attorney-General: I am only taking them and people who were not emigrants.

Mr. Harbinson: I cannot vouch for the accuracy of the fact that there were 60 saved.

The Attorney-General: I have the number here of those that shipped as third class passengers at Queenstown, and taking them all as emigrants that would amount to 113, and that must at least cover all those who were Irish emigrants shipped in this vessel.

The Commissioner: I had accepted Mr. Harbinson's figure. If that is so, then 50 percent of the people whose interests, in a sense, are represented by Mr. Harbinson, were saved.

The Attorney-General: Yes, a little more.

Mr. Harbinson: Could the Attorney-General tell us exactly - he has the figures before him - the numbers of men and women saved, because that would shed a light on the number who sailed from Queenstown.

The Attorney-General: I am much obliged to your Lordship for indicating the value of it. We will analyse the 113 and see how many were women and children, and then we can compare that with those saved.

The Commissioner: I am speaking of emigrants still, and I think it would be impossible to distinguish among the third class between emigrants and people who were not emigrants.

The Attorney-General: I am treating them all as emigrants.

The Commissioner: You must treat them all as emigrants.

The Attorney-General: That is what I am doing.

The Commissioner: You can find out for me how many of them were shipped at Cherbourg, and how many of them were shipped at Southampton.

The Attorney-General: Yes.

The Commissioner: I should think those shipped at Southampton were probably not all emigrants; but it does not matter. It may be assumed that they all were.

The Attorney-General: We will pursue that line and give your Lordship the figures on it and, so far as we can, trace the saved and see how many of the emigrants or third class passengers from each port were saved.

The Commissioner: That can be done, of course.

22757. (*Mr. Harbinson - To the Witness.*) Have the Board of Trade any Regulations enjoining upon shipowners the necessity of having printed notices put up in, say, the third class accommodation to indicate which way third class passengers should go, which staircase they should use, in cases of emergency? - No.

The Commissioner: Exercise your own common sense. Do you think, Mr. Harbinson, that if such notices were stuck up, any body would ever read them. Judging for myself I do not believe anyone would ever read them; I never should. Perhaps I ought to. The question is, What would happen, not what ought to happen. Have you ever been on board a ship?

Mr. Harbinson: I have never been to America, but, if I may relate my personal experience, every time I go across the Channel one of the first things I do is to read the notices.

The Commissioner: You are one of the most extraordinary men I have ever come across. The first thing I do, if it is about the middle of the day, when I get on a cross-Channel steamer is to get some lunch, and the notion that I should go about the decks or about the ship reading all the notices that are stuck up never occurred to me.

The Attorney-General: That is not the class of literature your Lordship chooses.

22758. (*Mr. Harbinson.*) I regret that luncheon is an occupation I am never able to take part in at sea. (*To the Witness.*) Now, you make regulations in your instructions to emigrant ships as regards the third class accommodation, Sir Walter? - Yes.

22758a. I see you have it here. Do you, as a matter of fact, or have your Department, as a matter of fact, appointed travelling inspectors to see that in the course of the voyage between

British ships in different ports the regulation that you make is carried out? - No.

The Commissioner: On that point I should like to ask a question. Does the ship carry any officers whose duties may be described as those of a policeman, to give information and to see that order is kept?

Mr. Harbinson: Yes, the Captain is responsible, I should say, and the Master-at-arms - the Captain certainly. He is responsible for order and discipline.

The Commissioner: I am told the Master-at-arms discharges those duties. Is there only one Master-at-arms, or are there more?

The Attorney-General: There were two on the "Titanic."

22759. (*The Commissioner.*) Do you know what the duties of a Master-at-arms are, Sir Walter? - No, my Lord.

The Commissioner: Would it be the duty of the Master-at-arms, Mr. Attorney, if people desired to be shown about the ship, and how to move about in it, to show them?

22760. (*The Attorney-General.*) I will enquire. I should have thought not.

Captain Bartlett: The Masters-at-arms, my Lord, generally police the deck, and keep a look-out for fire and anything of that sort. They do not escort the passengers round the deck at all. There are stewards for that purpose - chief third class stewards.

22761. (*The Commissioner.*) What I want to know is this: Supposing a third class passenger were to ask a third class steward (I mean by that a steward in the third class) to show him the way to the boat deck, would the steward do it?

Captain Bartlett: The steward would do it after consulting the purser; he would take it to the head of the department.

22762. (*The Commissioner.*) There is only one purser, I suppose?

Captain Bartlett: No, we had four on board the "Titanic."

22763. (*The Commissioner.*) Have you a purser for the third class?

Captain Bartlett: No, my Lord, not specially appointed for the third class; there is one to the first and one to the second, and there is an assistant to each. Those pursers attend to the whole of the passenger department of the ship.

22764. (*The Commissioner.*) Supposing a third class passenger applied to one of those stewards and said, "I want to see how I can get up from my quarters to the boat deck," what would that steward do?

Captain Bartlett: He would report it to the chief third class steward, and he would take it to the purser.

22765. (*The Commissioner.*) Then would the purser, as a matter of course, provide for showing the man how to get to the boat deck?

Captain Bartlett: Most certainly, my Lord. They would be taken round especially in a case like this. It has never been asked, to my knowledge.

22766. (*The Commissioner.*) I know; people never ask these things, but I want to know if they do happen to ask, whether there is any information supplied?

Captain Bartlett: Most certainly there is.

22767. (*Mr. Harbinson - To the Witness.*) If I may suggest to your Lordship, the point I am at with Sir Walter is, what precautions are taken in the course of a voyage to see that the Regulations of the Board of Trade as regards sanitation and matters of that sort are in force. Are there any travelling inspectors or people who visit ships from time to time to see that those Regulations are in force? - On shore?

22768. Or between ports? - Not between ports, not a travelling inspector.

22769. Take a British ship as an illustration that was going, for instance, to South America, and then from South America to some other port before returning to Great Britain. Would there be

any inspector or officer of the Board of Trade whose duty it would be to see that on those boats between different ports the regulations are in force? - No.

22770. When the Merchant Shipping Act of 1906 was being discussed was not this question of boat accommodation prominently brought before the Committee? - The Parliamentary Committee?

22771. Yes, and pressed on the then President of the Board of Trade. Do you know? - I do not remember. I should be sorry to say yes or no. There were so many subjects.

22772. (*The Commissioner.*) Who was President of the Board of Trade at that time? - Mr. Lloyd George.

22773. (*Mr. Harbinson.*) Since then has this question of boat accommodation been prominently brought to the notice of the President of the Board of Trade. I mean prior to the date of the "Titanic" accident. Take the year 1910. Was it not pressed upon his attention in 1910? - I only remember it being done by the Advisory Committee.

22774. Do you remember whether or not, while the "Titanic" and the "Olympic" were on the stocks in Belfast, the question of the boat accommodation that would be provided for them was then pressed on the attention of the President of the Board of Trade? - I do not recollect that it was. It would certainly form a subject of Enquiry by the local Surveyor.

22775. If a question in Parliament were brought before the attention of the President of the Board of Trade, it would be the duty of your department to give the answer? - To give the President particulars upon which he would base his answer.

22776. Do you know if the reply given at the time with reference to the "Olympic" was that the vessel had not only the statutory accommodation, but even more. Do you know if that was the reply given by the Board of Trade at the time? - Yes, I think I may say yes.

22777. So that the question of boating accommodation on the "Titanic" and the "Olympic" before they were launched, was brought to the notice of the President of the Board of Trade? - Undoubtedly. Will you allow me to add, it had been frequently discussed in the Department before that.

22778. With reference to those ships? - Yes, and about other vessels.

22779. And yet they were allowed to go to sea with the number of boats that the White Star Line installed, in excess, as we know, of the number required by the Board of Trade? - Yes.

The Commissioner: I do not see how they could have prevented it.

Mr. Harbinson: My suggestion is that the Board of Trade act slowly in the matter, but there was time to have the new regulations prescribed and enforced. Your department does not act in a hurry.

22780. (*The Commissioner.*) I hope not.

The Witness: I think if it is necessary it does.

22781. If it takes 12 days to write a letter, how long would it take to frame Regulations for Merchant Shipping? - I think it depends upon the amount of consideration necessary.

22782. I notice in these Instructions - I may be wrong - you have framed no regulations as yet with reference to wireless telegraphy, have you? - No, they are under discussion now by the Committee.

22783. Wireless telegraphy has proved a most vital means of communication? - Yes.

The Commissioner: We are a long way from the point.

Mr. Harbinson: The suggestion I make is that wireless telegraphy was one of the points that was considered with reference to the regulation of the number of boats. The three points were, watertight bulkheads, the new tracks, and wireless telegraphy. That was stated as one of the reasons why the Board of Trade did not consider that it was necessary to provide such a large number of boats. You did not make any effort to put wireless telegraphy under proper control?

The Commissioner: What do you mean by that?

Mr. Harbinson: For instance, my Lord, framing regulations that would prevent an operator from selling his account of a disaster to the highest bidder. That is the point.

The Commissioner: I have nothing to do with that, you know. These men are not particularly well paid.

22784. (*Mr. Harbinson.*) With regard to fire, I think the Attorney-General mentioned the question in the course of his very exhaustive examination: I suggest to you (of course, it will be for my Lord) that this question of fire, especially since the electric light has become the method of illuminating ships, is a matter which ought to be very carefully considered - the possibility of fire at sea through the fusing of wires. Have you framed any regulations regarding the installation of electricity and electric wires on ships? - I do not think so, but that will be for the professional officers to tell you.

22785. In the event of a fire on one of these leviathan steamers, would it not be, as a matter of fact, necessary to have boats to transfer all the passengers and crew to some place of safety, if that were convenient? - I think so, certainly.

22786. I suggest to you that is another consideration that would weigh in the scale in the case I am pressing upon my Lord and the Court, that is, having boat accommodation for all? - I have no doubt that has been considered.

Examined by Mr. HOLMES.

22787. Carrying on that point about fire, is there any requirement in the Rules for supplying lifesaving appliances, for having extinguishers, or other appliances with regard to fire? - I do not remember that there are any.

22788. Is the only statutory provision on the point Section 432 of the Merchant Shipping Act, which requires that every British sea-going steamship shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship. That is the only requirement? - That is the only one I can recollect.

22789. Is there any provision for periodical survey of the appliances which may be voluntarily provided on board a ship by the owners? - I think it was one of the points that would receive the attention of the Emigration Officer before he cleared.

22790. Can you point out anything in the report by the Emigration Officer which deals with the fire appliances on the ship? - I have not a copy of the declaration before me.

22791. Beyond the words "the other equipment"? - He is required to satisfy himself with regard to everything on board the ship, that she is seaworthy and fit to proceed.

22792. That is only in the case of an emigrant ship? - Yes.

22793. In the case of an ordinary passenger ship there would be no examination whatever? - We have one regulation I should like to read with regard to passenger steamers. It is paragraph 78 of the Regulations: "Passenger steamers going to sea should be provided with a hose adapted for the purposes of extinguishing fire in every part of the ship, and capable of being connected with the engines of the ship, or with the donkey engine, if it can be worked from the main boiler. The Surveyor must take care that it answers the required purpose. The fire hose should be connected and stretched to judge of its length, and thoroughly examined at every survey, and at least once a year (and at any other time that the Surveyor thinks it necessary) tested with the conductor in its place by pumping water through it by the main or donkey engines at full speed. A proper conductor and metal bend or goose neck form part of its equipment, and should be provided."

22794. That simply deals with the statutory hose that is required? - Yes.

22794a. Is there any provision made for a fire drill on board ship? - This is the only supplementary regulation to that. This refers to emigrant ships: "Means for extinguishing fire."

22795. The importance of the point appears to me to be this, that unless provision is to be made for the sufficient boatage on ships to carry all passengers, the most stringent Rules should be applied for putting out fire on board a ship, which appears to be one of the points which will not be assisted very much by the increased watertight bulkheads? - May I finish my reply? The next is paragraph 20: "Means for extinguishing fire. The Emigration Officer should be satisfied that the means for extinguishing fire are adequate and in good working order. Approved chemical extinguishers should be provided for use in the steerage compartments."

22796. That is, again, on emigrant ships only? - That is on emigrant ships only, yes; and I wish to add to that a provision in the Merchant Shipping Act, 1894, Section 290, Sub-section (1): "Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles" - they are then detailed; and it says in sub-section "(d) with a fire-engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the Emigration Officer may approve." I think that exhausts the list.

22797. On an ordinary passenger steamer which does not carry emigrants, or an ordinary cargo steamer, there is no requirement but the one about hose? - That is so.

22798. Is there anywhere any requirement for fire drill on board any ship? - I think not.

22799. Are you personally the officer who appoints these Surveyors under the Merchant Shipping Act? - They are appointed with the approval of the President.

22800. Do they have a form of written appointment? - Yes.

22801. And that is signed by you? - That is usually signed by me.

22802. I think you said to Mr. Scanlan that in making that appointment, you rely upon the fact that he has passed the Chief Ships' Surveyor? - On that particular subject, yes.

22803. It then becomes the duty of the Surveyors to sign these declarations for passenger certificates? - Yes, if they have passed all the examinations required of them.

22804. And do you, as a matter of course, issue a passenger certificate on receiving a declaration made by one of these Surveyors? - One or more, yes.

22805. I am not going into details with it, because you have referred us to the Chief Ship Surveyor for that purpose. Do I rightly understand you to say that in the case of a passenger steamer it has to be surveyed once a year at least? - At least.

22806. If she is also an emigrant ship she has to be cleared every voyage? - Quite so.

22807. In the case of a ship which is neither a passenger steamer nor an emigrant ship, is there any systematic survey of any kind whatever? - It depends on the meaning of the word "systematic."

22808. I will leave out the word "systematic." Is there any survey provided? - Yes, if we have reason to believe or have received a complaint that anything is wrong, we can at once order a survey, and, if necessary, a detention.

22809. But unless you receive some communication from somebody or have a sort of instinct that something is wrong, there is no regular system of survey? - No.

22810. Do you not think that system of survey ought to be extended to all ships? - I am not prepared to express an opinion without very full consideration.

22811. Is not it just as desirable that the boats on a cargo steamer should be in good order as on a passenger steamer? - Oh, they are carefully surveyed every time the vessel is surveyed.

22812. You have told us there is no special provision for a survey? - But every time she has her certificate extended, every time when she gets her certificate, she is surveyed.

22813. What certificate are you talking of now? - The passenger certificate.

22814. (*The Commissioner.*) Can you tell me whether any cargo boat that leaves Hamburg is surveyed? - No.

Mr. Holmes: I was going to ask him about the German regulations. I believe they are very much more stringent.

The Commissioner: Can you give me any information? Take Hamburg. Is every cargo ship surveyed before she leaves the port?

Mr. Holmes: Not every time she leaves the port, my Lord.

The Commissioner: She may never come back again, and she may never have been there before, for aught I know. Can you give me any idea of what the German requirements are as to surveying cargo boats?

Mr. Holmes: No, my Lord, I cannot, but I am sure your Lordship would not suggest that because they do not do the right thing in Germany it ought not to be done here.

The Commissioner: Not at all; but I have such faith in the good sense of the Germans that if I found they did not do it, I should think they did not do it because there were good reasons for not doing it.

22815. (*Mr. Holmes - To the Witness.*) Can you help us upon that? Do you know what the German Regulations are? - I am not sure. I do not think they survey every vessel; certainly not. I should think no.

22816. Do they survey every passenger vessel? - I think so.

22817. And do you know how many Surveyors survey each vessel? - No.

The Commissioner: Does it not depend upon the size of the vessel?

Mr. Holmes: I think not, my Lord. My instructions are there are three separate departments, and each Surveyor of the different parts surveys different parts of the ship.

22818. (*The Commissioner.*) Who is it sees the ship is not overloaded? Anybody? - Yes, our Surveyors exercise a general supervision. There is a loadline disc on the ship.

22819. Who is it sees the vessel is not laden below the line? - Any of our Surveyors is supposed to report that.

22820. Do the Surveyors, in fact, visit each ship in order to see whether she is loaded below the loadline or not? - Oh, my Lord, certainly not; it would require an army of Surveyors.

The Commissioner: No, I think we have had Sir Walter Howell nearly long enough, Mr. Holmes.

22821. (*Mr. Holmes.*) Just two more questions. (*To the Witness.*) Can you tell me upon what principle only four boats out of all those supplied on a ship are required to be equipped under these Rules with compass and lamp, and so on? - No, I cannot answer that question. One of the technical officers will answer that.

22822. It is a fact that there are only four? - Speaking from memory, I think that is correct.

22823. In reply to Mr. Scanlan, you agreed that it would be improper to allow a ship of the size of the "Titanic" to go to sea with only two certificated officers in addition to the Captain? - Of course, I should say so, decidedly.

22824. That is the extreme limit which can be required by the Merchant Shipping Act? - By statute, yes.

22825. Then do you not agree that the Merchant Shipping Act, on that point, is out of date, and requires amendment? - I think that requires very careful consideration. There are many considerations to be taken into account, and I should hesitate to say that it was wise to legislate on the subject, having regard to our present practice in our Mercantile Marine.

22826. You do not suggest we should rely upon our present practice for all the requirements of ships? - No; but I think directly a Government Department lays down a minimum there is a very strong tendency to make that the maximum.

Mr. Holmes: At present the minimum is two.

22827. (*The Commissioner.*) I have had something to do with the new Wages Bill, and I found just the reverse. I found the tendency was to make the maximum the minimum? - I think, for instance, that it was the habit of some steamship companies to carry seven certificated officers, and soon after that the Board of Trade laid down a Regulation requiring five. I think it would be a strong temptation to that firm to consider whether they would not reduce their practice.

22828. (*Mr. Holmes.*) I am not suggesting that anything of that kind should be done. What I suggest is that there ought to be a graduated scale in the same way as there is for boat accommodation? - I will repeat what I said, that I think it is a matter deserving very attentive consideration.

Mr. Pringle: May I ask one or two questions, my Lord?

The Commissioner: Yes.

Examined by Mr. PRINGLE.

22829. There is a Naval Architect to the Board of Trade? - Yes.

22830. Who is he? - Mr. Archer; he is called the Chief Ship Surveyor.

22831. Has he any experience as a Naval Architect? - Yes. He will tell you when you examine him what his experience was.

22832. There is another point. You classified the Surveyors who are in the employment of the Board of Trade. You said that there were 80 Engineer Surveyors and 34 Shipwright Surveyors. I find that is not the classification in the Merchant Shipping Act. They are classified as Engineer Surveyors, Shipwright Surveyors, or both. Now, how many of these would be described as both Engineer and Shipwright Surveyors? - I should have to carefully look through the list, but an amendment was made by the Act of 1906 with regard to the titles of our officers.

22833. You use the old phraseology; does the amendment make any difference, in fact? Is it not simply a change in the name? - Yes, I think it is.

22834. Could you say whether it is the practice in the various ports to have a ship surveyed by a Shipwright Surveyor as distinct from an Engineer Surveyor? - If any question is considered necessary to be investigated by a wooden ship Surveyor, he would be called in at once; otherwise it would be passed by the ship and Engineer Surveyor.

22835. Do you still adhere to the idea that there is a distinction between a wooden ship Surveyor and an iron ship Surveyor? - In some cases of old wooden ships; you require very special qualifications to survey an old wooden ship which has nearly passed out of date, but we still have a few officers qualified for that.

22836. I wish to be clear. Do you mean that a Shipwright Surveyor is employed for the purpose of the survey of wooden ships? - Some of them, yes, special officers.

22837. I asked generally, all of them? - No, there is a special class of Shipwright Surveyors so-called, and there is another class of Surveyors called Ship and Engineer Surveyors, but the chief of the staff will be able to give you evidence of that much better than I can. I can only answer generally.

Mr. Edwards: May I suggest that your Lordship gets this Witness to clear up a certain point. Your Lordship will remember that in the two certificates that were put in from the report of the survey of an emigrant ship and the declaration survey of a passenger ship, there was a disparity in the certificates as to the accommodation in boats D. In the one certificate it was certified that boats D should hold 80 persons, whereas in the other certificate it was certified that the boats of

Section D should hold 64.

22838. (*The Commissioner.*) Will you put it to him yourself.

The Witness: It is quite a simple answer.

22839. (*Mr. Edwards.*) Will you tell us? - A slight error was made; it was put 64, and it should have been 80.

Mr. Edwards: The certificates are by the same Surveyor, are they?

22840. (*The Commissioner.*) No, I think not. (*To the Witness.*) Are they? - I am not quite sure, but the nautical officer will clear that up.

22841. But have not you the certificates in your hands? - I am not quite sure they are the right ones.

Mr. Edwards: I want to see if there is a common standard of arithmetic at least among the Surveyors.

The Commissioner: I thought you had a contempt for arithmetic.

22842. (*Mr. Edwards.*) That is only on ethical grounds, my Lord.

The Witness: I think I must still tell you the Surveyor must give you the information you need.

Mr. Laing: I have no questions, my Lord.

The Commissioner: That is the best examination I have heard. Now, Mr. Attorney, do you want to ask anything?

The Attorney-General: No.

(The Witness withdrew.)

The Attorney-General: Your Lordship will remember that yesterday we had a discussion about the requirements of the German law for a vessel the size of the "Titanic." We have agreed upon the result of applying the German scale to a vessel of the size of the "Titanic," and upon the assumption that she had applied and received the exemption on the ground of efficient bulkheads, because there is the same Rule in Germany.

The Commissioner: There is.

The Attorney-General: Yes, just the same as ours. Half of what they call a supplementary accommodation is excused if the compartments are certified or passed as efficient. Therefore, it is exactly on the same footing as ours. The result of it will be this, that the cubic capacity of the boat accommodation to be provided would be 31,992 cubic feet. That is made up of the 21,328 which would have to be boating accommodation proper - that is to say, lifeboats and boats within the regulations, and the supplementary, which would be one-half which would be 10,664, which may consist of collapsibles, rafts and boats of other description, making altogether 31,992. The 21,328 cubic capacity would require 34 boats, that is to say, there would have to be 34 boats carried in davits - I think, in davits, according to their Rules. And there would be, besides that, an accommodation which it is not easy to put into figures, because it depends upon the particular kind of craft which is permissible for the supplementary accommodation; you may have collapsibles or rafts, and so forth. The effect of that is - I think I was right in what I told your Lordship yesterday - that it is clear that their demand is very much greater than the demands which we make, because the effect would be that you would have an accommodation altogether for 3,198 people.

The Commissioner: And the boat is calculated to carry how many?

The Attorney-General: Your Lordship means the 34 boats?

The Commissioner: No, I mean how many is the ship supposed to carry, or is capable of carrying, crew and passengers?

The Attorney-General: I do not think I have that. Of course, I have it for the "Titanic."

The Commissioner: Oh, yes.

The Attorney-General: I cannot answer the question.

The Commissioner: I will hand you down this.

The Attorney-General: I think I know what your Lordship is referring to.

The Commissioner: It was sent to me this morning. (*Handing a paper to the Attorney-General.*)

The Attorney-General: Yes, and it was sent to me. It is rather difficult to tell. You cannot tell by this. The question is answered to some extent by this, that the German requirements take no note of the number of passengers. Your Lordship had that in evidence yesterday.

The Commissioner: Do you mean to say that if there were a cargo boat of the size of one of these boats, it would require the same number?

The Attorney-General: No, that was not the point at all. We are dealing with passenger steamers and emigrant steamers. The point I am making is with reference to the evidence we had yesterday, that their standard is tonnage and not number of persons carried. That is the point I am on.

The Commissioner: But so ours is.

The Attorney-General: I agree. That is the point we are making upon it.

The Commissioner: The basis is tonnage in both cases.

The Attorney-General: They have the same Rule as we have. That reference to cargo boats would introduce another Rule which the Germans have.

The Commissioner: The observation was only made because I did not understand.

The Attorney-General: She need never carry more boats than are necessary to carry all the persons on board. As your Lordship heard, in certain cases we have enough to carry all persons on board on each side. But, dealing with this particular question, as applied to steamers of what I may call the first class, requiring the most extensive and careful survey, passenger and emigrant ships, the result is that the boating accommodation required by the German law would be 34 lifeboats, and also a number of boats of the capacity of this 10,000 odd which would carry 3,198 people. So far as I can tell from the Note I have of the German requirements, I do not know that any difference would be made, except, of course, this, that according to the German law and German requirements a vessel need never carry more boats than are required for all the passengers. Supposing she had more passengers and crew than 3,198, she still would only be required to carry the boat accommodation with a cubic capacity which I have described.

The Commissioner: The figures in that newspaper that I handed to you seem to have been carefully collected. I do not know whether they are accurate, but if they are accurate the German boats do not carry sufficient lifeboat accommodation to provide for all the lives in the boats.

The Attorney-General: They do not.

The Commissioner: But they provide considerably more than we do.

The Attorney-General: That is right; I think it comes approximately to this. I am only giving now a rough average from looking at it. It would work out at 25 percent unprovided for, according to these figures we have before us, in the German boats, and according to the requirements of a vessel like the "Titanic," with the number of passengers carried, it would be 66 percent unprovided for.

The Commissioner: The "Titanic" carried 2,208 souls, passengers and crew.

The Attorney-General: Yes.

The Commissioner: Have you made any calculation to see what the German law would require in the case of a ship of that size, carrying that number of people.

The Attorney-General: No, but we can. It is quite simple.

The Commissioner: Because it is suggested to me - I do not know whether it is right - that if

you make that calculation you will find that the "Titanic" was carrying as much in the way of lifeboats as the German law would require.

The Attorney-General: That I am sure was not so. That is quite simple.

The Commissioner: I am wrong, Mr. Attorney.

The Attorney-General: There is a point in it, because in estimating with regard to the "Titanic," at any rate for the purpose of this voyage, it not being necessary, according to German law, to carry more boats than would be required to carry all on board, what you have to consider is not the full complement on the "Titanic," but what she actually did carry in passengers and crew. So that, whatever the tonnage is, she would never, according to German law, be required to carry boats to accommodate more than 2,208 persons. It might be that she might carry a good many more, but she was not carrying them, and one has to consider that in making the comparison in the case of the "Titanic" as she sailed.

The Commissioner: What was suggested to me and what I ought to have put to you, was that if this boat with only 2,200 people on board had been provided with lifeboats in accordance with German requirements, there would have been sufficient lifeboat accommodation on the "Titanic" to carry everybody on board.

The Attorney-General: Yes, assuming of course that she was provided with boats sufficient to carry the full complement of passengers and crew that she could carry.

The Commissioner: That is it.

The Attorney-General: According to German law.

The Commissioner: I think I put it accurately: If she had had lifeboats in accordance with the German requirements it would have so happened that she would have had sufficient lifeboats on board to accommodate all the people on board, and a good many more. But still it does not do away with the point that even, according to German requirements, the German steamers do not carry sufficient lifeboats to accommodate all that may be carried on the steamer.

The Attorney-General: Not only not sufficient lifeboats but not necessarily sufficient boat accommodation.

The Commissioner: When I say "lifeboats" I mean collapsibles and rafts as well.

The Attorney-General: Yes.

The Commissioner: And that newspaper which I handed down to you shows that, and oddly enough - I do not know why it should be - a shortage of accommodation in different boats. I think it is the Norddeutscher Lloyd or the Hamburg Amerika - I do not know which. The percentage of the shortage of boats varies in different boats.

The Attorney-General: It would depend on the tonnage, would it not?

The Commissioner: Yes. In one boat there is a short accommodation to the extent of, I think, 709; in another boat the shortage accommodation is much less.

Mr. Maurice Hill: Is your Lordship talking of the "President" boats?

The Attorney-General: No.

The Commissioner: I am not sure that it is not the "President" boats.

The Attorney-General: I do not think so. Neither of the "President" boats is in this.

The Commissioner: I thought it was.

The Attorney-General: No, they are quite different.

The Commissioner: I am not sure that it is not sufficient for me to be able to note the fact that if the "Titanic" had been sailing under German law she would have carried much more boat accommodation than, in fact, she did.

The Attorney-General: Yes.

The Commissioner: That is what I wanted, because there was a suggestion that it would be inconvenient to put additional boats upon the boat deck, and there was a suggestion, too, that it

might tend to make the ship tender.

The Attorney-General: Your Lordship will note - it is not necessary to discuss it; I think I understand how the misapprehension arose - the calculations of percentages which, I was questioning yesterday with regard to the two "President" boats as compared with the "Titanic" must be wrong. It is based upon some misapprehension. It seems to me they lead to quite different conclusions.

The Commissioner: That is a matter of argument. There seems to be no dispute between you that if this boat had been sailing under the German flag she would have carried a great deal more boat accommodation than she did.

The Attorney-General: The figures I have given, your Lordship, are agreed figures. They are based upon Mr. Wilding's calculations.

Mr. Maurice Hill: That is right, my Lord. If you take a ship of the size of the "Titanic," according to the German law, it will work out in the figures which the Attorney-General has given. I cannot tell your Lordship what the percentage of boat accommodation to people who could be carried on board would be in such a case without knowing how many people under the German law could be carried on board a ship of that size. Therefore, I cannot give you that percentage. The figures which I gave you of percentages were based upon the figures on page 538 of the Note of the two "President" boats, the two Hamburg Amerika boats, and those percentages are accurate. And according to Mr. Wilding's evidence they are based upon figures which are according to German law, and according to German law the "President Lincoln" was entitled to carry 4,108 persons and complied with the law in giving boating accommodation for 1,465 persons; that is, for 35.5 percent of the number which she was entitled to carry. The "President Grant" in the same way was entitled to carry 3,991 persons, and gave boating accommodation, complying with the law, for 1,516 persons. That is for 37.9 percent. The tonnage of these two ships was a little over 18,000 tons. Your Lordship will notice that in each case the ship was entitled to carry a larger number of persons than the "Titanic" by English law was entitled to carry. How many persons the "Titanic" by German law would have been entitled to carry I cannot say.

The Commissioner: I remember we had that evidence. That must mean that the passengers in some way or another are packed close together.

Mr. Maurice Hill: I am told that if the "Titanic" had been fitted up entirely for third class she might have carried 10,000 or 12,000; she had room for them.

The Commissioner: She had cubic space for them?

Mr. Maurice Hill: Yes.

The Attorney-General: I agree with what my friend has said with regard to the "President Lincoln" and the "President Grant." That is not the point on which I was dissenting from the calculation. I agree those were substantially accurate. The slight variation is not worth mentioning. One has to bear in mind always, and it is brought out by reference to the "President Lincoln" and the "President Grant," that the German law equally does what we have done - that is, base its demands for boats upon tonnage, and not upon the number of souls carried, and in those cases it pans out rather differently. They carried a very large number of passengers, much more than the "Titanic" would carry, and yet, nevertheless, would have had to find many less boats than the "Titanic" according to the German law. That is the point of it.

The Commissioner: Yes, that is the point, and it is an important point.

The Attorney-General: Undoubtedly.

The Commissioner: It was stated of the "Titanic" that it provided large spaces for what has been called luxury, adding of course to the tonnage of the vessel. If the lifeboat accommodation were calculated with reference to that tonnage which is not occupied by passengers in the sense

of carrying passengers, why of course it makes the provision of boats very much larger than it would otherwise be.

The Attorney-General: Certainly.

The Commissioner: So that in that sense the provision of these large spaces for what are called luxury - racquet courts and swimming baths and suchlike things - would tend to increase the lifeboat accommodation, although they tend to decrease the number of persons carried.

The Attorney-General: That is so.

Sir ALFRED CHALMERS, Sworn.

Examined by Mr. BUTLER ASPINALL.

22843. I believe you hold a Master's certificate? - Yes, I do.

22844. I believe you served at sea for some 17 or 18 years in the Mercantile Marine and in various classes of vessels? - I did.

22845. And in the year 1877 you joined the Board of Trade, did you not? - I did.

22846. I think you joined the Survey Department, and in 1896 you were appointed Professional Member of the Marine Department? - That is so.

22847. In that year you became the Nautical Adviser. That is what it really comes to, does it not? - To the Marine Department, yes.

22848. And you served in that capacity with the Board of Trade until August, 1911? - Until August, 1911, that is right.

22849. I think you were due to retire in 1910, but in order to complete certain negotiations with foreign countries you stayed on? - I did.

22850. I want to avoid as far as I can travelling over the ground that was travelled over by Sir Walter Howell yesterday, but you have your office in London, I believe? - Yes, Whitehall Gardens.

22851. Certain questions have been asked, and perhaps it is well the matter should be dealt with: You have immediately under you two other gentlemen, one Mr. Boyle? - Yes.

22852. He is the Engineer Surveyor? - Yes, Engineer Surveyor-in-chief.

22853. And the other is Mr. Archer? - Yes.

22854. And he deals with the hull and matters of that sort? - Yes.

22855. Now, just in order to see what happened in the case of the "Titanic" and that class of ship, the "Titanic" as we know, was built at Belfast, and in order to comply with the law relating to passenger ships, she had to obtain a Board of Trade passenger certificate? - That is so.

22856. And the officer who was surveying the ship at Belfast was a Mr. Carruthers? - For the "Titanic" I do not know; I left the Board before the "Titanic" was finished.

22857. At any rate, we know he was, and what would happen would be this, that as the ship was being built he would send over the plans to these two gentlemen we have mentioned, Mr. Archer and Mr. Boyle? - That is so.

22858. And if, while the ship was being built, there was no difference of opinion between him and the builders as to whether the Board of Trade Regulations were being complied with he again would seek the advice of the head office? - Of course, that is the case.

22859. And then what eventually would happen would be that that gentleman on the spot, whom we know to be Mr. Carruthers, would make a declaration that the Board of Trade requirements had been complied with, he would give that to the owners, the owners would send it on then to the headquarters in London? - That is the procedure.

22860. And then Sir Walter Howell would issue the passenger certificate? - Yes.

22861. And then the next step the Board of Trade would take would be this: the ship having been built, having got her passenger certificate, then goes to Southampton, and then the Emigration Officer comes on to the scene? - That is so.

22862. We know his name was Captain Clarke - perhaps you do not; and then he has to comply with the law relating to the clearance of an emigrant ship? - Yes.

22863. That is the procedure? - That is the procedure.

22864. I believe, so far as the "Titanic" is concerned you yourself had nothing to do with the supervising; you took no part in the supervision of her building? - No.

22865. Of that you know nothing? - No.

22866. You left your office, as you told us, in 1911, and you were succeeded by Captain Young? - That is the case.

22867. Who at the present time holds that office? - Yes.

22868. During your term of office did you sit on various Committees which were considering the question of the safety of ships? - Yes.

22869. I do not want to know the names of any of them, but you did sit on those Committees? - Yes, I did, on many Committees.

22870. You have told us that you became a professional member in 1896, and we know that in 1894 the Rules which have been referred to were enacted? - The 1894 Rules were in force.

22871. They were in force when you came into office? - That is the case.

22872. But I believe they have been the subject matter of your consideration from time to time? - Yes.

22873. We were told by Sir Walter Howell that it was in 1904 that he specially consulted you with regard to that matter? - Yes, that is the case.

22874. Now I just want to refer your attention to this. Lord Mersey yesterday asked Sir Walter Howell this question. He was pointing out to the Witness that the Rules came into force in 1894, and that we are now in 1912, that is a difference of 18 years, and that there had been no alteration in the scale. The question that Lord Mersey put to the Witness, having pointed those facts out to him, was "Why has it never been altered?" and Sir Walter Howell answered thus, "I can only just indicate to your Lordship. That will be explained by the professional officers." You are the gentleman I think he had in his mind. Can you give my Lord the reason why it was that no alteration was made in the Table? - Yes, I can.

22875. Will you give it, please? - I considered the matter very closely from time to time. I first of all considered the record of the trade - that is to say, the record of the casualties - and to see what immunity from loss there was. I found it was the safest mode of travel in the world, and I thought it was neither right nor the duty of a State Department to impose regulations upon that mode of travel as long as the record was a clean one. Secondly, I found that, as ships grew bigger, there were such improvements made in their construction that they were stronger and better ships, both from the point of view of watertight compartments and also absolute strength, and I considered that that was the road along which the shipowners were going to travel, and that they should not be interfered with. I then went to the maximum that is down in the Table - 16 boats and upwards, together with the supplementary boats, and I considered from my experience that that was the maximum number that could be rapidly dealt with at sea and that could be safely housed without encumbering the vessel's decks unduly. In the next place, I considered that the traffic was very safe on account of the routes - the definite routes being agreed upon by the different companies, which tended to lessen the risk of collision, and to avoid ice and fog. Then, again, there was the question of wireless telegraphy which had already come into force on board of these passenger ships. I was seized of the fact that in July, 1901, the "Lucania" had been

fitted with wireless telegraphy, and the Cunard Line, generally, fitted it during that year to all their ships. The Allan Line fitted it in 1902, and I am not sure that in 1904 it had not become quite general on the trans-Atlantic ships. That, of course, entered into my consideration as well. Then another point was the manning. It was quite evident to me that if you went on crowding the ship with boats you would require a crew which were not required otherwise for the safe navigation of the ship, or for the proper upkeep of the ship, but you are providing a crew which would be carried uselessly across the ocean, that never would be required to man the boats. Then the last point, and not the least, was this, that the voluntary action of the owners was carrying them beyond the requirements of our scale, and when voluntary action on the part of shipowners is doing that, I think that any State Department should hold its hand before it steps in to make a hard-and-fast scale for that particular type of shipping. I considered that that scale fitted all sizes of ships that were then afloat, and I did not consider it necessary to increase it, and that was my advice to Sir Walter Howell.

22876. You have now left the Department, but in view of the disaster that happened to the "Titanic," could you give us the benefit of any opinion you may have as to whether it would not be reasonably practicable to at any rate extend the scale? - No, I would not extend it.

22877. You would not? - No. I would not personally. I consider you would be putting an undue strain upon the Masters and Officers - that they could never possibly get people into the boats in case of a disaster.

The Commissioner: I do not understand that answer.

22878. (*Mr. Aspinall.*) First of all I gather, in view of what you have been saying, that you wish to convey the opinion that you do not think it would be practicable to have boats for all on these large steamers? - Certainly not.

22879. But you do not even go as far as this - you do not think that it would be expedient to extend the scale in existence at the present moment? - I do not.

Mr. Aspinall: Why would not it be practicable to have more boats than are required under the existing Rules?

The Commissioner: If you will allow me to say so, that is not the question to put. The question, I think, is: Why is it not expedient?

Mr. Aspinall: Why is it not expedient to have more boats?

22880. (*The Commissioner.*) No, to extend the scale? - Because if you extend the scale, if the Board of Trade by their one man power, as is suggested, that is to say, the professional officer alone completes the scale without referring it to an Advisory Committee, it could be fallen foul of. If you refer it to an Advisory Committee I hold that you will get a smaller quantity than you will by the voluntary action of the shipowner, and that scale proves it.

22881. Let me see that I understand what you mean. Do you mean that in your view it is better to leave it to the discretion of the shipowners than to lay down by a scale a hard-and-fast Rule? - I do.

22882. Is that what you mean? - That is what I mean.

22883. Is that why you say you do not think it is expedient to extend that scale? - That is the case.

22884. If that is so, why have a scale at all - any scale? - The reason of this scale, my Lord, was that up to 1890, when these life-saving appliances came into force, the scale was a very antiquated one, and no matter what ship was built the highest tonnage was 1,500 tons and upwards, and if you sent an 8,000 ton ship to sea in those days she only had boats equal to 216 people.

22885. That is not an answer that appears to me to be satisfactory. - What I mean to say is there was a necessity for this scale then, but there is no necessity, in my opinion, to extend it now.

22886. Then does your evidence lead up to this, that there is no occasion now to have a scale at all? - No. I admit that this scale is good, as far as it goes, and it goes as far as I want it to go, because I say that when you have provided for 10,000 ton ships that boat capacity is sufficient for a 50,000 ton ship for all practical purposes, and I quote the record of the trade, which proves that it is sufficient.

22887. The shipowners do not seem to think so? - The shipowner, or that class of shipowner, at any rate, the passenger shipowner, is always exceeding the Board of Trade in lifeboats and in everything - in every single iota.

22888. Why? - For the simple reason that they want their ships to be as commercially valuable as possible. They want the passengers to go by them, and therefore they put facilities on board.

22889. Do you mean to say, then, that the shipowners provide unnecessary things in order to induce the public to travel in their boats? - Unnecessary to safety.

22890. You mean that? - Yes, I do.

22891. You think that it is not desirable to encumber the decks of a ship with unnecessary things? - Quite so.

22892. Then you think that the "Titanic" would have been a better sea-going ship if she had gone away with a smaller number of boats than the existing scale requires? - It would have been just as good.

22893. Better? - No, I do not say it would have been better.

22894. I thought you said it was, because I thought you said that it was not desirable to encumber a ship's deck with unnecessary articles? - That is a matter of degree, but the degree of the excess with which the White Star fitted the "Titanic" was not of such a degree as would encumber it beyond the scale requirements.

22894a. (*Mr. Aspinall.*) At any rate, that is your opinion? - That is my opinion.

22895. I suppose there would be no practical difficulty in fitting the "Titanic" with more boats, and yet not really encumbering the decks? - No, I do not suppose there would be. I have never been on board of her, and could not tell.

22896. (*The Commissioner.*) I am afraid - I do not want to criticise you adversely, I am sure - that your opinion flies in the face of the conduct of British shipowners - I mean shipowners sailing boats of this kind, and flies in the face of the practice on German boats of a similar kind? - As far as the German boats are concerned, I do consider that they are encumbering their decks unduly, and in case of a disaster I am afraid the consequences would be very bad. I say that advisedly.

22897. There may be something in what you say. We know that the boats on the "Titanic" did not carry away anything like the number that they were calculated to carry. Do you think that if there had been a smaller number of boats on the deck it would have been an easier thing to have filled them, and that possibly more lives would have been saved? - Not knowing the circumstances of the loss, I cannot put myself in that position.

22898. Did you understand the question? - I quite understood it. I should say that there would have been a probability of just as many being saved.

22899. With the smaller number of boats? - With the smaller number of boats - possibly more, because there would have been more spare room.

22900. Of course, I can imagine the boat deck being so congested with boats that the working of them would be extremely difficult? - Very difficult indeed, because all the boats that are not under davits would have to be man-handled.

22901. (*Mr. Butler Aspinall.*) Is this a matter that you had to consider a great deal during your term of office - the question of boats? - Yes, a very great deal.

22902. And you have given it a great deal of serious consideration? - All the life-saving

appliances we gave consideration to.

22903. And since this disaster happened, and you knew you were going to be called here, did you apply your mind to the experience which was to be derived from the "Titanic" disaster? - Yes, I did.

22904. And you are still of the same opinion? - I am still of the same opinion.

22905. So far for the boats. Now I want to ask you some questions with regard to another matter on which certain questions were asked Sir Walter Howell. There is provision made in the Merchant Shipping Act that the Emigration Officer before he grants his clearance shall see that there is an efficient crew on board the ship? - That is the fact.

22906. And for the guidance of the officer it has been pointed out that there is a Table provided? - That is the case.

22907. In some cases it does not seem to meet the requirements of the present day, but in practice did you find during your term of office that the statutory requirement, namely, that the officer should exercise his own discretion as to the efficiency of the crew, met the requirements of the case? - Decidedly, in all cases.

22908. I suppose you managed your business to see that these Emigration Officers were competent people and men of experience? - I visited the out ports once, and sometimes twice, a year. I saw them all myself and gave them instructions, and saw that they were up to their duties.

22909-10. Did you find in practice that the system has worked well? - The system has worked admirably.

Examined by Mr. SCANLAN.

22911. Your experience before going to the Board of Trade was entirely experience as a seaman? - Entirely.

22912. In seamanship? - Yes.

22913. And your highest certificate is that of Master? - Yes.

22914. Your total experience on the sea was 16 years? - Between 16 and 17 years.

22915. You were five years an Apprentice, I think you were four years a Second Mate, three years a First Mate, and four years a Master? - I am not sure, I cannot remember the dates.

22916. You had no experience of ship's construction, you were never employed in a shipyard? - I was never employed in a shipyard.

22917. And I suppose until you got the situation in the Board of Trade you had very little occasion to go into shipyards? - Oh, yes, I had. I was appointed to two new ships, where I had to inspect their construction.

22918. But you had no occasion specially beyond the interest which a seaman has in the construction of ships, to take any part in the designing of ships? - No, but the interest a seaman takes is a very great one.

22919. I admit that some seamen take a very great interest in it. You have retired now from the Board of Trade? - I have.

22920. On pension? - On pension, under the age limit.

22921. A year ago? - Yes.

22922. Therefore, I suppose when you give your opinion that the scale of lifeboat accommodation should not be increased, you do not presume to express to my Lord the present opinion of the Board of Trade? - Not at all.

22923. This is the opinion that the Board of Trade formerly entertained? - It is the opinion I formerly entertained.

22924. I think you still entertain it - do I understand aright? - I shall entertain it.

22925. And I think until last year you represented the highest opinion of the Board of Trade? - Of the Marine Department.

22926. Of the Marine Department of the Board of Trade? - Yes.

22927. You were the right arm on which the last Witness relied? - I cannot say that - except in nautical matters.

22928. You were the professional man who would be responsible for advising the Board of Trade? - That is the case.

22929. Had the question of providing lifeboat accommodation in proportion to the number of passengers carried been brought under the notice of your Department in recent years before you left the Board of Trade? - Never.

22930. Had the question of providing additional lifeboat accommodation, even if not on the scale to accommodate all on board, been considered by the Board of Trade and brought under your notice? - It had been considered by us when the "Olympic" was projected; not till the "Olympic" was projected.

22931. In what form was the matter presented to you when the "Olympic" was projected? Was it in the form of a question as to whether the construction of such a large ship demanded an extension of your scale? - No.

22932. Tell me in what form it was presented? - In my own mind. I evolved it in my own mind.

22933. In what shape did this question present itself to you; what was the occasion of considering it? - The occasion was that the largest ships before that were about 31,000 tons, the "Lusitania" and the "Mauretania," and the 45,000 odd tons that was represented by the "Olympic" was rather a jump, and I thought it might be prudent to advise the Department to refer the matter to the Advisory Committee, because, although we had power to vary the Rules ourselves, it has always been the practice of the Board, as a Statutory Committee was appointed, to deal with lifesaving appliances, to refer the matter to the Advisory Committee.

22934. Did you refer it to the Advisory Committee? - The Marine Department referred it to the Advisory Committee.

22935. Did you make yourself acquainted with the Terms of Reference to the Advisory Committee? - Yes, I did.

22936. In the Terms of Reference I think you state that consideration should be given to the provision of bulkheads and other things? That was stated? - Yes.

22937. Did you express as the view of the Board of Trade, the considered opinion of yourself and others that the provision of additional lifeboats was not so necessary in the case of ships which were divided into watertight compartments? - That is the case.

22938. So that it would be scarcely fair to say that the action of the Advisory Committee was left free from restrictions by the Board of Trade? - That I cannot say. The Advisory Committee had a very free hand and exercised it.

22939. Were you present at any of the meetings of the Advisory Committee? - None at all.

22940. Do you know if the minutes of the meetings of the Advisory Committee have been kept? - I do not know. The clerical officers would know that.

22941. Do you know whether the clerical officer is coming here who kept the minutes of the Advisory Committee? - I do not. Not being attached to the Department, I know nothing about it.

22942. Do you know whether the question of the insufficiency of lifeboat accommodation was pressed upon that Committee by any of its members? - I do not.

22943. Or whether they took evidence? - No, I do not. I know nothing of their procedure at all.

22944. Did the Advisory Committee make a report? - They did.

22945. Is that the Report of last year? - That is the Report of last year.

22946. Had any other Report been made previous to that? - Not to my knowledge.

22947. Do you know any reason from a practical point of view - I mean do you know any reason affecting the safety of the ship - that makes it undesirable to increase the lifeboat accommodation? - The undue encumbrance of the decks, and the provision of extra hands to man them.

22948. Would that make it unsafe for the ship - to have a number of extra hands to man the lifeboats? - Not unsafe, but it would take away from her commercial value.

22949. Was the principal consideration that you had in adhering to the old scale, the commercial value of the ship? - No. The several reasons that I gave were the reasons.

22950. Was it a leading consideration with you? - No, it was a subsidiary one.

22951. Was there any other consideration, apart from encumbering the deck space, as to the safety of having lifeboats on a ship, that influenced you in coming to the decision that you should not increase the scale? - Simply that they were not necessary, in my opinion.

22952. The opinion has been expressed to my Lord and the Court that the provision of additional boats might make the ship more tender. That did not impress itself upon you, did it? - No, not at all.

22953. You do not think it would make a big ship more tender? - No, and if it did you could compensate for it easily.

22954. By ballasting? - Yes.

22955. I want your views as a nautical expert on this question: How many seamen, deckhands, would it be desirable to carry for each lifeboat? - I should say about three, in some circumstances it might be two. It all depends on the size of the boat.

22956. But at least - ? - Two.

22957. You think it would be desirable to carry at least two? - Yes.

22958. And the scale you had provided, was it prepared on a calculation based on that assumption, that two or three would be necessary? - More or less, yes.

22959. And if, although in opposition to your opinion, and presumably to your advice, the lifeboat accommodation is increased, I presume it follows that the manning, so far as deckhands is concerned must be altered and the number increased? - Yes, that is so.

22960. You have said in answer to Mr. Aspinall that if fewer boats had been carried on the "Titanic" you might have had a larger number of people saved? - I did - there might have been, I said. I did not say there would have been, but there probably would have been.

22961. On what do you base that statement? - For the simple reason that, knowing they had so many boats to trust to, they probably sent the first lot away not fully loaded. I do not want to criticise the officers or the Master of the ship at all, but I assume it is probable that that may have been the case; whereas if they had had fewer boats they would have taken good care that they utilised them to the fullest extent.

22962. How can you make such an assumption in view of the fact that the "Titanic" did not carry sufficient lifeboats to carry all the people on board. Even if they had been filled to their utmost capacity, there must have still have been a large number of people left on board the "Titanic"? - Certainly, a certain percentage must be.

22963. Does not that dispose of the consideration for occupying the boats to the full extent that you spoke of? - Yes, it does.

22964. Then there is nothing in this argument of yours? - Oh, yes, there is. In my opinion, there is.

22965. That more people would have been saved if there had been fewer boats? - That is my opinion. That is all I can tell you.

22966. I think your statement comes to this, that you do not see any reason to have a scale of lifeboat accommodation? - Not beyond the present scale.

22967. Do you know that one reason for having your scale, even such as it is, is to meet the requirements of emigrant ships, passenger ships going to foreign countries? - Yes.

22968. You know that a British ship taking passengers to America has to conform, to some extent, with American requirements? - The American requirements, up to my time of leaving the Department, were our requirements. Therefore, when our requirements were met, the American requirements were met.

22969. I think you mean that the American requirements for British ships - ? - The American requirements recognise ours as equally effective, and therefore our ships were not interfered with on the other side.

22970. Is not this the case, that the American requirements, even before the "Titanic" disaster, provided a scale for American ships registered in America which would give greater accommodation than the scale provided in this country by our Board of Trade? - That I cannot remember. I only know that they recognised ours as equally effective as theirs.

22971. And that by a convention between this country and America the American nautical authorities recognised the certificates given by the Board of Trade? - Quite so.

22972. And one reason for increasing the scale and paying attention to it is to conform with the laws and requirements of foreign countries. Now I want to ask you a question on the manning of ships. Has the attention of the Board of Trade been directed by the Advisory Committee to the importance of having a manning scale? - I believe so, two or three times.

22973. And is it the fact that, in spite of that recommendation, no manning scale has been set up? - There is no manning scale, but there is a guiding instruction to the Surveyors as to what kind of undermanning is pronounced as unseaworthiness.

22974. But nothing beyond what the former Witness has told us - you heard his evidence? - That is with regard to cargo ships and passenger ships, not to emigrant ships.

22975. With regard to passenger ships? - Not with regard to emigrant ships.

22976. There is nothing more than that? - I beg your pardon, there is the Emigration Officer's absolute power.

22977. But there is no scale? - There is a scale. Here you have it on page 10, a scale of manning.

22978. That scale, as a matter of fact, applies to the deck, surely? - No. If you look further on you will find the engine room and stokehold on page 11.

22979. That is only up to 600 nominal horsepower? - That is a guiding line, but the Emigration Officer, in his discretion, can extend that scale to any length.

22980. What I mean is this. I want you to recognise a distinction between a discretion entrusted to an officer and the provision of a scale by which the officer should be guided? - The discretionary power of the Emigration Officer is a statutory one. The instructions are not statutory; they are simply for his guidance.

22981. He is given statutory power to exercise his natural discretion? - Quite so.

22982. But one man may exercise it one way and another man may vary that practice? - No.

22983. Is there a standard? - There is no standard in this way, in print, but there is a standard of uniformity arrived at by the fact that I am going about from port to port and establishing that standard.

22984. The standard is what you told the different officers? - In consultation with them, yes.

22985. But it is not reduced to writing? - Not reduced to writing, no. You do not require it.

22986. In plain language there is no such thing in existence as a scale of manning for passenger and emigrant ships? - But there is. It is down here on pages 10 and 11.

22987. "The scale is intended rather as a guide for dealing with doubtful cases than as a hard-and-fast Rule, and no questions need be raised with regard to vessels in which the same total manning has been accepted previously"? - Quite so.

22988. There is nothing in figures to guide a man for a big ship like the "Titanic"? - Oh, yes, there is. He can exercise his discretion by extending the table.

22989. He has to exercise his discretion? - Yes, by extending the table from his knowledge. He is not a landsman; he is a seaman, and he has the knowledge.

22990. If there was a scale, his discretion would be out of the question? - Not at all. He would still exercise it. He would exercise it if there was a scale.

22991. Suppose there was a minimum scale, would not it follow that he would have to see that at least that minimum scale was complied with? - So he does, according to this.

22992. Can you tell me from pages 10 and 11, or anywhere else in your instructions, what is the minimum scale for the manning of a ship of the size of the "Titanic"? - Yes.

22993. Kindly give me the figure then - how many officers? - You will find 48 for the number of deckhands to be carried.

22994. That is from the boats? - That is from the boats.

22995. Now take the officers? - The figures for officers we have never had occasion to lay down, for this reason, that the voluntary action of shipowners has always prevented the Emigration Officer from stepping in to say: "You must draw the line at this."

22996. That is no answer to my question at all? - Yes, it is.

22997. If you pay attention you will see that it is not. Is there anything in what you call the scale which prescribes the number of officers to be carried on a ship like the "Titanic"? - No; but there is in the Statute.

22998. You say no, and I take that answer? - The Statute says that the Emigration Officer must be satisfied that the ship is efficiently manned. He can call for 12 officers if he likes.

22999. I will take that as an admission - that there is no scale in reference to that, at all events. That is plain enough? - No, because you are not dealing with landsmen; you are dealing with seamen. Seamen do not use a scale. They use their own power and discretion.

23000. Is there any scale for engineers? - Yes, a scale, so far, up to 600 horse-power and over, so that when it gets beyond that -

23001. According to what you are pleased to call the scale, how many engineers would have been required for a ship like the "Titanic"? - That I did not go into because it was not required. The voluntary action of the owners found so many that we did not require to go into it.

23002. I have heard of the voluntary action of the owners before, but there is no indication there as to the number of engineers? - There is an indication, if you work it out.

23003. How can you work it out? - You work it out in your own mind with the help of the Engineer-in-chief.

23004. Applying your mind to the point, I will give you the engine room accommodation of the "Titanic," and I want you to tell me from any scale you have how many engineers would be required? - How many I would have required?

The Commissioner: Do you suggest, Mr. Scanlan, that there were not sufficient engineers on board this boat?

Mr. Scanlan: No, my Lord, on the contrary, that all the requirements of the Board of Trade have been more than complied with.

The Commissioner: And not only that, but that there were sufficient engineers to work the boat efficiently.

Mr. Scanlan: I believe so, my Lord.

The Commissioner: Then what is it we are bothering about?

Mr. Scanlan: We are considering the Regulations made by the Board of Trade. That is one question.

The Commissioner: I know, but you see in the particular questions before us, regulations or scales, or no regulations and no scales, the boat, so far as regards engineers, was as good as she could be. What is the use of our taking up time enquiring about these scales? If you find that the thing works without scales, I should think it is far better to leave it alone.

Mr. Scanlan: I am instructed, my Lord, that in practice it does not work without a scale - it does not work effectively.

The Commissioner: It did in this case, at any rate.

Mr. Scanlan: I agree it did in this case, my Lord. I should not have taken up your Lordship's time on this, but for Question 26, which says: "The Court is invited to report upon the Rules and Regulations made under the Merchant Shipping Acts, 1894-1906, and the administration of those Acts and of such Rules and Regulations, so far as the consideration thereof is material to this casualty, and to make any recommendations or suggestions that it may think fit, having regard to the circumstances of the casualty, with a view to promoting the safety of vessels and persons at sea."

The Commissioner: Now, just consider that question - it is a very compendious sort of question. We know that in this case the ship was amply provided with engineers. You admit that yourself.

Mr. Scanlan: Yes, my Lord.

The Commissioner: I am only expected to report upon matters that affected or were affected by this casualty.

Mr. Scanlan: Yes, my Lord.

The Commissioner: The engineers are not touched by it at all. They were provided - plenty of them were provided, and as far as I know - I certainly believe it at present - they were efficient men. They stuck to their posts, you know - they did that, at any rate. I think we are a little far away from the question.

Mr. Scanlan: My Lord, I say in regard to the engineers that I cannot impugn that statement or qualify it in any way. But take the deckhands and the men in the stokehold.

The Commissioner: I am only on the question of the engineers. The deckhands stand on a different footing altogether.

23005. (*Mr. Scanlan.*) I will leave the question of the engineers. (*To the Witness.*) Has the attention of the Board of Trade in your time been directed to the efficiency of deckhands - seamen? - Yes.

23006. And did the Advisory Committee recommend the Board of Trade to impose a test, or standard of efficiency? - Not in my recollection.

23007. I put it to you that this recommendation was made in 1910: "That this Committee calls the attention of the Board of Trade to the failure on the part of certain shipping companies to carry out the recommendations of the Advisory Committee respecting the crews engaged in the deck department on British vessels, and this Committee recommends that, in future, all seamen engaged for the deck department be qualified seamen and prove such qualification, either by producing three years' certificates of discharge, or, failing this, by proving that they have knowledge of the compass, can steer, do ordinary splices of wire and hemp rope, tie ordinary knots, and have a knowledge of the marks and deeps of the load-line." Was this brought under your notice? - If it was in 1910 it would be brought under my notice.

23008. Was anything done by the Board of Trade in furtherance of this recommendation - in

the way of carrying it out? - No, not that I know of.

23009. Why? - Because we never had a case brought before us of inefficiency.

The Commissioner: I do not think that is what Mr. Scanlan means. We have had the matter discussed quite recently in another place. Do you proceed upon the principle that you ought to wait for a disaster before you take means to prevent such a disaster happening, or do you go upon the principle that you ought to take means first in the hope of preventing the happening of the disaster? - We take means first, when the ship is being built.

[There was no question 23010.]

23011. Then I do not understand your answer to Mr. Scanlan now? - We did not lay it down in print, the exact matters, because we left it to our nautical officers to deal with. The procedure was this, that when an officer signed her articles of agreement the superintendent who was witnessing the signing of the crew considered either that the numbers were sufficient or that the crew fell below the standard laid down in our Circular, and he would report that matter at once to the Principal Officer.

23012. Which do you call your Circular? - The manning Circular No. 1,463. I think it is, and the Principal Officer at one told off a nautical Surveyor to go to this ship to visit her, to muster the crew and to satisfy himself that they were efficient deckhands in his opinion. He was a seaman, and it was left, as it should be, to his knowledge and discretion as to what he considered an efficient seaman.

23013 (*Mr. Scanlan.*) Was it not pressed upon the Board of Trade as a matter deserving careful consideration that a definition of efficiency and a standard of efficiency should be set up? - Yes, and the Marine Department considered it impossible.

23014. Is it impossible to carry out this recommendation here of having a test of seamanship - you have heard me read it? - When a ship is signing articles, yes.

23015. I did not say when a ship is signing articles. For instance, you know - ? - But we have nothing to do with the ship until she is signing articles.

23016. You have something to do with the seamen? - We have nothing to do with the seamen until they are signing articles.

23017. You give certificates? - No, we do not give certificates.

23018. You got certificates of efficiency yourself by passing examinations? - You mean the officers and masters?

23019. You as an officer? - Yes - competency.

Mr. Scanlan: Surely there is no impossibility in having an examination or some test of the competency of a man who gets a certificate for seamanship - efficiency.

23020. (*The Commissioner.*) That is a statement by you? - I do not agree with you.

The Commissioner: It is not a question. Will you suggest what the examination is to consist of?

Mr. Scanlan: Yes, my Lord, I will read it - such qualification or such certificate may be got "either by producing three years' certificates of discharge," that is in accordance with the Act of 1894, "or failing this, of proving that they have knowledge of the compass.

The Commissioner: How are they to prove it? Is there to be an examination, or what?

Mr. Scanlan: I will tell you what was suggested, my Lord - either that there should be an examination under the Board of Trade, or that the Board of Trade should empower committees of shipowners and seamen to set examinations themselves, and on their reports, or certificates, of the candidates passing those examinations, to give such certificates.

The Commissioner: A sort of Civil Service examination of these men that are to go to sea?

Mr. Scanlan: Yes, my Lord - I do not say that it is a Civil Service examination. It would be a voluntary body.

The Commissioner: You know how gentlemen desiring to enter the Civil Service are gathered

in a big room - hundreds of them, and printed questions are put to them to answer. Do you suggest that that sort of thing should be done with seamen?

Mr. Scanlan: I do, my Lord, and I am giving what was the opinion of the Advisory Committee of the Board of Trade.

The Commissioner: I do not care much about that. I want to know what your suggestion is.

Mr. Scanlan: I cannot set myself up as above the Advisory Committee of the Board of Trade, in this matter, at all events.

The Commissioner: I think on that particular point your real opinion would be worth more than the opinion of the Advisory Committee.

Mr. Scanlan: Then, my Lord, I agree with the Advisory Committee in this particular.

The Commissioner: You did not observe the adjective that I put before "opinion"!

23021. (*Mr. Scanlan - To the Witness.*) I take it from you that you, at all events, do not consider that the Advisory Committee were warranted in making such a suggestion, or that it had good reason for making this suggestion to the Board of Trade? - I do not.

23022. With regard to the handling of boats, have not you at the Board of Trade considered that a man recognised as an efficient seaman should have a competent knowledge of the handling of boats? - Not the handling of boats, but the rowing of boats - handling with an oar.

23023. That he is to pull an oar? - Yes.

23024. Your inspectors are directed to make some investigations in regard to that? - Yes.

23025. I put it to you that a recommendation was made that there should be a standard of efficiency for men in the stokehold; have you any recollection of that? - Yes, I have.

23026. And that nothing was done to carry out that recommendation? - Nothing.

23027. You did not consider it advisable to do so? - No, I did not.

23028. Do you believe in the efficacy of a sight test for men placed on the look-out on ships? - The owners insist upon it. In a great many cases it is certainly efficacious.

23029. Do you believe in making it obligatory? - No, I do not, not in the case of seamen.

23030. Not for seamen? - Not for seamen.

23031. I mean look-out men? - I say that there is no necessity for the State to step in and make it obligatory.

23032. But you say some shipowners do it? - Yes, some shipowners do it - nearly all the passenger shipowners do it.

23033. That implies, does it not, that some shipowners do not do it? - I suppose so, but I do not know of any that do not, except from hearsay, that is all, and I cannot quote that.

23034. We were told in the course of this investigation that one of the look-out men on the "Titanic" had not been tested as to his sight. Do not you think for a man discharging that responsibility that there should be a sight test? - I think if I was master of one of these ships I should insist on it.

23035. But as you were in a position of speaking for the Board of Trade, do not you think it is a requirement that should be insisted on? - No, I do not think it should be a State requirement at all.

23036. You believe, I think, in the minimum of stated requirements? - I do.

23037. And the maximum of discretion to your officers, and to the voluntary action of shipowners? - I do. That is how the mercantile marine has been built up.

23038. And that was the policy of the Board of Trade in your day? - It was my policy.

23039. And you speak for the Board of Trade? - No. The Assistant Secretary of the Marine Department did.

Examined by Mr. HARBINSON.

23040. Do I rightly understand you that in the light of all that has occurred to the "Titanic," this "Titanic" calamity, you still stick to this scale? - I have said so.

Mr. Harbinson: So I gather. Did I also rightly gather that you said in answer to Mr. Aspinall that it was the custom for shipowners to provide boats in excess of the scale?

The Commissioner: He did say so.

23041. (*Mr. Harbinson.*) I am obliged to your Lordship. (*To the Witness.*) You knew that that was done? - Yes, we were cognisant of it every day.

23042. And you also said, I think, that it was in order to induce the public to travel on board their steamers? - I did not say to induce the public, but to make extra precautions for safety which they considered necessary but which the State had not considered necessary.

23043. Therefore you knew, as the Board of Trade - because you were the responsible officer of the Board of Trade - that the owners of ships were holding out as an inducement the excess number of boats over your requirements in order to get the public to travel on their boats? - Not only to get the public -

23044. It was an inducement held out to them? - Incidentally, it was.

The Commissioner: What is the use of repeating all that the man has already said. So far, you have done nothing but say: "You said this; you said that," and "You said the other thing."

Mr. Harbinson: I wanted to rightly understand that he did say it, my Lord.

The Commissioner: Not at all. You did understand what he said, because you stated it quite accurately. Do not let us waste time.

23045. (*Mr. Harbinson.*) That being so, did you not consider it advisable to issue a regulation to the public, to be posted on the ships, warning the public who travelled by them that there was only accommodation provided, according to this scale, for one in three or one in four who travelled? - There was no necessity to do so. The public could see it for themselves when they got on board.

23046. Where could they see it? - On board the ship.

The Commissioner: What is this suggestion - it is quite novel to me - that there should be some printed notice on the ship for the people coming on board - "Take notice: This ship does not carry sufficient lifeboats to accommodate all the people on board." Is that it?

Mr. Harbinson: My Lord, it would be only fair, I think, that something like that should be done in view of the fact that the Department -

The Commissioner: Is it your suggestion that that ought to be done?

23047. (*Mr. Harbinson.*) My suggestion is that the Board of Trade should not allow the shipowners to induce the public to travel by false pretences - on the false pretence that there is ample boating accommodation? - Shipowners never issue such a notice.

Mr. Harbinson: I suggest that you should not have allowed them to take all these people.

The Commissioner: Do not trouble about that.

23048. (*Mr. Harbinson.*) You knew that they were holding out these inducements to the public? - No. They put the boats on board, and the public can see them.

23049. Do you suggest that every person who travels on a steamer goes and makes enquiries to know whether in case of danger there is a seat for him in the lifeboat? - I do not know whether he does or not.

23050. You do not know? - In some cases they do.

23051. Do you think he does? - Yes. I was travelling across from Calais to Dover not long ago, and a gentleman, a landsman, told me exactly the number of passengers that could be saved in the boats.

23052. (*The Commissioner.*) Is a copy of the passengers' certificate stuck up in the ship? - It is

posted up in the ship.

23053. So that if there is anybody curious enough to go and read it he will find out what the lifeboat accommodation is? - He will.

23054. Do you think any one ever does go and read it? - I do not think they ever do.

Mr. Harbinson: Would it not be advisable to issue a regulation directing their attention to it?

The Commissioner: Do you suggest that there should be a notice at the side of the certificate, a printed notice: "Take notice, there is a certificate at the side of this piece of paper; please read it."

Mr. Harbinson: I would suggest, my Lord, in view of what the Witness has said that he thinks the public when they take a ticket probably expect that there is a place in the boats for them - that is to say, they should know whether there is, or is not, in case of danger.

The Commissioner: Would you suggest that each person as he goes on board should have a copy of the certificate handed to him?

Mr. Harbinson: It could be put on the passenger ticket; the intimation to that effect could be printed on it. At any rate, that would be a means of letting the public know exactly where they are.

The Commissioner: No, it is not a means of letting them know - it is not at all a means, because if you pester these people with notices which they do not read - which experience tells us they do not read - they do not know. They never read such things.

Mr. Harbinson: Presumably they do - a passenger ticket, a contract? - Very seldom.

The Commissioner: Do you mean these long printed things?

Mr. Harbinson: Yes, the thing you get when you take a ticket.

The Commissioner: I do not know what sort of a thing you are talking about, but if they are anything like the things I have seen, nobody reads them. They read them after they have got a claim, you know.

Mr. Harbinson: They do not all postpone it until then, my Lord.

The Commissioner: They do - they always do until then, and then they find out that they have rights, or they have not rights, that they knew nothing at all about.

23055. (*Mr. Harbinson - To the Witness.*) I would like to direct your attention, in view of what you have said, to page 8 of the Rules under the Merchant Shipping Act, 1894, why, if what you say is so - why if excess of boats beyond this scale was not necessary in the case of passenger ships and emigrant ships - why do you say in division (A.), class 4, on page 8, at the bottom of the paragraph, that: "Ships of this class shall carry, on each side, at least so many and such boats of wood or metal placed under davits (of which one on one side shall be a boat of section (A.), or section (B), and on the other side shall be a boat of section (A.), or section (B), or section (C), that the boats on each side of the ship shall be sufficient to accommodate all persons on board." Was not that quite a necessary regulation? - Where is that?

23056. It is on page 8 of your Rules with regard to life-saving appliances, made in 1894? - What division?

23057. Class 4(A.)? - That is for passenger steamships. That is not for emigrant ships.

23058. If the boats that you have indicated were unnecessary in the case of the Titanic," that is in excess of your scale. If it was not necessary to carry boats for all on board according to your proposition, why did not you modify this regulation by reducing the number of boats, and thereby disencumbering the decks? - Because in the one case it is a limited crew that you are providing for, and you can easily do it, and in the other case it is a large number.

23059. Is that the principle you are going on, that because you have a limited crew and a limited number of people, it is desirable to provide for them, but when you have a large crew, and a large number of people, it is not desirable? - It is not practicable.

23060. So that it is a question of practicability? - It is a question of practicability.

23061. If you were satisfied that it would be practicable to carry on one of these huge leviathans sufficient boats for all on board by reducing the deck space, would you consider it desirable that that should be done? - No, I would not, because if you look at the record of the trade you will see that this trade has been carried on with absolute immunity from loss always, and it is not necessary.

The Commissioner: This is not helping me a bit.

23062. (*Mr. Harbinson.*) You say where it is practicable it is desirable? - There is no doubt about it being practicable in the case of a small crew.

23063. Assuming that my Lord came to the conclusion that it was practicable that a large boat like the "Titanic," by reducing her deck space and stowing boats on the poop and on the well deck, could carry sufficient boats to accommodate everybody on board her, would you say that that would be desirable? - I would not. What is his Lordship's opinion I have nothing to do with.

23064. You say that in the case of small boats where it is practicable it is desirable? - The Rule says this. I was not one of the Committee that drew up the Rules.

23065. Do you agree with the Rules? - I agree with it because they are there.

23066. Merely because they are there? - Merely because they are there. I might be inclined to revise them.

23067. But you did not when you were advising the Board of Trade? - I did not. There was no necessity to.

23068. Was it while you were advising the Board of Trade that your attention was specifically directed to the cases of the boating of the "Titanic" and the "Olympic" while they were on the stocks at Belfast? - No, not the "Titanic."

23069. The "Olympic"? - Yes, the "Olympic" was then projected.

23070. And when it was projected the question was mooted at the Board of Trade when you were in a responsible position? - The question originated with myself.

23071. And was it on your advice that the boating accommodation on the "Olympic" was not increased? - No, it was not. It was on my advice that the question was referred to the Advisory Committee.

23072. I see, you were responsible for referring it to the Committee, but you gave no direct advice to your Department? - None.

23073. Therefore, you were not responsible for the answer that was given at the time by the President of the Board of Trade? - Not at all.

Examined by Mr. CLEMENT EDWARDS.

23074. Has the "Titanic" disaster led you to believe that any single one of the Board of Trade Regulations should be modified? - No.

23075. That is to say there are no lessons to be learned from this disaster? - No, because it is an extraordinary one. The Board of Trade, the Marine Department, guards against ordinary occurrences, not extraordinary.

23076. It is an extraordinary Department for guarding against ordinary mishaps? - Perhaps so - very good.

23077. I am not quite sure that I caught correctly your view as to the effect of recommendations being made by what you called a one man Department, and by an Advisory Committee. I think you said that if an Advisory Committee made a recommendation it would put up the backs of the shipowners? - No, I did not. I said the one man power might. The Advisory Committee could not because the shipowners are represented on it.

23078. I only wanted to get it quite clear. That is to say, that a recommendation, an identical recommendation, which came through and from an Advisory Committee would be likely to find greater acceptance than if it emanated from the Department itself? - Quite so.

23079. You have spoken of the Marine Department as a one man department. Who is the one man? - No; I did not speak of that. I said that as far as the nautical advice was concerned which was given to the Assistant Secretary of the Marine Department, it was given by one man, assisted by the officers whom he liked to call into council.

23080. When you were there, in nautical matters you were the one man of that Department? - I was.

23081. You said that it would be better to leave the boating scale to the shipowners themselves? - To leave the extension of it.

23082. Why do you say that? - For this reason, that up to 1890 the scale that was in force for emigrant ships was for 1,500 tons and upwards, but in practice the shipowners who were sailing across the Atlantic with 4,000, 5,000 and 6,000-ton ships were going beyond that scale tremendously. It was really their practice which was crystallised by the Live-Saving Appliances Committee into this scale.

23083. Has it occurred to you that the shipowners were doing that because the scale of the Board of Trade was ridiculously antiquated? - Because it was antiquated, yes.

23084. And there was some need to bring it up because of the increased tonnage? - Quite so.

23085. If there was a need to raise the scale from 1,500 tons and upwards to 10,000 tons and upwards, why is it not necessary to raise the scale for 20,000, 30,000, and 40,000 tons and upwards, as we now have ships of that size? - I have told you the reason that I consider the number of boats and life-saving appliances laid down by the Rule is the maximum useful number that can be used and really employed to save life.

23086. Then what you would say is that in relation to the growth of ships of a colossal character there has been a much greater growth of other improvements - what I may call collateral safety appliances than there was from the period of 1,500 tons up to the period of 10,000 tons? - Quite so.

The Commissioner: We have had all this before, Mr. Edwards.

23087. (*Mr. Edwards.*) With respect, my Lord. I only wanted to get one point quite clear from him for the purpose of laying the foundation for two further questions which I propose putting. (*To the Witness.*) Do you think that if the scale should be left to the shipowners themselves, that other questions like bulkheads should be left to the shipowners themselves? - Yes, I do.

23088. Do you think that the number of men that are carried should be left to the shipowners themselves? - Yes, I do.

23089. What do you think should be left, if anything at all, for a Marine Department of the Board of Trade to do? - To administer the Merchant Shipping Acts.

23090. Does not the Merchant Shipping Act lay down certain requirements? - Yes, it lays down certain requirements, and we see that those requirements are carried out. If anyone works beyond them we do not find fault.

23091. What it comes to is this, that you think that though you are required under the Merchant Shipping Act to say whether a ship is seaworthy or not, that in the matter of bulkheads the thing should be left to the shipowner himself? - It is not entirely left to the shipowner, the bulkhead.

The Commissioner: No, that is not the meaning of the Witness's evidence at all.

Mr. Edwards: As I understood him, he said that in his view the question of bulkheads should be left to the shipowners, such as the scale; then I pressed him and asked him what in his view the Marine Department should do, and he then said it should administer the Merchant Shipping Act.

The Commissioner: You are telling me what I have heard already, but what I am objecting to is your paraphrase of his supposed answer. What he means, as I understand, is this. There are certain statutory duties which the shipowners have to conform with; that is to say they have to prepare their ships for sea, and get them into a seaworthy condition, and it is the duty of the officers of the Board of Trade to see that that is done, and that will involve a consideration of the bulkheads.

23092. (*Mr. Edwards.*) Then may I put it, Sir Alfred, that your view is this: that you should not lay down codes and standards and scales for these different things for the shipowners, but that you should leave them to do these things, and then decide whether they have done them or not by the personal judgment of the particular officers of the Marine Department? - We have laid it down.

23093. (*The Commissioner.*) I think that is right? - We have laid it down with regard to the bulkheads.

23094. (*Mr. Edwards.*) Where? - In our instructions.

23095. Where? - And the Statute lays it down for the Surveyor. The Statute tells the Surveyor that before he makes his declaration the hull must be sufficient and efficient for the purpose intended. The hull of the ship requires bulkheads. In a large ship like that it not only requires them for watertight compartments, but it requires them for purposes of strength; and that ship would not have got her freeboard assigned to her under the Statute unless she had had those vertical bulkheads and those transverse bulkheads.

23096. I think we are a little at cross-purposes. I do not want to misrepresent you, but I think what I have put does represent what you say, that is to say, that the Merchant Shipping Act says in effect that no ship shall go to sea unless it is seaworthy? - More than seaworthy. The passenger certificate is more than seaworthiness.

23097. (*The Commissioner.*) "Seaworthy" is sufficient for this particular point - bulkheads? - Quite so.

23098. (*Mr. Edwards.*) Will you just follow me for a moment, and then I will leave the point. According to your view, the Merchant Shipping Act lays it down that ships cannot go to sea unless they are seaworthy? - Yes.

23099. Your view is that it shall be left entirely to the shipowner as to what shall be done to make the ship seaworthy, either in respect of hull or bulkheads, or machinery, or boat equipment, or manning, or anything? - In excess of our requirements.

23100. And then that they shall come to you, and it shall be in the personal discretion of the particular responsible officer of the Marine Department to say whether they have a seaworthy ship for the particular purpose for which it is intended? - We laid down particulars as to these points.

The Commissioner: Oh, dear, dear me! Do not answer a statement of that kind. It is quite accurate, Mr. Edwards, and I have heard it over and over again. Their theory is that it is sufficient to have these matters to be judged of by the persons whom they appoint.

23101. (*Mr. Edwards.*) That is your view? - As long as they work in excess of our requirements we leave it to them.

23102. That is not an answer to the question, and I really must get it from you. You heard what his Lordship said, and you have heard my question. Does that represent your view? - No, you have misrepresented my view.

23103. Will you please tell us what your view is? - My view is this, that there are certain requirements with regard to bulkheads, and every other matter laid down in our Rules, and if they work beyond that we leave the shipowner a free hand. But he must obey our requirements. He can go as far beyond them as he likes. We leave him a free hand.

23104. What I want to get at is this. You speak of your requirements. You say you have certain requirements for bulkheads? - Yes, we have.

23105. Do you think that the requirements for bulkheads should be abolished, and that the bulkheads should be left to the shipowner? - No, we would leave our requirements in.

23106. That is inconsistent, if you will allow me to point out, with your answer to a previous question of mine, as to whether you would leave bulkheads to the shipowner in the same way? - I mean to say beyond our requirements - leave the matter to them beyond our requirements. I explained that fully.

23107. Do you think that in view of what has happened to the "Titanic," and in view of the fact that you say that you would anticipate these troubles, and provide against them, that your present requirements as to bulkheads are sufficient? - Yes.

23108. What do you understand to be your requirements as to bulkheads? - Our requirements as to bulkheads, as far as watertight compartments are concerned, are stated in paragraph 16.

23109. That there shall be four bulkheads? - Yes. But there comes a question of bulkheads for strength purposes, and I told you that before that vessel could get her freeboard she would have to come up to certain standards of strength, and for that standard transverse bulkheads were required.

23110. That is exactly what I want to get at. Have you in print any standard of strength; have you in print any scale of scantlings for bulkheads? - Yes, we have the Bulkhead Committee's Report.

23111. Beyond what is to be found in the Bulkhead Committee's Report, have you any other scale or standard? - No, but everything is submitted to our Principal Ships' Surveyor.

23112. That is exactly the point. That is to say that whether a thing is satisfactory or not is not referable to any printed standard or scale, but is referable to the personal judgment and discretion of a particular officer? - No. As far as the freeboard is concerned the standard of strength is laid down by the tables of freeboard, and that is statutory.

23113. I was not on freeboard? - But I am on freeboard, because it relates to the strength of the ship.

23114. But may I remind you that for the moment you are in the box to answer my questions, and not to travel to matters which you may think right and necessary. Therefore, will you please leave freeboard alone and bring your mind to bear on my question as to bulkheads. In the case of bulkheads, have you, beyond what is to be found in the Report of the Advisory Committee, any scale or standard of strength? - Of strength we have, in the tables of freeboard.

23115. Of the bulkheads? - Yes.

23116. Where are those tables? - Tables of freeboard. It does not go as far as a bulkhead, because it comes into the strength of the ship, both longitudinal, transverse, and vertical, and the bulkheads are concerned in that.

23117. Have you a standard or scale of bulkhead, I am asking you, except what is to be found in the Report of the Sub-Committee? - Yes, I have told you. Our standard of strength is laid down in the tables of freeboard.

Mr. Edwards: Will you, please, produce those tables and show me where there is anything at all said about bulkheads?

23118. (*The Commissioner.*) There is nothing said apparently, but what he says is that the consideration of bulkheads is necessarily involved in it. - It is involved in the question of the transverse and the vertical strength of the ship and the longitudinal as well.

23119. I rather gather from what you say that bulkheads are not specifically mentioned in the provisions that are made with respect to freeboard? - Not specifically mentioned.

23120. But you say that the consideration of them is necessarily involved? - The consideration

of them is necessarily involved, absolutely.

23121. (*Mr. Edwards.*) May I just test that. It is possible to get the strength apart altogether from watertight bulkheads, is it not? - Not in a ship of that sort.

23122. That is to say, you might have transverse structures which were not watertight? - They would not have the necessary strength.

23123. Do you suggest that the strength of a transverse structure depends upon it being watertight? - No, but it depends upon the scantling.

23124. Do, please, follow my question, Sir Alfred. The question of the relative strength of a transverse structure does not in the least degree depend upon whether that structure is watertight or not? - That I am not prepared to say, because I am not a naval architect.

23125. (*The Commissioner.*) But you can answer the question? - No, I cannot.

Mr. Edwards: I do not think I shall trouble you any further, Sir Alfred.

The Commissioner: I am very glad to hear that.

(After a short adjournment.)

Re-examined by the SOLICITOR-GENERAL.

23126. My friend Mr. Clement Edwards was asking you, before the adjournment, about transverse bulkheads, and you replied as to their value from the point of view of stiffening the ship. I suppose that a transverse bulkhead of a given scantling and dimensions will equally stiffen the ship, whether it has been caulked and made watertight or not? - Quite so.

23127. But supposing that a naval engineer puts into a ship bulkheads of sufficient scantling to give it strength, is it conceivable that he should not go to the trouble of caulking them and making them watertight? - Not at all; he would be sure to do so.

23128. (*The Commissioner.*) Suppose it is not watertight in the strictest sense of the term, is it true that any quantity of water likely to get through may be kept down by the pumps? - Quite so; it would be quite under the control of the pumps.

23129. (*The Solicitor-General.*) I am much obliged, my Lord. Of course, a big vessel like the "Titanic" must have bulkheads to stiffen her, or else when she is on a wave she would break? - Quite so.

23130. (*The Commissioner.*) The Bulkhead Committee's Report was in 1891, I think? - Yes.

23131. Since that Report has the Board of Trade given any consideration to the question of subdivision of vessels by watertight bulkheads? - No, no special consideration.

23132. You have not considered the question of subdivision with reference to floatation since that Report? - No, not beyond what the Report gives.

23133. Has the Board of Trade had under its consideration the desirability of watertight decks? - Only when a bulkhead is stepped, then the deck must be made watertight.

23134. (*The Solicitor-General.*) The deck then really becomes part of the bulkhead? - Yes.

23135. (*The Commissioner.*) And the watertight condition would only apply to that part of the deck which formed part of the bulkhead? - That is so.

23136. That is not what I mean. You have not considered the desirability of having watertight decks running along the ship? - No, not above the top of the double bottom. The top of the double bottom is practically a watertight deck.

23137. Has the Board of Trade had under its consideration the desirability of double sides? - No.

23138. You have not had under consideration the desirability of longitudinal bulkheads? - I think it has been under consideration, but we have never gone any further than considering it.

(The Witness withdrew.)

The Commissioner: Do you think you can get this information, Sir John? I do not think a Witness can do it. *(Handing a paper to the Solicitor-General.)* I want also particulars of the track that has been settled by the different Steamship Companies since this disaster.

The Solicitor-General: With regard to that matter, my Lord, possibly your Lordship would like to have it indicated graphically upon a chart?

The Commissioner: Certainly. What I am advised it would be important for us to know is exactly where the turning point is.

The Solicitor-General: Yes, the angle; the corner, as they call it. I think my friends have charts which show it.

Mr. Laing: Yes, my Lord, we have it.

The Solicitor-General: With regard to these two questions, I think one of them we shall be able to supply your Lordship with, and I will enquire as regards the other. Sir Ellis Cunliffe puts into my hands now a list of all passenger steamships in the British Mercantile Marine of 10,000 tons and upwards, showing the gross tonnage, year when built, and the crew, and boat equipment, and out of that we can pick what your Lordship needs. *(Handing same to the Commissioner.)* I am not quite certain whether the document your Lordship now has before you gives the year in which the ship is built?

The Commissioner: Yes.

The Solicitor-General: Then, my Lord, we can pick out those which are since 1894, and that, I think, would be the answer to the question put.

The Commissioner: The question relates from 1891.

The Solicitor-General: What your Lordship handed to me is from 1894.

The Commissioner: Is it?

The Solicitor-General: Yes, the question your Lordship handed down was as to the numbers and tonnage of all ships over 10,000 built from 1894 onwards.

The Commissioner: Those will be in this list?

The Solicitor-General: They must be included in it.

The Commissioner: Because I see you go back as far as 1893, at any rate.

The Solicitor-General: It will include them. I think that purports to be a list of all British ships in existence over 10,000 tons.

The Commissioner: It is a list of passenger steamships in the British Mercantile Marine of 10,000 tons and upwards for which a passenger certificate is granted by the Board of Trade, and their boat equipment. We can pick out of this the information we want.

The Solicitor-General: If I can have it back I will have it done, but I wanted to see that it is the sort of information you wish.

The Commissioner: It is.

The Solicitor-General: Then I will have that done, and I will ask a question upon the other point. As regards this other question, as I follow it, it is directed to ascertain how many vessels have sought to take advantage of the reduction in the number of boats on the ground that their watertight compartments justify it. I think that is the point.

The Commissioner: This question is not asked with reference to the number of boats carried, but it is to ascertain how many ships have the bulkheads divided to meet the Bulkhead Report of 1891.

The Solicitor-General: I do not know whether we can tell your Lordship that. Of course we could do this: we could let your Lordship know how many ships have come to the Board of

Trade and have said, "True it is that your regulations require that we should carry such and such a number of boats, but we seek to take advantage of your provision that if we are satisfactorily divided into watertight compartments we may have fewer."

The Commissioner: I thought we had that already in evidence.

The Solicitor-General: Somebody has mentioned it, I think.

The Commissioner: Was not it said that it averaged about four a year.

The Solicitor-General: I have heard some general statement of the sort, and I think one of the Witnesses we are calling will be able to tell you, but that is not the same thing.

The Commissioner: No.

The Solicitor-General: Because one refers to an application to the Board of Trade, and the other refers to a matter of fact.

The Commissioner: Yes, one refers to Rule 12 in one of these small books.

The Solicitor-General: In the Life-saving Appliances Rules. It is the last Rule before one comes to the schedule.

The Commissioner: Yes, and we had evidence about that; I do not know who it was gave it.

Mr. Laing: Sir Walter Howell, I think; I will find the passage.

The Solicitor-General: I am very much afraid we cannot give the other information, because necessarily that is not a matter which is brought specifically to the Board of Trade's notice, unless an application is made.

ALFRED YOUNG, Sworn.

Examined by Mr. BUTLER ASPINALL.

The Commissioner: Is this the last of the Board of Trade Witnesses?

The Solicitor-General: No, my Lord.

23139. (*Mr. Butler Aspinall - To the Witness.*) Are you the successor of Sir Alfred Chalmers in the post of Professional Member of the Marine Department of the Board of Trade? - Yes.

23140. I think you came into office on the first day of September, 1911? - That is correct.

23141. Do you hold an Extra Master's certificate? - Yes.

23142. I think you have had seven years of command at sea? - Yes.

23143. I think you joined the Board of Trade staff as nautical Surveyor in 1891? - Yes.

23144. And were later on appointed to your present post as professional member? - Exactly.

23145. Was Mr. Carruthers, the Surveyor, surveying the ship whilst she was being built at Belfast? - Yes, so I understand.

23146. Did anything relating to her construction or equipment come before you? - Not directly.

23147. What do you mean by that? - Well, any observations he would have to make with regard to the construction of that vessel would naturally go direct to the Principal Ship Surveyor.

23148. That we have been told is Mr. Archer? - Yes.

23149. But did it reach you in the end? - No, it did not reach me as a direct message, but I have seen papers in connection with it which I desired to see. That is all.

23150. You cannot assist us in any way with regard to the construction of the "Titanic"? - No, not so far as that survey is concerned.

23151. Do you remember having brought to your notice the Report of the Advisory Committee of 1911? - Yes.

23152. That Report has been read. In consequence of that Report did you yourself take any action to enable you to advise the Board of Trade as to the requirements of that Report? - Yes.

23153. What did you do? - First of all, I naturally looked through to see what it consisted of,

and I realised that it was not quite in accordance with our ideas, and that there were certain points in relation to the Report of the Advisory Committee which would have to be referred back to them, because they did not quite fit in with our ideas, mainly with regard to the depth of lifeboats.

23154. Sir Walter Howell told us yesterday with regard to this, and I think his evidence came to this, that you, the nautical adviser, in conjunction with other members of your staff, went into this question with a great deal of care? - We did.

23155. And did it require some little time? - It required considerable time.

23156. On the 16th of April of the present year a letter was written from Sir Walter Howell to the Advisory Committee, and he told us yesterday that you were the person who gave him the information which is contained in that letter. Is that right? - Quite.

23157. And I find in that letter this statement: "The Board are of opinion that a very careful and thorough revision of the Table should now be made." That is the Table dealing with - ?- The extension of the boat scale.

23158. Was that your opinion? - Undoubtedly. It is a matter which should be carefully looked into.

23159. (*The Commissioner.*) Did you hear Sir Alfred Chalmers' evidence? - I did.

23160. Do you agree with it on this point? - Not absolutely, with regard to the degree of extension.

23161. (*Mr. Butler Aspinall.*) You think there should be an extension? - I do.

23162. To what extent? - To a reasonable extent.

23163. What does that mean? - Well, it should be a reasonable extent in view of the object that we seek. In other words, what I had in my mind when I advised the Board as to the action they should take in the matter was not that we should have an increase of boats for all persons on board, but that we should have a reasonable extension of the scale in order to provide for a proper and safe transfer of the passengers from one vessel to another in case of adversity. That was the primary idea in my mind in regard to the extension of the scale, and I indicated that to the Board many months before that.

23164. Apply your opinion to the concrete case of the "Titanic." To what extent do you think the Board of Trade Rule should be extended to fit the case of the "Titanic"? - Well, what I advocated myself and what I should prefer to give this afternoon is this: I laid it down that we should require at least 26 boats under davits.

23165. And what would be the cubic contents of those 26 boats? According to the present requirements the cubic contents of the boats required to be placed under davits on the "Titanic" is 9,625 feet. That is right, is it not? - Yes.

23166. For 16 boats? - That is, of course, altogether, with the three-fourths additional. That is not entirely under davits.

23167. No, not entirely under davits. You are quite right, I am wrong in saying under davits? - What I had advocated as being required under davits was 26 boats having a capacity of 8,200 cubic feet.

23168. And if those boats were not sufficient to carry all on board, then I suppose you would consider that the Board of Trade should insist upon the three-fourths? - Yes, the continuation of the old Rule.

23169. When you speak of 26 boats, do you mean each of the size that were placed upon the "Titanic"? - Boats of 600 cubic feet, yes. That is what I had in my mind.

23170. Were the boats 600 cubic feet that were placed in the "Titanic"? - A trifle over, I think.

23171. (*The Solicitor-General.*) They were 650? - Yes, to hold 64 or 65 people.

The Commissioner: They were smaller.

The Solicitor-General: Inasmuch as one allows 10 cubic feet for each passenger in a lifeboat, it follows that a boat that will take 65 people is a boat with 650 cubic feet. This Witness suggests 600 cubic feet.

23172. (*Mr. Butler Aspinall - To the Witness.*) In view of the fact that Sir Walter Howell told us that this letter was the outcome of material supplied to you before the disaster, it follows that this opinion that you have been giving us was not an opinion arrived at in consequence of the "Titanic" disaster? - I cannot make it too clear that the opinions that I formed and the advice that I offered to the Marine Department of the Board of Trade was thought out many months before the disaster occurred.

23173. In view of the disaster, do you think that the scale suggested to us now should be increased? - What scale is suggested now?

23174. Well, your suggestion? - I do not think that there is any necessity to increase that scale beyond what I have already laid down.

23175. Do you think it would be practicable to increase it? - In many cases it would be practicable, certainly; in some cases, I think, it would not. It depends a good deal upon the construction of the existing type of vessel.

23176. (*The Commissioner.*) I gather that you do not think it is desirable in all cases of emigrant and passenger ships that sufficient boat accommodation should be carried to accommodate all the people that under the certificate that vessel is authorised to carry? - What I mean, my Lord, is this, that where it is practicable for a passenger ship to carry boats - I say *practicable* - for all persons on board, this is passengers and crew, I see no reason why the ship owner should not provide them. But there are certain cases in my mind of certain ships of a structure where it might not be practicable, and I do not think it is practicable in the ships I have in my mind to carry boats sufficient for all on board.

23177. Do you think the "Titanic" was one of them? - No, I think not. I think the "Titanic" could have carried boats sufficient for all on board; but it would have necessitated the piling up of one boat on top of another.

23178. And when you talk about all on board, are you speaking with reference to the number that she actually carried, or are you speaking with reference to the number she was authorised to carry? - I do not quite appreciate your question.

23179. Well, she did not carry nearly so many passengers as she might have carried? - No.

23180. And I want to know whether, when you are talking about boats that you think she could have carried, are you speaking with reference to the number of passengers and crew actually on board, or the number of passengers and crew that might conceivably be on board? - The latter, my Lord.

23181. She was certified for 3,547 passengers and crew? - Yes.

23182. She only carried 2,000 odd? - Yes.

23183. (*Mr. Butler Aspinall.*) Have you calculated how many boats would be necessary to carry her full complement? - About 63.

23184. In your view would it have been practicable for the "Titanic" to have had placed upon her 63 such boats? - Well, certainly, yes, it would have been *practicable*.

23185. You put emphasis on the word "practicable"? - Yes.

23186. What do you quite mean by putting on that emphasis? - Well, I do not think it would have been altogether desirable, for certain reasons which I have.

23187. (*The Commissioner.*) Will you tell us the reasons? - In the first place, my Lord, you have to consider the method of getting boats that are placed inboard out to the ship's side. You have to have a certain time for that process. You have to take into consideration that you may not have daylight to assist you in that. In all probability, when a disaster arises it would be at

nighttime and under adverse conditions. If the ship had any movement at all, it would be rather difficult to get the inboard boats to the ship's side with any degree of safety. It might not be difficult under ordinary circumstances, I may say, to go through the process of getting boats to the ship's side with deckhands properly trained for that purpose, but what I had to consider was the prevailing degree of training in the Mercantile Marine, of which I had no very high opinion. I have witnessed, if I am not taxing your patience too much, my Lord -

23188. Not at all? - I have witnessed in the course of my duties as an Emigration Officer methods of putting out boats which were a disgrace to the service; and during the time that I was carrying out my emigration duties I did the best I could to remedy that defect. I was imbued with the knowledge that since that period when I was an Emigration Officer things have not materially improved in the Merchant Service with regard to the training of deckhands. I may as well say at once that it is not the fault of those deckhands themselves; it is simply due to circumstances, the lack of opportunity, the lack of time in the hustle of the passenger service of the present day, which precludes those men from getting the training that they ought to have.

23189. Do you mean the ships do not remain in port long enough? - That is the reason, my Lord. There are not sufficient facilities for the exercise of the deckhands in the boats. There are in some ports, but not in others.

23190. I do not know whether you have exhausted what you wanted to say, but you were giving us your reasons why you did not think it desirable to put upon the deck of the "Titanic" so many boats - 63? - Yes.

23191. Have you any other reasons? - Yes.

23192. What are they? - The other reason is the height at which those boats would necessarily be placed. It is well known to seamen - and, of course, in my position as advisor to the Marine Department of the Board of Trade I rely upon my experience and service as a seaman - that in the majority of cases of accidents at sea, the difficulty of lowering a boat from a height is very great; and it is not only a difficulty, but the greater the height the greater the danger. The least movement of the ship laterally - that is rolling from side to side - is a great danger to the boat that is being lowered. Of course, it is well known that that boat acts as a pendulum and with a very small degree of angle in a rolling ship, if it has any people in the boat at all, the weight of that boat is enhanced and the danger when it comes into contact with the ship's side at the second roll is a very great one. I had all this in my mind when I advised the Board to do what I did advise them to do, which I have embodied in the various memoranda which I laid before them.

23193. (*Mr. Butler Aspinall.*) Certain witnesses who have been called here said that in their opinion if you put a large number of boats, probably as many as 63, on the boat deck it might render the ship tender. What is your view with regard to that? Have you considered that point of view? - It depends, of course, largely upon the form of the ship itself, the weight of cargo in the vessel, the facilities for increasing the ballast in the bottom of the vessel, and also the height at which the boats are placed. Of course you must realise that these boats of 600 cubic feet capacity range at a weight of about two tons, and if you have 60 boats up there, it is not a light weight to be at such a height as 60 to 65 feet.

23194. Dealing with a ship like the "Titanic," if you put that weight on the boat deck, in view of the quantity of the cargo that class of vessel does carry and is likely to carry, do you think it would make the ship tender or not? - I am not sufficiently acquainted with the "Titanic" to judge. As I say, it depends a good deal upon the circumstances in the ship itself and her statical stability. It is more a matter for a naval architect.

23195. Surely it is a matter you will have to consider, is it not, in your position as Advisory Member of this Department? - Undoubtedly.

23196. Probably you have considered it? - Oh, I have considered it, yes.

23197. What is the result of your consideration? - Well, still that I do not consider it advisable to pile up a great number of boats at such a height. It may be all very well in fine weather, but when the ship is rolling heavily, then the ship begins to feel it; she may be tender or otherwise; I do not say that she would be seriously tender, but I think that under certain circumstances she might be tender; it is according to the way in which they work their bunkers out.

Examined by Mr. SCANLAN.

23198. Could not you correct tenderness by ballasting? - Well, you can to a certain extent, yes.

23199. That is the recognised way of doing it? - It is the usual method, yes.

23200. I observe your opinion is that the deckhands of the Mercantile Marine are not properly trained in the handling of boats? - That is my opinion.

23201. I suggest to you, as I have to a number of Witnesses here that there should be some method of training by boat drills? - I quite agree with you.

23202. Do you think a more thorough system of boat drills would be effective? - I think it would very probably answer the purpose.

23203. Now it was pointed out in the course of this Enquiry that in New Zealand it is compulsory to have boat drills. Do you think it would help you in carrying out your idea to have boat drills made compulsory? - I would not resort to compulsion until I had exhausted every other means of inducing the shipowner to carry it out.

23204. Have any means been taken by the Board of Trade to impress upon the shipowners the desirability of having effective boat drills, so as to give a training to the whole of the crew? - No, I think not; not to the entire crew.

23205. Do you agree that it would be desirable to make such a recommendation? - No, I do not think it is absolutely essential.

23206. You have heard the questions put to Sir Alfred Chalmers, your predecessor, as to a standard of efficiency? - Yes.

23207. Do you think it would assist materially if a standard of efficiency were set up which would include competency in the handling of boats? - Well, perhaps you would first of all, before I answer that question, give me some idea as to what your opinion is with regard to the standard you wish to set up?

23208. My opinion is not very material to the Court, and I am afraid it would not be to you. Have you any idea yourself? - Certainly I have.

23209. Well, give us your ideas? - Pardon me, after you!

23210. I think you mistake our relative positions. You are a Witness, you know? - Yes. I think you might materially assist me if you give me some idea of the standard you have in your mind, because I do not think we are altogether in disagreement as to the fundamental principle.

23211. Very well, I am glad we agree about something. You say you have an idea as to what would be the training? - Yes.

23212. We may agree further if you just tell me what that idea is? - Well, undoubtedly the primary training that I have in view for a sailor is that he should first of all be sufficiently competent to handle a boat in every form, whether to steer or to pull, or to detach the tackle, or to hook them on again, or to get that boat out from the ship.

23212a. In your opinion would it be desirable to make the possession of that knowledge a condition of giving a certificate of efficiency as a seaman? - If it were deemed necessary to have a certificate for that purpose I should say yes.

23213. With your own considerable knowledge and experience, do not you think it would be desirable? - I do most decidedly.

23214. You agree that it would be desirable? - Yes.

23215. Oh, we are getting on. It has been suggested to me that a way of testing the efficiency of seamen would be to examine them in their knowledge of the compass, steering, splicing of wire and rope, tying the ordinary knots, and the marks and deeps of the lead-line? - Yes.

23216. Would it be desirable to have that incorporated as the standard of efficiency? - You want too much I think for your money.

23217. Ah! But you do not know the price I am willing to pay? - Well, I have a shrewd idea of it.

23218. That rests with the shipowners, you know? - I certainly think that a certain proportion of the qualifications that you have just foreshadowed ought to be embodied in a certificate. We want certain qualifications, but what those qualifications should be, I am not prepared at the moment to say definitely, or decidedly at all events.

23219. But you think a standard of efficiency should be set up and certificates given? - If it is possible to set up a standard of efficiency, I do not think the able seamen of the present day would be hurt by it.

23220. (*The Commissioner.*) Do you think they would reach the standard that you would set up? - They might after a course of considerable training.

23221. (*Mr. Scanlan.*) Still, of course, a beginning must be made? - I quite agree with you there. It is desirable.

23222. (*The Commissioner.*) Sometimes it is desirable that an ending should be made? - Undoubtedly.

23223. (*Mr. Scanlan.*) Do you agree also that there should be some training of the men in the stokehold? - Well -

23224. You have heard it suggested that before a man should be regarded as an efficient stoker, he should have served from three to six months as a trimmer? - I think you could very well leave that degree of training to the judgment of the firemen with whom the new fireman has to work.

23225. This matter came up quite recently in the experience of your Department as a practical question, did it not? - Yes.

23226. At Southampton? - Yes.

23227. I do not want to press it further than this, that seeing a recommendation was made by a Committee which investigated this, do not you think it is time now that something should be done to secure efficiency? - No, I think, after a man has been for a short time as a trimmer on board a ship he would very soon fall into the duties of firing.

23228. That is exactly what is suggested is it? But to say that a trimmer shall have so many months' training as a trimmer in order to qualify him as a fireman, I say is altogether nonsense.

23229. In regard to your views as representing the Board of Trade as to the number of boats for a ship like the "Titanic," I want to ask you specifically, do you or do you not consider it desirable to make regulations compelling such a ship to carry either sufficient lifeboats or sufficient boats with rafts, to provide accommodation for all persons carried, including the crew? - I have already replied to that question in the statement that I made to his Lordship, in that I consider that where it is practicable for a shipowner to carry boats or rafts for all persons on board, they should carry them.

23230. I think you said in the case of the "Titanic" you thought it would be practicable? - So far as I can judge from the construction of the vessel I think it would be practicable, and that you could find room by piling up one boat on top of another.

23231. (*The Commissioner.*) Have you considered to what extent the lifeboat accommodation could be used in a rough sea? - Yes, my Lord, I have considered it very seriously.

23232. To what extent do you think the lifeboat accommodation on both sides of the ship could

be used in a rough sea? - Of course that would depend in the first place whether the vessel was so disabled that when she got the boats on one side down into the water, she would be able to slew round and make a lee-side of the other side and get the other boats down.

23233. I am not a nautical man and I have not quite grasped that. You would not in such circumstances contemplate lowering the boats simultaneously on both sides of the ship? - If it could be done, of course it would be an advantage.

23234. Could it be done in a rough sea? - No, I do not think it could, my Lord.

23235. Then you could only lower the boats on the lee-side and then turn the ship round? - Yes, that is it.

23236. And make the other side of the ship the lee-side? - Quite so.

23237. And get the boats down? - Quite so.

23238. That would be the only way of doing it? - That is so.

23239. And if you could not do that, that is to say, turn the boat round, the boats on one side of the ship would be quite useless or nearly useless? - Practically useless, unless there were means on board such as ways provided, that is, skids on which the boats were chocked so that you could slide the boats across.

23240. Across the deck? - Across the deck. It is not an impracticable measure that could be provided for.

23241. Is that ever done? - It is done, yes.

23242. On what boats? There was no such provision on the "Titanic" so far as I know? - Some of the inboard boats that are carried on certain vessels have this arrangement; they are chocked on skids right across the ship, and they could be used for either side.

23243. Are the lifeboats chocked in the middle of the deck? - Quite so, right across.

23244. Then those boats are not hanging on davits? - No, they are not; they are inboard boats. Those boats are additional to the boats under davits.

23245. Additional? - Yes, additional.

23246. Has it occurred to you that if you can only utilise one side of the steamer, subject to this observation about the chocked boats which you have spoken about, you must have double the number of boats; you must have sufficient boats each side to accommodate the passengers? - That would not be practicable on a passenger steamer, not to have boats on each side for all.

23247. Does it then come to this, that it is not practicable to have boats on board a ship such as the "Titanic" which would be sufficient for all passengers if the vessel was in a rough sea? - Quite so.

23248. Is that so? - That is so.

23249. You follow my question? - It is not practicable.

23250. So that, except in the case of a calm sea such as we know the "Titanic" was in, however many boats you had, you could not possibly save all the lives in the boats? - Of course, under the calm conditions of the sea when the "Titanic" went down, it would be hard to say whether all the boats, if she had had the boats that are contemplated, could have been put down.

23251. I do not think you are quite following my question. It is in fact a statement of what I understand your evidence to be: If the sea is rough so that it becomes impracticable to lower the boats upon one side of the ship, and you cannot get the boat round in the way you have suggested, is it then practicable to have sufficient boats on board the vessel to save all the lives? - It is not practicable.

The Commissioner: I think, Mr. Scanlan, the evidence seems to point to that, more or less, that there may be conditions when it is not possible to meet the difficulty by means of lifeboats.

23252. (*Mr. Scanlan.*) I agree, my Lord; there has been a good deal of evidence to that effect. (*To the Witness.*) With regard to the placing of lifeboats on a ship like the "Titanic," had you

submitted to you the design of Mr. Carlisle, a member of your Advisory Committee, who gave evidence here? - No, I have not seen that design.

23253. This is a design showing three or four boats to be operated by each set of davits. Is that practicable? - I suppose it is, but at the same time I have not seen that design, and I do not know whether it was a design that he produced when he was sitting on the Advisory Committee, or whether it was afterwards? - We have it here in Court.

The Commissioner: Yes, I saw it.

23254. (*Mr. Scanlan.*) And it was stated by Mr. Carlisle that it was submitted to the Advisory Committee, so I think we may take it, if you saw the plan submitted to the Advisory Committee, that that is what we are referring to? - I do not remember seeing it.

23255. Did you see any plan submitted by him? - No, I did not.

23256. You have referred to something he submitted to the Advisory Committee. What were you referring to? - I have not seen that.

23257. But you did refer to it? - I only asked you whether that design of Mr. Carlisle's was submitted when he was sitting on the Advisory Committee or afterwards. What I meant was whether it was before the "Titanic" disaster or after.

23258. Yes, before the "Titanic" disaster? - Because I have not seen it.

23259. It would not have been brought under your notice? - No.

23260. But you agree such a design would be practicable? - Yes.

23261. Your view when you considered the boatage of the "Titanic" was that she should carry 26 boats? - Yes, that is right.

23262. Do you mean 26 boats under davits? - Yes, 26 boats under davits.

23263. Apart from that provision, do you contemplate also that she would carry a certain number of collapsibles of the Englehardt type? - As additional, or they might be open boats, wooden boats. She could carry the additional boats as wooden boats, not necessarily as collapsible boats.

23264. When had you arrived at that conclusion? - When the "Titanic" was under course of construction.

The Commissioner: You are alive to the fact, of course, Mr. Scanlan, that when you talk about collapsible boats, you may be including two kinds of boats.

Mr. Scanlan: Yes, my Lord.

The Commissioner: The Berthon boats and the Englehardt boats.

Mr. Scanlan: Yes.

The Commissioner: They are different, although they have been frequently in this Enquiry referred to as collapsible boats.

23265. (*Mr. Scanlan.*) I appreciate that, my Lord. The boats I speak of are the boats which you in the Board of Trade got specially tested at Liverpool and a number of other ports? - Granted.

23266. And these are the kind of collapsible boat which as a point of fact were carried? - Yes, a form of Berthon, better known as Berthon boats.

23267. The Englehardt boats, and not the Berthon boats? - The Englehardt boat is not a collapsible boat.

23268. The sides are collapsible? - No, the sides are not collapsible.

The Commissioner: That is where the confusion is. The collapsible boat is the Berthon boat, which doubles up; but the Englehardt, as I understand, is in the nature of a raft with sides of canvas which can be put up perpendicularly.

Mr. Scanlan: Yes.

23269. (*The Commissioner - To the Witness.*) Is not that so? - That is perfectly right, my Lord. In fact it is altogether a misnomer to call an Englehardt boat a collapsible boat; it is not a

collapsible boat.

23270. (*Mr. Scanlan.*) The Englehardt boats were, I think, recommended by the Board of Trade? - Quite so.

23271. As being suitable boats to carry in addition to the wooden boats? - Undoubtedly, yes.

23271a. If your ideas had been given effect to, that is, if you had 26 boats with a capacity of -
The Commissioner: 600 cubic feet?

23272. (*Mr. Scanlan.*) Yes. (*To the Witness.*) 600 cubic feet would give carrying capacity according to your scale for 60 persons? - Yes.

23273. Then you would have provided for 1,560 in your wooden boats? - Yes.

23274. And in your Englehardt boats how many would you give to each? - I did not recommend any Englehardt boats. The Board of Trade Rule with regard to three-fourths of the capacity carried under davits would be added. It did not matter to us whether it was an Englehardt boat or an open boat.

23275. If that is so, I take it you would have 1,560 carried in your wooden boats and three-fourths of that number in that additional accommodation? - Yes.

23276. Will that come to 2,730 altogether? - It will come to 14,350 cubic feet.

The Commissioner: I am not following these figures. There are 26 boats under davits.

Mr. Scanlan: Yes.

The Commissioner: Of a capacity of 600 cubic feet each.

Mr. Scanlan: Yes, my Lord.

Mr. Laing: That is an error; I am sure there is an error.

The Commissioner: There is some mistake.

Mr. Laing: He said 8,200 feet capacity. He said 26 boats with a capacity of 8,200 feet.

The Commissioner: But that is wrong.

Mr. Scanlan: I think we should allow him to give us this information, my Lord.

The Commissioner: Oh, by all means.

23277. (*Mr. Scanlan - To the Witness.*) Will you just calculate it yourself? What cubic feet capacity would you have in your 26 boats under davits? - It might be 500 cubic feet or it might be 600 cubic feet. As a Rule shipowners would carry the larger figure, 600. That is the usual practice now.

23278. Will you just calculate what you mean by 26 boats under davits, and then we will get the additional boats? - The boats under davits would be equivalent to 15,600 cubic feet.

The Commissioner: Now that seems right.

23279. (*Mr. Scanlan.*) That will be a carrying capacity for 1,560 persons? - Yes.

23280. Will you work out for me what the three-fourths additional accommodation gives in cubic capacity and in passenger accommodation? - That would bring us up to 27,300 cubic feet.

23281. And the carrying capacity? - 2,730 passengers - with a divisor of 10.

23282. (*The Commissioner.*) How many do you make the three-fourths? - 11,700.

23283. Then you get a total of 27,300? - Yes.

23284. And how many people would that accommodate? - 2,730.

23285. That is irrespective of the Englehardt boats that might be carried? - That is including the Englehardt or any other boat in addition.

23286. That is included in the 11,700? - They are included in the 27,300.

23287. And they are in fact the 11,700? - Yes.

23288. Supposing all that has been put on board, it would have been more than sufficient for the number of passengers carried on the "Titanic," but it would not have been nearly sufficient for the number that might have been on the "Titanic"? - I quite agree, my Lord.

23289. (*Mr. Scanlan.*) The number actually carried, my Lord, is 2,208 or 2,206; that would

have given full accommodation, with a margin over for 522? - Yes.

The Commissioner: Yes, it would.

23290. (*Mr. Scanlan.*) When did you come to this conclusion with reference to the boatage for the "Titanic"? - I did not specially consider the "Titanic" before the disaster.

The Commissioner: You do not follow what Mr. Scanlan means. When did you come to this conclusion with reference to these big boats? - Some months back, my Lord; in fact, when the Report of the Advisory Committee was presented, and I went into the matter, I had this in my mind. But it was complicated by a matter which was of a very serious import, and upon that matter hangs the whole of the so-called delay which has taken place between the 4th July and the 4th April.

23291. 4th July, 1911, and the 4th April, 1912? - Yes, my Lord. The import of that was I had several matters to consider. In the course of my experience I had realised that the boats that were supplied to ships as lifeboats had been steadily deteriorating in form. I may say that is my opinion. And it appeared to me not only undesirable, but it would have been wrong in my opinion, with those ideas, to advocate a very large extension of the boat scale; in other words, piling up a large number of boats on to a ship with the knowledge that I had in my mind at the time that those boats were not well adapted for that purpose. In other words, I was impressed with the view that in anything but the calmest weather those boats would not be able to carry in safety the number of people for which they measured; and therefore it was unnecessary under those circumstances to associate with the Report of the Advisory Committee this question of the proper form of the ship's lifeboats. That is the object that I had in view. That is the sole cause of the delay which has been attributed to the Board of Trade in this matter.

23292. Do you wish us to understand that the boats of the "Titanic" were not in a proper form? - I am not alluding to the "Titanic," my Lord; I am alluding to the general question of the boats. I believe from what I have seen of the boats that have been turned out from the yard of Harland and Wolff that those boats are of the proper form. They are of very good form. But there were many ships' boats turned out, and still are, of a form which is not the best form that can be used on board ship. I may as well say while I am on this subject, that the Marine Department of the Board of Trade naturally would not take my assertion simply as an assertion, but they felt it was necessary that that assertion should be verified, and therefore they issued instructions for boats to be experimented with around the coast with a complement of persons for which the boats measured. I have no hesitation in saying that the results of those investigations and experiments have fully justified the action which I took on receipt of the Advisory Committee's report.

23293. I have never heard of those experiments. Were those experiments actually made? - I have them here, my Lord.

23294. Perhaps you will answer the question first. Were they actually made? - They were.

23295. Where were they made? - Mainly London, Liverpool and Glasgow.

23296. That is quite enough. Now when were they made? - May I read a short statement of the particulars, my Lord.

23297. Yes, but do not forget that I want to know when the experiments were made? - I will give you the dates, first, February the 6th.

23298. What year? - 1911. I am only starting with that in order to get the proper sequence. "In connection with the revision of the Rules for Life-saving Appliances, the Board early in 1911 asked the Principal Officers at London, Liverpool and Glasgow for their observations on the extension of the Boat Table. The two former referred in their replies to the advisability of limiting the size of lifeboats, as the depth would be unduly increased; and the actual accommodation lessened, as compared with the calculated capacity. The London Principal Officer forwarded on April 19th a report respecting defective boats on certain vessels after only a

few months' use, and it was mentioned that there was a tendency to build boats with too great a depth in order to increase the cubic capacity. The Board thereupon wrote to the Advisory Committee on 17th May, asking whether it would be advisable to prescribe a maximum depth for boats, compared with their breadth, and, if so, what that proportion should be." I may state here this is the preliminary investigation which preceded the experiments which were inaugurated after my assertions. "On the 19th May, the Advisory Committee applied semi-officially for particulars as to the length, breadth, and depth of various kinds of lifeboats in use in the mercantile marine, and on the 24th May the Board forwarded reports from Principal Officers giving the desired information for the various kinds of boats on typical ships. The Advisory Committee replied to the Board on the various matters under consideration on the 4th July," - that is the 4th July, 1911 - "and, as regards the proportions of ship's boats, recommended the alteration of the Life-saving Appliances Rules to provide that, in future, the depth of lifeboats should not exceed 14 percent of their breadth." We had this the other day, my Lord. "This recommendation was submitted to the Principal Ship Surveyor on the 8th July, and on the 11th July he suggested that Principal Officers might test different types of boat with a full complement of persons, and report the result of the tests with reference to height of gunwale, stability, and the use of the oars." This second series of experiments was in consequence of the assertions which I have referred to. "This suggestion was approved on the 15th July, and a minute was sent to the Principal Officers at London, Liverpool, and Glasgow on the 21st July requesting that practical tests should be made with a view to determining - (a) a standard type of boat, (b) a maximum depth, (c) a maximum proportion of depth to breadth, and that full details should be given, with drawings of the best and worst forms tested, and notes on the height of gunwales, use of the oars, and the question of stability. The first report was received from the London Principal Officer on August 25th, and related to two boats that had been tested. (a) A Section A boat, calculated accommodation for sixty-six persons. This boat, when fully loaded, was overcrowded and top-heavy, and could not have gone outside the dock gate. It would have been well loaded with ten men less." That is one of the first experiments, my Lord. "(b) A Section D boat of similar dimensions, to carry eighty-two persons. The test showed that even if such a number could have been put into the boat it would have been unsafe. A further report from the London Principal Officer was received on September 19th, and gave results of tests as follows: (a) September 3rd, Captain Clarke, at Southampton, examined one of the strongest and roomiest boats he could find. When fully loaded, it was very crowded, and a little tender. (b) September 5th, Captain Clarke examined a D boat, with very fine lines; a poor type. This boat had calculated accommodation for 29 persons; with the divisor 8 this number was excessive, and even with a divisor of 10 the calculated number would have been too large. The gunwale was put awash by one man moving from port to starboard. Captain Clarke considered the boat would capsize in a moderate sea with only 24 persons. (c) September 12th. Mr. Cheyney, at Yarmouth, found a D boat, built to hold 10 persons, unstable with that number in it. (d) September 15th, Captain Griffith tested a Section A boat in one of the London Docks. This boat was 4.1 feet deep, and was calculated to hold 66. In order to get the men in, they had to sit on the gunwale, and the boat was unstable in perfectly still water. (e) On September 16th, Mr. Penney, of London, suggested the divisor 12, instead of 10 or 8, for determining the number of persons a boat would accommodate. On November 3rd the Glasgow Principal Officer forwarded reports of tests as follows: (a) Mr. Gemmell's report, dated 25th October, referred to the inspection and testing of eight boats of various types. They were all found to be satisfactory. (b) Mr. Sullivan, on 3rd November, reported having examined five boats, of which four were quite satisfactory, affording ample space, and the other, a steel Section A boat, was unstable, being built on fine lines. The report from the Liverpool Principal Officer (which was dated the 11th November) was

stated to have been delayed owing to the recent labour troubles. The Principal Officer forwarded details by Mr. Jenkins, the Senior Ship Surveyor, of eight tests that he had made. Of these, four were quite satisfactory, three were not good, and one was bad owing to the fact that the fullness of the form of the boat tested was not carried sufficiently toward the ends. The Surveyor remarked on the dangerous nature of the tendency towards excessive depth in boats. A further report was received from the Liverpool Principal Officer, dated November 15th, with remarks by two nautical Surveyors, Messrs. Rice and Jenkin. They recommended a minimum depth of 3 ft. 4 in. or breadth by 4, and a breadth of length of 3.5. This was a mere matter of discussion which we went into, and did not quite agree with. "A summary of all these reports was drawn up and completed on January 4th, 1912, and the Principal Ship Surveyor was asked for his observations on the whole question. The Principal Ship Surveyor was away ill at this time and the matter was taken up by Mr. Daniel, an officer in his department acting as his deputy, who reviewed the reports of the Surveyors and their suggestions. He replied on the 27th January. The substance of his report is as follows: - "The question of the Form of Boat is important. Boats are generally built 'to the eye' with simply a midship mould. It has been found that boats of the same dimensions differ considerably in *actual* carrying capacity. Mr. Daniel therefore suggested the following method: - A boat should not be regarded as capable of accommodating the number of persons for which it measures according to the Rules unless it has $\frac{1}{2}$ inch of sheer per foot of length, and unless the half girth amidships is at least 90 percent of the sum of the depth and half breadth, and the mean of the half girths measured at one-quarter of the boat's length from stern to sternpost is at least 80 percent of the sum of the depth and maximum half breadth. If these conditions are not complied with, the number of persons is to be determined by practical test in the water. A draft amendment of the General Rules on these lines." I desire this to be perfectly understood, as I have no doubt your Lordship will perfectly understand it. "A draft amendment of the General Rules on these lines was prepared on February 1st, and it was decided to submit the matter again to the Advisory Committee. Memoranda on other subjects were at the same time being prepared, and eventually the whole of the subjects that had been under consideration were, on the decision of Sir Walter Howell (4th April), embodied in one letter, which was addressed to the Committee on April 16th."

23299. That leads up to the two letters of the 4th and the 16th of April? - Yes, my Lord.

23300. (*Mr. Scanlan.*) Would you mind saying when it was that you came to the conclusion that with respect to ships of the size of the "Titanic" you should have boat accommodation for 2,730 people? - I came to that conclusion in the month of February, 1911.

23300a. (*The Commissioner.*) You mean 1911? - Yes, my Lord. I first went into the subject when I was Principal Officer and Emigration Officer for Liverpool.

23301. What was your position then? - I was Principal Officer and Emigration Officer for the Port of Liverpool.

23302. Residing in Liverpool? - Residing in Liverpool.

23303. You were not at the Board of Trade? - I was not at Whitehall; no, my Lord.

23304. (*Mr. Scanlan.*) You have entertained this opinion constantly since 1st September, 1911, when you attained to this present position? - I have continued of that opinion.

23305. If effect had been given to your opinion the "Titanic" would have been boated up to that extent to give accommodation for 2,730 persons? - She would, possibly. I do not say that she would, because I was not the only one concerned in it.

23306. You were the principal authority? - At one time, latterly.

23307. I mean from September, 1911? - Yes, that is right.

23308. You were the Principal Officer and you were the man to give advice? - Exactly. I gave that advice.

23309. To whom did you give that advice? - I gave that advice to the Marine Department. The advice that I refer to was the advice that the form of boats could not be dissociated from the increase in their number.

23310. When did you give to the Marine Department of the Board of Trade this advice that a boat of the size of the "Titanic" should have accommodation for 2,730 persons? - That advice was given - I forget the precise date, but it was during the course of February, 1911, before I was appointed to my present position.

23311. To whom was it given? - It was reported to the Board of Trade.

23312. Do you mean to Sir Walter Howell? - Exactly, the Assistant Secretary.

23313. (*The Commissioner.*) How was it given? - I might as well lay this matter out quite straight. The reason for the report -

23314. (*Mr. Scanlan.*) That is not the question. You were asked in what form was your advice given? - It was given in the form of a report.

23315. A letter? - A letter that was asked for by my own department. That is what I want you to understand.

23316. (*The Commissioner.*) Now where is that letter? - That would be included in the Minutes, my Lord.

23317. Where are the Minutes? - They can be brought here, no doubt.

The Commissioner: Mr. Aspinall, I must see that minute.

Mr. Butler Aspinall: Yes, I was just asking about that.

The Commissioner: Is Sir Walter Howell here?

Sir Walter Howell: Yes, my Lord.

23318. (*The Commissioner.*) Do you remember this letter, Sir Walter?

Sir Walter Howell: Only generally, my Lord.

23319. (*The Commissioner.*) I do not know what that means.

Sir Walter Howell: I do not remember the terms at all.

23320. (*The Commissioner.*) Do you remember a letter from this Witness to your department of the Board of Trade, stating that for vessels of the size of the "Titanic" there ought to be lifeboat accommodation calculated to take 2,730 persons?

Sir Walter Howell: No, I do not remember it.

The Witness: It was not put into that form, my Lord; it was not based on the capacity; it was based on the number of boats, 26 boats.

23321. (*The Commissioner.*) It seems to me to come to the same thing, and if you like I will put the question in another way. Did you send anything in writing from Liverpool to the Board of Trade in or about February, 1911, which would or ought to convey to people at the Board of Trade that vessels of the size of the "Titanic" ought to be furnished with lifeboat accommodation for 2,730 people? - Yes, up to 50,000 tons.

23322. Very well. That is beyond the size of the "Titanic." Now I want to see that letter? - That can be furnished, no doubt.

Mr. Butler Aspinall: Your Lordship shall have it.

The Commissioner: You will get it, Mr. Aspinall?

Mr. Butler Aspinall: Yes, my Lord.

23323. (*The Commissioner.*) And then I want to know this, if you can tell me. I assume for the moment that it was sent. Why was it not acted upon? - I believe it was acted upon to a certain extent in that it was compared with the reports that the Marine Department of the Board of Trade receive at about the same time from the Principal Officers of London and Glasgow.

23324. Do you know what I mean by "acted upon"? By that expression I mean this: Why was the communication not sent to the builders of the "Titanic" - I do not know what position the

"Olympic" was in at this time - to say that they would be required, or ought to provide this accommodation? Do you follow my question? - I do, perfectly. I am not in a position to say why that recommendation of mine was not acted upon, in that I was a subordinate officer of the department residing at Liverpool at the time, and consequently when that letter left my hands it was laid before the Marine Department, and I had nothing further to do with it.

23325. Then you are not able to tell us the history of your letter after you sent it in February, 1911? - I am able to give you some idea as to what transpired. As I say, it was compared with the recommendations of other officers in the Board's service, and it was not acted upon.

23326. Do you want me to infer from that that other officers did not agree with you? - They did to a certain extent. It was only a question of difference of degree.

23327. I do not know what that means, quite. Do you mean that other officers thought your requirements or suggestions were excessive? - That I do not know. I do not think so particularly, excepting that the Principal Officer at Glasgow, by recommending to the Board a smaller number of boats, one would infer that he disagreed. But that was not expressed to me. I only gathered that from the fact that he sent in a recommendation which was lower than mine.

23328. (*Mr. Scanlan.*) When you sent in this report in February, 1911, I presume it would go directly to Sir Walter Howell? - Yes, it would be addressed to the Assistant Secretary.

23329. Then you are able to tell us, because, of course, you know? - Oh, precisely - yes.

23330. It did go to Sir Walter Howell, and the officer who would be in a position to deal with it at that time was Sir Alfred Chalmers? - Yes, he was the Professional Officer, the principal member of the Marine Department at that period.

The Commissioner (To Sir Alfred Chalmers): Now, Sir Alfred, do you remember anything about this?

Sir Alfred Chalmers: Yes, I remember.

The Commissioner: Now stand up, please, and tell us what you remember.

Sir Alfred Chalmers: 8,200 cubic feet for the 26 boats, plus the 75 percent, which was 6,150, bringing the total to 14,350 cubic feet.

The Commissioner: That would not accommodate 2,730.

Sir Alfred Chalmers: No, 1,435. That is how I understand it. The reason it was not acted upon I cannot say.

The Commissioner: You see, your recollection of what the report conveyed is quite different from the recollection of this gentleman here.

Sir Alfred Chalmers: But the report will clear that up. I do not want to set my memory against his. My memory is clear that that was it.

Mr. Laing: Your Lordship will remember where this Witness gave evidence in chief he said 8,200 - 26 boats of 8,200.

23331. (*The Commissioner.*) The figures I took down were 15,600 for the 26 boats.

The Witness: We are on a different tack, my Lord. Mr. Scanlan asked if I would recommend boats of 600 cubic feet, and I said "Yes." And 26 boats of 600 cubic feet would amount to that. But as I said just now, when I referred to my letter from Liverpool, I did not advocate that same capacity in my Liverpool letter. I did not remember at the moment what that capacity was, but I did remember what the number of boats was that I recommended, and that was 26.

23332. (*The Commissioner - To the Witness.*) I am sure it is not your fault, but I have entirely misapprehended what you were saying. Do you mean to say that when you recommended in your letter of February, 1911, or your Report, whichever it was, that there should be 26 boats under davits, they were smaller boats than the 600 cubic feet boats? - Apparently they would be, my Lord.

23333. Then there seems to be very little in it? - I can tell you in a moment what it would come

to.

The Commissioner: I cannot blame you, Mr. Scanlan, because I have taken the same view of it that you have taken, up to the present time.

Mr. Scanlan: Of course, I take it we are getting the Report and the Minutes?

23334. (*The Commissioner.*) No doubt; we shall have it tomorrow.

The Witness: Practically 316 cubic feet they would come to.

23335. (*The Commissioner.*) Instead of 600? - Yes.

23336. How many people would they accommodate? - Thirty-one persons each.

23337. How many is it? - They would accommodate 820 people. That is boats under davits.

23338. And then add on the 3/4ths? - 1,432.

23339. How many people does that make altogether? - That would be 1,432 people.

23340. Now let me see whether I understand it properly. The boats that the "Titanic" carried were calculated to accommodate 1,178 persons. That is right, is it not? - Yes.

23341. If you are right about your recollection, the boats that you suggested a vessel of that size should carry would have accommodated 1,432? - That is correct.

The Commissioner: Is not that right?

Mr. Scanlan: That is how I calculated it on the new data, my Lord.

The Commissioner: I was making a very great mistake in my figures.

Mr. Laing: If your Lordship allowed for dispensation for the bulkheads you get down to a figure below that for which we had accommodation.

23342. (*The Commissioner.*) Yes, that is right, is it not, Captain Young?

The Witness: The figure you are alluding to?

23343. No, you heard what Mr. Laing said, that allowing for the dispensation that the "Titanic" would be entitled to under the Rule, because of the bulkheads, your recommendation for boat accommodation would be less than what the "Titanic" actually carried? - Precisely.

The Commissioner: I have been occupying a great deal of time about something which appears to me now to be very immaterial. But I think perhaps, Mr. Scanlan, it would be better if we waited until tomorrow morning. We will rise now and then you can see the documents tomorrow.

Mr. Scanlan: Yes, thank you, my Lord.

(*The Witness withdrew.*)

(*Adjourned to tomorrow, at 10.30 o'clock.*)

In the Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Friday, 14th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-FOURTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K. C., M.P. (*Attorney-General*), SIR JOHN SIMON, K. C., M.P. (*Solicitor-General*), MR. BUTLER ASPINALL, K. C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K. C., M.P., MR. F. LAING, K. C., MR. MAURICE HILL, K. C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K. C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K. C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Commissioner: I am very anxious, Mr. Attorney, to bring this Enquiry to an end as soon as we can. I was thinking of sitting tomorrow.

The Attorney-General: Very well, my Lord, I do not mind. If your Lordship thinks so, certainly. The one difficulty which strikes me about the evidence - we have been considering it this morning and that is why I asked your Lordship to give us a few minutes - is that the Captain of the "Carpathia," whom we intended to call, cannot possibly be here until the week after next.

The Commissioner: So I understand.

The Attorney-General: I was going to suggest that we should go on, finish the evidence, and begin speeches, deal with the speeches notwithstanding that the Captain of the "Carpathia" has not been called. It would save a lot of time.

The Commissioner: Yes, certainly.

The Attorney-General: And then, my Lord, a further point that has occurred to me is, I would like to know, and I am sure your Lordship would like to know, what evidence is to be called, if any, by any of my friends. I have called everybody.

The Commissioner: I am afraid of asking those questions, for I shall be told to wait and see.

The Attorney-General: By this time, at any rate, I think your Lordship has waited and perhaps we might now see.

The Commissioner: I have waited, but I have not seen.

The Attorney-General: I wanted to know. I am not asking so as to bind anybody, but I think it would be of assistance. I am prepared to call anybody who can throw any light on the Enquiry for any of my friends, but I cannot call anybody merely at the request of either of my friends or any of them without knowing what it is the Witnesses are to say, because that would be useless.

The Commissioner: Now, if you will sit down, I will wait and see if anyone rises.

Mr. Scanlan: Speaking for myself and my clients, I do not purpose calling any Witness. I did make a suggestion to the learned Attorney-General with reference to one Witness whose proof I had sent to me yesterday. I leave it entirely in his discretion whether he calls that Witness.

The Commissioner: I have no doubt, unless he thinks there is some very good reason for not calling him, he will call him.

The Attorney-General: I intend to call him.

Mr. Scanlan: That disposes of me.

The Commissioner: You are my difficulty, Mr. Edwards.

Mr. Edwards: I am sorry, my Lord, to act purely as a bogey-man to your Lordship.

The Commissioner: I do not feel in the least resentful.

Mr. Edwards: I do not know quite what I said that should lead your Lordship to that conclusion.

The Commissioner: We will not argue that question. I want to know whether you want to call any Witnesses.

Mr. Edwards: I wish to ask your Lordship's guidance; I am not certain whether from the point of view of the Enquiry somebody ought not to be called from one or other of the registration

societies like Lloyd's. If your Lordship thinks not, then I have no desire to call evidence.

The Commissioner: I think that we can get all the information we want. We shall find it all in the evidence that we have already had and the evidence which is to be added by the few Witnesses still to be called. Will you give me the 26th question and let me draw your attention to it. I want to read it with you, Mr. Edwards. "The Court is invited to report upon the Rules and Regulations made under the Merchant Shipping Acts 1894 to 1906 and the administration of those Acts and of such Rules and Regulations." Now I stop there for a moment, and then draw your attention to how that is cut down: "So far as the consideration thereof is material to this casualty." Now, if I thought that those words unduly cut down what we ought to do I should not regard them, but I do not think they do. I think they are very important words, and define our task as well as it can be defined; that is to say we are invited to report so far as the consideration of the Rules and Regulations and the Acts of Parliament is material to this casualty; "and to make any recommendations or suggestions that it may think fit, having regard to the circumstances of the casualty with a view to promoting the safety of vessels and persons at sea."

Now, it seems to me, we are not intended - and I said some time ago that I should never be in a position to undertake the task - to enter upon an Enquiry and to report upon all questions affecting the stability and safety of ships. We cannot do that. We must limit ourselves to making recommendations, and they will be nothing but recommendation, upon the matters that really are relevant to the Enquiry into this casualty.

Mr. Edwards: May I say, my Lord, upon that that I am quite sure that your Lordship in coming to your decision, will be faced with what I will call the relation between the sinkability of the ship and the question as to the extent to which there should be boating accommodation. Quite an essential element in what I may call the sinkability of the ship problem, of course, is this question of the number and character and strength of the bulkheads. Of course, it will be possible, if I may say so with respect, for your Lordship to take cognizance of the fact that already an expert Committee has been set up for the consideration of this problem of the bulkheads, and your Lordship may perhaps take the view that there is an insufficiency of evidence for you to come to an absolute and definite determination here on the question and may rather leave it open to that Committee. If that were so, I think that probably it would, if I may say so with respect, be inexpedient to go very extensively outside the evidence already obtained into the question of bulkheads, and, therefore, into the question of calling Witnesses from Lloyd's.

The Commissioner: That is the view I tried to express some days ago to the Attorney-General, and I requested him to limit the evidence to what I called evidence of a general character and not to attempt to go into detail, because I do not think this is the right tribunal to deal with questions of detail. They will be dealt with, I hope, and I expect, by the Committee that has been already appointed.

Mr. Edwards: Perhaps it is not quite the right moment, but as it will probably save time, may I suggest that your Lordship should consider with your Assessors a suggestion that the terms of Reference to this Advisory Committee which has been set up should be extended so as to consider the relation of boating accommodation with regard to bulkheads and sinkability.

The Commissioner: I think I have heard them, but I do not remember the Terms of Reference to that Committee.

Mr. Edwards: The Terms of Reference are, my Lord, to advise - "(1) As to what in their opinion would constitute efficient subdivision with regard to each of the classes of vessels included in the Rules for life-saving appliances, made by the Board of Trade under Section 427 of the Merchant Shipping Act, 1894, having due regard to the nature of the service in which they are respectively engaged, and, whether, independently of the foregoing, the Committee desire to make any recommendations with reference to the subdivision of vessels already built, or of new

vessels, which would, in their opinion, contribute to the safety of life at sea." I very much doubt whether those Terms of Reference are wide enough to allow them to consider or to deal with what I will call the relation of boating accommodation to sinkability.

The Commissioner: There appears to be a good deal in that, Mr. Attorney. I think there is a good deal in what Mr. Edwards says, that it is desirable that the Committee which is to Enquire into the question of bulkheads should, as a question pertinent to that one, enquire also into the provision of life-saving apparatus. You will, perhaps, think about it.

The Attorney-General: Yes.

The Commissioner: I will not ask you to answer the question now.

The Attorney-General: I quite appreciate what your Lordship means.

The Commissioner: I suppose the Board of Trade fixed the Terms of Reference to that Committee?

The Attorney-General: Yes.

The Commissioner: If the Board of Trade see no objection to it, I should myself like to see the Terms amended by including the matter mentioned by Mr. Edwards.

The Attorney-General: It is sufficient if your Lordship says that unless there is some insuperable objection of which I do not know at the present moment.

The Commissioner: Then, Mr. Edwards, I understand that neither you nor Mr. Scanlan will call any evidence?

Mr. Edwards: That is so, my Lord. There is one point I ought to clear up. I inadvertently, I am afraid, rather misled the Court the other day. In the mass of evidence it is a little difficult to tell what has come formally before the Court and what has come before me in another form, and I did say that Barrett in his evidence, as far as I remember, had spoken about a hole being bored in a watertight compartment between sections 5 and 6. That was not given in evidence. I have caused very careful enquiries to be made, and even supposing the statement to be correct, I am given to understand it would not in the least degree interfere with or detract from the strength of that bulkhead as affected by the fire.

The Commissioner: Very well. Then, in any event, it becomes immaterial.

Mr. Edwards: Yes.

The Commissioner: Now, do you desire to call evidence, Mr. Harbinson?

Mr. Harbinson: No, my Lord. I have considered this question very carefully, and the survivors of the class I represent are in America, and, of course, it would, under the circumstances, be impossible for me to call evidence. I shall confine myself to comment.

The Commissioner: That is sufficient.

Mr. Laing: Sir Robert Finlay mentioned to your Lordship some time ago that we had two Captains, simply about the practice of navigation, and one of them is important, because he was navigating at about the time when this accident happened.

The Attorney-General: Will he be here on Monday?

Mr. Laing: Oh, yes.

The Commissioner: I do not see Mr. Dunlop here, who represented the "Californian."

The Attorney-General: May I say this with reference to that, because that brings us to another point which I was going to raise at the end of the evidence, but I might raise it now, because it is convenient. There are questions, and at the end of the evidence, according to the practice, it would be my duty to submit to your Lordship any further questions which ought to be put in addition to those I placed before the Court at the beginning of the Enquiry. According to my view at present - and I do not think anything is likely to occur which will alter it - the only question which should be added is one relating to what I may call compendiously the "Californian" incident. There is no question in the twenty-six before you which would cover that. It does occur to me and to my friend the Solicitor-General associated with me in it, that it is important that the question should be specifically put and that your

Lordship should take it into account, and that it ought not to be passed over merely as a matter throwing some general light upon the Enquiry. It has been already examined into, and my friend Mr. Dunlop has been here representing the "Californian," and, therefore, we ought to put the question and ask your Lordship to answer it.

The Commissioner: Quite so. I do not suppose I have any jurisdiction to direct that the Captain's certificate should be interfered with?

The Attorney-General: No, I think that only arises in a collision between two vessels. Then there is jurisdiction.

The Commissioner: Assume that I take a view adverse to the conduct of the Captain of the "Californian," all I can do is to express an opinion about it?

The Attorney-General: Yes. What we were going to ask your Lordship to do was to express your view upon the evidence which you have heard, and to give us the benefit of your Lordship's conclusions of fact.

The Commissioner: Quite.

The Attorney-General: And then we shall be able to consider it.

The Commissioner: I think that disposes of that.

The Attorney-General: May I say one thing more with the object of clearing the ground? I say this with special reference to my friend Mr. Duke and his appearance in this Court, which your Lordship will remember, for Sir Cosmo and Lady Duff-Gordon. The view I take of that incident, as I indicated to your Lordship before I called the Witnesses, is that the conduct - I am not making any comment upon it - of Sir Cosmo and Lady Duff-Gordon is quite immaterial in this Enquiry. The only point of calling them was that it threw some light upon a suggestion which might appear to underlie or might underlie one part of Hendrickson's statement about the bribery not to go back; therefore, it became very essential to call them; and the only way in which I propose to comment upon their evidence or deal with it is, not in reference to any personal part, neither to ask for nor to express any opinion whether they were right or wrong in the view they might have taken, but only to use it in reference to the conduct of the man in charge of that boat, Symons, and that only in connection with the boats which we have to deal with both generally and specifically. That particular boat, of course, must form the subject of a good deal of comment and a good deal of criticism. It is only in reference to that I wish to say anything. I say that now so that my friend Mr. Duke, who appeared for them, may know that, so far at any rate as I am concerned, I intend to make and shall make no further comment or criticism upon Sir Cosmo and Lady Duff-Gordon.

The Commissioner: Well, I have been thinking about it also, and at present I am of opinion that I am not required, and ought not to express opinions upon the conduct of individuals in the position of passengers.

The Attorney-General: Quite.

The Commissioner: Different considerations may arise with reference to Mr. Ismay.

The Attorney-General: Yes.

The Commissioner: I will say nothing about that at present. There is one other matter. I wish to know in what order you intend to address me.

The Attorney-General: The practice is that I should address you last. I have been thinking about it and considering whether any useful purpose would be served if we departed from that practice. My view is that we should save no time, but, on the contrary, in the end probably it would take more time, there would be a greater expenditure of time if we departed from that course, because, as your Lordship sees, the questions which have been put and which are in writing state quite clearly what the points are to which my friends representing the various interests would have to direct their observations and arguments to your Lordship. I was thinking of this to see what assistance could be given to the Court, and whether there was any useful purpose in departing from the usual practice. If I were to sum up the

whole of the evidence the difficulty would be that upon that we should have, no doubt, argument as to the inferences which were to be drawn by my friends in reference to their various clients; and then, of course, I should have to reply to that, and that would mean again going through the evidence. Therefore, that seems to me the proper course to follow, subject to anything your Lordship may say; I am not intending to state any definite view that I take about it, except that, as the result of consideration, that is the conclusion I have arrived at. Then my friends will, in the ordinary course, and I think in the order in which they have been conducting the Enquiry so far as their clients are concerned, address your Lordship, and only, of course, in reference to the particular interest which they do represent; and then Sir Robert Finlay will address your Lordship for the White Star Company - he knows exactly what points are raised by us - and then I should have to sum up the whole case, because I have to deal, of course, with the twenty-six questions. I think that would be the proper course to take.

The Commissioner: Well, I am not sure that you are not right. It occurred to me that it might be convenient that I should hear you first, and that I should hear the others afterwards, finishing with Sir Robert Finlay, and then that you should reply.

The Attorney-General: I think your Lordship would find that it would take up much more time than the other way.

The Commissioner: I would very much rather take your guidance in that matter than my own.

The Attorney-General: We have considered it carefully, and my impression is it would be more useful that we should follow the usual course, and certainly it would save considerable time.

The Commissioner: Very well, I daresay that will inflict no hardship upon the other people.

Mr. Laing: I was just considering that. Sir Robert Finlay will address your Lordship upon the points that appear to him to be relevant, and then the Attorney-General will reply, and if that practice is pursued we shall have no reply.

The Attorney-General: It is the invariable practice.

The Commissioner: That is why I suggested it would be convenient if the Attorney-General began first, and finished.

The Attorney-General: I do not understand why the invariable practice should be departed from.

The Commissioner: I do not know what it is.

The Attorney-General: I am telling your Lordship, and you will find it both in the statute and in the Rules and Regulations.

The Commissioner: Is there any one here who knows the procedure?

The Attorney-General: It is provided for; there is no question about it. I referred to it in opening, but I will give your Lordship the reference again. It is the invariable practice, and it is also the prescribed practice.

The Commissioner: Oh well, if it is the prescribed practice that is an end of it.

The Attorney-General: We have been following rather a convenient course in this case of adopting your Lordship's suggestions; but it is provided for. I will call your Lordship's attention to it a little later.

The Commissioner: Mr. Laing knows all about this?

Mr. Laing: Oh yes, I know the usual practice.

The Commissioner: Is that the usual practice?

Mr. Laing: Oh yes, as a Rule; when these enquiries are conducted into wrecks and so on, charges are formulated against particular people and the Counsel representing the particular people know what to deal with; but, so far as I understand these twenty-six questions, there are no specific charges made at all.

The Commissioner: Oh yes - not in the shape of a charge, it is true, but questions are asked which point to my possibly deciding that you have been guilty of negligence in the matter of speed and in the matter of look-out, and, possibly, in the matter of track

Mr. Laing: That is quite clear; I have no difficulty about that; but what I have in my mind is that the

Attorney-General suggested the other day, in a discussion between him and Sir Robert Finlay, that he was going to make (I think his words were) strong comment on the conduct of Mr. Ismay.

The Attorney-General: I did not use those words.

Mr. Laing: I am not quite sure what the words were, but he indicated he was going to put forward some charge against Mr. Ismay, and was going to ask the Court not to accept his evidence. That is how I understood the words which fell from my friend, the Attorney-General.

The Attorney-General: Not quite that.

Mr. Laing: Of course, it would be very desirable we should know what is going to be said before Sir Robert has to deal with it.

The Attorney-General: I remember the passage perfectly well.

The Commissioner: I remember it, too.

Mr. Laing: May I read it?

The Attorney-General: My Lord says he remembers it, and so do I.

The Commissioner: And if it is any consolation to you, Mr. Laing, I do not think there was very much in the point.

Mr. Laing: I do not think I shall offer any further opposition to the course suggested to be adopted.

The Attorney-General: All I wish to guard against is, whatever comment I am going to make I have suggested in the course of the case. What your Lordship will think of it you will determine when you have heard it, but my friend, Mr. Laing, must not take this course; he must not, in consequence of what your Lordship said, say, "Very well, I will take no notice of it," and then, when I come to deal with the case, if your Lordship thinks anything of it, say that he has not had notice of it. That is the point.

The Commissioner: Oh, no, the notice was clearly given a few days ago by you.

The Attorney-General: Quite.

The Commissioner: And, therefore, there is ample notice.

The Attorney-General: If my friend wishes it, I have no objection, we will put a specific question in regard to Mr. Ismay.

The Commissioner: No, no.

The Attorney-General: But it did not seem to be necessary, because what I have to say is covered entirely by the questions.

The Commissioner: After all, the question of the conduct of Mr. Ismay is only material to the extent to which he was said to have improperly influenced the conduct of the Captain.

The Attorney-General: Yes, and so far as it affected the navigation of the ship, and what was done on the ship. I will say at once, so that my friend may know, that I am not going to make any comment with regard to Mr. Ismay's conduct in leaving the ship on the boat at that particular moment. I make no observation, and I intend to make no observation with regard to that. I only say this, that I think it is always a very difficult thing to determine in the special circumstances whether or not he took the right course; and I rather suggest also, with respect, that it involves considerations which are not quite those which ought to guide the Court in this Enquiry.

The Commissioner: I absolutely agree with you.

Mr. Laing: After what my friend has said I think Sir Robert Finlay will have ample grounds on which he will be able to address your Lordship before my friend, and, therefore, I offer no further opposition.

Mr. Edwards: With this one consideration, my Lord. It is said by the Attorney-General that there is no reason why there should be any departure from the ordinary practice in relation to these Enquiries; but there is this distinction between this Enquiry and others, which I would suggest to your Lordship, and that is this, that not only is there a question here of the conduct of the owners of the "Titanic," but there is also a question here as to the conduct of the Marine Department of the Board of Trade. Now, the learned Attorney-General is here, of course, in a dual capacity. He represents the Board of Trade, as he represents those who are responsible for formulating the charges. Now, I do suggest if he does not

begin the address to your Lordship on the general question, he at least ought to be in the position of addressing your Lordship on behalf of the Board of Trade, so that those of us who stand in a position somewhat adverse to the conduct of the Marine Department of the Board of Trade should have an opportunity of replying to whatever defense is set up.

The Commissioner: I do not think I should allow that, Mr. Edwards. I regard you and Mr. Scanlan and various others - but you two mainly - as the accusers of the Board of Trade, and I shall expect you to put forward your case against the Board of Trade, and to explain to me what it is you allege against the conduct of the Board of Trade, and the Attorney-General will deal with that, not in the spirit of an advocate for the Board of Trade, but as a man trying to assist me, and nothing else; and I think, myself, if I may say so, that he has taken that course, so far, quite impartially.

ALFRED YOUNG, Recalled.

23344. (*The Commissioner:*) You were to bring us something this morning? - Yes, a recommendation of mine made from Liverpool.

23345. During the tenure of office of Sir Alfred Chalmers? - Yes, my Lord.

23346. Have you got it? - I have it here.

23347. Is it very long? - No, not at all.

23348. Then perhaps you will read it? - Before I read that letter, may I have your permission to read the original letter from the Board of Trade desiring me to make these recommendations?

23349. Yes. - The Minute runs thus: "The Board have under consideration the question of amending the present requirements of the Statutory Rules for life-saving appliances as regards the boats to be carried on passenger steamers of over 12,000 tons gross. The amendment would consist of an extension of the Table in the Appendix to the Rules specifying the boats to be carried under davits on vessels up to 50,000 tons gross and over."

23350. What is the date? - The 18th February, 1911. "It is suggested that the extension should proceed by divisions of 5,000 tons as indicated on the accompanying sheet, and Captain Young is requested to be so good as to indicate on the sheet a draft of the extension which he considers would be practicable, and would provide in a satisfactory and reasonable manner for the conditions of the large passenger steamers. It is not intended that the boat capacity on vessels included in the extension should necessarily increase in a regular proportion according to the increase in tonnage, the object being rather to arrive at a scale which may be regarded as satisfactory, but will also be entirely practicable and reasonable. Attention is also directed to the Rule of 19th April, 1910, as to the stowage of boats required to be placed under davits." That was a Rule allowing one-fourth of the boats that the Table required to be placed under davits to be carried inboard abreast of the davits. "It will be borne in mind that the capacity of the additional boats or rafts required to by Clause (d) of Division (A.) Class 1 of the Rules is governed by the capacity of the boats required to be placed under davits. Captain Young is also requested to furnish the Board with his views generally on the question of the boat capacity which should be provided on these large vessels taking into consideration the present methods of ship construction, the filling of watertight compartments, the provisions of separate boat decks and winches, and any other point which may be regarded as bearing on the subject." That is a letter addressed to me by the Marine Department of the Board of Trade when I was in Liverpool and desiring me to reply.

23351. Signed by whom? - Signed by the Assistant Secretary, Sir Walter Howell.

Further examined by Mr. SCANLAN.

23352. Is this a circular letter sent to all the superintendents? - It is a circular letter individually sent on separate Minutes, not to superintendents, but to certain of the Principal Officers of the Board of

Trade.

23353. I suppose everybody replied as you did? - They replied practically in the same way.

The Attorney-General: There are three. Two were asked besides this Witness.

The Commissioner: At what ports; this gentleman was Liverpool.

23354. (*The Attorney-General.*) I can only tell by the names, Captain Parke and Mr. Harris.

The Witness: At Liverpool, London, and Glasgow.

23355. (*Mr. Scanlan.*) You advised from Liverpool? - Yes.

23356. From your experience at Liverpool? - Yes.

23356a. Now, what did you advise? - My letter runs thus: "3rd March, 1911. - Sir, - I have indicated on the above minute, as desired, what I consider a reasonable addition to the scale for boats hitherto provided for by the Rules. It may at first sight be thought that the increase recommended is too small to be satisfactory, but various considerations have led me to fix upon the proportions shown. It occurred to me that it is manifestly impracticable to provide boats sufficient in number and capacity to accommodate the entire number of passengers and crew that the modern large liner can carry. Owing to the enormous expense involved in running such high-speed steamers as the 'Lusitania' and 'Mauretania' shipowners are arriving at the conviction that new vessels - particularly for the North Atlantic service - should be of less speed and carry more cargo, and it may be, therefore, that vessels of the type and size of the 'Olympic' may be of 50,000 tons gross, and more, and yet carry fewer passengers and crew than vessels of 20,000 tons to 30,000 tons gross. The question may also be viewed in conjunction with the Manning Scale for Emigrant Ships, as of what avail would a large number of boats be if there were not enough deckhands to properly tend them when launched in an emergency, i.e., not enough seamen trained to pull an oar and to steer? But even supposing there were enough sailors to man the boats, assuming for this purpose a proportion of firemen and stewards able to handle an oar, the question still remains - what number of boats would be deemed reasonable, and why should any particular number above the present scale be deemed necessary - seeing that the 'Lusitania,' say, has been running for some time provided with boats sufficient only for 978 persons, leaving about 2,000 persons unprovided for save by lifebelts? Taking it for granted, however, that a considerable number of persons must be excluded from the boats under any circumstances, what we have to do apparently is to seek for a number of boats which will afford a greater assurance of safety to the travelling public. While the scale as it stands requires vessels up to 10,000 tons to provide boats which may be regarded as fairly adequate for the number of persons usually carried on such vessels, it should not be lost sight of that vessels greatly exceeding this tonnage have at present unintentional preferential treatment due to the sudden termination of the scale, and from a competitive point of view are bound to score over the vessels of scale tonnage, and this in itself apart from other considerations, shows the need, I think, for an extension on reasonable lines. By the additions to the scale herewith submitted I have endeavoured to meet this point as well as the primary one of ensuring means of safety for a greater number of persons. For this purpose I have drawn up the comparative statement (attached) of the number of passengers and crews usually carried on vessels of different tonnages by which it will be seen that the greatest increase in the total number of persons carried is apparently in vessels ranging between 15,000 and 25,000 tons, hence the greater increase in boat capacity suggested for vessels between these tonnages."

23357. (*The Commissioner.*) That is 25,000 tons? - Between 15,000 and 25,000 tons, my Lord, that is where we find the greatest number of passengers are carried. "Following this line of argument and referring also to my remarks, page 1, last paragraph, it appears natural to recommend a smaller increase to the number of boats to be provided after 30,000 tons has been reached, and I think I am to some extent justified in assuming the probability that vessels in the future exceeding a size of 30,000 tons will increase their cargo-carrying capacity in greater proportion than their passenger accommodation. In consideration, however, of the comparatively small increase in the

number of boats suggested for the extension of the scale, I have had in view the desirability that a condition should be attached making for such a construction of watertight bulkheads as will effectually resist the greatest pressure of water that such bulkheads would be liable to with a compartment full of water and the ship down by the head or stern. It will be seen in the comparative statement referred to that if the total boat capacities there shown are divided by the total number of persons on any vessel we have with few exceptions a quotient say of 5 cubic feet per person carried. However, this figure is a result rather than a basis for calculation. In any scale," I desire particular attention to this, "in any scale however that can reasonably be applied to the larger passenger vessels, there must usually be a large number of persons on board for whom there can be no boat accommodation, and therefore subdivision of the ship into real effective watertight compartments must be, in my opinion, the main factor to be relied on. Finally, in order to prevent abnormally-sized boats being placed under davits in an effort to cram the entire capacity required into the number of boats that a vessel must have under davits, I submit that a Rule might be made by which only one-half of the additional capacities shown in the three-fourths column may be allowed to be included in the boats which a vessel must carry under davits as per scale. Any other boats which might be needed to contain the balance of the three-fourths column may, of course, be placed abreast any of the davits as convenient. I may mention here that the 'Lusitania' and 'Mauretania' have their entire capacities made up in 16 boats, each with a length of 30 feet and equal to 600 cubic feet; they are very heavy, and difficult to handle. I further submit that those boats which may contain the three-fourths additional capacity should not be larger than 500 cubic feet, as it is very desirable that boats not regarded as being under davits should be of such a size as to be fairly readily shifted, and any boat longer than 28 feet would be cumbersome under such circumstances." That is the letter of recommendation that I sent to the Marine Department on March 3rd.

23358. (*Mr. Scanlan.*) I think you said you had indicated on a Minute what increase you were to recommend, or the scale. Have you the scale? - Yes, I have it here.

23359. What did you recommend in the scale for vessels of 45,000 to 50,000 tons gross?

23360. (*The Commissioner.*) I do not understand his scale went that far? - Yes, my Lord, I attached a scale.

23361. I thought you limited your consideration to vessels of 25,000 tons? - No, my Lord, that was in a comparative statement which I attached, showing how it was that although the tonnage of a passenger ship might very largely increase, it did not follow that the number of passengers increased in proportion, and, consequently, I made this table out to show that between 15,000 and 25,000 tons gross the passengers carried were at a maximum. After 30,000 tons they decreased, relatively.

23362. At a maximum compared with the tonnage? - Yes.

23363. (*Mr. Scanlan.*) These are the reasons for the recommendations you made. What were your recommendations for ships of the size of the "Titanic"; how many boats in the first place? - For a vessel of the tonnage of the "Titanic" say from 45,000 to 50,000 tons gross, twenty-four boats under davits.

23364. (*The Commissioner.*) Of what capacity? - With a capacity of 10,900 cubic feet.

How much is that?

Mr. Scanlan: What cubic capacity for each boat?

The Commissioner: About 500, is it not.

23365. (*The Attorney-General.*) Rather less.

The Witness: 454.

23366. (*The Commissioner.*) Twenty-four boats under davits with a cubic capacity of 10,900 feet? - Yes.

23367. What else did you reckon? - Then there would be the three-fourths additional to go on to that, which would bring it up to 19,075 cubic feet.

23368. As much as that? - Yes.

23369. (*Mr. Scanlan.*) You allowed three-fourths, regardless of the boats to be carried, to make up that three-fourths - collapsibles or rafts, or whatever the Board of Trade would approve of? - Yes.

23370. But what would have been provided if effect had been given to your recommendation? There would have been lifeboat accommodation for 1,975 persons. Am I correct? - 1,090 for the 24 boats actually under davits.

23371. Yes, and with the three-fourths additional? - Then we should have a space for 1,907 persons. That is up to 50,000 tons gross. Then for 50,000 tons and upwards, 26 boats, with a capacity of 11,000 cubic feet.

The Commissioner: You need not trouble about that.

Mr. Scanlan: No, my Lord. (*To the Witness.*) Can you give us the views expressed by the other officers. Two other officers were appealed to besides you.

23372. (*The Commissioner.*) Let me be clear about this. Do the figures you have just given us relate to boats of 45,000 or to 50,000 tons? - 45,000 tons to 50,000 tons.

23373. Then the figures relate to boats of 45,000 tons? - Yes, they do, from 45,000 to 50,000.

23374. And therefore would relate to a vessel of the size of the "Titanic"? - They would, my Lord, yes.

23375. (*Mr. Scanlan.*) Now, with regard to the other recommendations made, from London and Glasgow. Perhaps you will tell me how their recommendations compare with yours, if you can give us the figures? - I have not got the figures here. But I may as well say that the London Principal Officer agreed very fairly with these figures, but the Glasgow Principal Officer was considerably below.

The Attorney-General: I will have these documents got, the reports of the other officers. I had not intended to call them, and I do not think it is any use to call them, because the only point is what report they made.

23376. (*Mr. Scanlan.*) I will take it that one officer agreed with you, and the estimate of the other was lower. Now on those reports what happened, to whom were they submitted? - They were submitted to the Assistant Secretary of the Marine Department and also from him to the Professional Advisor.

23377. (*The Commissioner.*) Will you give those gentlemen's names? - Sir Walter Howell and finally to Sir Alfred Chalmers.

23378. (*Mr. Scanlan.*) Have you the minute relating to the submission of those reports and stating what effect, if any, was given to them? I want to know how those reports were dealt with? - They were commented upon by the professional member, Sir Alfred Chalmers, and it was decided to make certain recommendations to the Advisory Committee; but in order to give the Advisory Committee a free hand and get an unbiased opinion, which would assist us in the matter, we did not deem it desirable to hand on the reports of our officers.

23379. I want to know what those gentlemen you have told us of decided on those reports? - The Advisory Committee or the Department?

23380. The Department of the Board of Trade? - As I say, they decided that it was a matter which should be submitted to the Advisory Committee.

23381. You agreed to produce the minute. Does the minute which you were asked to produce and which I understand you have there? - Yes.

23382. Contain the decision of those gentlemen? - I do not think it does; no, I have not it on these minutes.

23383. (*The Attorney-General.*) I think I have it. Just look at this. It looks to me like Sir Walter Howell's initial, 24th March, beginning: "We may now send this matter to the Advisory Committee" (*Handing same to the Witness.*)? - Yes, this is quite correct. This is the minute dealing with the matter.

23384. (*Mr. Scanlan.*) Read to my Lord the portion of the Minute which gives the decision arrived at by Sir Alfred Chalmers and Sir Walter Howell on this matter, on the report submitted? - Certainly. On the 24th March, 1911, Sir Alfred Chalmers wrote: "I have gone carefully into all these reports and tables

submitted by Mr. Archer and the Principal Officers of Liverpool, London and Glasgow, and on full consideration of all the particulars, and bearing in mind that the scale of the original Life-saving Appliances Committee, which was required to be extended, should be extended consistently and with due regard to the capabilities of the large ships, which do not increase at all in proportion to the increase of tonnage, I am of opinion that the scale submitted by the Principal Officer of Glasgow should quite meet the necessities of the case" -

23385. (*The Commissioner*.) That is the smaller scale? - Yes.

The Commissioner: Therefore, it is a little important that we should know what that gentleman did recommend.

Mr. Scanlan: I was going to ask for that now.

23386. (*The Attorney-General*.) Let him finish what he is reading first.

The Witness: "And should be the one submitted to the Advisory Committee for their guidance. As it is framed, it is entirely consistent with the demands made on vessels of smaller tonnage which at present work out so that the full boat and raft capacity required by the scale is equal to about 50 percent of the persons carried when full of emigrants and cabin passengers and with the full crew. For instance, the 'Corsair' and 'Zeeland,' both of just over 11,000 tons gross, are, by the present scale, fitted to carry boat and raft capacity which is equal to a little over 50 percent of the number of persons carried. According to the extended scale, as proposed, the 'Adriatic,' of 24,500 tons, the 'Lusitania,' of 31,500 tons, and the 'Olympic,' of 45,000 tons will also have boat and raft capacity equal to a little over 50 percent of the number of persons carried. We should also suggest the advisability of recommending the revision of Rule 12 in the direction of exempting those vessels which are subdivided in accordance with the Bulkhead Committee's Report from carrying any of the additional boats and rafts, as in such subdivision there exists far greater safety than increased boat capacity. With regard to what is said in the reports of the Principal Officers in the matter of extending the manning scale of emigrant ships under Section 305 of the Act, as soon as the Advisory Committee have dealt with the boat capacity scale and the Board have decided to adopt a certain amended scale, we can then deal with the re-arrangement and extension of our present manning scale, which should be done on the lines laid down by Captain Parke." Captain Parke was the Principal Officer for London. This Minute was passed into the hands of the Assistant Secretary of the Marine Department, Sir Walter Howell, who wrote: "We may now send this matter to the Advisory Committee"; and then it is dated March 24th. Sir Hubert Llewellyn Smith signed it on the 28th of the same month, 1911.

23387. (*The Attorney-General*.) Will you let me have that? - Yes. (*Handing same to the Attorney-General*.)

The Attorney-General: We will have the tables printed in a convenient form, so that they may be on the Notes.

23388. (*Mr. Scanlan*.) Have you the scale recommended by the Glasgow Officer? - I have not.

23389. You will produce it? - It can be produced certainly.

Mr. Scanlan: Perhaps it will be sent for and produced - the scale recommended by the Glasgow Officer.

The Attorney-General: I think I have it; I will read it.

The Commissioner: This is Glasgow.

23390. (*The Attorney-General*.) Yes. (*To the Witness*.) Mr. Harris is Glasgow? - Yes.

The Attorney-General: The 45,000 to 50,000 tons is the only one material at the present moment. The minimum number of boats to be placed under davits is eighteen; total minimum cubic contents of boats placed under davits 9,700 feet. Then under davits plus additional boats 16,975 cubic capacity. That is, of course, with the addition of the supplementary three-quarters.

The Commissioner: That would be sufficient for about 1,700 lives.

The Attorney-General: Yes, about.

The Commissioner: This gentleman's figures make provision for about 1,970 lives?

23391. (*Mr. Scanlan.*) 1,907? - Yes.

The Attorney-General: If you would like it on the Notes -

Mr. Scanlan: I think I should like it on the Notes.

The Attorney-General: Certainly.

The Commissioner: Then, Mr. Scanlan, there is a suggestion that if the bulkhead requirements were complied with, the three-fourths might be given up.

Mr. Scanlan: Yes.

The Commissioner: And if you give up the three-fourths, then you get the boat accommodation considerably below the boat accommodation that existed in the "Titanic."

Mr. Scanlan: Very considerably, my Lord.

The Attorney-General: Eleven thousand three hundred and twenty-five cubic feet capacity was actually supplied; providing for 1,178 persons, as against 9,625 cubic feet, which would have been the required provision. I am not quite sure whether you are right when I look at Captain Parke's table, which I am going to read. Your Lordship has so far Captain Young's and Mr. Harris's. The only other one which is wanted now of the three to whom the letter was sent is Captain Parke's. That is London. His table for vessels of 45,000 to 50,000 tons is: Minimum number to be placed under davits 26 boats; total minimum cubic contents of boats placed under davits 9,500; and with the additional three-fourths 16,625. That seems to be a little less with a larger number of boats.

The Commissioner: But of smaller capacity.

23392. (*The Attorney-General.*) Yes, and carrying therefore less persons. I only want to call attention to it, because Captain Young said it was Glasgow which required the least. It was so in the number of boats, but not apparently the number of persons to be accommodated? - No, though there was not much difference.

Mr. Scanlan: I ask as I look upon those documents as important, that we should have them on the Notes.

The Attorney-General: I have already said that I would have the Tables of these three persons put on the Notes so that they shall be available for everybody in the case.

Mr. Scanlan: I am obliged.

Mr. Edwards: And the Reports themselves?

The Attorney-General: If you like, but I think that is too much.

The Commissioner: The points have been read, and you will find what has been read will be on the Notes.

Mr. Edwards: I thought they were only passages from the Reports.

The Commissioner: I understood the whole Report had been read.

The Attorney-General: My friend is right in this, that the only Report which you have had read is Captain Young's. You have not had the letters and Report of Captain Parke and Mr. Harris. We will have the Tables, and I daresay it will be convenient to have, and I will have, the whole three printed with the proper Table appended.

The Commissioner: Very well, but we do not want them read now.

23393. (*Mr. Scanlan.*) It appears that the only report submitted to the Advisory Committee was the report submitted by Mr. Harris? - Yes.

23394. Can you tell me when this report was submitted to the Advisory Committee? - On the 29th March, I think. It is on the Minutes.

Do you find in any of the reports any suggestion that the additional three-fourths under Rule 12 should be dispensed with?

23395. (*The Attorney-General.*) I have a document here which looks to me like the document. Will you just see? This seems to be the letter (*Handing letter to Witness.*) - That was sent on the 3rd April.

23396. (*Mr. Scanlan.*) Whose letter is that? - It is the letter from the Marine Department signed by Sir Walter Howell to the Advisory Committee in consequence of those reports. That letter was sent to the Advisory Committee on the 3rd April, 1911.

23397. Is it a short letter? - It is not very long.

23398. That may be the letter that we have had already.

The Commissioner: No, I do not think so.

Mr. Scanlan: Perhaps you will read it, Captain Young.

The Commissioner: This is a letter of 1911?

The Attorney-General: Yes, that is right. I think we have had it read. It is the letter which really constitutes the reference to the Advisory Committee which reported in July of 1911. It is the first document on the typewritten paper that was handed up, I think. I remember seeing the table, at all events.

The Commissioner: This is the letter that had the effect of producing the document that Mr. Carlisle signed when he was soft.

Mr. Scanlan: Yes.

The Attorney-General: I read the letter out, and the memorandum, and it is one of the letters which your Lordship will find copied in its proper place in the memorandum which we are having printed. It would be convenient to everybody to get this while we are upon it, as your Lordship has not the document before you. Your Lordship will find when you look at that letter which I have now before me - it is important to note this - that no scale was sent to the Advisory Committee. What was sent was a skeleton, leaving columns blank for the minimum number of boats and for the minimum cubic contents. I only say this because it will, perhaps, recall it to your recollection. I pointed out that when they did come to report they had adopted a different gradation from the one which had been suggested in blank by the Board of Trade.

The Commissioner: Yes; and now will you remind me again of what the provision made by the scale recommended by that Committee was?

23399. (*The Attorney-General.*) 8,300; and then, of course, came the question of the additional accommodation: 45,000 tons and upwards 16 minimum number of boats under davits, and an additional 8 to be readily available for attachment, and total minimum cubic content of boats required, 8,300. What did they advise about the three-fourths; it is paragraph 6?

The Witness: Yes, that is the one referred to in Mr. Carlisle's examination.

The Commissioner: That vessels divided into watertight compartments to the satisfaction of the Board of Trade should be exempt from the requirements.

The Attorney-General: Yes, that is the one as to which Mr. Carlisle said it came to the same thing; you add something to the 8,300, and then in vessels of this kind you take it off again by paragraph 6. So that it works out, according to that, that the requirement would be 8,300 - that you really ought to compare, comparing like with like, with the 5,500 in the table as it existed at that time and at present.

23400. (*Mr. Scanlan.*) From the minute of Sir Alfred Chalmers and Sir Walter Howell your recommendation was, of course, not submitted to the Advisory Committee? - No; no recommendations were submitted to the Advisory Committee.

23401. Except that of Mr. Harris? - No.

23402. (*The Attorney-General.*) No, that was not. That is why I was anxious to correct it? - We desired to leave the Advisory Committee an absolutely free hand.

Mr. Scanlan: The only direction given was that they should have regard to ships which were divided suitably into watertight compartments.

23403. (*The Attorney-General.*) I do not think they say that.

The Witness: There is no recommendation of that nature.

The Attorney-General: Not quite in that form. My friend is right in this. It left it open absolutely to

them. "I am further to state that the Board would be glad to learn whether the Advisory Committee are of opinion that Rule 12 should or should not be revised so as to exempt altogether from the requirements of additional boats and/or rafts those vessels which are divided into efficient watertight compartments to the satisfaction of the Board of Trade." They answered that by paragraph 6 of the report.

23404. (*Mr. Scanlan.*) When you came to occupy your present position in the Board of Trade, did it come within your province to give any decision as to the number of boats which were actually carried by the "Titanic"? Was that matter referred to you? - No, it was not referred to me.

23405. Were you not the officer to whom it would be referred? - If it were necessary to refer it; had there been any doubt as to whether the vessel had complied with the existing requirements or not; not otherwise.

23406. Were any plans at all submitted to you? - No.

23407. No plans? - No.

23408. Your opinion now in view of the "Titanic" accident is that a larger provision of lifeboats should be made. I take that from your evidence yesterday? - So far as it is practicable to carry it.

23409. And I think you have expressed the view that it is practicable in the case of a ship like the "Titanic" to carry a full complement of boats for all on board? - I do not say that.

Mr. Scanlan: "What is practicable," you said.

The Solicitor-General: "Reasonably practicable."

23410. (*Mr. Scanlan.*) What is the limit of practicability? - You would have to see what the arrangements of the boat deck were, and see what the space available was, and see whether it was essential in order to get the number of boats that you require stowed on that deck to pile them up indiscriminately one over the other, which is a practice the Board is extremely averse to.

23411. Will you tell me - and I wish you to be very short because I do not wish to detain the Enquiry - according to your view now, with the knowledge you have of the "Titanic" accident and of the construction of ships like the "Titanic," what provision do you think it would be desirable to make in the way of lifeboat accommodation in such a vessel? - I would certainly increase it considerably.

Give me the extent to which you would extend it. If you would not provide for all on board, for how many would you provide?

23412. (*The Commissioner.*) Do not give us a guess about a matter of that kind. If you have not considered it, say that you have not considered it? - I have considered it.

23413. Have you considered the number? - Yes, and I am still of the opinion that for all ordinary purposes, all ordinary cases of collision, which is what we are chiefly concerned with, she need not be required to carry more than about 50 percent. of the persons on board.

23414. Do you mean this, that notwithstanding the experience which you gained by the circumstances of this casualty, you think that the right thing to do for a vessel of this kind would be to carry lifeboat accommodation for 50 percent of the permitted number of crew and passengers? - I think, in accordance with the opinions I have formed and have had for some time, that for all ordinary cases of collision that would be sufficient, because I am relying upon the bulkhead system for ordinary cases of collision.

23415. I am asking you something more than that; having in view this particular casualty, would you increase the 50 percent? - I think I should be inclined to do so; I think it should be extended.

23416. How much would you increase it? - I would extend it in accordance with the merits of the ship itself. If I could stow the boats on the boat deck, so that one boat would not impede another, so that the crew would have easy access to them, and there would be no impediment in getting them out, then I should say by all means have a considerable extension. I would not like to say what it is at the present moment, because it requires much consideration.

23417. That is a question I should like an answer given to, if you have considered it? - I have considered it.

23418. Then have you formed an opinion? - I have formed an opinion.

23419. Then will you express it? - The opinion I have formed is this, that you require boats more for transfer purposes than for the saving of people on board.

23420. I mean on the question of number, or percentage, if you like? - No, I have not decided upon that.

23421. Never mind whether you have decided; have you formed an opinion? - Certainly I have.

23422. Well, what is it? - That the boat scale should be considerably extended.

23423. But how far; have you formed an opinion on that point? - Not exactly; no.

23424. If you have not, then I do not want you to express any opinion. You know, what occurs to me is this (and it will be my difficulty, I can see, in this matter), that to provide boat accommodation to the extent of 100 percent of the numbers carried, or permitted to be carried, as I would really say, might be a burden upon the shipowner, which would be unnecessary and extremely expensive; and I want to know whether that is true or not, because it is no use having boats without having men? - That is one of the considerations which has prevented me from arriving at a decision in my mind, or an opinion as to the precise number of boats that a particular ship should have. It is on account of those side issues, which are very important, and the necessity, as you remark, of having a proper number of qualified deckhands to deal with them - all these points tend to prevent one making up one's mind at the present moment as to what should be a reasonable and proper increase. The danger of getting boats down from a height in ordinary Atlantic conditions is so great that it would be, in my opinion, absurd to pile the ship's deck up with a whole heap of boats that you could not possibly handle.

23425. (*Mr. Scanlan.*) With all those considerations, what I gather to be at the back of your head is that there should be a considerable increase on what was carried on the "Titanic" for such boats? - By all means, yes.

23426. But you have not formed a definite idea of the increase which you yourself would be prepared to recommend? - Quite so; it has to be thought out yet. We have to get the various reports in from the different Committees that are sitting at the present time dealing with the subject.

23427. As to any increase in boat accommodation, is it necessary that an increase should be provided of the crew for manning those boats? - Oh, most decidedly.

The Commissioner: It is of no use having boats if you have not men to manage them.

23428. (*Mr. Scanlan.*) I want to get from the Witness how he would make up the crews. (*To the Witness.*) How many seamen do you think it would be necessary to have on board for each lifeboat? - I would not have less than two - call them sailors or what you like. I would regard them as men qualified to deal with boats.

23429. Do you speak of deckhands now? - Well, yes, certainly, to a great extent; but, at all events, two boatmen - I will put it in that way.

The Attorney-General: May I say with reference to what your Lordship said just now - that was an expression of opinion which I know is not intended to be final - of course, your Lordship is not shutting out, and I am sure your Lordship did not intend to shut out, the considerations of unduly encumbering the deck or of impairing the stability of the vessel in any way by making it tender. Your Lordship, of course, will take all that into consideration. You were, I think, dealing with one aspect of it, as I understand?

The Commissioner: Yes, one aspect - the commercial aspect - which, I think, is a very important one.

Mr. Scanlan: Yesterday, while the learned Attorney-General was not here I think a Witness was asked questions on tenderness.

The Commissioner: Yes, I did ask him a question as to the boats making the vessel tender.

The Attorney-General: I know your Lordship had it in mind; I was only anxious to have it on the Note in order that it should not appear that it had been left out of consideration.

The Commissioner: Yes.

23430. (*Mr. Scanlan - To the Witness.*) I think it is quite within your knowledge that the shipowners of this country have expressed their willingness to provide accommodation for all on board? - Yes, they have, certainly.

23431. In one of the documents which you read today reference was made to the manning scale for boats? - Yes.

23432. Do you think it is desirable to set up a manning scale?

The Commissioner: When you come to deal with it, Mr. Scanlan, you will have to remember that, in point of fact, only a comparatively small percentage of the space in the boats on the "Titanic" was used. What I mean is this: If you provide boats for every soul that can be carried by the ship, it does not at all follow that would be sufficient for the purpose of getting the people from the ship.

Mr. Scanlan: Of course, my Lord. That is the reason why I have insisted so much on the manning scale, on the question of efficiency and boat drill.

The Commissioner: But even the manning scale would be no good. I am satisfied - and I am not astonished at it - that a large number of people would not go into the boats. They preferred to stick to the vessel.

Mr. Scanlan: I have grave doubts as to whether any person who believed this was their last chance, and who had the knowledge which some officers must have had as to the condition of the vessel, would have refused to take that chance.

The Commissioner: Perhaps you do not know what ladies will do and will not do, sometimes.

23433. (*Mr. Scanlan - To the Witness.*) It appears from what you have read from Sir Alfred Chalmers that the consideration of the manning scale was postponed? - Yes.

23434. Can you say why it was postponed? - No, I cannot very well, excepting that naturally the manning scale would depend to a great extent upon the boats that would be recommended.

23435. Do you think it is desirable to set up a manning scale? - What for?

23436. For the crews of ships? - What ships in particular?

23437. All ships? - We have scales for emigrant ships. That is already dealt with, and that we have under consideration for extending.

23438. That is what I want? - It is under consideration now.

23439. You think it is desirable to extend it? - Undoubtedly, under certain circumstances; only, if you increase your boats, then you must extend your manning scale; that is a foregone conclusion.

23440. But even without extending your boats you have not a manning scale applicable to the stokehold and engine room? - No, not absolutely; not a compulsory scale.

23441. I want to ask you, then, without having a long discussion about it: Is it desirable to have an exact or fairly exact manning scale or standard that will apply not only to the deck department, but to the engine department as well? - We have that scale, which is adopted for the stokeholds of large passenger vessels already, but it is not a compulsory scale, excepting that with regard to an emigrant ship, if the Emigration Officer finds there is not a sufficient number of men in the stokehold in accordance with our Rule of three tons or of 36 square feet of fire-grate surface, then he would naturally require more, and he has the power to enforce it.

23442. But there are no figures and there is nothing set up in the nature of a scale to guide him what he should insist on? - Pardon me, but there is.

23443. On a ship like the "Titanic" what is to guide him? - As to the number of men in the stokehold?

23444. Yes? - I can soon tell you that.

23445. (*The Commissioner.*) We are getting a little wide of the mark. There is no suggestion that there were not sufficient men in the stokehold? - We had this the other day, my Lord, that there should be one fireman for every 18 square feet of fire-grate surface in the boiler room.

23446. (*Mr. Scanlan.*) How many would you think, according to that, for the "Titanic"? - I have not got the fire-grate surface at the moment in my possession.

The Commissioner: Have you calculated it, Mr. Scanlan?

Mr. Scanlan: I have been told that the number carried was adequate.

The Commissioner: Then I do not want to go into it.

Mr. Scanlan: What I am informed is that the figures given here on page 10 of this Minute of Instructions give no guidance whatever for deciding how many men should be carried.

The Commissioner: Well, that may be, but in this particular case, the fact that there was no guidance does not seem to have mattered at all, because you admit, and it appears to be the case, that there was a sufficient number of firemen carried.

23447. (*Mr. Scanlan.*) Yes. I do quite agree to that, my Lord. Of course, it is one of the complaints against the Board of Trade that they have failed to set up the manning scale. (*To the Witness.*) Now, I want to ask you this question. Has the Board of Trade made any regulation as to the speed which ships should be permitted to go at in fog or at night in the presence of ice? - There is a regulation with regard to fog and rainy weather in the International Regulations: "The ship shall then proceed at a moderate speed." That is the only reference to speed there is.

23448. There is no regulation about ice, and travelling at night in the presence of ice? - No, that is left to the individual discretion of the Master.

23449. Is it desirable, in your view, as a seaman, that there should be such a regulation?

23450. (*The Commissioner.*) Have you thought about that? - I have, my Lord, but I cannot say that I have quite made up my mind yet as to whether we should insist upon having ice included in the International Regulations. But I do not think there would be any great difficulty in doing it.

23451. In what? - In including it.

23452. Will you suggest to me so that I may understand it, what the direction would be; put it into words? - That when a vessel is proceeding in fog or thick weather generally - I forget the exact wording of the article at the present moment - but ice could be included.

The Attorney-General: It is Article 29.

The Commissioner: I think it quite unnecessary for my own part, but would there be any objection to amending Article 16 so as to include ice, "Every vessel shall in a fog, mist, falling snow, or ice-field, or in presence of icebergs, go at a moderate speed."

The Attorney-General: There is a regulation in the International Regulations for preventing collisions.

The Commissioner: I think it would be useless, because it says nothing more than that the Captain shall be careful.

The Attorney-General: Article 29 says the same thing, as your Lordship remembers from your experience of the Admiralty Court, the one which says you must take precautions, and that nothing in the Rules will excuse you failing to take the proper precautions.

The Commissioner: If you are going to suggest that there should be something additional will you, Mr. Scanlan, express your suggestion on the point and let me know what it is?

Mr. Scanlan: What is pressed on my mind is, that to run a ship at full speed on a track in which ice has been reported, is bad seamanship, and likely to prove disastrous.

The Commissioner: That I can very well understand.

Mr. Scanlan: It exposes passengers and crew to very grave risk, and I would suggest that the recommendation, whatever it may be, should relate to the modification of speed in such circumstances. I am not prepared to say to what extent the direction should go, how specific it should be, but I think it is desirable that there should be some recommendation as to speed in such circumstances.

The Commissioner: Do you mean to say a recommendation that it should be moderate?

Mr. Scanlan: At least that, my Lord.

The Commissioner: Well, that the ship should stop? I do not know what it is to be, you know.

Mr. Scanlan: Evidently with respect to fog there is a recommendation that the speed should be moderate.

The Attorney-General: That would be the International Regulations for preventing collisions; it would not apply to this.

The Commissioner: I understand your point, Mr. Scanlan.

Mr. Scanlan: A recommendation on the lines of the Instructions to Captain Moore.

The Commissioner: Captain Moore of the "Mount Temple," you mean?

23453. (*Mr. Scanlan.*) Yes. (*To the Witness.*) Do you think it desirable to make men engaged in look-out work submit to an eye test and to qualify by an examination, such as is prescribed for masters and officers? - I do not think that it need necessarily be as searching. I think that some form of sight-testing for men on the look-out should be obligatory, just the same as you have for an engine-driver. But you do not require it to such an extent as in the case of an engine-driver or in the case of an officer, for the simple reason that the man on the look-out has to report a light, and the officer decides himself as to whether that is a red or green light. That is one of the reasons why a seaman need not be subjected to precisely the same test as an officer. There is no reason why he should not be asked to distinguish boats at a certain distance. That would be a sort of form vision test rather than colour.

23454. Have you applied your mind to the question of the use of binoculars? - I have applied my mind to it to a certain extent, and I cannot say I have been altogether satisfied.

23455. Do you think the look-out man should be provided with binoculars? - It is an additional safeguard and by all means let them have it.

23456. (*The Commissioner.*) Is it an additional safeguard? - It is an adjunct, and it may be so considered, but it is not absolutely essential.

23457. No, but is desirable. I should say at present that it is not, but you may think differently, and I want to know what you think? - I do not think differently, because in my experience of binoculars I have far oftener relied on the unassisted eye than anything else.

23458. It occurs to me that a man in the crow's-nest has nothing to do with binoculars; he has to use his eyes and pick up lights and report them to the bridge, and the man on the bridge uses binoculars if he wishes. I should have thought instead of being an assistance it is a distraction to have binoculars? - It is to a certain extent, but there is another feature connected with it, that when a man is looking through his binoculars his field of vision is necessarily restricted. A man may frequently pass a dark boat with his binoculars which he would readily pick up if his eyes were open to a wider field, because he would have a greater expanse of the atmosphere, say, or the horizon, to compare the object with, which would give him a distinct lead.

23459. (*Mr. Scanlan.*) After all that, is it your opinion that it is desirable to provide binoculars for look-out men? - No.

Examined by Mr. CLEMENT EDWARDS.

23460. There is one point I want to get cleared up at once. As I understand from what you have read, your report went to the Marine Department of the Board of Trade together with a report from the London District Official, and the Glasgow District Official, and that Sir Alfred Chalmers made a note to the effect that only the Glasgow scale recommendation should go to the Advisory Committee? - No, he did not make a note of that sort. He only made a note to the Department to the effect that he preferred that - not that that recommendation was to go to the Advisory Committee.

23461. What I want to get at is that he made a note suggesting that the only one of the scales - that is to say yours, Glasgow's, and London - was the Glasgow one which should go to the Advisory Committee? - That it should be considered under those circumstances, but it was not, as a matter of fact, sent to the Committee.

Would you mind giving me the note?

The Attorney-General: I have it. This is not the thing apparently sent, but it is what my learned friend

means: "I am of opinion that the scale submitted by the Principal Officer for Glasgow should quite meet the necessities of the case, and should be the one submitted to the Advisory Committee for their guidance."

23462. (*Mr. Clement Edwards - To the Witness.*) Is it within your knowledge or not that that scale, and that scale alone, was submitted by the Marine Department of the Board of Trade to the Advisory Committee? - No, I do not think it was submitted to the Advisory Committee.

23463. Can you tell me what is the scale that is referred to in the letter to the Advisory Committee?

The Attorney-General: Will you look at it? - I have read it. You have not the document before you. It is a blank scale. The scale is at the bottom.

23464. (*Mr. Clement Edwards.*) If that is so, it is all right, but I want to get it quite clear. (*To the Witness.*) Then that apparently is the scale referred to? - Yes.

23465. Do you, of your own knowledge, know whether the Glasgow scale was submitted to the Advisory Committee? - No, I do not think it was submitted to the Advisory Committee.

23466. Do you know? - To the best of my recollection the Committee were not sent any particular scale from us, because, after consideration, it was decided - I am only going from the previous history according to my recollection - that it was not advisable to influence them in any way.

23467. Let us be perfectly clear and precise upon this point. Do you, of your own knowledge, know whether, in accordance with that minute, the scale from Glasgow was submitted to the Advisory Committee? - No, I do not know.

23468. Can you tell me who would know that? - Yes, Sir Alfred Chalmers would know.

23469. (*The Commissioner.*) Will Sir Alfred tell us?

Sir Alfred Chalmers: No scale was submitted. Although I advised that in my minute, and conferred with Sir Walter Howell afterwards, and we came to the conclusion that it was much better to leave the Committee a free hand altogether, and send nothing but a skeleton scale.

23470. (*Mr. Clement Edwards.*) May I ask Sir Alfred this: Did you, or did any other official of the Board of Trade give any evidence at all before the Advisory Committee before they came to their conclusions?

Sir Alfred Chalmers: None at all.

23471. (*Mr. Clement Edwards.*) That is to say, the Advisory Committee on their recommendation were entirely unguided and unaided by the Marine Department.

Sir Alfred Chalmers: Entirely.

The Commissioner: Do you complain of that failure, if it be a failure, on the part of the Board of Trade to advise the Advisory Committee?

Mr. Clement Edwards: Not after the view I have formed.

The Commissioner: Do you complain of it?

23472. (*Mr. Clement Edwards.*) No, I do not complain of it. (*To the Witness.*) The recommendations of the Glasgow official which Sir Alfred Chalmers approved gave, for boats under davits, less cubic capacity than that which in fact was provided by the "Titanic"? - Yes.

23473. You have heard the evidence of your predecessor? - Yes.

23474. And you heard him say that in his view there was no single regulation of the Board of Trade that should be modified in the light of the "Titanic" disaster. That, I gather, is not your view? - No, that is not my view.

23475. This term has been used, and I suppose you regard the "Titanic" disaster, apart altogether from its colossal character, as being of an extraordinary nature? - Naturally; yes.

23476. What is there extraordinary about it? - This, that it was not what you may consider a fair blow. There is very little doubt that had it been an ordinary case of collision, or an ordinary running into an iceberg, the vessel would still be afloat; but when her side impinges against the side of the berg then something else is going to happen, and it is a matter which has not been provided for.

23477. Let us come to that because it is leading up to something else. Do you not as a fact test the turning capacity of a ship to see within what space she can answer to her helm, so that she may avoid objects in front that are seen? - The capacity of vessels is put through a course of experiments as a Rule before they have their passenger certificate granted. The Surveyor takes a note of it, but he does not demand it.

23478. But is not that for the purpose if an object is seen in front of enabling the ship to be steered off to clear the object? - Of course that is the idea, no doubt.

23479. Therefore, is it not a perfectly common thing that over and over again it happens in seeking to avoid an object immediately in front it is not entirely avoided, and you get your side or glancing blow? - Undoubtedly.

23480. Do you see any reason in the natural course of things why that should not happen with an iceberg at any time in the future? - No; having happened once it may happen again.

So it cannot be on that ground that the accident was extraordinary.

23481. (*The Commissioner.*) Oh, yes, it may be? - It is out of the ordinary altogether.

23482. (*Mr. Clement Edwards.*) As I understand, you take the view that there may be boat accommodation less than that required to take every soul off a ship? - Yes.

The Commissioner: Have you left the last point - the question as to why this was an extraordinary accident?

Mr. Clement Edwards: Not quite. I am coming back to it another way.

The Commissioner: Because it occurs to me there is another matter - the fact that for some reason or another, assuming the look-out to have been good, this iceberg was not seen until it was too late. That was a most extraordinary thing to my mind, assuming that the look-out was good.

Mr. Clement Edwards: I am not quite certain that that is really extraordinary, because if objects could be seen there would be no collision.

The Commissioner: If they could be seen at a sufficient distance.

23483. (*Mr. Clement Edwards.*) Quite so; I mean at a sufficient distance. (*To the Witness.*) I understand you take the view that there need not be a boat accommodation to carry away every soul, provided that the watertight bulkheads are as they ought to be? - Yes.

23484. Watertight bulkheads in the case of the "Titanic" did not save her? - No, they did not.

23485. What I want to ask you quite specifically is this: Can you make any suggestion at all what should be done to save life under precisely the same circumstances, if they should happen, as have arisen in the case of the "Titanic"? - With the same system of subdivisions?

23486. No. Here we have this appalling fact that 1,400 lives have been lost, and if another "Titanic" disaster took place, according to your recommendation, we should only have a few additional lives possibly saved. I want to know have you any suggestion of precaution or remedy or provision that may avoid that in future? - I do not care altogether to anticipate the findings of the present Bulkhead Committee, which is sitting, but we should naturally go into the finding of that Committee very, very closely indeed before we decided as to whether we should increase the number of boats to the extent that is desired or not.

23487. May I put it that your mind is being directed to the possibility of such bulkhead construction, perhaps transverse and longitudinal, as might in the event of a ship like this striking an iceberg under similar circumstances enable her to float? - Precisely.

23488. I quite understand that you do not want to go into it too definitely, but your view rather is that opinion ought to be directed to that point than to the provision of boats after an accident? - Precisely. That has been my contention all along - the main principle which has guided me.

The Commissioner: Mr. Wilding said that if the "Titanic" had gone stem on to the iceberg she would in his opinion have continued to float, but all the men in the firemen's quarters would have been killed. No

lifeboats would have saved them; they would have been killed there and then.

23489. (*Mr. Clement Edwards.*) If I may say so, with respect - and I am very much obliged to your Lordship for raising it - it rather suggests the question as to whether, in a case of this sort, the risk is to be taken even for a section of the crew or passengers. I can quite understand, in view of the very weighty opinion expressed by Mr. Wilding, one of the constructors, that if an iceberg is seen under similar circumstances again, the order being given to go dead straight ahead, and risk the smash up in front.

The Attorney-General: I hope I am not on it, that is all.

The Commissioner: I do not know that it may not be better in that case.

Mr. Clement Edwards: That clearly is the suggestion of Mr. Wilding.

The Commissioner: But I should be very far from saying that the man who put the helm hard-a-starboard was wrong.

Mr. Clement Edwards: I am not suggesting it; but in the light of precisely what happened here, with the oblong stroke, and with the evidence of Mr. Wilding, the constructor, that if instead of the stroke being along the side it had been a direct blow, it would have killed the men in the fore-castle, but undoubtedly in his view the "Titanic" would have floated, and the others have been saved. I can understand that having a very great effect on the minds of officers who are responsible for the navigation of ships.

The Attorney-General: It would be telescoped 100 feet, according to Mr. Wilding.

Mr. Clement Edwards - To the Witness: I do not want unduly to press you on this point, but in your recommendation to the Marine Department you laid some emphasis upon the bulkhead construction? - Yes.

23490. Have you yourself given careful and exhaustive consideration to this question of bulkheads? - I have given very careful consideration to it indeed.

23491. As far as your opinion can now be expressed, do you think that much might be done with longitudinal bulkheads? - Yes, I daresay you could provide a form of longitudinal bulkheads which might under circumstances be of very great value to the ship, but you would have to proceed with very great caution.

23492. Are you familiar with the construction of the "Mauretania"? - I am.

23493. As far as you can say, does that form of bulkhead on the "Mauretania" meet with your approval, and do you regard it as making fairly for safety? - I think it is an improvement for safety, inasmuch as the inner skin is very fairly well removed from the outer skin and the spaces occupied by bunkers.

The Commissioner: Three feet, is it not?

23494. (*Mr. Clement Edwards.*) I think it is six feet.

The Witness: It is about ten feet, I think.

23495. (*The Commissioner.*) What is the space between the outer skin and the inner skin of the "Mauretania"? - I should say about ten feet. I do not know for certain.

23496. (*Mr. Clement Edwards.*) It must be fairly considerable. On the "Mauretania" the space between the outer skin and the inner skin is utilised, as a matter of fact, for bunker coal? - That is so.

23497. (*The Commissioner.*) The space is utilised for bunker coal? - Yes.

23498. (*Mr. Clement Edwards.*) I want to get your view upon this. Two things have been suggested with regard to these longitudinal bulkheads. One is that if you bunker the coal you may be giving a list to one side, because of the coal being worked out. Do you see any difficulty in trimming from either side pretty evenly? - I do not see any difficulty at all as regards the distribution of the bunkers.

23499. It has further been suggested that with longitudinal bulkheads, if there is a blow on one side, with openings to the sea there may be very great danger of a ship heeling that side? - It would depend, no doubt, to a certain extent.

The Commissioner: The suggestion was not that there might be a difficulty by reason of your taking coal from one side and not from the other, because you could easily regulate things of that

kind. The suggestion was that you might get a great list on one side of the ship if the ship was holed on that side.

Mr. Clement Edwards: With respect, there were the two suggestions, and I have just put the question to this Witness.

The Commissioner: Who was it said there would be a difficulty because of the fact that you would take coal on one side and not on the other?

Mr. Clement Edwards: I think it was Mr. Carlisle.

The Attorney-General: I think there is a little misapprehension with regard to that. There was something said about the coal, but it was not that. It was the difficulty of shutting down the watertight doors when you had been taking coal from the bunker. I think that is what my learned friend is thinking of.

Mr. Clement Edwards: I am coming to that. My recollection is that Mr. Carlisle spoke about the difficulty of coal being worked out on one side, and there was the difficulty put by Mr. Wilding as to the danger of leaving the bunker doors open in the case of the ship being struck, and the third point was put, which your Lordship is now on, that there was very great danger of a heavy list to one side, if on that side the outer skin was open to the sea.

The Commissioner: Yes, and that was the only point.

23500. (*Mr. Clement Edwards.*) That is the point I want to deal with. (*To the Witness.*) The suggestion was that there is very great danger in longitudinal bulkheads, because if the ship gets struck on one side there may be a big rush of water, with a consequent list to that side. What do you say as to that? - In the first place, it would depend naturally upon the quantity of coal in those bunkers in the compartment or compartments pierced as the case may be. Naturally you cannot rely upon all the coal being displaced by the water, and the water taking its place. Certainly the water will fill up the interstices of the coal and add considerably to the weight, but it is not going to add the full value of that compartment if it is already occupied by coal, but undoubtedly it would give it a list.

23501. (*The Commissioner.*) And the compartment may be not full, or anything like full of coal. If the vessel is getting near the end of her journey the bunkers will be empty, or nearly empty? - Yes.

23502. (*Mr. Clement Edwards.*) Can you say anything as to the point put by his Lordship that when there is not coal there she might get struck? - Yes; but even if she had two of the wing compartments filled under those circumstances it is quite likely that they would have means of running in water on the other side if she was taking a dangerous list. I do not know for certain, but I think it might be devised. It is quite within the province and within the skill of the marine naval architect to do so.

23503. (*The Commissioner.*) Is there any greater advantage in transverse bunkers over side bunkers? - Not that I can see.

23504. (*Mr. Clement Edwards.*) As I understand you are the responsible technical head of the Marine Department? - That is so.

23505. If we are rather to travel in the direction of what I will call bulkhead precautions, do you think that the present staff of the Marine Department - the local Surveyors with their particular training - are a fully competent body to decide definitely as to the safety of bulkhead construction? - Absolutely.

23506. You think they are? - Yes, absolutely.

23507. Without any further addition? - We should like some more, and we are getting some more.

23508. Some more what? - Surveyors.

23509. Of what sort? - All classes - nautical Surveyors, engineering Surveyors, and what are termed ship Surveyors, but were formerly termed Shipwright Surveyors.

23510. Is there any suggestion that there should be very special attention paid to the experience and training of those men in the efficacy of bulkheads? - We are not making any express provision with regard to that, because it comes in in the ordinary course of their duties. If they are not qualified, in the

first place, to deal with the question of bulkhead structures, then we should not have them in the Board of Trade at all.

23511. I want to direct your mind for a moment from the question of bulkheads to the question of boat provision. You take the view that there ought to be an increase of boat accommodation? - Yes.

23512. You have rather put it upon the question that the increase should be made as far as practicable? - Exactly.

23513. And you have used certain expressions as to the height of decks in the construction of a ship? - Yes.

23514. Have you any definite views as to the relation of boat accommodation to the erection of such superstructure as there is on the "Titanic"? - Yes.

23515. Now, supposing there was less deck height from above the weather-line, would that in your view make any difference as to the practicability of carrying a less or larger number of boats? - Not much.

23516. It would make some difference? - If the height, or difference in height, was very marked, yes.

23517. Supposing what is now the boat deck were abolished and what is now the A deck - that is the deck immediately below it - became the boat deck, and supposing the whole of that deck were utilised for boat accommodation, what in your view would be the effect of that on the tenderness of the ship? - Very trifling.

23518. So one may say if you had a complete sacrifice of, I will use the term, the luxury of that one deck, you could then without serious detriment to the strength and weathering capacity of the ship utilise one deck entirely for boat accommodation? - If it were necessary to do so, but I do not consider it necessary there as regards the stability of the ship.

The Commissioner: Would you diminish, by abolishing the boat deck, the registered tonnage of the ship?

Mr. Clement Edwards: Your Lordship will remember that I asked one Witness and he could not quite tell. (*To the Witness.*) Have you any idea what would be the weight of that top deck?

23519. (*The Commissioner.*) I am not thinking about the weight at all. I am thinking about the registered tonnage. I suppose there is something in the top deck that would measure in the registered tonnage? - The portion of the deck erections which come above the boat deck would naturally be measured.

23520. If you abolished the deck you would abolish those? - Yes, you might abolish them.

The Commissioner: This is outside this Enquiry, I think. These are details.

Mr. Clement Edwards: The full point is this. It has been put by certain of the Witnesses, and the term has been used - if you unduly increase the number of boats with the view to taking off all the passengers you thereby interfere with the weathering strength of the ship by making her tender.

The Commissioner: You need not ask such a question as this: If you put the boats lower down do you make the vessel less tender. Of course you do. You can go on putting them down until you get them on the Orlop deck.

Mr. Clement Edwards: Yes; but I am putting a specific question on lowering the ship.

The Commissioner: I am pointing out to you that I am of opinion that is a detail, and a matter that has to be taken into consideration, not by us, but by some other tribunal.

23521. (*Mr. Clement Edwards.*) If your Lordship pleases. (*To the Witness.*) Anyhow, in your view, if you did abolish the one deck - that is to say, lower the boat deck - to what is now A deck, and utilise that entirely for boats, it would not make any great difference to the weathering capacity of the ship? - No, not in a distance of about nine feet, the height of the deck. It would make a very little difference at that height. It would be an appreciable difference, no doubt, but it can be provided for in most ships - not in all.

23522. That is to say the relative weight of the one deck and a large number of boats, say, 60 boats, would not be very great? - You mean the total weight of boats and boat deck?

23523. No, the total weight of boats and boat deck together would not be much greater than the total

weight of what is now A deck? - The weight on the boat deck would naturally be the weight of the boats on it, and that is all.

The Commissioner: Pass on to something else, Mr. Edwards.

23524. (*Mr. Clement Edwards - To the Witness.*) Have you thought of any plan of providing boat accommodation apart altogether from their being placed on what is now the top deck - the boat deck? - Yes, I have gone into plans.

23525. Do you think there is any possibility of getting an effective system apart from having boats on the very top deck? - Yes. I think in certain ships it could be arranged for.

23526. What sort of suggestion would you make? - Naturally, if a vessel has two or three promenade decks, as the case may be, and she has rails round, you can have them not only on the boat deck proper, but on the deck below.

23527. (*The Commissioner.*) Would that be a desirable thing? - Not altogether.

23528. Would it be desirable at all, because if so, I do not know why the Board of Trade has not long ago recommended it? - We do not care about it.

23529. Then you do not think it desirable? - No, I do not, but I say I have gone into those questions.

23530. (*Mr. Clement Edwards.*) Why do not you think it desirable? - Because you would have one boat interfering with another. You would probably have two different sets of davits.

23531. (*The Commissioner.*) Does any big liner carry any boats there? - Not to my knowledge.

23532. Did you ever hear of such a thing? - No, I cannot say that I have - not on two decks.

The Commissioner: Then leave it alone Mr. Edwards.

23533. (*Mr. Clement Edwards - To the Witness.*) You are the supreme technical adviser at the Marine Department of the Board of Trade? - Yes.

23534. What Mr. Archer might recommend would you have authority to override? - Certainly, if I objected to it.

23535. What you recommend would the Assistant-Secretary have power to override? - Certainly.

23536. (*The Commissioner.*) And I suppose in the days when Mr. Lloyd George was there he would have the right to override that again? - Yes, but whether he would be right or not is another thing.

23537. (*Mr. Clement Edwards.*) But so far as the permanent staff is concerned the position is this, is it not, that Mr. Archer, the responsible adviser on, say, bulkhead construction can be overridden by you with nautical experience? - He can be.

23538. And you can be overridden by an entirely non-expert person, the Assistant Secretary? - Yes.

23539. (*The Commissioner.*) And then he can be overridden by the secretary? - Yes, but it is an extremely unlikely contingency.

23540. (*Mr. Clement Edwards.*) I am coming to that. Presumably the Secretary can be overridden by the President, the President by Parliament, and Parliament by an election, and so we go on? - You cannot very well leave that out.

The Commissioner: And that election by another election.

23541. (*Mr. Clement Edwards.*) This is my last question. In your view do you think that any permanent official ought to be in a position on matters of a technical character, to override the advice and recommendations of technical experts? - That is not a matter which I need take into consideration at all, or you either, I think.

23542. You will allow me to judge of that, unless his Lordship intervenes, and you will kindly answer my question if you do not mind, unless you think there are very special departmental reasons why you should not? - There are no departmental reasons at all.

23543. Then do you mind saying whether you think it a good plan that a permanent official who is non-expert should have the power to override the advice of technical experts? - It is a question as to whether he would accept that advice, or not.

23544. (*The Commissioner.*) Have you thought of the matter? - I have thought of it, naturally.

23545. You seem to have thought of everything. I give you so many opportunities of saying no? - It is not a matter I would give very much thought to, because it is hardly necessary. In my opinion it is a contingency which is remote.

Examined by Mr. HARBINSON.

23546. I notice, as far as I can see, that in these Regulations the Board of Trade have framed no regulation as regards the location of lifeboats on steamers? - No.

23547. It has been given in evidence, I think, by Mr. Sanderson, in the course of this Enquiry, as an explanation of why the percentage of third class passengers drowned was higher than the first and second class that the reason was the inaccessibility of the boat; that is, that the boat deck was nearer the first and second class quarters than the third class? - Yes.

23548. Would you agree with that view? - I do not see how it can be avoided.

23549. That is exactly what I wanted to put to you. Have you considered the question of how the boat accommodation on these huge vessels could be made more accessible to third class passengers? - No, I have not.

23550. That is one question you have not considered? - No, I have not considered it. I do not think it necessary to consider it.

23551. In view of Mr. Sanderson's explanation? - I do not know precisely what his explanation was. I have not seen the whole of the evidence, but undoubtedly the boats will be carried as far aft as would be desirable, and as would be considered safe. If you have your boats too far aft you get under the counter, and it is not advisable.

23552. Then if it is not advisable you would consider it not advisable to place boats on the well deck and on the poop? - I think you could carry boats in the well deck, certainly, but you would be rather close to the counter in getting them over.

23553. Assuming you did not consider it desirable to carry boats so far aft as the poop, would not you think it proper that ample arrangements should be made and adequate notices posted fore and aft of the ship to notify third class passengers in times of emergency and danger the readiest and quickest way to find their way to the boats? - That is a matter of detail.

The Commissioner: That is an argument rather than a question.

Mr. Harbinson: I put it in the form of a question.

The Commissioner: Yes, but it is an argument, and you can argue it before me.

23554. (*Mr. Harbinson.*) I hope to have the opportunity of doing so. (*To the Witness.*) You do not consider it necessary to make any further provision or provide any further means of access for third class passengers to the places where the boats are located? - Not beyond what is the ordinary practice. There are certain directions in all these ships for the passengers to get on to the deck. At nighttime you have red lamps showing the passengers the ladders so that they have their means of escape, so I do not think there is any necessity for an amplification of those things.

23555. Do your official regulations prescribe, as a matter of fact, emergency doors and other exits and means of ingress and egress? - Yes.

23556. Is there any special instruction given to the Surveyors of the Board of Trade to see that these regulations are carried out in every detail? - No special instructions, because the instructions are laid down and the Surveyors have to carry them out.

23557. And you assume they are carried out? - I know it - I do not assume it at all.

23558. In your opinion, up to the present and in the light of the "Titanic" disaster, you do not think any further means of egress or communication from fore and aft of the ship to the boat deck should be provided? - No; from what I saw of the vessel's plans I consider they were quite adequate for the purpose.

23559. The plans of the "Titanic" and the "Olympic"? - Yes.

Mr. Holmes: I have no question to ask, my Lord.

Examined by Mr. LAING.

23560. Yesterday you told us that you had considered this matter in 1911, and 26 boats, with 8,200 cubic feet capacity was the result? - Yes, I had not all my figures with me yesterday. I was led to expect that I should be called not yesterday afternoon but today, and consequently I had not all my papers with me, and was not *au fait* with my figures.

23561. I did not understand it, that is all. May we strike out the 8,200? - In that connection, yes. The table that I had in my mind at that time was in accordance with my recommendation from Liverpool. I mixed up my figures rather.

The Commissioner: Do you want to ask any questions, Mr. Attorney-General?

The Attorney-General: I only want to put one thing to prevent misconception.

Re-examined by the ATTORNEY-GENERAL.

23562. According to the Minute you, Captain Parke, and Mr. Harris were asked to report on this matter, but I find on looking through the Papers that Mr. Archer also made some suggestions? - That is right.

23563. (*The Commissioner.*) That makes a fourth? - Yes.

23564. (*The Attorney-General.*) If you want a figure with reference to the 45,000 or 50,000 tons so that you may have it altogether, I see he recommended the biggest number of boats? - Yes.

The Attorney-General: Twenty-four was the number of boats he required - 14,250 cubic feet capacity under davits, 24,937 cubic capacity with the addition of the supplementary boats. I have all the documents here, which I think your Lordship ought to see in order that you should have everything before you. I have here a Table from Captain Parke, and I see also some reference to German vessels which you will consider when it is printed. It is hardly worth stopping on it now. The Table shows he was making suggestions also in reference to the deckhands, and he made a rough sketch of the boat stowage, showing how he thought 32 boats actually under davits might be placed on the ship. If your Lordship looks at that you will see what is meant.

(*Handing document to his Lordship.*)

The Commissioner: What ship is this sketch for?

The Attorney-General: I think it is only a suggestion, and not with reference to any particular ship. The point being considered was whether they should have more boats on. He makes the suggestion there of how it might be carried out. Some were under davits apparently, and some with inboard boats - and as I followed it some of the boats where you have five in a row I should have thought could not be carried in davits.

The Commissioner: No; there are six, and four of the six, of course, could not be.

The Attorney-General: I suppose the idea is that they should be with inboard, and that the davits at the side of the vessel could be used to put them into the water. That is what it means I expect. I did see - I do not know whether your Lordship did - when we went to see the "Olympic," a vessel with four davits on either side, and a deckhouse with two, three or four boats on it. I think it was the "City of Paris," but I am not quite sure. He also refers to the suggestion of a single wire rope instead of the manilla rope through various blocks. When we were on the "Olympic" we saw experiments made with a single wire rope for that purpose. It is very much in the experimental stage.

The Commissioner: I think I did see such a thing. I do not think I saw it in operation. It was

shown to me.

The Attorney-General: I think the great point was that with this wire rope you would not require to have the number of reevings through the sheaves of the blocks, and therefore would not have so much difficulty in the recovery of your tackle, and moreover this particular kind of wire rope would not get the kinks and turns in it that there would be in a manilla rope. That was the idea.

23565. (*The Commissioner - To the Witness.*) Can you tell me why the boat accommodation is based upon tonnage and not upon the number of persons carried? - My only idea about it is that when the tonnage basis was adopted, it was at that time taken as a better indication of the size of the vessel and her capacity or her capability for bearing the boats required at a height than anything else. It was, I think, based upon the question of the safety of the ship herself.

23566. That was long before your time? - It was before my time; but that is what I have gathered from time to time as the only possible explanation of it.

23567. (*The Attorney-General.*) There is one question I should like to put, if your Lordship is finished. (*To the Witness.*) We see what view you hold according to that report, but between that time and the "Titanic" disaster, did you modify your views at all? - I did.

23568. Were they put into writing? - Yes.

23569. Have you got the writing in which you express the modified views? - Yes.

23570. Will you let me see it? I only want to get the date and to see what the effect of it was? - You are alluding, of course, to a date prior to the "Titanic" disaster?

23571. I said so - between your first report when you expressed your opinion in answer to the instructions of the Board and the foundering of the "Titanic"? - Yes. (*Handing a paper to the Attorney-General.*) That is my statement for brief.

23572. Then perhaps I may put the question to you compendiously in this form. Did you from the time that you made that report, and before the "Titanic" disaster, inquire very fully and further into this question of boat accommodation? - I did, very considerably.

23573. Apparently there was a division of opinion or a difference of opinion between a number of you in the Board of Trade? - That is so.

23574. Then you made a number of enquiries and went into the matter very fully as far as you could? - Yes.

23575. Then, as a consequence of that, did you modify the view which you had expressed in the report? - I modified my view in consequence of a visit which I paid to the shipyards on the Tees, the Tyne, and the Clyde, in January last, for the purpose of seeing whether my ideas as to the improvements in ship construction, the subdivision of the ships, the strength of the bulkheads and their disposition - were right or not. From what I saw I was quite confirmed in my original opinion, as expressed in my letter from Liverpool, to the effect that we should rely upon an efficient system of bulkhead subdivision of the ship rather than on any large increase in the number of boats.

23576. That is the substance of it? - That is the substance of it.

23577. That was right according to your view. Did you, in consequence of that, think that a less number of boats might be required and demanded by the Board of Trade than you had actually put into your table? - Precisely. That is exactly the course.

The Commissioner: It does not say how many less.

23578. (*The Attorney-General.*) No, only that in principle he formed the opinion, being strengthened in that view about the necessity of paying greater attention to efficient bulkheads, that in his view it would not be necessary to make demands for so many boats or so much boat accommodation. That is the effect of it.

The Witness: That is it precisely.

(After a short adjournment.)

The Commissioner: I understand it will not be convenient to sit tomorrow, and therefore we shall not come back till Monday morning.

23579. *(The Attorney-General.)* There is one question I want to put to Captain Young, because my reference to the minutes and documents is a matter which I think your Lordship ought to know. *(To the Witness.)* You said just now, before the adjournment, that you had not actually formulated your views as to the number of boats or the cubic capacity which would have to be provided, but you had modified the opinion which you had formed originally, when the table we have had before us, or to which I have referred, was made by you? - Yes.

23580. You will remember that? - Yes, that was an error.

23581. I find by reference to it that there was a scale which you, Captain Young, had formulated, and that scale, I understand, did go before the Merchant Shipping Advisory Committee? - Quite correct.

The Attorney-General: So that your Lordship will see it is quite right, as we said before, that on the report made by the three gentlemen whose names I gave you, and Mr. Archer, those tables did not go before the Merchant Shipping Advisory Committee, but a table did, and that was the modified table which Captain Young had made in consequence of the opinion he had formed after visiting these various places.

The Commissioner: Very well.

23582. *(The Attorney-General.)* To make it quite clear, that was after the report had been made by the Merchant Shipping Advisory Committee. Your Lordship will remember they made their report in July of 1911. *(To the Witness.)* Just follow this, please, Captain Young, I have only just got it. At the time that the Committee made its report in July, 1911, no scale had been placed before them? - That is perfectly correct.

23583. But subsequently, I see, on the 28th March, 1912, and on the 30th March, 1912, a scale was put before them? - That is so.

23584. Your Lordship will remember we had the reference to these dates in the evidence of Sir Walter Howell, when we were enquiring as to whether he had given the direction on the 4th April for the letter which subsequently was written on the 16th April, 1912. A reference was made to a Minute of Captain Young, under the date of the 28th March, 1912, and the 30th March, 1912. Those documents, Captain Young says, did contain a scale. It is before the "Titanic" disaster, but after the report.

The Commissioner: But after the report?

The Attorney-General: Yes. I was anxious your Lordship should understand exactly how the matter stood. I see the proposed extension of boat scale which he then put forward, gave for the 45,000 tons and under 50,000 tons, twenty-six boats with a minimum cubic capacity for boats under davits of 7,900 feet. It was less actually than in the report which was put forward of 8,300.

The Commissioner: Less than his original?

The Attorney-General: Yes, and less also than contained in the report of the Advisory Committee of July, 1911, a little less - 400 cubic feet less.

23585. *(The Commissioner - To the Witness.)* Can you recall an instance of the wreck of a ship where the boats have not been sufficient for the purpose of saving life? - No, my Lord, I do not know that we have any case on record.

23586. There is no case like the "Titanic"? - I think not, my Lord. Have I your permission, my Lord, to make a very brief statement?

23587. *(The Commissioner.)* What is it about? - About the allegations that have been made against the Marine Department with regard to their degree of energy. It has been said, and great

publicity has been given to it, that the Marine Department did nothing between the 4th July, 1911, and the 16th April, 1912. With your Lordship's permission I would just like to make this point perfectly clear that no blame can be attached to the Marine Department for the supposed delay which has occurred in that interval of time. If any blame can be attached to anyone it must be put upon the right shoulder and that is the Professional Officer of that period, that is myself. The question of the experiments which have been made with regard to the suitability and the safety of boats prior to the increase in their number, I think fully justified me in taking the time that I did to form my conclusions, and in making my deductions which I consider was highly necessary before we could advocate, with any degree of honesty the degree of increase which we should consider advisable. I can assure you, my Lord, that had I chosen to take the line of least resistance when I took up my post at Whitehall, acting first as Deputy in July, I should have referred the Report of the Advisory Committee back to them without any alteration, practically without any comment, and carried on the enormous mass of work which I found awaiting me at that particular time. But I was so impressed from my knowledge and experience of ships and shipping in general of the importance of the point of having proper and safe boats, which I very much doubted we had, before we could advocate any large increase in the number, that it was imperative this matter should be looked thoroughly into. Consequently time was occupied in that, and I do not think that any blame can be legitimately attached to the Marine Department for going so thoroughly into that work as they did, hampered as they were by a great many pressing subjects of legislation, work with foreign Governments and negotiations of all sorts, and a very considerable amount of revision of the whole of our Rules. Under the circumstances I wish it to be thoroughly understood that no blame can be attached either to Sir Walter Howell, or the President, or anybody else in the Marine Department beyond myself, as it was entirely upon my representations to the Marine Department that the boats took up so much of our time. That is the only statement I have to make.

The Commissioner: Very well. I think you are quite entitled to make that statement.

(The Witness withdrew.)

The Solicitor-General: Your Lordship asked yesterday whether we would furnish a chart which showed this new southern track, and, more particularly, the turning point. I am indebted to my friend Sir Robert Finlay's clients for having had it put upon a chart, and I will hand it in, if I may.

The Commissioner: Does that show the old track?

The Solicitor-General: Yes, because it is the North Atlantic chart, and it also shows the new one.

The Commissioner: And does it show the track that the "Titanic" in fact took?

The Solicitor-General: Subject to this, that she ran on, as we know, for an hour.

The Commissioner: She did not quite adhere to the track?

The Solicitor-General: No, it is a matter of a very few miles to the South. I think your Lordship will see what we are handing in shows it. There has been marked on the chart which is now being handed in in a dotted red line the new outward track, and in a dotted blue line the new homeward track; and the new turning point your Lordship will find is at latitude 38, longitude 45.

The Commissioner: The turning point is almost due south of the old turning point.

The Solicitor-General: No, my Lord, I think not due South. It involves going 4° of latitude further South and 2° of longitude further East; because the old turning point was 42° 47'. The latitude is 38° whereas it was formerly 42°; that is a difference of 4°, about 240 miles; and as to longitude, instead of the turning point being 47° it is now 45°, that is 2° of longitude more to the East.

The Commissioner: And how far to the South?

The Solicitor-General: Measured from one point to the other point that is about 260 miles, I think.

The Commissioner: To what extent does the change of track lengthen the voyage?

The Solicitor-General: In miles?

The Commissioner: Yes.

23588. (*The Solicitor-General.*) I have no doubt Captain Bartlett will be able to tell us that, my Lord.

Captain Bartlett: About 220 miles.

23589. (*The Solicitor-General.*) Perhaps I may just add this; that new track which is marked there in colours, as I understand from Captain Bartlett, is a track for British and German steamers, whether they are going to New York or to Boston or to Philadelphia.

Captain Bartlett: That is right.

The Commissioner: I suppose, if this new track had been followed by the "Titanic," she would have been out of the ice track altogether.

The Solicitor-General: She would certainly have been out of the region to which those wireless messages referred, but what there was further South one has not the same detailed information about. One would assume she would be out of it.

The Commissioner: I do not see on this chart any intimation that icebergs are found as far South as this turning point.

The Solicitor-General: Perhaps I may tell your Lordship this - Captain Bartlett gives it to me. If one does not put it graphically, but in words, it will get on the Note. The present track since the disaster, going West, may be thus described: From Fastnet or Bishop's Rock on the great circle to latitude 38 N., longitude 45 W., then to 38 N., 50 W. (that is going due West), and thence to the port of destination. Then, if one is returning on the easterly course it is proceed to latitude 37° 40' N., longitude 50° W.; then to 37° 40' N., 45° W., and thence by the great circle to Fastnet or Bishop's Rock. I think the Admiral will say that is right.

Sir Robert Finlay: With reference to the question your Lordship asked just now, I am informed that ice has been reported on the new track. The ice seems to be passing further South for some reason.

The Commissioner: Since the new track has been adopted.

Sir Robert Finlay: Yes.

The Attorney-General: We had some evidence about it, my Lord.

The Solicitor-General: Your Lordship will remember I asked Mr. Sanderson to search the reports he had had from his Captains to see whether they had had occasion to diverge from the track they were upon, and he produced one or two since the disaster. That would be in reference to the new track.

The Commissioner: Where they have had to depart from the new track?

The Attorney-General: It certainly is after the disaster.

Mr. Laing: It is on page 477.

The Commissioner: What questions?

Mr. Laing: 19294 and 19295.

The Attorney-General: That is right. Then your Lordship will find if you look at page 497 he was recalled and produced reports which they had had from other vessels. If you look at Question 19776, when I am examining him, you will see "what I wanted to know was whether there were any reports of deviation on account of ice being encountered or reported on the track from Queenstown to New York," and I pointed out "the only ones that I see are these two, and they are both after the event, the 24th April, 1912, and the 27th April, 1912." And my friend, Sir Robert Finlay, there points out, "You see the ice has been coming so much further South," because Mr.

Sanderson had already given in evidence at page 477 that they were on this more Southerly track when they had received these two reports. Those are the two pages that make up the evidence. (*After a short pause.*) I think we must look into it a little more closely. It is not quite clear that those two reports of the 24th and the 27th April, 1912, were reports of ice on the new more Southern track. My friend Sir Robert Finlay, was under the impression that they were, I see, because he says, "You see the ice has been coming so much further South," but it does not appear clear by the evidence.

Sir Robert Finlay: I think it is clear if you look at Question 19293. "*(The Solicitor-General.)* Can you help us about this new arrangement? We have got the old one. Is there a formal agreement and a chart? (A.) No. (Q.) Then in what form is it? (A.) We arrive at it in this way. The only tracks which are fixed are those two which you have marked on the chart. But it occasionally happens, rarely however, that on this Southern track we do come across ice in considerable quantities. It is then understood that as soon as that information reaches us, word is passed round and we go to the Southern track, which is South of that one on the chart. Since 1898 I think only three times, to the best of my recollection, have we had to do that. We have gone down to this specially Southern track which is not marked, by agreement, but on this occasion we went South even of that track. (*The Commissioner.*) Which track? - (A.) After this 'Titanic' accident we went South even of that track, and only a couple of weeks ago we got word that ice was on that track, and we went South of that again; and in communicating with the Hydrographic Office at Washington, we got word from them only as late as this morning that it is practically impossible to go sufficiently far South to avoid all risk of meeting ice, because icebergs have been sighted from Bermuda." Then he goes on to say that in a short time it would be safer to go North.

The Attorney-General: Yes, at any rate, it is not clear that those two reports of the 24th and 27th of April, 1912, were referring to this more Southern track, but what my friend has called attention to is this, that he did distinctly say that since they have been on the more Southern track they have had reports of ice. But as you see the date is a couple of weeks ago, it would be brought up to the third or fourth week in May.

The Commissioner: I do not know when the new track was adopted.

The Attorney-General: I am afraid we do not.

The Commissioner: I should fancy these two dates, the 24th April, 1912, and the 27th April, 1912, refer to the old track.

The Attorney-General: I should think so, but this is easily ascertained. The White Star can tell us. The reason why I connected the two was because they were the only ones produced, and he was referring to reports which he had had.

Sir Robert Finlay: Captain Bartlett informs me that the new track further South was adopted on the 24th April.

The Solicitor-General: That means the ship had started then, and was not in mid-Atlantic then.

Sir Robert Finlay: No, not unless it was communicated with.

The Commissioner: This is the report of the 24th April. I think it must refer to the old track.

The Attorney-General: It must, I think.

The Commissioner: On the American hydrographic chart the new routes are said to have been adopted on the 19th April, 1912.

The Attorney-General: If that is right then Mr. Sanderson, when he said a couple of weeks ago must have been referring to those two of the 24th and 27th April, 1912. It does not quite fit in, but that is what he must have had in mind, I think.

Sir Robert Finlay: We will have it looked up.

The Attorney-General: If it was on the 19th April it would be right.

The Attorney-General: There are two Captains whom my friend Sir Robert Finlay would like

called. Your Lordship will remember we have called two already. As they have to sail it is necessary to call them at once.

RICHARD OWEN JONES, Sworn.

Examined by the SOLICITOR-GENERAL.

23590. Are you Master of the steamship "Canada"? - Yes.

23591. I think that is a vessel belonging to the Dominion Line? - Yes.

23592. Have you been her Master for some nine years? - Yes.

23593. Of course, you hold a Master's certificate. How long have you held it? - Twenty-eight years.

23594. And I think we may assume you have been going to sea longer than that? - Yes.

23595. Have you been for the last 27 years with the Dominion Line? - I have.

23596. Is that a line of steamers between this country and Canada? - Yes.

23597. And have you been in that Canadian service for some years? - Twenty-seven years.

23598. Let us take April, 1912, the month in which this calamity happened, did you sail as Master of the "Canada" from Portland (Maine) in that month? - Yes.

23599. I think on the 7th of April? - On the 7th of April I left Portland.

23600. Bound for Liverpool? - Yes.

23601. Did you get any messages on your voyage about ice? - Yes, several.

23602. Which was the day? - On the 9th I had a message from the "Tunisian."

23603. That is an Allan Line steamer, is it not? - Yes.

23604. A wireless message, I suppose? - Yes.

23605. Just tell us what it was shortly? - I have a copy in my pocket.

The Solicitor-General: The "Tunisian" was bound East, my Lord.

The Commissioner: I understand the "Canada" was going to Liverpool.

23606. (*The Attorney-General.*) No, the "Tunisian" that sent the message was going East. This vessel was bound West, so that they were crossing ships? - They were both bound East.

23607. (*The Solicitor-General.*) It is my mistake entirely. They were both bound East. Will you read the message?

The Witness: At 8.45 p.m., G.M.T., 43° 22' N. and 54° 12' W.

23608. (*The Solicitor-General.*) Cannot we limit it to the ice message, because it complicates it so.

The Commissioner: What are you going to do?

The Solicitor-General: I understand this gentleman will tell you he had a message about icebergs in a particular locality.

The Witness: We received a message from the "Royal Edward" reporting bergs in 42° 48.'

The Commissioner: What did you do?

23609. (*The Solicitor-General.*) I think I understand what your Lordship wants. (*To the Witness.*) You told us you got several messages - more than one? - There were two from the "Tunisian."

23610. Never mind; you got more messages than one about ice? - Yes.

23611. Did you come up to the ice; did you see it? - Yes.

23612. Tell us what you did when you found yourself in the neighbourhood of the ice. That is what we want to know? - It was some hours later when we came to the ice.

23613. Whenever it was, what did you do? - When I saw the ice I stopped.

23614. (*The Commissioner.*) This was pack ice? - Yes.

23615. (*The Solicitor-General.*) What sort of ice? - Pack ice.

23616. You stopped altogether, did you? - Yes, I stopped altogether. I let my ship run her way off, and then I gave her a touch ahead, so as to get close to the ice, so as to inspect it.

23617. Was this in daylight or at night? - At night, 11 o'clock at night.

23618. Then you say you gave your ship a touch ahead to get close to the ice to have a look at it? - Yes.

23619. What did you find? - Broken ice and lanes between them, so I decided it was safe for me to go through.

23620. (*The Commissioner.*) To go through? - Yes, my Lord.

23621. (*The Solicitor-General.*) At what speed did you go through? - Oh, very slow; I picked my way clear of the broken pieces.

23622. And did you succeed in getting through? - Yes, I was through about daylight the next morning, about six o'clock.

23623. After you got the messages about the ice did you continue going on full speed ahead until the ice was reported by the look-out? - Yes, certainly.

The Commissioner: Now I see the object.

23624. (*The Solicitor-General.*) That is the point. (*To the Witness.*) Is that in your opinion the usual practice? - Certainly, always.

23625. (*The Commissioner.*) What speed were you going at? - 15 knots.

23626. (*The Solicitor-General.*) Is that your full speed? - Yes.

23627. What was the weather? - Dark and clear.

23628. (*The Commissioner.*) Suppose you had had a 22-knot boat would you have gone 22 knots? - I should think it would be just as safe to go full speed with 22 knots.

23629. (*The Solicitor-General.*) What was the distance at which the ice was picked up. You are going your 15 knots, and it is reported, and then you say you stopped and ran on to reach it. Do you know how far ahead of you it was seen and reported? - Well, I saw the glare of it; I should say about three miles off.

23630. You did yourself? - Yes, and I saw the ice itself fully a mile and a half.

23631. Then I understand you stopped, let your vessel come to a stop, and then felt your way on to inspect it? - Yes.

The Commissioner: I think there was some evidence that it was inadvisable to go up these lanes.

The Attorney-General: Unless you can see your way through.

Sir Robert Finlay: It is in the Regulations issued for vessels of the Canadian line by the White Star particularly, and I have it in my hand. It is to this effect: It is unsafe to enter lanes because you never know whether there may be an exit or not. I will just read the material words: "The ice is often very heavy, and should not be entered" - that is field ice - "unless it is obviously in loose patches. Lanes in the ice often come to an end, and it is unwise to enter them unless clear water can be seen beyond."

The Commissioner: You get into a *cul de sac*.

23632. (*Sir Robert Finlay.*) Yes, you may.

The Witness: I do not mean I followed the lanes, my Lord, but I cut across.

23633. (*The Solicitor-General.*) You went up to get close to the ice and to see what it was like? - Yes, and there the ice was in streaks stretching North and South and the lanes between.

23634. (*The Commissioner.*) And you had to cross the lanes, not follow them? - Yes.

23635. (*The Solicitor-General.*) You would be about seven hours in amongst the ice altogether, I make it from what you have told us? - Yes, nearly seven hours.

23636. And of course going slower and picking your way? - Yes.

23637. Did you come to the conclusion that it would be safe to cross the ice-field? - Perfectly safe. The fact remains that the paint was not taken off the ship's bow.

23638. Nobody suggested that. Perhaps you might tell us this. I think, my Lord, will think it is relevant. You have been crossing the Atlantic year after year constantly. What do you say in this period of the year in the month of April, as to the probability of meeting ice? - How far East do you mean?

23639. Do you expect to meet it? - Oh, certainly.

Sir Robert Finlay: He is on the Northerly track; he is in the Canadian trade.

23640. (*The Solicitor-General.*) Where was it you met the ice, about? - On this occasion?

23641. Yes? - In 40° 20' W. and 42° N.

The Solicitor-General: I appreciate it was not necessary to get the details of bearings before but I think this last bearing is worth having.

The Commissioner: He was very much North of the spot where the "Titanic" came to grief.

23642. (*The Solicitor-General - To the Witness.*) Will you give it to me again. What is the latitude? - 42 N.

Mr. Laing: 43 N.

23643. (*The Solicitor-General.*) You said 42, did you not? - It is 42 N.

23644. (*The Commissioner.*) Someone has written on this chart 43° 22'?

The Witness: I made a mistake my Lord a moment ago; it is 43 N.

The Attorney-General: He means 43 N.; he made a mistake just now when he said 42.

The Commissioner: It is considerably North of the "Titanic."

23645. (*The Solicitor-General.*) Yes, my Lord; he is 60 miles North. (*To the Witness.*) I think you said your longitude was 49° 20' W.? - Yes, when we got out of the ice.

23646. With your experience on a clear night, have you always been able to detect ice by this ice blink? - No, not by the ice-blink; the ice-blink does not always occur.

23647. Then if it is not the ice-blink which enables you to see it, what do you see it by? - You see the ice itself.

23648. Can you suggest to us at all why it should be, if a good look-out is kept, that a ship would not see ice until she is close upon it? - No.

23649. You cannot imagine? - No; I have always seen ice in plenty of time on a clear night.

Examined by Mr. SCANLAN.

23650. (*Mr. Scanlan.*) There is one point I wish to ask this Witness. (*To the Witness.*) In clear weather what distance ahead can you see an iceberg at night? - It depends upon the light. If it is a moonlight night you might be able to see it six to twelve miles.

23651. Supposing it is not moonlight, but the stars are clear? - I should say at the very least a mile and a half to two miles.

23652. You would not say six or seven? - No, it depends on the berg, too.

23653. And what provision had you for a look-out on your ship? - Two men on the look-out.

23654. Where? - One in the crow's-nest and one on the stem head.

23655. Was your one man on the stem head put on at night? - Yes, he was put on that night just as we got on to the ice track.

23656. Did you consider it a proper precaution to put a man at the stem head when ice was reported? - It had been always our custom; we have always done that for the last twenty-seven

years.

23657. At night? - Yes.

23658. Whether ice is reported or not? - In the ice track.

23659. Are your look-out men supplied with binoculars? - No, they are not.

23660. Not in the crow's-nest? - No.

23661. (*The Commissioner.*) Nor at the stem head? - No, my Lord.

Examined by Mr. CLEMENT EDWARDS.

23662. Your boats are controlled by the International Mercantile Marine? - Yes.

23663. Have you any sailing directions? - Yes.

23664. Do they say anything about navigation in the ice region? - Yes.

23665. Have you a copy of them with you? - No, I have not.

23666. Can you remember broadly what these directions are? - We have special instructions with regard to ice.

23667. What are they? - I deviate according to my own discretion to avoid ice.

23668. You have a general discretion with regard to the navigation of a ship under any circumstances, have you not? - Yes.

23669. Can you remember what are the particular directions with regard to ice? - Yes, we have instructions to deviate from our course.

23670. You have instructions to deviate? - Yes.

23671. Under what circumstances? - To avoid ice.

23672. Are there any special circumstances set forth in the directions under which you may deviate? - If ice is reported?

23673. If ice is reported? - Yes.

23674. Is it possible to get a copy? Is your ship in London now? - No, she is in Liverpool.

The Commissioner: I have no doubt a copy of the sailing directions can be obtained at the office of the International Marine.

The Attorney-General: We have got that, my Lord.

Sir Robert Finlay: I believe it has this direction.

The Commissioner: Will you read it? (*To the Witness.*) Just listen and see if it is the sailing direction.

23675. (*Sir Robert Finlay.*) This is supplied to me as an extract from the instructions given to the Commanders in the Canadian service respecting field ice: "Field ice may be met off the eastern end of the Bank across the Bank and along the south coast of Newfoundland. Thin ice is often very heavy and should not be entered unless it is obviously in loose patches. Lanes in the ice often come to an end, and it is unwise to enter them unless clear water can be seen beyond. It is usually the safest course to go South to get round the field ice, and Commanders have permission to use their discretion to deviate from the track under such circumstances?" - Yes.

23676. Are those your directions? - Yes.

23677. (*The Commissioner.*) Are those the directions you were talking about? - Yes.

The Commissioner: Very well; then there they are.

23678. (*Mr. Clement Edwards.*) You were in the service of the Dominion Line before it became acquired by the American Trust? - Yes, for 27 years.

23679. Are those sailing directions as to navigation in the ice-fields the same as or different from the instructions which you had when the Dominion Line Company had control? - Practically the same.

23680. Not quite? - Perhaps not worded exactly the same. The meaning is the same.

Examined by Sir ROBERT FINLAY.

23681. You were asked as to the Dominion Line vessels being under the control of the International Mercantile Marine? - Yes.

23682. That was formed, I think, in 1902? - Yes.

23683. Ten years ago? - Yes.

23684. You have been in that trade for 27 years? - Yes.

23685. Was your practice before 1902 exactly the same as it has been since? - Exactly the same.

23686. Now, I want to know what those messages were; what sort of ice did they report? - Field ice and bergs.

23687. Perhaps you will refer to the messages and just tell us? - Shall I read it out?

23688. If you please, so far as it relates to ice. What vessel is this from? - This is from the "Tunisian" from the "Royal Edward."

23689. Reporting a message which they had from the "Royal Edward"? - Yes. "The 'Royal Edward' this morning reports bergs 42-48 N., 49-40 W., and passed through ice-field in 42-35 N. and 50-18 W., extending N. and S. as far as visible. Some of this ice is heavy and dangerous."

23690. Where were you at the time you got that message? - Between 52 and 53 W. and 43 N.

23691. Did you receive another message later on from the "Bulgaria"? - Yes.

23692. What was that? - "Nine p.m. hazy, pack ice in 42-24 N. and 50-6 W."

23693. The weather is "hazy." I thought it was "heavy"? - Well, it is "heavy." "Heavy pack ice in 42-24 N. and 50-6 W., large bergs in 42-31 N. and 40-50 W."

Sir Robert Finlay: It is 49, is it not?

The Commissioner: What is this for?

23694. (*Sir Robert Finlay.*) To show the nature of the message he received, reporting not only field ice, but also bergs and pack ice? - It is 49.50. It is a mistake in the telegram here.

23695. What was your position when you got your second message about the ice? - About 51 W.

23696. And N. - Forty-three N.

23697. Forty-three N. and 51 W.? - About that.

23698. Were you still going East at full speed? - Yes.

23699. What was the state of the sea? - Calm and clear.

23700. Was there any swell? - There might be a light swell, yes; but the sea was smooth.

23701. If there was any swell it was moderate? - Yes; I mean to say there was no wind, the surface of the sea was calm; there might be a little swell.

23702. Then you got through the ice across the lanes in the way you have described? - Yes

23703. Now, will you just explain to me about this ice-blink. That is not always seen? - No, not always.

23704. What is it; how is it produced? - By a reflection of the light. I suppose it is the reflection of the light on the ice.

23705. The reflection of what light? - It might be a star.

23706. Is it a sort of shimmer? - Yes, a kind of a flicker.

23707. Is the lowering of the temperature, in your experience, a sign of icebergs or produced by them? - It is no guide to the vicinity of icebergs, none whatever.

23708. Where you have ice about, in your experience, are you liable to have fogs? - Very liable.

23709. Does that, in your judgment, afford any reason for the practice you have always

pursued as to speed? - Yes, we always make what speed we can.

23710. Just tell us, in your own way, what effect that fact has on your practice as to speed? - Well, we always try to get through the ice track as quickly as possible in clear weather.

23711. If fog came on while you were there? - It would increase the danger very much. We have to slow down or stop.

23712. With regard to this question about glasses for the look-out men, the binoculars, do you think it is desirable to have them? - No, I do not.

23713. What is your reason for that? - In the first place, it is very difficult to focus the glasses, and if the glasses are not properly focused the man might as well have a blank tube to look through.

(The Witness withdrew.)

EDWIN GALTON CANNONS, Sworn.

Examined by the ATTORNEY-GENERAL.

23714. You have been a Master Mariner for over twenty years? - Yes.

23715. Holding a Master's Certificate, and have been thirty-six years going to sea? - Yes.

23716. You have been in the service of the Atlantic Transport Company for nearly twenty-five years? - Yes.

23717. And in command for about twenty years? - Over twenty.

23718. And during the whole of that time have you been sailing in the North Atlantic? - The whole of the time.

23719. London and New York, Boston, Philadelphia and Baltimore? - Yes.

23720. And before that at times you were sailing in the North Atlantic? - Yes, quite a time.

23721. In the course of your experience have you met icebergs and also field ice? - Yes.

23722. Have you ever met ice-fields on the southern outward and homeward tracks which were agreed in 1898? - No, I have never seen field ice on the southern track.

23723. You have never seen field ice? - No.

23724. Have you ever seen icebergs? - Yes, several.

23725. On the outward track or the homeward track? - On both tracks.

23726. At this time of year, we are speaking of in April? - Yes.

23727. Often? - No, not often, they do not get down as early as that as a Rule.

23728. I only want to understand. Do you mean you have met them now and again. Give us an idea how often it is that you have come across icebergs on the track, either the outward or the homeward track? - Well, you may run three or four years clear; then again you get an exceptional ice season and the ice comes down both earlier and more rapidly.

23729. So that in that exceptional season you would expect to meet icebergs on that track? - Yes.

23730. It has got further South, at an earlier period? - Yes.

23731. Presumably it is a matter to which your attention is always directed when you are crossing? - Oh, yes.

23732. It is the sort of thing I suppose that an experienced captain always has in mind when he is on the North Atlantic track at this time of year? - Oh, yes, we are always on the alert for it for many months.

23733. There is only one further question I want to put to you. When you do sight an iceberg do you reduce your speed or do you keep your speed? - I keep my speed.

23734. What is the speed of the vessel? - Sixteen knots.

23735. You keep your speed - that, of course, is, I suppose, in the day or it might be at night? - Both day and night.

23736. The question I put to you, and you have answered, is when you have sighted an iceberg? - Yes.

23737. Then you have time, I suppose, from what you said, to get clear of the iceberg going at the speed at which your vessel then is? - I have never had any difficulty to clear when I have met ice ahead.

23738. Does that mean that you see the ice some distance ahead? - Yes.

23739. How far as a Rule? - Well, I have seen it over three miles and at less distances.

23740. Are you speaking of the day or night? - At night.

23741. Do you mean you would see it further in the daytime? - Yes, decidedly, in clear weather.

23742. At night you have seen it at three miles and sometimes less? - Yes.

23743. And supposing that your look-out is properly kept and that the night is clear is there any difficulty in your sighting an iceberg at sufficient distance to enable you to steer clear of it? - None whatever.

23744. And supposing you received reports of icebergs in a latitude and longitude which you would expect to be crossing during the night would you take any precaution as regards speed? - I should maintain my speed and keep an exceptionally sharp look-out until such time as I either had the ice-blink or some sight of ice ahead or in the track of the vessel.

23745. What would be the exceptionally sharp look-out you would keep? - I mean with reference to everybody concerned by my cautioning them and giving my officers instructions to inform the look-out to be on the alert.

23746. Where is your look-out stationed? - In clear weather under ordinary circumstances in the crow's-nest.

23747. How many do you carry there? - One.

23748. Would that be the only man on the look-out in clear weather except the officers on the bridge? - That would be the only one.

23749. And supposing you were sailing at night and had to keep this exceptionally sharp look-out which you have told us of because of having had ice reports, would you increase the numbers of men on the look-out or not? - No, not in clear weather.

23750. Do you mean that you would go on steaming at the same speed with your man in the crow's-nest, and that is all? - That is all.

23751. You do not put anybody apparently in the stem head? - No, not unless the weather becomes hazy or any difference to ordinary clear weather.

23752. If the weather does become hazy it would be better to put a man on the stem head, I understand? - A man goes there immediately.

23753. You have heard the distance at which it is said that this iceberg was first seen on the "Titanic." Do you know it? - I do not know it.

23754. At any rate not further than half a mile. The exact distance I agree is difficult to state, but not further than half a mile it is said to have been.

The Commissioner: I should have said not so much.

23755. (*The Attorney-General.*) I am putting it at the extreme purposely. That is the extreme distance at which it is put. (*To the Witness.*) Suppose it was a little less than half a mile, can you account for the look-out man not having seen it if it was a clear night? - No.

23756. And supposing it was a clear night, no haze, ought the look-out men in the crow's-nest to have seen it? - They should have done, I should imagine.

23757. And if the iceberg is 60 to 80 feet high from the water level, at what distance do you think it ought to have been seen? - My experience would be that you would see it at least two miles.

23758. At least two miles? - Yes.

23759. (*The Commissioner.*) Then ought not the men on the bridge to see it? - Yes.

23760. They ought to see it? - Yes.

23761. At the same distance? - Yes.

23762. Have you seen black ice? - No, my Lord; I have not seen black ice, but the ice varies considerably in its appearance.

23763. Have you seen many icebergs? - Yes, my Lord.

23764. And you have never seen a black iceberg? - No.

Examined by Mr. SCANLAN.

23765. If there is any difficulty at all in seeing ahead at night, would it be in accordance with your practice to double the look-out? - Yes.

23766. You think that would be the proper thing to do? - If there was any haze at all, yes, immediately.

23767. Apart from haze, if there was what has been described here as a flat calm and the conditions were such that it would be more difficult than on an ordinary clear night to see an iceberg ahead, would you double the look-outs? - Not in perfectly clear weather.

23768. If it is calm is it more difficult to see an iceberg? - I have not found it so.

23769. (*The Commissioner.*) Do you think it is more difficult to see an iceberg when the sea is flat and with the weather quite clear? Do you think the flat sea prevents you from seeing an iceberg as readily as you would do if the sea were rough or rippled? - No.

23770. You do not believe in that? - No.

23771. (*Mr. Scanlan.*) If any condition of the weather prevented you from seeing clearly you would double the look-out? - Decidedly.

23772. If at night ice was reported ahead of you in the track which you were taking would you double the look-out? - No; not if it was clear.

Then you do not agree with the last Witness?

The Commissioner: What did the last Witness say?

Sir Robert Finlay: The last Witness is in a different trade.

Mr. Scanlan: I think he said if the weather was clear, if ice was reported to him at night, he would put a man on the stem head.

Sir Robert Finlay: No, he said the opposite.

The Commissioner: What he said was he would tell the officer and the man on the look-out to be alert.

The Attorney-General: It is not quite what this Captain has said, but I think my friend is right, according to my recollection of it. He did say in the ice region. He would put a man on the stem head.

The Commissioner: Is Captain Jones here, or has he gone away?

The Attorney-General: It is on the Note, my Lord.

The Commissioner: What did he say, Sir Robert, according to you?

Sir Robert Finlay: I rather think that he said that he doubled the look-out, but I am not quite positive as to whether he said he did that in clear weather.

Mr. Scanlan: I have a very distinct recollection of his saying that.

The Commissioner: My colleagues seem to think you are right.

The Attorney-General: When he gets to the ice region.

23773. (*Mr. Scanlan - To the Witness.*) I wish you to understand what I am putting to you. The time I am speaking of - night, no moon, but stars - it is reported to be more difficult to see than in ordinary circumstances, and yet it is said to be clear. Would you, in those circumstances, put a look-out man on the stem head? - If there were the slightest haze or any indication of any other different weather than the clear weather, the look-out would be immediately increased.

23774. When you speak of increasing the look-out, what you refer to is putting a man on the stem head? - Yes.

23775. You carry one man in the crow's-nest, do you? - Yes.

23776. And one man on the stem head? - No.

23777. I mean when you double the look-out? - Yes.

The Commissioner: He would, when he doubles the look-out.

23778. (*Mr. Scanlan.*) That is what I mean. (*To the Witness.*) Is it considered that the position of the stem head is a good commanding position from which to see low-lying ice? - Yes, it is a position of advantage.

Mr. Scanlan: It is a position of advantage.

Examined by Mr. CLEMENT EDWARDS.

23779. Is your company owned and controlled by the International Mercantile Marine? - Yes.

23780. You have heard the sailing directions read out by Sir Robert Finlay when in the ice region. Are those similar sailing directions?

Sir Robert Finlay: These were the Canadian directions. This gentleman is not in the Canadian service.

Mr. Edwards: I misunderstood you.

Sir Robert Finlay: The last Witness was on the Canadian route, and the directions relate to that.

23781. (*Mr. Clement Edwards.*) Very well. Thank you, Sir Robert. (*To the Witness.*) You have sailing directions from your company? - Yes.

23782. Does your book of sailing directions make any mention at all of what you are to do in the ice region? - I have not the book with me. I could not exactly say now.

Mr. Edwards: May I ask here quite formally, my Lord, if those representing the International Company will please produce the sailing directions for the different lines controlled by that company?

The Commissioner: I do not know that there is anybody here that does represent that line.

Sir Robert Finlay: As far as I know, my Lord, there is nothing except what is already in evidence, and it has been stated that there are no specific directions as to ice.

The Attorney-General: I do not think my friend Mr. Edwards had in mind that the Rules we have produced are the International Marine Company's.

Mr. Edwards: I quite understand, but you will remember there is no mention here at all of ice. What I am trying to get, and got from the last Witness, was that he belonged to a company controlled by the International, and he had sailing directions for the ice-field.

The Attorney-General: That is in accordance exactly with the evidence Sir Robert produced. What it means is that where they are on this track, the North Atlantic track, between the United Kingdom and New York and Boston and so forth, they do not get those directions as to ice. There are no special directions as to ice; but when they are in the Canadian service then they do get the directions as to ice which were read by Sir Robert just now with the last Witness, who was on the Canadian service. That is how it stands.

Mr. Edwards: This Witness is a little vague as to whether in his instructions there is anything at all about ice.

23783. (*The Commissioner.*) Do you have this book which I have here?

The Witness: I have it on board the steamer, but I have not the regulations in my mind, every one of them.

The Commissioner: There is no reference to ice. "He must remember that his first duty is to keep a good look-out and avoid running into danger."

23784. (*Mr. Edwards - To the Witness.*) Will you kindly look at that book (*Handing book to the Witness.*) is that what you call your sailing directions? - Well, it looks similar.

23785. Just look at it a little carefully. Have you any directions from your owners other than that? - None.

The Commissioner: I should like to know if he received the letter that we were told was given to every captain, but the letter did not carry it any further.

Mr. Edwards: There can be no difficulty if Sir Robert Finlay will allow us to have a copy of the sailing directions on the Canadian trade, so that we may see exactly what they are.

The Commissioner: This gentleman is not on the Canadian trade.

Mr. Edwards: That I understand, my Lord.

The Commissioner: The last Witness was.

Mr. Edwards: May I ask quite formally that we have produced from the Dominion Line a copy of the sailing directions which they issue to their Captains in the Canadian Trade.

The Commissioner: You are not satisfied with that piece of paper; you want the book.

Mr. Edwards: That is so, my Lord.

The Commissioner: Very well, you can get it I daresay, Sir Robert.

Sir Robert Finlay: Oh, yes. Certainly, my Lord.

The Commissioner: I am sure there is no difficulty in getting it, it will be in the office.

Sir Robert Finlay: The extract contains what relates to ice.

Examined by Sir ROBERT FINLAY.

How long have you been navigating the North Atlantic?

The Commissioner: This track?

23786. (*Sir Robert Finlay.*) This track.

The Witness: In command? - 20 years.

23787. (*The Commissioner.*) Either as officer or Captain? - Over 25 years.

23788. (*Sir Robert Finlay.*) Has the practice been the same during the whole of that time? - No.

23789. Now tell me what difference has been made? - When I was a young officer there were no tracks laid down. Each Master followed his own course - what he considered was a safe track at any time of the year.

23790. Then in 1898 these tracks were agreed upon as we have heard? - Yes, and came into force at the beginning of January, 1899.

23791. But before 1898 had you any system of reporting ice; did passing vessels report ice to one another before the Marconi system was introduced? - Yes, we had an ice code by which by one signal you could communicate with any other passing vessel the position of ice seen, or by a number of flags whether ice had been seen or not, whether the weather was clear or whether it had been hazy.

23792. So that long before Marconigrams were heard of you did get those signals from and gave those signals to passing vessels? - Yes.

23793. When you got those signals did you slacken speed? - No.

23794. Has the practice in that respect been the same the whole time you have known the trade? - Yes.

23795. (*The Commissioner.*) What is the speed of your vessel? - Sixteen knots.

23796. (*Sir Robert Finlay.*) That is her top speed? - Yes.

23797. (*The Commissioner.*) Now, assume you had under your command a vessel of 22 knots, would you slacken speed then? - Not in clear weather.

23798. (*Sir Robert Finlay.*) Now, would you describe to us the appearance of the icebergs in your experience; what do they look like as regards colour? - In day or night?

23799. Well, take first day? - In the day they appear as a white glistening mass, irregular in shape, white.

23800. Then at night? - At night they throw off an effulgence that can be seen. I have seen the outlines of an iceberg by taking a bearing over seven miles.

23801. It is what is called ice-blink? - Yes, it is an effulgence thrown off the berg or ice because the ice absorbs the light by day, and throws it off at night. It would look like a large mass of luminous paint. That is the description one might venture upon.

23802. It has taken in the light of the sun during the day and throws it off at night? - Yes.

23803. Anyhow, that is the effect you see? - Yes.

23804. Have you ever seen a black berg? - No.

23805. In your experience are icebergs dark or black? - I have seen them much darker. Might I explain an experience of mine some years ago which will give you possibly an idea of the difference in the colour.

23806. If you please? - When I was Chief Officer of our "Michigan" I saw an iceberg capsize in the daytime. What appeared prior to the iceberg capsizing as a white glistening mass, after the sea had subsided and the water run off the portion that was then exposed, was apparently dark blue.

23807. Have you ever come across an iceberg that looked of that colour. You say you saw this one capsize? - Yes, in the daytime.

23808. And then did you notice its colour? It was quite different from what it was before? - It was different in outline and different in colour.

23809. Very well. Before it capsized it was white, I suppose, as you have described? - Yes.

23810. Then after that it was dark blue. Have you ever seen another iceberg of that dark colour? - No, only that one that capsized.

23811. Where there is a swell or a little wind does the water break at the foot of the berg? - Oh, yes.

23812. Now supposing you had a dark blue berg such as you have described, dark in colour, what would the effect of the water breaking at the foot of it with a swell or wind be as regards what you would see? - Well, it would show whiter at the base.

23813. But in your experience the bergs have been white except with this one exception? - With the exception of this one which I saw in daylight and noticed the difference in the colour; all of them have been discernible at nighttime, and of course in the day.

23814. In addition to the look-out you have the officers on the bridge? - Yes.

23815. And if you hear of ice do you tell them all to be on the look-out, to be on the alert? - Yes; the watch is mustered on the bridge, the officer inspects them, and instructs them specially to keep their eyes open.

23816. In your experience is the practice of all as regards speed, though ice has been reported, the same that you have stated, to keep up speed? - Yes, to maintain speed until the ice is seen.

23817. What do you think of binoculars for the look-out men? - I do not think they are any advantage at all. In the North Atlantic trade they would not be of much use because they are so

easily blurred.

Re-examined by the ATTORNEY-GENERAL.

23818. There is only one thing I want you to explain to us a little more fully. According to the view that you have expressed, you may have passed dark bergs quite close without seeing them? Is that right? - Well, it would be possible.

23819. It would follow from your evidence? - We are not looking out for the ice that is out of the steamer's particular track.

23820. According to your view, an iceberg that had capsized might present a dark blue appearance? - Yes, that is as I saw it in the daylight. I could not say what it would look like at night.

23821. You have never seen such a thing at night? - No.

23822. You have never seen this dark coloured iceberg at night? - No; some are certainly more effulgent than others.

23823. When you saw this one which you have spoken of which had capsized, how high was it out of the water? - I should say it was 60 feet high.

23824. I suppose it is not a rare thing for an iceberg to capsize? - No; as soon as they lose their gravity they turn over.

23825. And if the ice is melting in coming further South there comes a point at which it does capsize? - Yes.

23826. And, of course, in the night if it is going to present a dark appearance like that such as you have described you said in the daytime, it would be particularly dangerous? - Yes.

23827. So that it would be necessary if you expected to meet icebergs at that time of night to proceed with great caution, would it not? - By my experience I have always been able to see them on a clear night.

23828. You see the difficulty from what you said that strikes me is that of course in all your experience you have always been able to see those that you have actually seen; but there may have been some that have passed you that you have not seen? - It is quite sure there have been some pass which I have not seen.

23829. It has been your good fortune that you did not strike them or they strike you? - Yes, but they would not be on my track.

23830. I do not quite follow. Do you mean that you would not expect to see one in your track? - Oh yes, I should be on the alert for it.

23831. It does come to this, does it not, that you would be on the alert looking out for these icebergs which you could see? - Yes.

23832. (*The Commissioner.*) Do you believe there are icebergs that you cannot see? - No, my Lord.

The Commissioner: Will some one describe to me - perhaps you can do it, Sir Robert - how an iceberg capsizes and what comes up on the surface after it has capsized?

Sir Robert Finlay: From some cause or other, breaking off the ice below it gets top-heavy, it turns over, and what was previously under water is presented above.

The Commissioner: Does it ever happen when that takes place that the ice which is under the water and comes up to the surface may be higher, and in that sense larger than the ice that was at the top before?

Sir Robert Finlay: I should have thought not, my Lord.

The Commissioner: Well, I think not.

Sir Robert Finlay: I should have thought not, but I speak with deference.

The Commissioner: I am wondering whether you could have a low-lying mass of ice, with possibly a spike underneath, and the thing turns up, and the spike appears higher than the low-lying mass of ice that you had before. I was wondering whether this iceberg can be said, in a sense, to have appeared suddenly.

The Attorney-General: There must have been something there before.

The Commissioner: Of course, it must have been there before in some shape or another, but could it have appeared suddenly, as a considerably high thing out of the water, whereas before it was not?

Sir Robert Finlay: I will consider very carefully the question your Lordship has put. At present, as it occurs to me, I should not have thought it would have been higher out of the water than it was before; in fact, I should have thought it was rather the other way.

The Attorney-General: It must be, to some extent, a question of configuration. I should say I am going to call some evidence which, I think, will give you all the information you want on this.

23833. (*The Commissioner.*) I understand Captain Jones has gone. (*To the Witness.*) Do you know the circumstances in which this collision is alleged to have taken place? - Only from what I have read in the Press.

23834. Very well. Just assume this: A perfectly clear night, a perfectly flat sea, and no wind, and therefore nothing in the nature of surf round the edge of the iceberg. Would those circumstances, in your opinion, make the sighting of an iceberg difficult? - Yes, it would increase the difficulty of seeing it.

23835. Are those circumstances very rare? - Yes.

23836. A perfectly flat sea, no swell, no ripple? - They are extremely rare in the North Atlantic.

23837. But still such circumstances are sometimes found? - Yes, my Lord.

23838. How far do you suppose you would see an iceberg in those circumstances? - I should say a mile.

23839. A vessel going 22 knots an hour, sighting an iceberg a mile away, can, I suppose, clear it? - Yes.

23840. Now can you explain to me why the "Titanic" did not clear this iceberg? Have you formed any theory? - It is possible for the iceberg to extend under the water a considerable distance from the portion seen above.

23841. But that scarcely agrees with the facts here, because some ice fell on the deck? - That could easily occur with the concussion, my Lord. She was going at high speed; it may have crushed against the vessel's side, and come up on deck.

The Attorney-General: No, everybody says it fell on the deck.

23842. (*The Commissioner.*) I understand your suggestion to be that the part of the berg that they saw was not that which struck the vessel, but that it was part of the berg underneath the water that struck the ship? - I say that is possible.

23843. Which extended some way from the berg which stood up? - Yes, it is quite possible. I have only read the newspaper reports.

23844. Have you any other explanation? That does not satisfy me very well. Do you think a bad look-out would account for it? - I think they had a good look-out there, my Lord.

23845. Never mind whether you think they had a good one or not. Would a bad look-out account for it? - Yes.

23846. Can you account for it in any other way - a bad look-out and going at the rate of 22 knots an hour? - They should have seen the berg in time to have cleared it.

23847. You think they should? - Yes.

23848. That means to say, taking you as a skilled man in navigation, you think there must have

been bad navigation somewhere? - No, I do not think that, my Lord.

The Commissioner: Perhaps I ought not to have asked that question.

23849. (*The Attorney-General.*) There is one question on what your Lordship has said. (*To the Witness.*) Before this accident to the "Titanic" had it ever occurred to you that on a specially calm night and a specially clear night it would be more difficult to detect an iceberg? - Oh, yes.

23850. So that a skilled navigator would expect that it would be more difficult on a specially calm night and on a specially clear night? - Yes, it would be more difficult in the calm. You see the sea causes an extra warning, breaking against the berg.

The Commissioner: "Specially clear" does not add to the difficulty; specially calm does.

The Attorney-General: Yes, but you have to take into account also that it is specially clear.

The Commissioner: It is easier to see then.

The Attorney-General: Yes. You must take the two into account. If you say it was not a specially clear night -

The Commissioner: Oh no, the evidence was it was specially clear.

The Attorney-General: That is why I am putting to him the particular conditions with which we have to deal. As I understand, your Lordship's view of the evidence is, at any rate at present, that you discard the evidence with regard to haze.

The Commissioner: That is right.

The Attorney-General: That therefore eliminates that from consideration; and then what you have to deal with is the specially calm night and also the evidence that it was a specially clear night. You have those two things.

The Commissioner: Yes. I thought you were putting to the Witness the suggestion that the clearness of the night detracted from the power of detecting an iceberg.

The Attorney-General: No, I was putting the circumstances we are dealing with in the particular case. That is what I wanted to do.

(The Witness withdrew.)

FRANCIS CARRUTHERS, Sworn.

Examined by Mr. BUTLER ASPINALL.

23851. (*Mr. Butler Aspinall.*) We are now going to Belfast, for a very short time I hope. The two following Witnesses have supervised the building of the ship at Belfast. (*To the Witness.*) Are you a member of the Institute of Naval Architects? - I am.

23852. And are you an engineer and ship Surveyor to the Board of Trade at Belfast? - Yes.

23853. I believe you were for 13 years a sea-going engineer, and you have been for some 16 years in the service of the Board of Trade? - Yes.

23854. I think your experience with the Board of Trade has mainly consisted of superintending the construction of new steamers? - Yes.

23855. And you were engaged upon that work during the time the "Titanic" was being constructed at Belfast? - I was.

23856. That extended over a space of what time? - About two and a half years.

23857. Did you give her careful attention? - I did.

23858. I believe the practice is that as she is being built you make yourself informed of whether or not the builders are complying with the Board of Trade Regulations and Instructions? - Yes.

23859. That is your duty. And in addition to that I believe either you or the owners have to send

over to London either to Mr. Archer or Mr. Boyle, whom we have heard of, certain sections, certain plans, and so on? - Yes, they were sent through our office.

23860. That is the practice? - Yes.

23861. Also I believe in the event of there being any difference of opinion between you and the builders as to whether or not the Board of Trade instructions are being given effect to you communicate with the London office and get the benefit of their views? - Yes, we do.

23862. And then you put these views before the builders, Messrs. Harland and Wolff, as they were on this occasion? - Yes.

23863. There were certain matters which you did have to refer to London for, but as far as I can see it is quite unnecessary to trouble my Lord with those matters. If any of those Gentlemen want them you can give them particulars? - Yes.

23864. I do not propose to trouble you about them. Eventually the ship was finished? - Yes.

23865. Did you then give your declaration of survey? - Yes.

23866. When you gave your declaration of survey had she in fact complied with all the requirements of the Board of Trade? - Yes, she had.

Mr. Butler Aspinall: My Lord, it was put in through the medium of Mr. Sanderson; it follows the day's evidence which ends on page 479. At the end of that there were certain appendices or exhibits put in.

The Commissioner: Yes. I have the document.

23867. (*Mr. Butler Aspinall.*) It is quite unnecessary to trouble you with it, Mr. Carruthers. It is on page 10 of those documents. That declaration is signed by you and you say it is in order and accurate, and then did you hand that declaration over to the owners? - To the builders.

23868. Yes, you are right, to the builders; then in the ordinary course of business the builders sent that on to the head office in London. Perhaps you do not know? - They sent it on to the Assistant-Secretary.

23869. (*Mr. Butler Aspinall.*) Your Lordship will see that what next happened is at page 13, a document is issued to the owners entitled "passengers certificate," and that is signed "Walter J. Howell." (*To the Witness.*) That is how it is done? - Yes.

23870. After you have given your declaration of survey so far as you are concerned you have done with the ship? - Yes. I have finished with her then.

Mr. Scanlan: I have no question.

Examined by Mr. CLEMENT EDWARDS.

23871. What precisely are your qualifications, Mr. Carruthers? - For what purpose?

23872. For the purpose of a Surveyor of ships; what experience have you had? - I have been surveying ships for a little over 20 years.

23873. Before you entered the service of the Board of Trade what were you doing? - Surveying ships.

23874. For how long? - For about four years.

23875. So that you have been in the service of the Board of Trade 16 years? - Sixteen years, yes.

23876. And before that you surveyed ships for four years? - Yes.

23877. For whom? - First of all I was Assistant-Superintendent to Robert Baird on the Tyne, and assisted him; then I became assistant for F. Scudamore and Company, London. After that, I went as assistant to John Baxter, at Newcastle-on-Tyne.

23878. This was surveying ships was it? - Yes.

23879. What previous experience had you? - Prior to that I was at sea thirteen years.

23880. As what? - An engineer.

23881. What experience have you had on the constructional side except as a Surveyor? Have you had any experience at all on the constructional side of shipbuilding, except as a Surveyor? - When I went to serve my Apprenticeship, about 12 months was spent in a Whitehaven shipyard as a shipbuilder.

23882. Apart from your experience at sea and your experience as a Surveyor, is that the whole of the experience you have had on the practical side of constructional work? - That is practically all.

23883. In the declaration you issued, in the one case you certify that the boats D of the "Titanic" were capable of accommodating 80 persons, and in another declaration you make it only 64? - Yes.

23884. How do you account for the disparity in the numbers in your certificate? - It was a clerical error in the declaration, but it was put right on the survey. It was discovered very shortly after the declaration was issued, and corrected.

The Commissioner: We have had that explained before.

Mr. Edwards: With respect, my Lord, I asked the Assistant-Secretary of the Board of Trade, and he said he was unable to explain it, but that the Surveyor would explain it.

23885. (*The Commissioner.*) No, but it was stated to me that it was a clerical error.

The Witness: It was corrected almost immediately after the declaration was issued.

23886. (*Mr. Edwards.*) Then boat section A. In the one declaration the number of persons supposed to be accommodated is 910, and in the other declaration it is 915? - That is the same thing.

23887. That is also a clerical error? - Yes.

23888. Do these clerical errors very often happen? - No, very rarely.

23889. You told my friend that there were certain particulars in the case of the "Titanic" which you referred to London? - Yes.

23890. Now what were the matters that you referred to London? - The first thing I referred to London was the position of the collision bulkhead.

23891. Did you make any suggestion as to that? - Yes.

23892. What was the suggestion? - I sent a sketch showing the position of the bulkhead, and pointed out that it was carried forward on what is marked there "E Deck" six frame spaces instead of being carried right up to D Deck.

23893. Did you suggest that that should be altered? - No; I submitted it, and asked for instructions. Messrs. Harland and Wolff were contending that they were right and I thought they were wrong.

23894. Who would that have been submitted to in London? - It was sent to the Assistant Secretary, and from him it went to Mr. Archer, the Principal Ship Surveyor.

23895. And beyond him? - It came back to me, I think.

23896. Did he agree with Messrs. Harland's view? - No, he thought I was right.

23897. And it was altered? - No, another arrangement was made on another bulkhead.

23898. A compensating arrangements? - Yes.

23899. What was the compensating arrangement? - In the long run it resulted in the second bulkhead being carried up to D deck.

23900. Was that submitted to London too? - It was.

23901. And did you agree that that might be done? - Yes.

23902. Did London agree that it might be done? - London agreed first.

23903. Was that decided by Mr. Archer? - Well it would be submitted by Mr. Archer to the Assistant Secretary as a right provision.

23904. Would the Assistant Secretary in your view decide whether it was the right provision? - No, Mr. Archer would decide it.

23905. Then what would be the purpose of submitting it to the Assistant Secretary? - I cannot tell you that; I have nothing to do with that.

23906. Was there anything else submitted to London? - There was a question of the side scuttles and a question as to the height the bulkheads might be carried. These were all practically involved in this first thing.

23907. Were those bulkheads other than the collision bulkhead? - Yes.

23908. Did you submit sketches of these other bulkheads to London? - I got drawing from Harland and Wolff's and they were forwarded to London.

23909. In those drawings which you got from Harland and Wolff's for the intermediate bulkhead to which deck was it proposed that should be carried? - To E deck as far aft as the forward engine room bulkhead and to the D deck abaft that.

23910. Did you make any recommendations with regard to the height of those bulkheads? - No, this was settled automatically by a rearrangement of the freeboard.

23911. Automatically, in what way? - If they took table C freeboard they could stop at the bulkhead measured from the upper deck - they could by the Rules stop them at E deck.

23912. What Rules are you referring to? - The freeboard tables and Clause 16 in the instructions.

23913. Clause 16 in your instructions says this: "An efficient and watertight engine room stokehold bulkhead, as well as a collision watertight bulkhead, and an after-watertight compartment, to enclose the stern tube of each screw shaft, should be fitted in all sea-going steamers, both new and old, and in the absence of any of these the case must be specially referred to the Board of Trade before a declaration is given. As regards other bulkheads, although a thorough subdivision of the ship is desirable, the Surveyors should not, for the present, refuse to grant a declaration because these are not fitted." Will you refer me to the Rules by which you are guided in the case of other bulkheads than those specifically mentioned in that Rule? - The circular 1401, which overrides this Clause 16, which you have read.

23914. It says, "In all sea-going steamers coming under survey for passenger certificate for the first time the following requirements regarding the height of the bulkheads should be complied with. The collision bulkhead is in all cases to extend to the upper deck. If an iron or steel watertight deck or flat is fitted below the upper deck at the afterend of the vessel and forms the top of the after watertight compartment, the aftermost bulkhead may terminate at the said watertight deck or flat, but if no such watertight deck or flat is fitted, the aftermost bulkhead should extend to the upper deck. When the loadline disc of the vessel is placed at least as low as is required by Table C of the Freeboard Tables for awning deck vessels" this is not an awning deck vessel, is it? - You will find a little further on it says this is a shelter deck vessel. We look upon the top deck as the shelter deck, and the next deck below is called the upper deck.

23915. It is only to get clear as we go on. This is not an awning deck vessel? - No; I would not call it an awning deck.

23916. (*Sir Robert Finlay.*) May I ask which you call the shelter deck and which the upper deck on this model? - The top deck is the shelter deck.

23917. Will you point to it, please? - Yes, (*Pointing on the model.*) this deck; the next deck next below it is the upper deck.

23918. That is C and D? - C and D.

23919. (*Mr. Edwards.*) "When the loadline disc of the vessel is placed at least as low as is required by Table C of the Freeboard Tables for awning deck vessels the remaining bulkheads may terminate at the deck next below the upper deck." That would be in this case? - D deck.

23920. If this were an awning deck vessel that would be D deck? - Yes.

23921. "But when the disc of vessels other than those of the awning deck type is placed higher than required by Table C all the bulkheads should extend watertight to the upper deck." That would be the upper deck here? - The deck next below the shelter deck, deck D. Just read two lines on and you will get the Rule which guided us with regard to the ship.

23922. Very well. "In interpreting the above Rule, in the case of vessels of the shelter deck type, the deck next below the shelter deck may be regarded as the upper deck, and accordingly the collision bulkhead, as well as the other bulkheads, may terminate at the deck next below the shelter deck." That would be which deck here? - D deck.

23923. And that is the Rule that should apply here? - Yes.

23924. Will you explain why, if that is so, the bulkheads in this case only came up to deck E? - Because when "the loadline disc of the vessel is placed at least as low as is required by Table C of the Freeboard Tables for awning deck vessels," that is, the Table for awning deck vessels. This does not necessarily require to be an awning deck vessel if she has a freeboard equal to the Table C for awning deck vessels.

23925. When do you get that from? - It is here.

23926. I may have misunderstood, but I think you will find that is not so. "When the loadline disc of the vessel is placed at least as low as is required by Table C of the Freeboard Tables for awning deck vessels"? - There is no comma there; "Freeboard Tables for awning deck vessels" is a certain table.

23927. This is not an awning deck vessel? - No, I do not think she is.

23928. "The remaining bulkheads may terminate at the deck next below the upper deck"? - Yes.

23929. "But when the disc of vessels other than those of the awning deck type" - this is one of those vessels other than those? - Yes.

23930. "Is placed higher than required by Table C, all the bulkheads should extend watertight to the upper deck"? - Yes. Then it tells you next how to interpret it.

23931. "In interpreting the above Rule, in the case of vessels of the shelter deck type, the deck next below the shelter deck may be regarded as the upper deck" - Yes.

23932. "And accordingly the collision bulkhead, as well as the other bulkheads, may terminate at the deck next below the shelter deck"? - That is right.

23933. That is deck D? - Yes.

23934. If that is the Rule by which you were guided as Surveyor why were not they brought above deck E? - Because they took a freeboard which was slightly greater than Table C.

23935. Do you say this Rule was complied with? - Yes.

23936. Will you explain it, then, in your own way, because I fail to understand that answer in view of your two previous answers? - In measuring the freeboard down from the upper deck, if their freeboard exceeded that over Table C, it says that the bulkheads may terminate at the deck next below the upper deck. She had that freeboard. They took it specially for that purpose.

23937. That brings you to deck D? - The deck next below the upper deck is deck E.

23938. Then I have misunderstood your answer. I understood you to say several times over that was deck D? - Yes, the upper deck is deck D, I take it.

23939. Do you mind making it perfectly clear, because here comes a very important question as to the carrying out of the duties by the Marine Department of the Board of Trade and its Surveyors. Here you say you have a Rule which guides you, and your answers are not quite consistent. Now, will you show here on this model exactly what are the decks in this vessel? - This is the shelter deck. (*Pointing.*)

23940. That is deck what on this vessel? - C. The deck next below this one is the upper deck; that is deck D. The collision bulkhead terminated at the upper deck in accordance with that Rule.

Then she had a freeboard measured from that deck down, which was in excess of table C. Therefore the other bulkheads may terminate at the deck next below the upper deck, that is deck E.

23941. Now, will you look carefully at this Rule. In interpreting the above Rule in the case of vessels of the shelter deck type, the deck next below the shelter deck may be regarded as the upper deck? - Yes, it was in this case.

23942. That is deck D? - Yes, that is deck D.

23943. "And accordingly the collision bulkhead, as well as the other bulkheads, may terminate at the deck next below the shelter deck." Now the shelter deck here is deck C? - Yes.

23944. And you are, under certain circumstances, permitted to make a variation, and that variation is that you may allow the bulkhead to terminate at the deck next below the shelter deck. In that case it would be deck D? - Yes.

23945. Now what I am putting to you is this, that in the "Titanic," as passed by you, the bulkheads came to the height of deck E, and not to the height of D deck, as required by this variation which you are permitted to make under this Rule. I want you to explain it? - I can only explain it by pointing out what is plainly stated here. "When the loadline disc of the vessel is placed at least as low" - it is placed a little lower. I think the margin was three inches - at all events, it was almost three inches; and when it is placed "as low as is required by Table C of the freeboard tables for awning deck vessels the remaining bulkheads may terminate at the deck next below the upper deck." The upper deck was defined as D deck, and if she has freeboard equal to table C, or slightly greater, then they may terminate one deck below.

23946. (*The Commissioner.*) That is at G deck? - Yes, my Lord.

Mr. Edwards: Has your Lordship the Rule before you?

The Commissioner: No, but I am listening to you, more or less.

23947. (*Mr. Clement Edwards.*) I shall have to seek the shelter deck, my Lord. (*To the Witness.*) So your reading of this Rule - the Court will have to interpret it by and by - is that in the case of the "Titanic" they would be complying with the conditions, if you so agree, if they brought the bulkhead to the height of deck E, and no higher? - Yes, the bulkheads abaft the collision bulkhead.

The Commissioner: It has taken a long time to arrive at this point, but at all events I understand him now to say that if the bulkhead is carried up to deck G that complies with the requirements.

23948. (*Mr. Clement Edwards.*) That is his interpretation of this Rule, but I shall submit that the Rule does not bear that construction. But that is another point which I shall deal with at the right time. (*To the Witness.*) Were you ever asked to certify as to the efficiency of these bulkheads apart from the question of the relation of the strength of the ship. Do you follow me? - No.

The Commissioner: It is not material, but I do not.

23949. (*Mr. Clement Edwards.*) Were you ever asked to certify as to the watertight character of these bulkheads? - By whom?

23950. By Harland and Wolff? - The vessel was submitted to be certified as a passenger steamer. They never said anything to me about the bulkheads any more than putting the plans before me and expecting they were going to get the certificate at the end of the survey.

23951. You probably know that in the Rules as to life-saving appliances, you can make a declaration allowing a ship to go to sea with a less amount? - Yes, no application was made for that.

23952. Were you ever asked by Harland and Wolff to certify as to the bulkheads in relation to their watertight character and in relation to their efficiency to satisfy those Rules?

The Attorney-General: Rule 12, do you mean?

23953. (*Mr. Clement Edwards.*) Yes.

The Witness: You mean did they apply for any reduction of life-saving appliances on board on

account of the watertightness of the bulkheads?

23954. Yes? - No.

23955. Was there any discussion between them and you as to the efficiency, or I will put it as to the watertight character of the bulkheads? - No, not from that point of view.

23956. But only from the point of view as part of the structure of the ship for purposes of strength? - Yes, and for watertightness of course, but not from a life-saving appliance point of view.

23957. I did not ask you that. My last question was as to their watertightness. There was a discussion as to whether they were or were not watertight? - I do not think I ever had any discussion with them on the subject.

The Commissioner: No, he did not; but it was part of his duty, I suppose, to see they were watertight.

23958. (*Mr. Clement Edwards.*) I will put that. If you are not asked by the builder or by the owner to certify as to the efficiency of bulkheads for the purpose of Rule 2, do you then consider it your duty to see if the bulkheads are watertight? - Yes.

23959. You do? - Yes.

The Commissioner: That is not quite the way to put it; does he, nevertheless, consider it his duty to ascertain that the bulkheads are watertight. I should have thought it was obviously his duty to do it.

23960. (*Mr. Clement Edwards.*) You heard his Lordship's variation of the question? - I have.

23961. What is your answer? - Yes, I think it is my duty.

23962. You do think it is your duty? - Yes.

23963. Would you tell his Lordship precisely what you did to test whether the bulkheads were watertight? - As these bulkheads were built I followed their construction. When they were riveted I inspected them to see how they were riveted and if they were well riveted; and when they were finished I went round and tested the caulking of the bulkheads and at the end of the survey, a few days before she was finished I went round the bulkheads to see that all the small holes that are drilled for carrying through the heating pipes and the electric light wires were all properly made fast, and the boiler pipes -

The Commissioner: I do not know what you are doing, Mr. Edwards; you have been doing it a long time, but I do not know what it is quite you are doing. Are you going to suggest that this gentleman did not execute his duties properly, because I do not think you ought to suggest it unless you have some charge to make against him?

Mr. Edwards: My Lord, with respect, the matter does not quite stand in that position.

The Commissioner: Tell me how it does stand?

Mr. Edwards: What I do want to get at is this. The official attitude of the Marine Department of the Board of Trade now stands thus: that because you may have watertight compartments and efficient bulkheads, therefore you may have less boat accommodation. Now, what I want to get from this Witness is to see exactly what steps are taken by him as a responsible officer to see that the bulkheads are efficient. That is all. (*To the Witness.*) You have explained in reply to the last question that you did a lot of things.

The Commissioner: I do not see what Rule 12 has got to do with it. Neither Harland and Wolff nor the Oceanic Steamship Company ever applied to be relieved of the obligation of finding lifeboat accommodation under Rule 12.

Mr. Edwards: Quite, my Lord, with respect, I have disposed of that, and now, accepting your Lordship's variation of the question. I am asking him whether, nevertheless, he deemed it his duty to test bulkheads.

The Commissioner: He has told you that he did. Then you began to examine him as to what he

did?

Mr. Edwards: Yes.

The Commissioner: Are you laying a foundation for some charge against him that he neglected his duty or what?

Mr. Edwards: No, my Lord. What I want to get at is what amounts to the fulfillment of the requirements of the Board of Trade, because if I may say so, we are not here merely in the nature of an inquest, to discover why the "Titanic" went down; we are here also for the purpose of ascertaining what things ought to be done to prevent future "Titanic's" going down. And what I do want to get at from this Witness is precisely what tests he applies.

The Commissioner: Very well. I do not say you may not do it, but has it been suggested that these bulkheads were not watertight?

Mr. Edwards: No, my Lord; what is perfectly clear is this, that in spite of the existence of bulkheads, this ship went down.

The Commissioner: Yes, that is because she had holes knocked along her side. It has nothing to do with bulkheads.

Mr. Edwards: It may not have anything to do with bulkheads *qua* bulkheads, but it may have a very great deal to do with bulkheads *qua* part of the strength of the ship relied upon for resisting a shock of this kind. I will be very short.

The Commissioner: I am not sure about that.

Mr. Edwards: Your Lordship has rather a suspicious mind. (*To the Witness.*) I asked you whether you deemed it your duty to test these bulkheads for the purpose of seeing they were watertight?

23964. (*The Commissioner.*) And let me interrupt you for a moment. (*To the Witness.*) Suppose you found some of the bulkheads were not watertight, would you have refused your certificate? - I do not know; it would have depended which bulkhead it was, my Lord. I think if I had found any of the bulkheads not watertight I would have submitted the question to London.

23965. Did you find any of the bulkheads not watertight? - No, I found them all very good indeed.

23966. (*Mr. Edwards.*) Now, what I want to get is what was the test you applied to see the bulkheads were watertight? - I went over the bulkheads with a feeler, a small-bladed knife, round the caulking, and saw there were no rivet holes left unfilled.

23967. Is that the only test you applied for watertightness? - Yes.

The Commissioner: Now suggest to him some other that he ought to have applied.

23968. (*Mr. Edwards.*) You did contemplate the possibility of these compartments between the bulkheads, or some of them, being flooded? - Yes.

23969. Did you apply any test of any kind to see the resisting strength of the bulkheads? - You mean to resist that which would be placed upon them by the place being filled with water?

23970. Yes? - No, excepting the collision bulkhead. I saw it filled with water up to the level of the forepeak tank top.

23971. That is the only one you saw tested with water? - Yes.

23972. (*The Commissioner.*) Is it customary to test any other bulkhead except the peak bulkhead with water? - No, my Lord.

The Commissioner: I am told it is never done.

23973. (*Mr. Edwards.*) What are the grounds upon which and the method by which you arrived at the conclusion that the bulkheads are efficient? - Are strong enough to resist this pressure?

23974. Yes? - There is a standard Rule -

The Commissioner: Is there any reason to suppose that the bulkheads in the "Titanic" broke down?

Mr. Edwards: I think there is some evidence.

The Commissioner: Well, will you tell me what it is?

Mr. Edwards: There is the evidence of Barrett, my Lord.

The Commissioner: What is that, that he saw some water coming in?

Mr. Edwards: No the evidence of Barrett is this that in Section 6 he saw water coming in, and in Section 5 he saw it trickling in and that afterwards when he skipped up out of section 5 he did it because there was a great rush of water as if something had given way.

The Commissioner: Is that all? The side of the ship had given way?

Mr. Edwards: No.

The Commissioner: Yes it had, and the water was rushing in?

Mr. Edwards: Not in that section; this is section 5.

The Commissioner: The ship was holed to between Sections 4 and 5, was it not?

Mr. Edwards: No, my Lord, there is no evidence of that.

The Commissioner: Was not it holed in No. 5?

Mr. Edwards: Slightly, and the bunker on the starboard side.

The Commissioner: You are not helping me much.

Mr. Edwards: I am very sorry.

The Commissioner: You are trying very hard, no doubt.

Mr. Edwards: I am proceeding upon the principle that if at first I do not succeed I will try again.

The Commissioner: You do not give the quotation correctly. It is "try, try, try again."

23975. (*Mr. Edwards - To the Witness.*) Were you very frequently on the "Titanic" inspecting her? - Yes, about every day.

23976. Did you apply any actual tests to anything on board the "Titanic" - any test of strength or anything - or did you proceed merely upon your general knowledge and experience by general observation? - Do you mean the hull or the equipment?

Yes, any actual test of strength.

The Commissioner: Help us by telling us what sort of tests.

23977. (*Mr. Edwards.*) If he says he did not, there is no need to go into the particular kind? - Yes, I did.

23978. Did you apply any test to the plates in the bottom of the "Titanic"? - No; I saw the double bottom tested with water.

23979. Have you any views with regard to the advantage of longitudinal bulkheads? - Of course I have views.

23980. Have you had any experience? - I have had no experience of longitudinal bulkheads.

23981. No experience at all? - No, I cannot recall it.

23982. Have you any views of what ought to be the height of transverse bulkheads? - I am guided by the regulations.

23983. I asked whether you have any views apart from the regulations? - Do you mean in my private capacity?

23984. No, as Surveyor, with 20 years' experience.

The Commissioner: I hope you will say no.

23985. (*Mr. Edwards.*) This is very great incitement, my Lord.

The Witness: Well, I am satisfied if I get them as high as I got them in the "Titanic."

23986. That is as high as you say the regulations required? - Yes.

23987. That satisfies you? - Yes.

Mr. Edwards: Very well that will satisfy me for the present.

Examined by Mr. HARBINSON.

23988. My point is simply about the steaming tests. Did you on behalf of the Board of Trade see the "Titanic" was subjected to steaming tests? - I was on board the ship when she went through her steam trials and she made some tests.

23989. Where was this? - Outside Belfast Lough.

23990. Before she left for Southampton? - Yes.

23991. What steaming tests was she submitted to? - She went from slow to full speed. She was put astern and the engines maneuvered and she was put through a number of circling trials.

23992. Was she put through any trial with the port propeller going astern and the starboard propeller going ahead? - She was.

23993. What speed was she going at when she was put through that test? - I could not tell you. About full speed she was supposed to be going.

23994. Going full speed with propellers going in that way within what distance would she turn? - I do not know.

23995. Do you know within what distance she did turn? - No.

23996. Could you give us any light? - Well, she made a very small circle, I observed, and it was noticed.

23997. How many lengths of herself? - I have no idea.

23998. You could not furnish it? - I could not tell, I do not know.

Examined by Mr. HOLMES.

23999. For the purpose of the Emigration Survey and the Passenger Declaration, it was your duty to inspect, amongst other things, the boats and the life-saving appliances, the compasses and other deck equipment? - Yes.

24000. Have you ever served at sea in any capacity outside the engine room? - No.

24001. Have you any sea experience at all to qualify you for the surveying of deck equipment? - I was qualified when I came ashore to inspect deck equipment, I think.

24002. Have you had, for instance, any practical experience of compasses? - Do you mean making them?

24003. Using them? - No, except in a small boat.

24004. Have you, since you joined the Board of Trade, had any training under sea conditions as to the use of deck equipments? - I have seen boats put out, of course, hundreds of times.

24005. Have you ever had the handling of a boat in rough weather at sea? - Yes.

24006. Amongst other things the certificates of masters and two mates are part of your duty for passenger declaration? - I inspect it and see that it is in order.

24007. Your object is to see that the Merchant Shipping Act is complied with? - Yes.

24008. Do you ask for any other certificates besides those of the Master and two officers? - We get a certificate from the compass adjuster that the compasses are good.

24009. I am talking of the master and two mates' certificates. You asked for those certificates? - Yes.

24010. Did you ask for others? - And two engineers.

24011. Any others? - No.

24012. So long as the requirements of the Merchant Shipping Act are satisfied, you are satisfied that the ship is seaworthy? - Yes, that is all I have to do with it.

24013. If the "Titanic" had them you would not - ? - I would not have withheld the declaration.

24014. Do you think it improper to allow a ship of that size to go to sea with two officers? - I

would consider if I had got the certificates I had to enter on my declaration that I had got all that was required by me.

24015. You simply tie yourself down to the regulation? - I must.

24016. The same thing applies to the Emigration Survey for clearance? - I measured those spaces.

24017. I am still talking of the officers' certificates? - I did not give the clearance of this ship, not as Emigration Officer.

24018. You sign this report? - I did certain things.

24019. You signed a report, and amongst other things it gives a list of master and officers; it only contains the names of the master and two officers and two engineers? - Yes.

24020. That satisfied you? - Yes, as far as the certificates are concerned.

(The Witness withdrew.)

(Adjourned to Monday next, 11 o'clock.)

In the Wreck Commissioner's Court

SCOTTISH HALL,

BUCKINGHAM GATE,

Monday, 17th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-FIFTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURNE (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P., (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder, Roberts and Company) appeared as Counsel on behalf of the dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

MR. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Commissioner: Are you getting us the turning circle of the "Titanic"?

Mr. Laing: Yes, my Lord; we have it prepared.

The Commissioner: It is suggested to me that the turning circle, having regard to the rudder, was probably very large.

The Attorney-General: This is it, my Lord. (*A diagram was handed to the Commissioner.*)

The Commissioner: Can anyone tell us whether this diagram is made upon the supposition that both engines are going ahead.

Mr. Wilding: Both engines full ahead and the rudder put hard over.

The Commissioner: Then we should like to know what the turning circle would be if one engine were reversed.

Mr. Wilding: I can get the information for you, my Lord.

The Commissioner: What is the "position when bell rung"?

Mr. Wilding: That is when the signal was given from the crow's-nest.

The Commissioner: Is that the gong from the crow's-nest?

Mr. Wilding: Yes.

The Commissioner: Or is it the bell to the engine room?

Mr. Wilding: No, the one from the crow's-nest.

The Commissioner: The gong.

Mr. Wilding: Yes; it is a big bell, really.

The Commissioner: Meaning something ahead.

Mr. Wilding: Yes.

The Commissioner: What we want is to see at what point, what is called the transfer, that is the movement in answer to the helm, would commence and how speedily it would develop, in order to see when this ship would have escaped a berg in its way?

The Attorney-General: At what distance from the time it is sighted, assuming the helm was put hard over?

The Commissioner: Yes, I daresay Mr. Wilding will understand it. If Mr. Wilding will come up here, we can explain to him at once what it is we want.

(*Mr. Wilding explained to the Commissioner on the bench.*)

The Attorney-General: I understand the result of what has taken place is to ask for some further plans; otherwise we ought to have on the note what has taken place?

FRANCIS CARRUTHERS, Recalled.

Examined by Mr. COTTER.

Mr. Cotter: May I ask Mr. Carruthers a question or two?

The Commissioner: Yes.

24021. (*Mr. Cotter - To the Witness.*) When you surveyed the "Titanic" at Belfast did you notice what kind of lifebuoys she carried? - Yes.

24022. What were they? - Solid cork.

24023. Did you notice whether she had any lifebuoys with acetylene gas attachments to them? - No, she had not any at Belfast.

24024. Have you seen those kind of lifebuoys? - No, I have not.

24025. Have you seen the Admiralty lifebuoys? - No, I do not think so.

24026. Did you notice whether she had two large buoys fastened to the after-bridge? - No, I did not see any. I know the Admiralty lifebuoys.

24027. Will you tell my Lord what they are, and how they are worked? - Well, if it is the kind that I have seen on the war vessels, they are attached to the side ready for slipping off. When they slip off and get into the water there is a light; the water makes a light.

24028. You did not notice whether she carried any of those? - No, I am almost sure she did not.

Mr. Cotter: My object in asking this question my Lord is this. We know the difficulty of the boats turning back; they would not know their way to where she had sunk. If she had carried these buoys and had been lost they would have been floating and a light burning from them. That is the reason I am asking these questions.

The Commissioner: I am told this vessel had lifebuoys which ignited a lamp when they fell into the water. "Holmes Lights," they are called; they are not the same as the Admiralty lifebuoys, but the same effect.

The Witness: She had these Holmes lights attached to the lifebuoys.

24029. And the effect is the same as that of the Admiralty buoys? - When they strike the water.

24030. When they strike the water the light springs up? - Yes.

Mr. Cotter: There is another buoy with a small tin canister attachment containing calcium phosphate, and they have to be knocked with a kind of spring bit, to knock holes, and they are used for throwing over the side at night supposing a person fell overboard.

The Commissioner: I have seen them myself; I have never had to use them, I am glad to say.

Mr. Cotter: Very good, my Lord.

(The Witness withdrew.)

WILLIAM HENRY CHANTLER, Sworn.

Examined by Mr. ROWLATT.

24031. You are a ship Surveyor in the Marine Department of the Board of Trade stationed at Belfast? - Yes.

24032. Your duties are to survey ships for various purposes, but in connection with the "Titanic," I think your only duties were with regard to the boats? - Yes.

24033. All you did was with regard to the boats? - To inspect the boats while building in the boat builder's shop.

24034. You have served your Apprenticeship as a shipwright? - Yes.

24035. Including boat building? - Including boat building.

24036. Then you were an Admiralty draughtsman? - Subsequently to my Apprenticeship, yes.

24037. And you have been ship Surveyor to the Board of Trade at Belfast from the 1st March, 1895? - Yes, from the 1st March, 1895, up to the present.

24038. On the 19th May, 1911, did you receive special instructions to look closely into the construction of all new boats? - From the Board of Trade, yes.

24039. That was the 19th May, 1911? - Yes, the 19th May, 1911.

24040. Did you begin to inspect the "Titanic's" boats on the 30th May, 1911? - Yes.

24041. After this? - Yes, ten days after.

24042. Did you inspect them carefully? - Yes.

24043. Fourteen lifeboats and the two other boats? - There were 14 section A boats and two of section D.

24044. Were they well made and of good material? - They were well made and of good material.

24045. Would they be safe to lower from the davits full of passengers? - I made a calculation and came to the conclusion that they would be.

24046. Now, what is the full capacity of those boats? - I think it was 618 cubic feet.

24047. How many people ought to be lowered in one of these lifeboats? - Under the statutory Rules they should carry 65.

24048. The boats that you saw, how many people would they take safely from the davits, in your judgment? - Well, as many as the statutory Rules would allow.

24049. How many; cannot you give me a number; it would save a lot of time? - A matter of 70.

24050. Is that marked on the boat in any way? - No, I do not think it is. I did not see the boats on leaving the shop, but my impression is it was not.

24051. You could produce the scantlings of the boats and the materials? - Yes, I can.

Mr. Rowlatt: I do not think it is necessary to go further.

The Commissioner: I do not think there has been any suggestion that the boats were not well built and of good material. Their capacity may be another thing.

Mr. Rowlatt: It was with regard to their strength to carry down the passengers.

The Commissioner: There is a suggestion that somebody thought there was a danger of buckling, but there was no buckling, and one of the boats is said to have gone down with seventy people in it?

The Attorney-General: Your Lordship is quite right; that is the only explanation we have got of why some of the boats were lowered with comparatively few passengers; that is to say, they were not loaded with their full complement, and the explanation is what your Lordship says.

The Commissioner: That is one explanation; but another is that they could not get the people into them.

The Attorney-General: Yes; it does not apply to all, I agree.

24052. (*Mr. Rowlatt - To the Witness.*) Have you made a calculation to find what strain the boats would bear in being lowered? - Yes, I made such a calculation. The results I arrived at were that the stress at the gunwale would be 2 cwts. to the square inch, and at the keel about 2 ¼ cwts.

24053. When did you make that calculation? - After the casualty occurred.

24054. Is that more than the stress which would be brought to bear by the boat being lowered with 70 people in it? - That is the stress that would be brought to bear with 65 persons in the boat, and with the boat suspended from the davits, not water-borne.

24055. Do you say that you made a calculation that shows the boat would stand a greater stress than that produced by the people being in it or not? - The result of my calculation was that -

24056. That it would bear a greater stress? - That it would bear a greater stress.

24057. Much greater? - Considerably greater.

24058. Can you give us a percentage? - Twice as much.

Examined by Mr. SCANLAN.

24059. Was it part of your duty to test the stress on the falls? - No.

24060. And you did not, in point of fact, do that? - No; my inspection did not extend further than the period during which the boats were constructed in the builders' shop.

The Commissioner: None of the falls gave way?

24061. (*Mr. Scanlan.*) No, my Lord; this is the Board of Trade test. (*To the Witness.*) Did you make any calculation as to the sufficiency of the falls, or the capacity of the lifeboats until after

the accident? - It was not my duty to do so.

24062. Is it usual to mark on lifeboats their carrying capacity - I mean the content of passengers? - I have seen the dimensions marked upon the boat, and also the capacity, but I am unable to say whether this was done.

24063. Or whether it is the usual thing to do? - It is not compulsory; in some cases it is done and in others not.

Examined by Mr. CLEMENT EDWARDS.

24064. You spoke of making a calculation. Did you make any actual test, or see any actual physical test made of the strength of these boats? - I did not. As I explained a few moments ago, my inspection did not extend beyond the period during which the boats were constructed in the shop.

24065. Were you, for the purposes of the "Titanic," the responsible Surveyor for seeing that these boats were sufficient? - I was not.

24066. Who was? - The Surveyor that issued the declaration.

24067. (*The Commissioner.*) Then what was your duty? - I had special instructions from the Board of Trade to take care and watch the construction of boats being built in our district for use on ships.

24068. And what was the duty of the other gentleman you told us of? - To measure the capacity of the boats and of the air cases, see the equipment is in order and issue a certificate to that effect.

Examined by Mr. HARBINSON.

24069. Was it you who measured the capacity of the boats? - I measured them simply for the purpose of my strength calculation.

24070. Can you explain to me the discrepancy in the numbers given in the two appendices? - I am unable to do that. I was not responsible for that.

The Commissioner: That has been explained; it is said to have been some clerical error.

Mr. Harbinson: That is between 1,167 and 1,178.

(The Witness withdrew.)

ALFRED PEACOCK, Sworn.

Examined by Mr. BUTLER ASPINALL.

24071. Are you an engineer and ship Surveyor at the Board of Trade? - Yes.

24072. Are you stationed at Glasgow? - Yes.

24073. And were you stationed at Glasgow during the building of the "Titanic"? - Yes.

24074. And was it your business to survey the four Englehardt boats which were fitted to the ship later? - Yes.

24075. Did you survey them? - I did.

24076. And did you put one in the water? - I did so.

24077. And were they good and efficient boats? - They are good and efficient boats.

24078. How many people would the boats, in fact, carry? - They would carry 47.

Examined by Mr. COTTER.

24079. Would you think the roof of one of those houses the right place to put an Englehardt boat?

24080. (*The Commissioner.*) Do you know anything about where boats are placed on the deck? - Not as they were placed on the "Titanic."

24081. Have you any experience of the stowing of Englehardt boats on the deck of a steamer? - No, these were the first Englehardt boats, I think, that were used that I have had to do with.

The Commissioner: I do not think it is worthwhile to ask him.

Mr. Cotter: Very well, my Lord.

Examined by Mr. HOLMES.

24082. When you say they would carry 47, did you see that from an actual test of putting them in? - Yes, an actual test in the water with weights equivalent to the people.

24083. How about the space? - The space is specified in a Board of Trade circular.

(The Witness withdrew.)

MAURICE HARVEY CLARKE, Sworn.

Examined by Mr. BUTLER ASPINALL.

24084. Captain Clarke, I believe you hold a master's certificate? - Extra master.

24085. Are you Assistant Emigration Officer under the Board of Trade, stationed at Southampton? - I am.

24086. I believe you have been for some 13 years with the Department? - I have.

24087. Were you the officer whose duty it was to clear the "Titanic" as Emigration Officer? - I was.

24088. For that purpose, after her arrival at Southampton before she sailed on this voyage, did you visit her? - I did.

24089. And did you visit her and go over her generally for a period of about three days? - I did.

24090. To inform yourself of her accommodation and all the other matters that it is your duty to inform yourself of? - Quite correct.

24091. You can give us all the details of this if they are wanted? - Certainly.

24092. I do not propose to ask you. Amongst other things, did you make a plan of the boats? - I made a sketch.

24093. Is that your duty? - Well, it was just a guide for me. As I should be visiting that ship a considerable number of times, I thought it was as well for me to have a sketch.

24094. Now, turning to a matter about which a good many questions have been asked, did you on the day of sailing muster the crew? - I did.

24095. What do you do when you muster a crew? - Well, we have all the hands mustered on the various decks. In a ship of the size of the "Titanic" it was necessary to muster them on more than one deck. The firemen are usually mustered on one deck by themselves, and the sailors on another deck, and the stewards on another deck. The articles are then brought out by one of the Ship-Masters attached to the Company and their names are read out, and as their names are read out they pass before us; that is to say, I have associated with me two medical officers attached to the Board of Trade who medically inspect them, and I see that the numbers are correct. They each pass before us and they are tallied off on the articles.

24096. Were the boats swung out? - They were.

24097. How many? - Only two.

24098. Is that in accordance with the practice? - That is the usual practice.

24099. Were they lowered into the water? - They were lowered into the water, and the crews exercised under their respective officers.

24100. Was that done in a manner that commended itself to you? - Entirely.

24101. What do you mean by saying that the crews were exercised? - The boats' crews; about eight men and an officer in each boat.

24102. Those are sailormen, are they not? - Yes, always sailormen.

24103. (*The Commissioner.*) No firemen or stewards? - No firemen or stewards.

24104. (*Mr. Butler Aspinall.*) I think you also inspected the third class passengers' quarters? - I did.

24105. Were they in proper order? - Yes, they were in a very good and cleanly condition.

24106. This inspection lasted, in all, for how many days? - I visited the ship one day on her arrival for a very short time, and the next day I visited her was just before sailing, and then on the morning of sailing. Of course, it is a very busy day. I start somewhere about half-past 7 in the morning and I carry on till the ship sails at noon. My time is very fully occupied on that day.

24107. As the result of it all, did you, in fact, give this vessel her clearance? - I did.

24108. And was she in proper order to go to sea as an emigrant ship when she sailed from Southampton? - Undoubtedly.

Examined by Mr. SCANLAN.

24109. Was it your duty to see whether all the lifeboats on the "Titanic" were equipped in accordance with the provisions of the Rules and Regulations made by the Board of Trade under the Merchant Shipping Acts? - That had already been done at Belfast.

24110. It did not fall to your duty? - No, it did not fall to me.

24111. Have you any idea as to what would be an efficient method of drilling crews to man lifeboats in case of accident? - Yes; I think that all hands that form the crew should be exercised in handling the ship's boats, both firemen and stewards.

24112. I take it that up to the time of the "Titanic" disaster that had not been the practice? - Not in the White Star Line.

24113. Not in the White Star Line? - No.

24114. Had it been the practice on other lines to have boat drills in which all the crew of the different grades would take part? - No, that has not been the custom. It has been the custom to muster them and muster them at the various boats in accordance with their boat stations.

24115. There was not even a muster on the "Titanic"; nothing but the lowering of the two boats you have told us of? - Except my muster - the muster to see whether the numbers were correct.

24116. Do you think in having boat drills such as you have described where the different branches of the crew took part, that it would be desirable to lower more than two boats? - Possibly; in view of the "Titanic" disaster, perhaps it would be.

24117. The whole of the boats, Captain? - Well, I would not say the whole of the boats; I would say a larger number than two.

Examined by Mr. CLEMENT EDWARDS.

24118. Are you responsible Surveyor for testing the strength of the boats? - Not in this case, no.

24119. Was there any report made to you about a fire having taken place in the bunker in Section 5? - No.

24120. In the ordinary case ought such a report to have been made to you if there was a serious fire before the ship sailed? - Yes, if it was a serious fire it ought to have been reported to me.

24121. If it was sufficiently serious for it to be reported - if it was regarded as so serious by the officer that it ought to be reported to the makers, would it, in your view, be sufficiently serious for a report to be made to you? - Hardly, it is not an uncommon thing to have these small fires in the bunkers.

Examined by Mr. HARBINSON.

24122. Did you make an examination of the doors and the ladders leading from the third class quarters? - Yes, I did.

24123. That is, the means of ingress or egress? - Yes, I did.

24124. At the time you made the examination were those doors locked? - Some of them were.

24125. And were the barriers in any way obstructed? - Well, they were locked.

24126. How long before the ship left Southampton did you make your examination? - I started about 8 o'clock in the morning. I started to make my examination then, and she left at noon.

24127. So far as you know, when she left were these doors locked? - No doubt some of them were, but those are only emergency doors that are locked, not the doors to the third class passengers.

24128. Quite; that is the emergency doors that led to the boat deck? - Yes. Would you like to know the reason?

24129. I do not mind? - Well, the reason for having those doors locked is to keep the firemen and stewards and other people from passing through into the different places on sailing day. They are very congested. The ship is very congested from a lot of visitors - something like a thousand visitors.

Mr. Harbinson: I think it is quite fair you should give that explanation.

Examined by Mr. HOLMES.

24130. I suppose you have had considerable experience at sea as a master mariner? - Yes, I have had 22 years at sea altogether.

24131. And that would make you eminently qualified for the surveying of deck equipments, boats, and that kind of thing? - Well, I should think so.

24132. Better than an engineer? - Well, you had better ask my Department about that.

24133. The deck equipment would be your department, and not the engineer's. And are you the only nautical Surveyor so far as you know who ever went on board the "Titanic"? - I am the only nautical Surveyor, but there was another nautical Surveyor that visited after me, Captain Sharp, at Queenstown.

24134. And was your examination limited to what was necessary for the emigration clearance? - Yes. I followed up Mr. Carruthers's survey; he took the first part and I took the second part.

24135. Supposing this had not been an emigrant ship, would you have had to go on board her at all? - No.

24136. Would there have been any nautical Surveyor? - No.

24137. Are you satisfied that the present method of measurement of space for persons in boats according to the Board of Trade Regulations is satisfactory? Do you think there really is room in the boats for all the people? - Do you think that is a question I should answer before my superior officers, my Lord?

The Commissioner: I am sure I do not know.

The Attorney-General: There has been a question raised about the proportion of depth to breadth.

Mr. Holmes - To the Witness: As a practical man, you ought to know.

24138. (*The Commissioner.*) If you are going to ask everybody whether he cannot suggest anything better, we shall have endless suggestions. I never knew a person in his position who had not ideas of his

own, which differed from the ideas of everybody else. We shall have endless suggestions. (*To the Witness.*) But I see no objection to your answering the question. Do not you take exception to the way in which these measurements are taken? - I think the Board - my department - are already considering the subject.

24139. (*The Commissioner.*) That is not the question at all. First of all, will you answer me one question? - Yes.

24140. Do you think the method employed at present is right? - No.

The Commissioner: I knew he would say "No," and if you called a dozen other people they would all say "No," and they would all differ from him.

24141. (*Mr. Holmes.*) Not necessarily, my Lord. (*To the Witness.*) Is your department taking steps to amend that measurement? - Yes, I believe they are going to make the divisor 12 instead of 10.

24142. (*The Commissioner.*) Are they going to adopt your plan? - My plan?

24143. Yes? - I am not consulted in those matters.

24144. Do answer me? - No.

24145. Are not you living in hopes that they will? - Yes.

24146. And if they do not you will still think they are wrong? - Yes, undoubtedly.

24147. (*Mr. Holmes.*) Is it your idea that the divisor should be 12? - Instead of 10, yes.

24148. And that, you say, is the idea which the Board of Trade are considering adopting? - Yes; I based that on this, that the Board have given very much attention to the question of these lifeboats long before the "Titanic" disaster, and I formed that opinion.

24149. That is why I ask you? - The Board have gone into this question very fully - long before the "Titanic" disaster.

24150. And worked out upon that computation, the boats would be considered fit to hold less people than now? - Undoubtedly, and probably that will be made law.

Examined by Mr. COTTER.

24151. You have taken part in the survey of other companies besides the White Star, have you not? - Yes.

24152. Is it not a Rule in other companies that the whole of the three departments - the deck, the steward, and stokehold departments take part in the boat drill? - Yes, in some of the companies they do, and the men like it.

24153. You never saw any difficulty with the firemen? - No.

24154. Those who had to take part in this? - No.

24155. (*The Commissioner.*) Have you ever heard it said that the firemen object to the boat drill? - Yes, I have heard it objected to.

24156. I thought you said just now that you had not? - Mr. Cotter is speaking of other companies.

24157. Is it only in the White Star Line that the firemen object to boat drill? - Yes, in Southampton.

24158. And why do they object to it in the White Star Line and not in the other lines? - I do not know; I could not tell you.

24159. They have some dislike for the White Star Line? - I could not tell you at all.

24160. But is it the fact that in the White Star Line the firemen object to take part in the boat drill? - Well, I believe they have.

24161. And it is not the fact in any other line? - Well, not to my knowledge; I have never heard it.

24162. And you cannot explain to me why they should dislike the boat drill in the White Star boats and submit to it in the other boats? - I could not tell you, my Lord.

24163. It seems peculiar. I am asked to ask you if you have ever seen firemen assisting in a boat drill in boats in Southampton? - No, not in my muster.

24164. In any boats? - No, but they do it before I go to the ship.

24165. But you have never seen it? - No; I only ask for two boats to be lowered. On sailing day I will have nothing else but sailors. Since the "Titanic" disaster we have very extensive boat drills, and the Companies have been very pleased to allow me to examine them much more.

24166. Then you do not think your system before this disaster was satisfactory? - No, not very satisfactory.

24167. Well, was it satisfactory? - Well, I think we might with advantage -

24168. Will you answer the question; was it satisfactory? - No.

24169. It was your plan, nevertheless? - My plan? No, it is the custom.

24170. Never mind about the custom; it is what you did? - Yes.

24171. And you now do not think it is satisfactory? - No.

24172. Did you think it satisfactory before the "Titanic" accident? - Well, no.

24173. Then why did you do it? - Because it is the custom.

24174. But do you follow custom, although it is bad? - Well, you will remember I am a Civil servant. Custom guides us a good bit.

The Commissioner: Perhaps that is the answer.

24175. (*Mr. Cotter - To the Witness.*) Has the bulkhead door drill anything to do with you? - Yes.

24176. Did you see any bulkhead door drill taken part in that day? - Yes; I had three watertight doors closed in my presence.

24177. Is it not the fact that where there is a properly disciplined drill on board ship a bugle goes, and everybody goes to his station? - Yes, in some Companies that is the case.

The Commissioner: Is that in port or at sea?

Mr. Cotter: In port.

The Witness: In port, my Lord.

The Commissioner: And at sea?

Mr. Cotter: If necessary, my Lord.

24178. (*The Commissioner - To the Witness.*) Have you ever been present at a drill of that kind? - Oh, yes, but not in my official capacity. This is all done before I go to the ship. Sometimes if I am a little earlier I see it.

24179. Whose duty is to do it? - The marine superintendent of the Company.

24180. It has nothing to do with the Board of Trade? - No, nothing at all.

24181. (*Mr. Cotter.*) If you ordered a thing and said, "I want that boat lowered," it would be done? - Yes.

24182. If you said you wanted the bulkhead doors closed it would be done? - Yes.

24183. So that it rested with you what kind of drill took place? - Yes, perhaps so.

24184. Have you had any drill with collision mats? - I never heard of them, not in merchant ships. I have had them in the Navy.

24185. (*The Commissioner.*) It is the first I have heard of collision mats? - We have them in the Navy.

The Commissioner: I am told we had some evidence about them before.

24186. (*Mr. Cotter - To the Witness.*) You saw no collision mats on the "Titanic"? - No.

The Commissioner: Do these lines carry collision mats?

Mr. Cotter: Some of them, my Lord.

The Commissioner: I was asking the Witness.

The Witness: No, not to my knowledge.

The Commissioner: You see, he differs from you, Mr. Cotter.

24187. (*Mr. Cotter - To the Witness.*) I put it to you that there are not enough Surveyors in Southampton now they are introducing these large ships?

The Commissioner: You do not represent the Surveyors' Union, do you?

Mr. Cotter: No, my Lord. The Surveyors are there to see to the safety of the ship, and I am putting it now to this Witness that there are not enough Surveyors to survey the ships in a proper manner.

24188. (*The Commissioner.*) What do you think of that now?

The Witness: Well, of course, undoubtedly we are getting very congested, because all foreign ships now have to comply with the English law.

24189. Will you answer a simple question? Are there enough Surveyors in your opinion? - No.

24190. That is an answer. Have you ever represented to the Board of Trade that there are not? - That would not be in my province.

24191. Have you ever represented it? - No.

24192. The answer is you have not? - Yes.

24193. Let me tell you in my opinion, if that was your view, it was your duty to say so? - I should get a very severe snub if I did.

24194. (*Mr. Cotter.*) Is it the Rule in Southampton for you to see the boat lists? - No, it is not.

24195. You do not see them? - No, I do not; I know they are there.

24196. You know they are there? - Yes.

24197. (*The Commissioner.*) Can you tell me is there any branch of the service in the Board of Trade which, in the opinion of those who are in that branch, is sufficiently manned? - I do not know.

24198. Do you think there is? Do you understand my question? - I do not quite gather it.

24199. Very well, I will tell you again. Is there, in your opinion, in any branch of the service of the Board of Trade a sufficient number of men, in the opinion of the men who are in that service? - No, none of us think that.

24200. No, I am sure you do not; you all think there ought to be more? - Yes, undoubtedly.

24201. How many more; would you say double? - Well, it is getting on for that.

24202. Or perhaps treble? - Oh, no.

24203. Well, double; the whole staff of the Board of Trade, in your opinion, ought to be doubled? - I think so.

The Commissioner: Now, Mr. Scanlan and Mr. Cotter, there you have it. I felt sure you would get it.

Mr. Scanlan: Captain Young said they were going to increase the number, my Lord.

The Commissioner: I have no doubt they will have a great deal more work to do after the "Titanic."

Re-examined by the ATTORNEY-GENERAL.

24204. Is there any practical difficulty in your demanding a boat drill with firemen in the boats according to their boat list? - No.

24205. It could be done before the ship started? - Oh, yes, we are doing it now.

24206. That is what I wanted to know. Then I suppose each man would have to take his station? - Yes.

24207. According to the list? - Yes.

24208. And go out in the boat? - Yes.

24209. Then you would not have only deckhands rowing, would you? - Oh, no, we fill boats with stewards and boats with firemen; in fact, the men like it now I have instituted it.

24210. You do it now? - Yes.

24211. Since the "Titanic" disaster? - Yes, since the "Titanic" disaster they like it.

24212. (*The Commissioner.*) It is a peculiar change of taste. How many lifeboats are the davits constructed to carry? - Those davits - the Welin davits - are constructed to carry two boats.

24213. On the "Titanic"? - On the "Titanic," inside and outside.

24214. On the "Titanic" were they intended to carry more than two boats? - I do not think they were

intended to carry more than two boats.

24215. Were they constructed to carry more than two boats? - Yes, they could have carried three.

24216. Could they have carried four? - No, I do not think so.

24217. Were they intended to carry four? - Well, may I explain?

24218. No; answer the question. Were they intended to carry four? - They might carry 10. If you have got the chocks and the skids so arranged you might put out boats either from the starboard side to port side or from port side to starboard side.

24219. Now, I want to know this: If those davits got out of order and were intended to carry three or four boats, that would make three or four boats useless? - It certainly would.

24220. However, nothing of that kind happened on this occasion so far as we know? - No.

24221. Can you tell me why passenger ships are not surveyed in the same way as emigrant ships? - No.

24222. Is it the fault of the Board of Trade? - I suppose it is.

24223. Is it their fault to begin with? - Well, it is not my fault.

24224. No, I know it is not; I did not suggest it was, because I feel quite sure that you would tell me that it was not; but can you tell me why passenger ships are not surveyed in the same way as emigrant ships? - I think it is due to the number of one class being so much greater than the other. We are a very small body; there are only 17 of us.

24225. Who do you mean by "we"? - The Nautical Surveyors of the Board of Trade. We do the bulk of the emigration work. There are only 17 of us, and there are a very large number of engineers, and they do the passenger certificates. There are 80 engineers.

The Commissioner: That does not appear to me to be an answer.

The Attorney-General: There are different statutory requirements.

The Commissioner: Oh, there are, no doubt; but the question I put was, and what I wanted to know was, why the passenger steamers are not surveyed in the same way as the emigrant ships are.

The Attorney-General: Yes; why Parliament did it.

The Commissioner: Yes.

The Attorney-General: We can see why Parliament was more careful, because it was thought emigrants might be put in any kind of ship, and, therefore, Parliament's attention was specially directed to see there was proper accommodation, and proper food and properly constructed ships.

The Commissioner: That, I think, is the proper explanation.

The Attorney-General: It was thought that passengers could look after themselves and emigrants could not.

The Commissioner: That is exactly the truth. Emigrants are, very properly, treated as if they were children or sick people, and have to be looked after.

(The Witness withdrew.)

WILLIAM DAVID ARCHER, Affirmed.

Examined by Mr. BUTLER ASPINALL.

24226. Are you Principal Ship Surveyor to the Board of Trade? - I am.

24227. How long have you held that position? - Since the year 1898.

24228. I believe your offices are in London? - In London, yes.

24229. And for the purposes of this Enquiry what you have to do is this, is it not? You are consulted by the Ship Surveyor at Belfast with regard to certain matters? - Yes.

24230. And I believe you have certain plans sent over to you from Belfast? - Yes, I had certain plans sent.

24231. And I think they are sent to you for the purpose of enabling you to determine what the freeboard of the ship should be? - That is so.

24232. I believe, incidentally, in connection with the assigning of the freeboard the question of the bulkheads is considered by you? - They were.

24233. And did you have adequate information to enable you to give this vessel a safe freeboard? - Yes.

24234. And you did so? - Yes.

24235. I do not know if you were consulted by Belfast in regard to other matters in connection with this ship, were you? - Yes, several other matters; for example, such questions as the ventilation of emigrants' quarters.

24236. I do not think they are matters which would assist my Lord in any way? - Not in the least.

24237. They are small matters of detail, but you had all these matters before you; you gave them your attention? - Yes.

24238. And you acquiesced finally in the declaration that was made at Belfast by Mr. Carruthers? - Yes.

24239. He, having had throughout the benefit of your advice and assistance when required? - Yes.

24240. That is what it really comes to, does it not? - Yes.

24241. (*Mr. Butler Aspinall.*) I do not know whether it will assist your Lordship; it has been suggested to me that I should put in the loadline (*handing in a diagram*). So much for the work that was done by the Board's officers at Belfast. Now, I want to direct your attention to another matter. During the progress of this Enquiry certain questions have been asked as to the action of the Board of Trade with regard to increasing the boat accommodation? - Yes.

24242. And your name was mentioned as one of the gentlemen who had considered the matter, and given the Board the benefit of your views? - Yes.

24243. We were told that you had made a Minute in 1911. That is so, is it not? - Yes.

24244. Have you got the Minute before you? - I have it.

24245. It will have to be read; it is short. Will you read it? - Yes.

24246. What is the date? - 28th February, 1911. "In accordance with the Board's instructions by telephone, I attach an extension of the boat scale which has been made by continuing the scale at the same rate, which exists at the upper end of the present scale, viz., 250 cubic feet boat capacity for every 1,000 tons, or 1,250 cubic feet for each 5,000 tons. For a vessel of 50,000 tons gross the scale requires 26 boats under davits of 15,500 cubic feet. The number of boats has been arrived at by dividing the aggregate capacity by 600 cubic feet, this being about the capacity of the 30-foot boats fitted in the 'Lusitania.'" The adoption of the scale would imply the following boat equipment in a vessel of 50,000 tons by Division A, Class 1, of the Rules: -

	Cubic Feet.	Persons.
13 Lifeboats under davits	7,750	775
11 C and " " " "	7,750	968
2 D boats " " " "		
Say 20 additional boats or rafts	11,625	1,453
46 " " " " " "	27,125	3,196

"If, however, the vessel be divided into efficient watertight compartments to the Board's satisfaction, the total boat equipment would be, say, 36 boats of 21,313 cubic feet."

24247. (*The Commissioner.*) Accommodating how many? - I could not say right off, my Lord, without figuring it out, because some of the boats are reckoned at eight cubic feet, but, roughly, it would accommodate 2,131 persons, taking them at ten cubic feet.

24248. That is near enough. Now go on? - "I would suggest, however, that an alteration could usefully be made in No. 12 of the Rules in the direction of making a larger concession in the case of vessels which are efficiently subdivided. Owing, no doubt, to the very small reduction of life-saving appliances at present sanctioned by this Rule, none of the large vessels recently constructed have complied with the recommendations of the Bulkhead Committee, although they are thought to be most reasonable in the case of vessels which have boat capacity for only a proportion of the persons carried. In the case of the 'Lusitania' and 'Mauretania' application was received for inspection and approval of the bulkheads, but was afterwards abandoned. These vessels are, however, understood to comply with Admiralty requirements. It is suggested that in the case of vessels divided into efficient watertight compartments in accordance with the Committee's recommendation, the additional boats or life-rafts required by division A, class 1 (d) might be dispensed with altogether, provided the boat scale is maintained at about the values shown by the diagram. This would imply in a vessel of 50,000 tons: -

	Cubic Feet.	Persons.
13 Lifeboats	7,750	775
11 C and 2 D boats	7,750	968
	15,500	1,743

The Attorney-General: It will be rather difficult to follow all this on the Table. This is one of the Reports which your Lordship will remember - one of the four with the Tables which I said I would have printed in a Memorandum. I have the Proofs, if I may hand them up. I do not know whether there will be anything to alter, but I have not had time to revise them; they have only just come in. I propose to hand up to your Lordship now this Print, so that it may be followed while the Witness is in the box. It may be necessary to revise them, and, if so, your Lordship will let us have them back. The Witness had just read to the bottom of page 17 and was going to the top of page 18.

The Commissioner: He has referred to the 13 lifeboats and the 11 C and 2 D boats.

24249. (*The Attorney-General.*) Yes. Now we are going to the top of page 18.

The Witness: "According to the Rule of 19th April, 1910, this would require 10 sets of davits on each side of the vessel, which would probably not be impracticable in a vessel of 50,000 tons, but if any difficulty is experienced in this respect, one-third of the total number of boats might be allowed inboard. Probably the chief difficulty in adopting the above scale may be found in providing sufficient hands to launch and man 46 boats in the case of a vessel which is not subdivided to the satisfaction of the Board; I have, however, no information as to the usual number of the various ratings in very large passenger vessels."

24250. (*The Commissioner.*) That is the end? - Yes.

The Commissioner: What is the next table of figures?

Mr. Butler Aspinall: I thought that was a sort of Appendix, because it seems to give effect to the views he has expressed.

The Attorney-General: I think so.

The Commissioner: "Minimum number of boats to be placed under davits"?

24251. (*The Attorney-General.*) Yes.

The Witness: My report contained a diagram, and that is substantially this table, although I see a slight alteration has been made.

The Commissioner: Very well.

24252. (*Mr. Butler Aspinall.*) The outcome of it is that, apart from this question of the shipowner getting any exemption by reason of having efficient watertight compartments, your view is that in the case of a vessel of 50,000 tons and upwards, she ought to have a sum total of cubic contents amounting to 27,125

feet? - That is so.

24253. That is in the neighbourhood of 2,500 people? - Yes.

24254. That is what it comes to? - Yes.

24255. Your report is dated 28th February, 1911. In view of the disaster to the "Titanic," do you still hold the same opinion, or has it been in any way altered or modified? - No, my opinion has been to some extent modified.

24256. Will you tell me in what respect? - In the first place, I think the Rule No. 12 which grants a certain exemption to vessels when efficiently subdivided should be discontinued.

Mr. Butler Aspinall: That is page 16 of the book on "Life-Saving Appliances," at the bottom, No. 12.

The Attorney-General: That is the Exemption Rule.

24257. (*The Commissioner.*) Yes, I remember it.

The Witness: In the second place, I think that the total boat capacity required should no longer be regulated on a tonnage basis, but rather that a boat capacity should be required in all for a certain proportion of the total number of persons carried on board the vessel, including passengers and crew.

24258. (*Mr. Butler Aspinall.*) Anything else? - I think, further, that before the definite percentage of boat capacity to the number of persons on board is determined it would be wise that a committee of experts should be appointed to endeavour to devise some better method of putting boats into the water than at present exists, the present method being to lower them from davits by falls, so that the boat is free to swing about and is very liable to be dashed against the side of the vessel. That is all I have to recommend.

Examined by Mr. SCANLAN.

24259. I see, Mr. Archer, that this minute of the 28th February, 1911, is signed by you? - Yes.

24260. It was the view, then, you had expressed to the Marine Department of the Board of Trade? - Yes.

24261. If effect had been given to your view, the "Titanic" would have been provided with boat accommodation for how many people? - Roughly speaking, about 2,493, I think.

24262. (*The Commissioner.*) Where do you get that figure from? - In the Table, my Lord, the second line from the bottom.

The Attorney-General: He is taking 10 percent of the cubic capacity. That is the last figure but one on the extreme right-hand column of page 18.

24263. (*The Commissioner.*) I do not quite see how that fits in with this statement on page 17: "If the vessel be divided into efficient watertight compartments to the Board's satisfaction" - as the "Titanic" was - "the total boat equipment would be, say, 36 boats of 21,313 cubic feet." That would represent 2,130 people, would it not? - Yes, my Lord.

24264. Then how do you make it 2,493? Are the two statements consistent? - The vessel had not been divided into watertight compartments to the satisfaction of the Board of Trade, my Lord.

Mr. Scanlan: May I suggest that this is how the difference arises? If you take 10 as the divisor for all the boats, you would have accommodation for something like 2,131; but I rather gathered from this gentleman that he says some of them would be boats of a class for which 10 is the proper divisor, and in other cases eight is the proper divisor.

24265. (*The Commissioner.*) Is that so? - I beg your pardon, my Lord, that is so. That is where the difference comes in.

24266. That makes the difference? - Yes.

The Attorney-General: I have not seen that before.

Mr. Scanlan: In his evidence he has stated so.

The Attorney-General: That will not account for the difference between the two tables.

24267. (*Mr. Scanlan.*) You would have, altogether, 24 boats? - 24 boats.

24268. Some of them would be of Class A and some of Classes B or C? - They might be of Class C or

Class D.

Mr. Scanlan: Perhaps you would work it out for me - it is very easy to compute it in figures - and let us see how you get at the accommodation for 2,493 persons.

(The Witness commenced to compute the figures.)

The Commissioner: What is happening now.

Mr. Scanlan: The Witness is making up a calculation, your Lordship.

The Commissioner: How long is it to take?

Mr. Scanlan: Perhaps he will be able to tell your Lordship.

The Commissioner: Cannot you ask some other questions in the meantime?

Mr. Scanlan: He cannot calculate, my Lord, on one subject and answer questions on another. Perhaps he might give it afterwards.

The Commissioner: I suggest that you should pass on to something else.

24269. *(Mr. Scanlan.)* Very well, my Lord. *(To the Witness.)* This Report of yours, this Minute of yours, was submitted to Sir Walter Howell? - Yes.

24270. Can you tell me why this Report was not acted on? - No, Sir.

The Commissioner: Was Sir Walter Howell asked about this Minute?

The Attorney-General: Your Lordship will remember how it stands, if I remind you. This is all a matter that precedes the reference to the Committee on the 4th of April, 1911. Several Reports were obtained - four altogether - and Mr. Archer's was the one that made the biggest demands on the vessel. Your Lordship will remember that I said we would have all four of them printed. Then those Reports were referred to the Committee without the tables being sent at all; the Committee had to decide for themselves, and they reported in July.

The Commissioner: Forgive me for asking you, but what did Sir Walter Howell give as a reason for doing nothing upon those four reports?

The Attorney-General: He would not agree that they did nothing. On the contrary, what they did was to get the Reports in February, 1911, and thereupon they are discussed and considered, and the result of them is that they differ - those four Reports, as your Lordship will see; and the consequence was that the whole matter was referred to the Advisory Committee, which is constituted under the statute.

The Commissioner: And then came the Report.

The Attorney-General: Then the Committee upon the 4th April, 1911, had the Reports before it had the matter referred to it in the letter of reference, and in July of 1911 the Committee reported. Your Lordship will remember that the Reports had dealt with a figure of 8,231.

The Commissioner: That was the Report Mr. Carlisle signed.

The Attorney-General: Yes, that is how it stood.

The Commissioner: That was the 8th of July, 1911. Then they began to act upon it, or did move in regard to it in March, 1912, was not it, or February?

The Attorney-General: No, they acted upon it long before that. There was a series of experiments made, it appears, from the evidence of Sir Walter Howell and Captain Young. There were various things enquired into. One thing which was exercising them particularly was as to whether it was necessary to deal with the proportion of depth to breadth, upon which a good deal appears in the Memorandum that has not been read in detail; and experiments were made upon boats by, amongst others, Captain Clarke, the last Witness who was called, and in the result, in March, 1912, there is a Minute of Captain Young's of the 28th March, I think it is, and then there is another one on the 30th March; and then on the 4th of April, 1912, Sir Walter Howell gives directions as to the letter that is to be written.

The Commissioner: The letter is dated the 16th.

The Attorney-General: The letter is, in fact, dated the 16th, but that was cleared up by the

reference to the Minute. The way the evidence stands is that none of these four Reports went before the Committee. Rightly or wrongly, what was thought right was to refer the matter without including these tables.

The Commissioner: There was what you might call a skeleton scale.

The Attorney-General: Yes, but it did not fill in any of the details.

The Commissioner: In order that they might exercise their own judgment and make a scale of their own.

The Attorney-General: Yes. That is how the evidence stands till the 30th March, 1912, and then later on there is a scale which does go before the Committee.

Mr. Scanlan: I am anxious, of course, to have it made clear that this Report, this Minute, was not submitted to the Advisory Committee.

The Attorney-General: Certainly not - neither that nor the other three Reports.

The Commissioner: None of the four was submitted.

24271. (*Mr. Scanlan.*) In your capacity of Principal Ship's Surveyor, were the plans for the boating of the "Titanic" submitted to you? - Yes.

24272. Were any plans submitted to you of the "Titanic"? - Oh, yes.

24273. But none of them dealt with the equipment? - Not so far as I remember.

24274. There is just one other point I want to clear up. You stated that your opinion has been modified since you made this Report in view of the "Titanic" disaster, and you think now that the lifeboat accommodation should be in proportion to the passengers carried? - In a certain proportion.

24275. Do you mean the passengers for which a ship is certified? - Excuse me, not passengers, but passengers and crew - the total persons on board, yes.

24276. (*The Commissioner.*) Do you mean the number certified? - Yes, my Lord.

24277. That is to say, the number the ship may carry? - Yes, my Lord.

24278. (*Mr. Scanlan.*) For a ship of the size of the "Titanic," on her certificate, what lifeboat accommodation, in your view, should be provided? - I have formed no opinion on that matter. As I said, I think a conclusion on that point should be preceded by an Enquiry as to a better method of putting boats into the water.

24279. I think you want another Advisory Committee? - Yes.

24280. Have you not formed some opinion as to the proportion between passengers and crew and lifeboat accommodation? - No definite opinion.

The Commissioner: You know, if other matters had not to be taken into consideration there ought to be no proportion at all, but the whole number ought to be provided for. But, then, other matters have to be taken into consideration, and they must be taken into consideration. What this Witness means, as I understand, is this: He has not the material to enable him to say, if less boat accommodation should be carried than sufficient for the whole number certified for the ship - he has not sufficient information to enable him to say for what number, less the boat accommodation ought to be provided.

Mr. Scanlan: I quite agree, my Lord. That is what he means.

The Commissioner: I understand that is what he means. At present, if you are going to contend, as I daresay you are, that sufficient boats should be carried to accommodate every person that can by law be on board the ship, you will have to satisfy me as to that.

The Attorney-General: That is 3,500.

The Commissioner: Before I could think of making any such recommendation - I do not know that I should in any case make such a recommendation - I think it is a matter that has to be much more carefully considered than we can consider it.

Mr. Scanlan: Yes, my Lord. I have brought out from all the Witnesses what their opinions are.

The Commissioner: You are quite right on that.

Mr. Scanlan: Leading to this, my Lord - and that is my submission - that there should be

accommodation for all carried on board, at all events.

The Commissioner: That may be a very different thing, you know. There is a distinction between that and the other.

The Attorney-General: And a very material one in this case.

The Commissioner: It is very material, of course. I do not know, Mr. Scanlan, that on the German boats the accommodation is not regulated in accordance with the number of people actually carried - I am not sure about that. I doubt whether the German boats - in fact, I am satisfied that they do not carry sufficient boats to accommodate all the people that they can carry.

Mr. Scanlan: I would have to concede that it would be an unreasonable proposition to ask that there may be boats for more than the people that were being actually carried.

The Commissioner: I have never contemplated that, although I can contemplate that being argued.

The Attorney-General: I thought by the way it stood in the German Regulations that the limitation is that in no event need the vessels carry more boats than were required for the full number of persons on board, but it does not follow at all that they carry sufficient boats for the full number on board. That does not follow at all. But, if according to their tonnage they had to carry more than would be required for the full number of persons on board, then to that extent there is a dispensation that the number would be reduced so as to cover sufficient boats only for the number of persons carried. That limitation there is, but you will not find in the German Regulations, I think, that there is a requirement to this effect - that there shall be a sufficient number carried for all the passengers on board. The standard is the tonnage - in the same way as it is with us, as your Lordship will remember, and not the number of passengers. As you will find from some figures that I am going to give you, you will see that they do not carry sufficient - I will not say that in some cases they may not - but generally speaking from those we have examined they do not carry sufficient to accommodate all on board. That is how it stands. I have had a table prepared which will be proved a little later on, which will show your Lordship what the percentage was before the "Titanic" disaster and what the percentage is after the "Titanic" disaster, in the German requirements.

Mr. Scanlan: Your Lordship will also have in view the American regulation for lifeboats required on ocean steamers; it is, "11: Each and every steamer" -

The Commissioner: Are these the *ex post facto* regulations?

Mr. Scanlan: Yes, my Lord.

The Attorney-General: That is after the disaster.

Mr. Scanlan: Any regulations made by your Lordship will necessarily be -

The Commissioner: I shall not make any regulations at all. I think those American requirements came into existence about a fortnight after the "Titanic" disaster.

Mr. Scanlan: That is so, my Lord, on the 24th April.

The Attorney-General: You have not had time to see the memorandum we have prepared, but it might be useful, my Lord, if you looked at page 37 of this proof that we have handed up. I have not examined the figures in detail yet. You will see there details as to "Foreign requirements as to boats. Note of the foreign requirements as to boats, etc., on passenger steamers. The annexed Table enables a comparison to be made between the British, French, American and German requirements as to boats and rafts on passenger steamers of 10,000 tons and upwards." And then it states what the requirements are. Then if you turn over to page 38 you will see there the requirements given in a comparative Table. The Germans are worked out on a cubic metre capacity. We have translated that into tons so as to get the same English unit. If you look, for example, at the very bottom of the page, you will see what I mean - the last figure.

The Commissioner: Where you convert it into English units.

The Attorney-General: Yes. The last figure - which is for Germany - is 45,942, and up to 49,476

tons - that is our unit - and for that the cubic capacity would be 21,328. Then that is doubled according to the additional craft, collapsibles and rafts, that may be required, which would be 42,656. The actual figure, if your Lordship will remember, is between the one just above that. If you look at the one just above that in the extreme right-hand column, you will find the figure of 39,830.

The Commissioner: What is that figure?

The Attorney-General: That represents the cubic capacity for which boat accommodation would have to be provided according to the German requirements without making any allowance for efficient watertight compartments. They have the same Rule as we have - Rule 12, on page 16.

The Commissioner: That is important.

The Attorney-General: That gives you this: 19,915 cubic feet would be required for vessels under davits for a vessel of the tonnage of the "Titanic" according to German law. Then you must double that in order to get the total of the boats required under davits - and what they call the supplemental craft and collapsibles, rafts, etc., which have to be provided. That gives you the figure of 39,830.

The Commissioner: What was the tonnage of the "Titanic"?

The Attorney-General: There has been just a little discussion about that. We have worked it out at one time as 45,600, but I am told it is 46,000, and, if it is 46,000, you have to take the last line.

The Commissioner: I am told it is 46,000.

The Attorney-General: The last line was the one I first gave you. I will tell you why it was taken as 39,830 - because in the course of the evidence on the last occasion we had some discussion, and it was taken as between those two.

The Commissioner: What was the exact tonnage of the "Titanic"?

Mr. Laing: Forty-six thousand three hundred and twenty-eight.

The Commissioner: Then you take the last line.

The Attorney-General: It is the same thing, only it comes to a little more; it is 42,656 cubic capacity.

The Commissioner: Then is that accommodation for 44,205?

The Attorney-General: Approximately, yes. It does not follow, of course, that they all have a divisor of 10, but approximately that is the case.

The Commissioner: How many could the "Titanic" carry altogether?

The Attorney-General: Three thousand five hundred and forty-seven passengers and crew.

The Commissioner: And this would give a boat accommodation of more than the carrying capacity.

The Attorney-General: Yes.

Mr. Laing: If the "Titanic" had been fitted as an emigrant ship she could have carried something like 10,000.

The Commissioner: Yes, I know. The Attorney-General was going to draw my attention to the difference between the carrying capacity of the German boats and the English boats. What I mean is the German boats of the size of the "Titanic" would be certified to carry a good many more, as I understand, than the "Titanic" was certified to carry. Is not that the case?

The Attorney-General: Yes, that is right. I am not sure that I have sufficient material to do the sum or to get it done; I do not think we have, but we can give you some idea of what the requirements are. The proposition is right.

24281 (*Mr. Scanlan - To the Witness.*) Mr. Archer, from your practical experience as a shipwrights' Surveyor, do you see any difficulty in placing on the boat deck of a ship like the "Titanic" sufficient boats to accommodate 3,547 persons? - May I ask if you mean a new vessel which is under construction, or in the "Olympic" that is already constructed?

24282. Yes, a new vessel under construction? - No, there is no reason why. It is quite possible to put boats on board such a vessel to accommodate 3,500 persons.

24283. If you were asked to give a recommendation as to the boats, what proportion of wooden boats and what proportion of rafts or boats like the Englehardt would you have? - I would not have rafts at all.

24284. Take Englehardt boats? - The Englehardt boat is a somewhat new type of boat, and we have not had a very large experience of it. I would not suggest that more than about half of the boats should be of that Englehardt type, which I call a deck boat, with collapsible bulwarks.

24285. Do you think that boats sufficient to accommodate so many people could be carried, and leave at the same time sufficient working space on the boat deck? - Yes, so far as I am in a position to judge. I am not a nautical man; I do not know much about lowering boats, but so far as I am in a position to judge, I think there would be sufficient space around the boats.

24286. Might some of the boats be carried inboard? - Yes, they must be.

24287. Have you any idea as to any arrangement for changing lifeboats from the starboard side to the port side, or from the port side to the starboard side in stress of weather? - I know that some such plan has been mooted, but personally I have never seen such an arrangement.

24288. Is that one of the matters that you think should be submitted to the Committee that you desire? - It is one of them, yes.

24289. (*The Commissioner.*) Would it be of any use to carry motor-boats? - I think, my Lord, that motor-boats would be useful, a certain proportion of them.

24290. What will be the advantage of them? - The chief advantage, I suggest, would be their greater speed, which would enable them to -

24291. Reach another ship? - Yes, reach another ship.

24292. Would they require as large a crew to navigate them as the lifeboats? - They would require, I think, as large a skilled crew; they could not be navigated with less than two skilled men.

24293. But, with two skilled men, would they require any other men at all? - I should think with two skilled men they could be worked.

24294. Satisfactorily? - So far as I am in a position to judge, my Lord; I am not a nautical man; I have no nautical experience.

The Attorney-General: Just before my friend proceeds, my Lord, may I supplement what I was saying just now to you about the German requirements. I wanted to refer your Lordship to a passage of the Notes. Your Lordship will remember I gave you upon the last occasion the figures agreed between my friend representing the White Star Line and ourselves, of the cubic capacity which would have been required in boating accommodation according to the German requirements for the "Titanic." The difference is that in the figures which we have given here at page 627 of the Note that we allow there that the "Titanic" would have received the dispensation on account of efficient watertight bulkheads in the "Titanic," and therefore would have only been required to supply a supplementary half and not the total figure. The difference, therefore, between the figure which you find here of 42,656, which is the total required under davits, and a similar cubic capacity required not under davits, that is altered at page 627 by bringing the figure to a cubic capacity of 31,992, giving accommodation for 3,198 persons. That is how it stands. If you add what I have called your attention to here on page 627, you get the figure which is an agreed figure of calculation, and which corresponds with this figure, although it does not appear at first sight to do so, because in the last columns on the right-hand side you will see the vessel is treated as not having efficient watertight bulkheads, and therefore you get the double cubic capacity required, amounting to 42,000 odd. If you treat her as having efficient watertight bulkheads then the figure is the one I gave at page 627 of 31,992, giving a person accommodation of 3,198. That is what is agreed would have to be provided by the "Titanic" according to the German requirements.

The Commissioner: Being 300 or 400 less than the number which would by law be permitted.

The Attorney-General: Yes, the total number was 3,547.

Examined by Mr. CLEMENT EDWARDS.

24295. I would like, first of all, to get from you precisely what your position is in the Marine

Department of the Board of Trade in relation to the other officials. As I understand it, you are the Shipwright Surveyor? - The Principal Ship's Surveyor.

Mr. Edwards: You are a Shipwright Surveyor, are you not?

The Commissioner: I understood him to say "Principal Ship Surveyor."

24296. (*Mr. Edwards.*) I am only putting the question for the purpose of getting the distinction between a shipwright and an engineer? - My title is "Principal Ship Surveyor."

24297. Having got your title, I should like to know your duties. In the case of the construction of a ship, where any question arose as to the construction, would it come before you? - Any question regarding the construction of the hull of the vessel would come before me, either directly from the Surveyor or through the Assistant Secretary of the Marine Department.

24298. With regard to questions of the machinery, would they come before you or the other officers? - They would come before the Engineer Surveyor-in-Chief.

24299. You are the responsible officer in the matter of the construction of the hull of the "Titanic." Is that so? - Yes, that is so.

24300. And any questions which were referred to the Marine Department by your Belfast Surveyor were questions which, in fact, came before you for the expression of your opinion and advice? - Yes.

24301. Was there any question that came before you as to the number and character of the bulkheads in the "Titanic"? - As to the character of the bulkheads, yes.

24302. Not as to the number? - No.

24302a. What was the question as to character that came before you? - The question as to character was with regard to the bulkhead which is marked A on that diagram. (*Indicating.*) The Surveyor, Mr. Carruthers, wrote to me, pointing out that the upper portion of that bulkhead was constructed nearer to the stem of the vessel than the Board's instructions contemplated, and asking whether he should pass it or not.

24303. (*The Attorney-General.*) Does that mean a step forward? - A step forward.

24304. (*Mr. Edwards.*) What other questions as to the character of the bulkheads came before you? - No question with regard to the bulkheads as bulkheads was submitted to me.

24305. Let us be perfectly clear upon this. We already have it in evidence that inasmuch as there was no application by the owners or the builders to get boat exemption under Rule 12 - that we quite understand - there was no question of bulkheads *qua* bulkheads coming before you, but only as to the questions of their strength and efficiency, so that we can clear that away right at once, and you can address your answer to the questions I put? - An application was made by the builders for the assignment of a freeboard to the vessel.

24306. Have you their application; have you the correspondence relating to this? - Yes, I have most of it here. I have some letters from them.

Mr. Edwards: My Lord, may I say that in the view that I have taken of this matter, this is of very great importance, and I ask formally for the production of the correspondence between the heads of the Marine Department in London and their Surveyor in Belfast, and between Messrs. Harland and Wolff and the Surveyors of the Marine Department relating to the question of freeboard, and the construction of bulkheads.

The Commissioner: Is there any reason why that should not be given?

The Attorney-General: I have not seen it, and I do not know what it is. I cannot tell till I see. The only question that can arise here - I do not imagine that it will be so - is that there may be something against public interest in the production of the document, but I cannot say without seeing it.

The Commissioner: I do not suppose any difficulty of that kind will raise.

The Attorney-General: I cannot answer the question without satisfying myself that it is so - I mean that I cannot from the public interest point of view. As I say, I do not anticipate it will arise, but I cannot say that I will give him any correspondence without looking at it. But that will be the only

objection.

The Commissioner: I think it would be better - I do not want the Note encumbered with a vast number of documents which may be of no relevancy at all - for someone for the Board of Trade and somebody for Harland and Wolff to get this correspondence together, and let Mr. Edwards see it.

The Attorney-General: I do not anticipate there will be any difficulty.

The Commissioner: That is all you want to see, Mr. Edwards, I suppose?

Mr. Edwards: Yes, my Lord.

The Commissioner: If you find anything in it that is important, then you must draw my attention to it.

Mr. Edwards: Yes, my Lord. Probably I can get pretty nearly as much as I want from this Witness, but I should like to have the opportunity of looking at the correspondence because quite an important point turns upon it as to relative responsibility.

The Attorney-General: There will be no difficulty about it unless something occurs which I do not for a moment anticipate.

The Commissioner: I do not anticipate any difficulty of that kind.

24307. (*Mr. Edwards.*) You said there was an application from Messrs. Harland and Wolff as to the freeboard. Just to make the position perfectly clear, the greater the freeboard under your Rules the less height is there need for the bulkheads to go. That is so, is it not? That is to say, with a variation in the freeboard there may be a variation in the height of the bulkhead? - Yes.

24308. What was their application? - Their application, in the first place, was merely a formal one for the assignment of a freeboard.

24309. In reply to that application you assigned them a freeboard? - Not at once.

24310. I did not say at once? - Yes.

24311. After some discussion you assigned them a freeboard? - Yes.

24312. What was the freeboard that you assigned them? - Do you desire the freeboard in feet and inches?

Mr. Edwards: Yes, please, because I want to get the variation suggested.

The Attorney-General: I am told you have all the material correspondence that there is with reference to freeboard.

Mr. Edwards: I have the material correspondence, but there may be some other letters.

The Attorney-General: My friend, Mr. Clement Edwards, will see that he has got them there, and I make no objection to their being produced.

The Commissioner: Very well, you have them all now, so that you can look at them as much as you like.

Mr. Edwards: I think, perhaps, my Lord, it might be a saving of time, if Mr. Archer has all these letters, if they are simply handed over, and I will look through them during the luncheon interval, and get rid of the other points with Mr. Archer.

The Commissioner: I think that is a very wise thing to do, and there is no reason why you should not do it.

Mr. Edwards: Will Mr. Archer kindly hand me, then, the correspondence relating to the bulkheads.

The Commissioner: Just hand the bundle of correspondence, relating to the freeboard and bulkheads, to Mr. Edwards.

(*The correspondence was handed to Mr. Edwards.*)

24313. (*Mr. Edwards.*) We will leave this bulkhead question entirely for the moment. I should like to ask you whether, when it was first suggested that there were going to be some ships of the type of the "Olympic" and the "Titanic" built, you were called upon or whether, in fact, you did

give any special consideration to the problem of the much greater size in relation to safety? - No.

24314. No special consideration of that sort took place at any time? - No.

24315. Did you think that scantlings which were right and proper for ships of the size of the "Adriatic" would be right and proper in a ship of the size of the "Titanic"? - Pardon me, Sir, I thought you were referring to bulkheads.

24316. No, I said I had left bulkheads entirely? - I beg your pardon.

24317. I now ask you whether, as a responsible official for passing the construction of the hull of the ship you gave any consideration to the problem of the much greater size of ships, such as the "Titanic," in relation to safety? - Oh, yes, certainly.

24318. In what form, did that problem come before you? - The matter came up in this way, that under the Tables of Freeboard, the loadline Tables, which we use for assigning the freeboard of a vessel, the strength of the vessel has to be taken into account. The question of strength came up in this way. Under the loadline Tables approved by the Board of Trade the question of strength has to be considered before a loadline or freeboard is assigned to a vessel, and there is a certain standard laid down in the Freeboard Tables.

24319. Do the Freeboard Tables to which you refer lay down standards which would cover ships above 26,000 tons? - Oh, yes.

24320. Have you a copy of those Tables? - Yes.

24321. Was that Table C? - This is the whole book. Table C is included in it.

24322. Are there scantlings in that book for ships between 26,000 tons and 46,000 tons? - Not scantlings, but a standard of strength.

24323. How do you test your standard of strength - how do you arrive at your standard of strength apart from the question of scantlings? - We do this. We get from the builders the drawings of the vessel. One of these drawings is a midship section. That midship section is a section as if you cut the ship right through the middle. It shows the thickness of all the plates, the longitudinal members of the ship - for example, the thickness and width of all the plates forming the skin of the ship and the deck of the ship.

24324. But those are the scantlings, are they not? - Those are the scantlings of the ship. We then make an estimate of what the stress on the gunwale of that ship in tons per square inch will be, on the assumption that the vessel is subjected to a bending moment equal to the whole displacement of the ship, in this case about 52,000 tons multiplied by one-thirtieth of the vessel's length. In that way we get at a certain figure of so many tons per square inch on the shear strake. We then, if I may so say, design another vessel, that is to say, we draw a midship section of a vessel having the scantlings of Lloyd's Rules. But it necessarily is a much smaller vessel, because Lloyd's Rules have no scantlings for vessels 850 feet long. We treat this smaller vessel in precisely the same way as we treated the "Titanic," the large vessel; that is to say, we draw her midship section and we get the thickness of her plates, and we find out what the stress in tons per square inch on the gunwale is on precisely the same assumption - that is, that the bending moment is equal to the whole displacement of that ship when laden as prescribed by the Freeboard Tables, multiplied by one-thirtieth of the vessel's length. We then compare those two figures.

24325. Now, we will go back to my two questions. First of all, have you any means of testing the strength of the ship apart from the scantlings? - I do not quite understand that question.

24326. You spoke of these tests: they are purely theoretical tests, are they not? - Yes.

24327. They are based upon the measurements; that is to say, "scantlings" is only the technical term for measurements? - Thickness of material.

24328. What I want to put to you is this: Have you any other means of testing the strength of the ship except by reference to her measurements? - No.

24329. Have you in that Table to which you refer any measurements for a ship above 26,000 tons? - No.

24330. If you have no measurements for a ship above 26,000 tons, and if you have no means of testing

the strength of a ship except by reference to her measurements, how do you test, and how, in fact, did you test, the strength of the "Titanic," which was a ship of 45,000 tons? - In the manner which I have described to you, Sir.

24331. But where do you get your starting figures from? - My starting figures?

24332. For the purpose of making your calculations to which you refer? - From Lloyd's Rules.

24333. Are there any of Lloyd's Rules which, in fact, give you particulars for any ship of this size, or anything like the size of the "Titanic"? - No. May I add one word of explanation? The whole thing is based upon this assumption, that the tendency to bend the ship will be in proportion to the displacement, that is, the total weight of the ship and her length will be a certain definite proportion of the total displacement - the weight of the ship and her length. If that is not true, then some fault may be found in the method, but you will see that by basing it on the total weight of the ship we do take account of the size of the ship.

24334. In taking account of the size of the ship, do you take account of the detailed measurements in every part of the ship? - In every material part of the ship.

24335. Was that done in the case of the "Titanic"? - Yes, so far as my judgment goes.

24336. I am not talking about your judgment. I am on a question of fact, Mr. Archer. Was that done by the Marine Department of the Board of Trade in the case of the "Titanic"? - May I ask you to repeat the question; perhaps I have not exactly followed you.

24337. You say that you arrive at the bendability of the ship by reference to her breadth and depth and length? - No, Sir, I did not mention breadth and depth at all.

24338. Length and weight? - Yes.

24339. I wish you would speak just a little louder, if you will. I then asked you this question, whether in arriving at that, you took into consideration the strength of different parts of details of the ship? - Yes, I did.

24340. Do you say that that was done by the Marine Department of the Board of Trade in the case of the "Titanic"? - It was done by me.

24341. Have you the particulars in writing by which you made these different calculations? - Yes.

24342. Can you produce them? - Yes.

24343. Will you produce them? - Yes.

24344. (*The Commissioner.*) Are they here? - I think so.

The Commissioner: Will you tell me what we are doing at present? What part of the Enquiry are your questions directed to, Mr. Edwards?

Mr. Edwards: They are directed to the question of seeing whether there were right tests made in the case of the "Titanic" as to the strength and efficiency; and, secondly, my Lord, whether, with a view to avoiding similar trouble -

The Commissioner: What do you mean by "similar trouble"?

Mr. Edwards: I would rather put it in this way, my Lord: Whether by way of reducing to a minimum the possibility of a recurrence of the "Titanic" disaster the Marine Department of the Board of Trade, by its methods as adopted in the case of the "Titanic," can be deemed a sufficient and an efficient body for applying tests to other ships that may be constructed?

The Commissioner: I am at a loss to understand what your present examination has to do with the disaster that overtook the "Titanic." It is not suggested that her scantlings were not right or that her scantlings had anything to do with the disaster.

Mr. Edwards: Well, my Lord, with very great respect, when I come back to the bulkheads, your Lordship will see that there is a very great deal to do with the question of scantlings. I am really on the third question of the Enquiry: "In the actual design and construction of the "Titanic" what special provisions were made for the safety of the vessel and the lives of those on

board"; and so on?

The Commissioner: I only want to understand it. Are you going to suggest that if the scantlings had been different the iceberg would not have knocked a hole in her side?

Mr. Edwards: I do not go quite as far as that, my Lord, but I think there is a ground for suggesting here - I mean, frankly, it is a matter which I shall comment upon to your Lordship with a view to your Lordship carefully consulting with the expert Assessors who sit by your side - that if there had been right tests to test the strength of the bulkheads (I am going to suggest that the bulkhead between 5 and 6, on the evidence, did give way) possibly that bulkhead might not have given way. I am further going to suggest to your Lordship that in this case the ship was not constructed according to the Rules as laid down by the Board of Trade. What I am going to call attention to is this, that either Messrs. Harland and Wolff the builders, defied the Board of Trade, or that there was extraordinary laxity on the part of the officials of the Marine Department of the Board of Trade to allow, in the construction of this ship, a departure from those Rules which they have already laid down.

The Commissioner: Will you suggest to the Witness the particular Rules of the Board of Trade which you say they failed to enforce?

Mr. Edwards: Yes, my Lord; that is why I want the correspondence in the matter of the bulkheads.

The Commissioner: Then you are not speaking to it at the present moment.

Mr. Edwards: I can do it at once, my Lord, but I thought it would save the time of the Court if I did it after I had an opportunity of examining the correspondence.

The Commissioner: Then perhaps you had better adjourn your cross-examination of this gentleman at present.

Mr. Edwards: As your Lordship pleases. There were certain matters which are incidental to the other which I was trying to get at, because your Lordship will bear in mind that the question of the bulkheads arises here - not *qua* bulkheads for the purpose of Rule 12, but merely as part and parcel of the structural strength of the ship. What I was getting from this Witness preliminary to the other was exactly what was done to test the structural strength of the ship by the Marine Department of the Board of Trade.

The Commissioner: He has told you what was done. You will have, I suppose, at the proper time to tell me why it is not right. I tell you candidly at present I do not understand it. I daresay you do, but I don't.

Mr. Edwards: I think that as soon as ever we return to the bulkhead question this correspondence will disclose what I understand is the case.

The Commissioner: There are two gentlemen beside you to whom you have entrusted this correspondence, I suppose, with the object of their examining it. Is that so?

Mr. Edwards: That is so, my Lord.

The Commissioner: I have not seen them doing their work.

Mr. Edwards: I take the responsibility for it. I do not propose putting them in the witness-box.

The Attorney-General: I would like to know where we are upon one point. My friend has raised a point again about the bulkhead between 5 and 6 boiler section. I am speaking from recollection. I have not looked at it for some time but I understood my friend had definitely given that up on the last occasion.

The Commissioner: So did I.

Mr. Edwards: I think that probably what the learned Attorney-General has in his mind is the reference which I made two or three days ago as to the suggestion that a hole had been made.

The Attorney-General: Yes.

Mr. Edwards: What I then said was that, from my information, this had not affected the strength

of the bulkhead as affected by the fire; and that, therefore, I deemed it immaterial in any event; but I have not abandoned, and I do not abandon, the suggestion that this bulkhead was seriously damaged by fire on the evidence exactly as it stands before the Court.

The Commissioner: I do not understand that. You seem to be blowing hot and cold.

24345. (*Mr. Edwards.*) That may be due to the fire, my Lord. This is what I said on Friday, my Lord; you will find it at page 649 of the Notes: “(*Mr. Edwards.*) There is one point I ought to clear up. I inadvertently, I am afraid, rather misled the Court the other day. In the mass of evidence it is a little difficult to tell what has come formally before the Court and what has come before me in another form, and I did say that Barrett, in his evidence, as far as I remember, had spoken about a hole being bored in a watertight compartment between sections 5 and 6. That was not given in evidence. I have caused very careful enquiries to be made, and even supposing the statement to be correct, I am given to understand it would not in the least degree interfere with or detract from the strength of that bulkhead as affected by the fire. (*The Commissioner.*) Very well, then, in any event, it becomes immaterial.” (*To the Witness.*) Have you those measurements? - Yes, I have some measurements here.

24346. It is not a question of having some. Have you the measurements or not on which you based your calculations as to the strength of the “Titanic”? - Yes.

Mr. Edwards: And do those figures show what ought to be the measurements in different parts of a ship of the size of the “Titanic”?

24347. (*The Commissioner.*) Have these measurements any reference to the strength of the bulkheads? - No, my Lord.

24348. (*Mr. Edwards.*) Have these measurements any reference to the strength of the hull of the “Titanic”? - Yes.

24349. What system did you adopt in arriving at measurements above and beyond the scale figures which you find for ships in your scale C, and which you find for ships of the size, within the limits of Lloyd’s measurements; in other words, there are measurements in existence for ships of a certain size - we know that - and there are scale measurements. What method did you adopt in arriving at figures and measurements beyond that scale up to the size of the “Titanic”? - I have endeavoured to explain how I did it. It is a very difficult thing to explain.

The Commissioner: He did explain it. He gave what he considers, and what I daresay is, a good explanation, but if you want to know whether I understood it, the answer must be “No.”

Mr. Edwards: Probably, my Lord.

The Commissioner: Did you understand it?

Mr. Edwards: I follow your Lordship’s courageous example, and say “No.”

The Commissioner: Did you understand it?

Mr. Edwards: I did not fully understand it, my Lord.

The Commissioner: I hoped you would say “Yes,” and then I was going to ask you to explain it to me.

24350. (*Mr. Edwards.*) One always sees the red light with you, my Lord. (*To the Witness.*) What I want to get at is this: Where do you take your figures or other measurements from for ships above what I call scale measurements? It is quite a simple question. As I understand you arrive at a definite conclusion as to the bendability of a ship of this size, and, therefore, to use an ordinary expression, you arrive at her total strength by a series of calculations? - Yes.

24351. And those calculations in their turn are based upon a series of measurements? - Yes.

24352. We know what the measurements are in the case of ships of a limited size. What I want to get at is, where do you get the measurements for ships and where does your Department get the measurements for ships, for the purpose of this calculation, for sizes above the scale size? - We got the measurements from the drawings of the “Titanic.”

24353. You have got the drawings there, and I will take two or three examples. You took the drawings of the "Titanic," which show you that plates are of a given thickness in a given part of the ship? - Yes.

24354. Those plates presumably will be thicker in the case of the "Titanic" than in a ship of 10,000 tons? - Yes.

24355. What I want to get at is this. Take the case of the plates: by what system do you test the efficiency of the plates of extra thickness for a ship of this size as compared with the plates of a given thickness for a ship of 10,000 tons? - I do it in the manner I have already described. I treat the ship as a beam or girder. I assume that the tendency to bend the ship is equal to the displacement of the ship multiplied by her length and divided by 30, and I work out the stress in tons per square inch on the gunwale. Shall I give you the figure I arrived at, Sir?

24356. If it will help, certainly do so, please? - I arrived at a figure of 9.9 tons per square inch on the shear strake of the bridge of the "Olympic". As I endeavoured to describe I drew out a smaller vessel having the scantlings of Lloyd's Rules, and I treated her in exactly the same way, and I arrived in that case at a figure of 12.2 tons per square inch for a vessel having Lloyd's scantlings, the inference being that the "Olympic" was stronger than the Lloyd's vessel.

24357. That is to say, the "Olympic" for 46,000 tons was stronger per inch than Lloyd's for 10,000 tons? - That is so, yes.

Mr. Edwards: But you have no measurements of Lloyd's for a ship of 46,000 tons.

The Commissioner: He has said No. He has told us that so often.

24358. (*Mr. Edwards.*) And therefore there is no comparison between the two? - There is a comparison of stresses, but not of scantlings.

24359. In relation to this general calculation of the ship as a girder, did you consider how far the strength of the ship was detracted from by that hollow space where there are spiral stairs running down to the firemen's tunnel? - I do not quite appreciate what you mean by a hollow space.

24360. You know the plan of the "Titanic"? - Yes, I have a general idea of it.

24361. In the case of the "Titanic" there are no decks running the whole length of the ship, are there? - I beg your pardon, I think there are.

24362. Have you a plan of the "Titanic" before you? - Yes, I have a plan here.

24363. I am not on the superstructure decks, but do not all the other decks for all practical purposes terminate immediately at the spiral staircase leading down to the firemen's tunnel? - No.

24364. Which do not? - C deck does not terminate.

24365. That is the shelter deck? - The so-called shelter deck.

24366. Is not that broken by the spiral staircase? - No, I think not.

24367. How in the world does the spiral staircase find its exit, then? - I think the spiral staircase finds its exit apparently on D deck. But may I say in any case, whether it finds its exit there, it only makes a comparatively small hole in the deck, and does not stop the deck.

Mr. Edwards: That is what I am coming to.

The Commissioner: Are you sure it was that that you were coming to?

Mr. Edwards: Perhaps not, my Lord, perhaps I have put my foot in it.

(After a short adjournment.)

Mr. Edwards: My Lord, I have had an opportunity during the adjournment to go through a number of these letters, and, broadly, they disclose this. There are a number of letters missing, to which I shall make reference in a moment, but, broadly speaking, there was on the part of the Marine Department of the Board of Trade a series of suggestions made to Messrs. Harland and Wolff as to the greater height of the bulkheads, and it was pointed out that they were not

conforming, in the plans, to the Regulations, and there appears to have been a good deal of discussion as to the height to which these bulkheads should come and as to the watertighting of the spiral staircase, and so on. If I may say so, I regard the correspondence as of the very highest importance in relation to this Enquiry and future safety, and I was going to ask that your Lordship should consider at once a request that the Board of Trade will cause copies of all the essential letters to be made, together with those letters, if they can get them, which are missing from this correspondence.

The Commissioner: Very well, if you will mark those letters that you think are important, I have no doubt that the Board of Trade will cause them to be printed.

Mr. Edwards: There is one bundle here, my Lord, of some 25 documents in all. I think every one of them ought to be copied and the intermediate letters to which reference is made here, which are missing, ought, if possible, to be found and put in their right places.

The Commissioner: You speak of 25. I have no idea how many there are. Do you want them all printed?

Mr. Edwards: All in the one bundle.

The Commissioner: Do you want any in the other bundle printed?

Mr. Edwards: Certain of them which I will mark as your Lordship suggests.

The Commissioner: There is no objection to printing them?

The Attorney-General: No, my Lord.

Mr. Edwards: I think, if I may say so, it is very important from the point of view of certain officials of the Marine Department of the Board of Trade that these letters should be made part and parcel of the proceedings. (*To the Witness.*) Now, Mr. Archer, there are here a number of letters with which you are familiar. But before I come to these letters I want to ask you one or two questions about the Rule and Circular 1401. I also want to ask you about the Report of the Bulkhead Committee of 1890.

The Commissioner: 1891, is it not?

24368. (*Mr. Edwards.*) Yes, my Lord; it sat pursuant to a Minute of March, 1890. (*To the Witness.*) Had you anything to do with the drawing up of Circular 1401? - Yes.

24369. Are you responsible for its draughtsmanship? - For its draughtsmanship, yes.

24370. Apart from Messrs. Harland and Wolff, has any discussion arisen with any firm of shipbuilders and yourself as to the precise meaning of this Rule? - I cannot recollect that any discussion has arisen as to the meaning of it.

24371. I will come to the discussion you had upon it with Messrs. Harland and Wolff in a moment or two; but take that circular in conjunction with Rule 16. What were those Rules based upon? Were they based upon the Report of the Bulkheads Committee of 1891? - No.

24372. When you are asked to decide whether there is an efficient and watertight system of efficient and watertight bulkheads in a ship, to what do you refer? What is your standard? What is your test of efficiency? - I am not asked whether there is an efficient system. The question is not put to me.

24373. By Rule 16 there is to be an efficient and watertight engine room and stokehold bulkhead, as well as a collision watertight bulkhead? - Yes.

24374. What is your test of efficiency? Or, I will put it in this way; have you any standard by which to test the efficiency of a watertight bulkhead? - We have two standards; we have the standard laid down by the Committee of 1891, and the standard in Lloyd's Rules.

24375. You do, then, sometimes refer to the Report of 1891? - Yes.

24376. Is it not the fact that in that Report of 1891, part of the test of an efficient watertight system was that there should be watertight decks? - In the Bulkheads Committee of 1891?

24377. Yes? - If there is any requirement in the Report of the Bulkheads Committee that there

ought to be watertight decks, it has escaped my memory; there may be such a thing.

The Commissioner: Read it to us, Mr. Edwards.

24378. (*Mr. Edwards.*) The Committee were asked by the Minute, my Lord, to report: "As to the manner in which ships shall be subdivided, so that they may float in moderate weather with any two compartments in free connection with the sea; and what Rule there should be as to the proportion of freeboard of the watertight deck next above, to which such bulkheads are attached, as shall be sufficient to enable the ship so to float." Upon which the Committee reported: "(1) Vessels may be considered able to float in moderate weather with any two adjoining compartments in free communication with the sea, if fitted with efficient transverse watertight bulkheads, so spaced that when two such compartments are laid open to the sea, the uppermost watertight deck to which all the bulkheads extend, and which we will call the bulkhead deck, is not brought nearer to the water surface than would be indicated by a line drawn round the side at a distance amidships of 3/100ths of the depth at side at that place below the bulkhead deck, and gradually approaching it towards the ends, where it may be 3/200ths of the same depth below it. This line we may call the margin-of-safety line." Do you know if in any of the ships it was insisted upon that they should have a watertight bulkhead deck? - Not watertight in the sense of resisting pressure from below.

Leave out the question of watertight in regard to pressure, but watertight in the sense of water not being able to percolate.

The Commissioner: To flow over.

24379. (*Mr. Edwards.*) That is so, my Lord, yes, to flow over.

The Witness: No, we do not.

24380. And do you insist upon a watertight deck in the sense that there should be no openings in the deck up through which the water may come? - No.

24381. Can you say, in view of that recommendation, if you use that as a standard, why the Marine Department do not do so? - I think that the term "watertight deck" as used in this recommendation of the Bulkheads Committee has been used under a misapprehension.

24382. You mean "watertight" does not mean watertight there? - Yes, that it was used by mistake.

24383. Do you mean tight without the water, or what? - I mean the Bulkheads Committee never intended that the deck to which the bulkheads came should be an iron watertight deck all through.

24384. (*The Commissioner.*) Then what did they intend? - As far as I can understand, my Lord, they were referring to the deck being watertight, so that water shipped above should not get through it from above.

24385. It does not occur to me that is the way to read it? - I speak with great deference on the matter.

24386. You may be right? - I can hardly think as a practical man they did intend that to be so.

24387. You do not think it is practical? - No, my Lord.

24388. Are there any ships with watertight decks? - I do not know of any that are absolutely watertight; they are generally made practically watertight.

24389. Practically watertight is near enough, you know. Why are they so constructed if it is not practicable? - They are so constructed to prevent water coming from above down into the cargo; but they always have hatchways in them which will not be watertight from below, that is, any pressure from below would force the hatch covers up. They cannot withstand any pressure from below, but they can keep water from going from above below through the hatch.

24390. (*Mr. Edwards.*) You notice the term here is used "watertight bulkheads" and "watertight compartments." Can you conceive of a watertight compartment that is open on its top side? - It is not in one sense watertight; but, colloquially, it is termed a watertight compartment even though it

is open at the top.

The Commissioner: I suppose you can have a watertight cistern, cannot you?

Mr. Edwards: When you speak of a watertight cistern, my Lord, I believe it is that cistern which is covered in at the top.

The Commissioner: Is it? Are there not watertight cisterns which are not covered in at the top?

Mr. Edwards: Not strictly, my Lord, I should think.

The Commissioner: By "watertight" I mean a vessel from which water cannot escape.

Mr. Edwards: But when you are speaking of the watertight compartment of a ship -

The Commissioner: You seem to have a notion that the word "watertight" could only apply to a vessel which has some sort of a watertight bulkhead or cover, or side, or bottom all round it.

Mr. Edwards: I was only treating it in reference to the Report of the Committee which clearly had it in mind that a watertight bulkhead was one thing, and that that watertight bulkhead was only part and parcel of another thing which was a watertight compartment.

The Commissioner: If you mean by "watertight compartment" a box, of course, you must have the top watertight as well as the sides and bottom. I only want to know. Is it customary to have in these big ships a watertight deck covering what are called the watertight compartments?

Mr. Edwards: I am told that in a number of cases it is so; I cannot say. I cannot give your Lordship definite information about it. But what I want to see is, what is the attitude of the Board of Trade towards it? - We have the words of the Bulkheads Committee.

24391. (*The Commissioner:*) My attention is called to these two expressions, the one in the Minute and the other in the Answer to the Questions. The Minute, which issued from the Board of Trade itself, referred to a watertight deck in the first paragraph?

The Witness: Yes, my Lord.

24392. Now, was that a mistake? - In my view it is a mistake.

24393. It is dated 7th March, 1890. Do you see that the Board of Trade itself in the Minute which they sent to the Bulkheads Committee use the very expression "watertight deck next above"? - Yes.

24394. Was that a wrong expression to use? - In my opinion it was.

24395. Well, who was responsible for that? - I cannot say, my Lord; it was long before I entered the service of the Board of Trade.

24396. Well, it is 22 years ago? - Yes.

24397. Then there were two mistakes, one made by the Board of Trade in 1890, and the other made by the Committee in replying to the Minute of the Board of Trade? - Speaking with great diffidence, that is my view of the matter.

24398. I am asking you a question now, which is suggested to me. Has it been the practice not to make the deck above the watertight compartments, at the top you know, watertight? - That has been the practice in the mercantile marine.

24399. It is a practice which was not, I think, followed on the whole length of the two Cunard boats we have heard of, the "Mauretania" and the "Lusitania"? - I believe not, my Lord.

24400. In those ships, I think in the case of all but one of the watertight compartments, most of the watertight compartments had a watertight deck at the top? - That is so, I believe.

24401. And they, you say, were exceptions to the ordinary practice? - Yes, they were exceptions.

24402. Now, will you take this plan of the "Mauretania" and the "Lusitania," which were exceptions from the ordinary practice. Just look at it, and tell me where the watertight deck is. (*Handing a plan to the Witness.*) Is it at the top of all the watertight compartments or at the top of some of them only? - So far as I understand the plan, it is not quite at the top of the compartments at all; it is shown lower down in the ship. I see they are marked in the foremost compartment in the next deck above the waterline, but the watertight bulkhead extends three decks above that

again. In the next compartment I find a watertight deck situated at about the level of the waterline. In the next compartment there appears to be no watertight deck at all. The fourth, in a cross bunker, is situated a few feet above the waterline, and the bulkheads again go two tiers, about 16 feet higher up still.

24403. That is to say, the bulkheads in the "Mauretania" and the "Lusitania" in many instances, are considerably higher than the watertight deck? - Much higher.

The Commissioner: Have you seen these plans, Mr. Edwards?

Mr. Edwards: No, my Lord, but I have seen others.

The Attorney-General: I think it is so in all cases, from the plan.

The Commissioner: In all what cases?

The Attorney-General: The bulkheads are carried above the deck.

The Commissioner: The Attorney-General says, Mr. Edwards, that in all cases the watertight bulkheads are carried above what may be called the watertight deck so that you do not get a watertight deck at the top of what might be called the watertight compartment.

Mr. Edwards: That, of course, would be another reason for using the term "watertight," bulkhead is quite a distinct thing from the compartment.

24404. (*The Commissioner.*) Just let me ask you this, Mr. Archer. Is it not better to have a watertight deck, even though it is below the top of the watertight bulkhead rather than have no watertight deck at all? - Yes, my Lord, it is an advantage to have a watertight deck.

The Commissioner: That, I think, is what you want, Mr. Edwards.

24405. (*Mr. Edwards.*) Yes, my Lord. (*To the Witness.*) In your view there is nothing impracticable in running the whole length of the ship at some point a watertight deck. I am now using the term watertight deck in its literal sense? - When you say "impracticable," my answer is that it is not absolutely impracticable, but that in the majority of cases, especially in vessels which carry cargo, it would seriously impair the commercial efficiency of the vessel.

24406. Is not that a point with which the Bulkheads Committee dealt, and did not they differentiate cases of the different classes of carrying capacity of vessels? That is to say, do you see why, in a vessel of the size of the "Titanic" there is any impracticability at all in a watertight deck going the whole length of the vessel - that is to say where you have the hatches with your watertight doors? - In my opinion it was not impracticable to fit a watertight deck in the "Titanic"; but I am not at all sure that watertight doors are the proper way of closing them. That is a detail.

24407. Some battening or something of that sort could be made, whether it be a door or something else. I did not use the word "door" in the ordinary sense. That is to say, that any disadvantage through the loss of cargo space which you speak of as one of the elements of impracticability, could easily be got over by a system of watertight battenings in the hatches? - No, not watertight battenings, I think.

24408. Casing or trunking, or what you will? - I am of opinion that it was practicable to fit the watertight deck on the "Titanic," but that it would have entailed difficulty in working the cargo.

24409. Why do you say that? - Because if you are going to fit watertight shutters as you suggested, those watertight shutters would be very liable to damage when hauling cargo up and down, and they would also take a considerable time to close down watertight. Further, if, instead of fitting these watertight covers, the hatch is trunked up watertight as high as the top of the bulkhead, which would perhaps be a better plan; you would require, if you want to stow cargo, not only in the holds, but in the between decks, to have watertight doors in this trunk, and it would be difficult to pass the cargo through those watertight doors.

24410. Did not you recommend the trunking of the hatchway in the "Titanic," as a matter of fact? - I recommended it in one case, yes.

24411. I think you recommended the trunking of No. 1 hatchway? - Yes.

24412. Would not that be open to precisely the same objection that you are now putting as to the interference with cargo of watertight decks? - No, I think not, because I think there was no cargo to be carried in the space to which the trunk went. That is my recollection of the matter.

24413. (*The Commissioner.*) That was in the forepart of the ship? - That was in the forepart of the ship.

24414. That went down to the engineers' accommodation? - To the firemen's passage.

Mr. Edwards: It is shown on the plan as cargo space, is it not, Mr. Archer? I think you will find it is shown as cargo space there.

24415. (*The Commissioner.*) Can you find a trunk there on the plan? - No, my Lord, the trunk was not fitted.

24416. (*Mr. Edwards.*) He asked for it, my Lord, but it was not fitted. It is shown as a cargo space? - No. If I may say so, the trunk was to be fitted from the E deck to the D deck, and there was no cargo stowed upon E deck.

24417. You were considering the advisability of trunking the hatchway on the level of E deck? - Yes.

24418. (*The Attorney-General.*) E deck to D deck, I think he said? - Yes, from E deck to D deck.

24419. (*Mr. Edwards.*) But down there, that space which you propose to trunk, you would have had to have lowered and raised the cargo from No. 1 hold? - Yes, that is right.

24420. Now, what is the distinction between trunking a deck higher or lower where cargo is passed into a hold? What is the difference from this point of view which you are suggesting of making things impracticable? - There is no difficulty in passing the cargo down into a hold at the bottom, but if it passes through 'tween deck spaces in which you also require to stow cargo, you must have some way of passing the cargo through the side of the trunk into those 'tween deck spaces.

24421. That is only a question of putting protections on the side, is it not, so that they do not get worn away? - That is it; I do not say the thing is insuperable, but I say there are practical difficulties.

24422. Apart from that consideration, roughing the edges of the opening, do you see any other element which would detract from the practicability of a watertight deck? - No, I do not.

24423. None at all? - No.

24424. Now in the light of the "Titanic" experience, do you think that a very great advantage might be obtained from the point of view of greater safety, in having a watertight deck? - Yes, I do.

24425. Now the relative sinkability of a ship which has had its side opened to the sea depends, does it not, upon the height to which water may be allowed to come in the so-called watertight compartment. That is to say, if you have two watertight compartments filled - that is, to the height of the waterline, still the "Titanic" might have floated? - Yes.

24426. Now, supposing you had had a watertight deck below the waterline here, the chances are that three or four of the compartments might have been filled, and still she would have floated? - That is so, but might I be allowed to point out the great objection to taking a deck below the waterline. If the damage had occurred not below the deck, but above the deck, there would be a danger in many vessels that they would capsize.

24427. Would you explain why? - Because, if I may put it in a rough and ready way, you have admitted water above this deck and you have a space in which there is no water, but a space filled with air, and there would be a big air bubble, which tends to turn the ship over.

24428. There might be a possibility of getting a little top-heavy? - Yes, if you get a deck below

the waterline.

24429. But that could be easily relieved, could it not by a valve arrangement to let the water through. If that were the particular danger, you might get some compensation by having an opening in the floor? - In the deck, do you mean?

24430. Yes? - Then your deck would be no use.

24431. I am suggesting that it might be used under all circumstances except the particular one of danger which you point out? - Yes, if you can avoid that danger of a ship capsizing, the watertight deck below the waterline is useful.

The Commissioner: Mr. Attorney, the gentlemen who advise me on this matter seem to think that the Committee which is to take into consideration these matters, should among other things consider the desirability of having watertight decks either above or below the waterline. I do not know whether you or Sir Robert Finlay would suggest that that is not a desirable thing to be submitted.

The Attorney-General: I think it would be quite right that it should be suggested for their consideration. It was occurring to me during my friend's examination, but I did not attempt to ask your Lordship's view about it. It would be obviously impossible to decide upon this question without a mass of evidence which we have not called.

The Commissioner: Oh, yes.

The Attorney-General: But it occurred to me that might be the right course.

The Commissioner: That is probably all you want at present, Mr. Edwards?

Mr. Edwards: Yes.

The Commissioner: I said long ago we cannot sit here - I should have to sit for months, or years, possibly - to decide a question of this kind; but the gentlemen who are with me are of opinion that the question of watertight decks either above or below the waterline is a matter that requires examination and consideration. That probably is all that you would ask, Mr. Edwards?

Mr. Edwards: Yes.

Sir Robert Finlay: I quite agree with what the Attorney-General has said. Of course, there are a great many balancing considerations which need to be taken into account.

The Commissioner: Yes.

Sir Robert Finlay: That is without in the slightest degree prejudging the question which is undoubtedly one which deserves consideration. What the result may be of course will appear later.

24432. (*Mr. Edwards.*) That intimation is quite sufficient for my purpose. I shall not attempt to pursue it. (*To the Witness.*) Now I want to ask you one or two questions as to the correspondence which passed between you and Messrs. Harland and Wolff. First of all, may I just point out that apparently there is a letter of the 1st June, 1910, from either you or your Surveyor at Belfast, to Messrs. Harland and Wolff, which appears to be a very important letter. It is missing from this bundle? - I have not got it.

Mr. Edwards: Is Mr. Carruthers here?

The Commissioner: A letter from whom?

Mr. Edwards: I have a letter from Messrs. Harland and Wolff to the Board of Trade Surveyor at Belfast, and in that letter they say, "In view of the difficulties raised by your letter of the 1st inst. to the wording of your Regulation."

The Commissioner: A copy of that letter must be in the possession of the Board of Trade, and the original must be in the possession of Messrs. Harland and Wolff.

Mr. Edwards: Yes. Perhaps Mr. Carruthers will say whether he has a copy of that letter?

Mr. Carruthers: Yes, a copy can be got out of my letter-book at Belfast.

The Commissioner: Where is your letter-book?

Mr. Carruthers: At Belfast.

Mr. Edwards: I suppose that could be sent here?

The Commissioner: It must be possible to get the original letter, because Harland and Wolff would undoubtedly keep it.

Mr. Laing: I have just asked if Mr. Wilding has it here, and he has not.

The Commissioner: Well, but he could telegraph for it.

Mr. Laing: Yes.

Mr. Edwards: I would ask your Lordship to direct that Mr. Carruthers's letter-book be sent also so that we may see it.

The Attorney-General: There is no necessity to direct it; it shall be done.

The Commissioner: You must not assume that the Board of Trade are attempting to stifle things.

Mr. Edwards: I do not, my Lord. I was not suggesting that.

The Commissioner: And I hope, Mr. Edwards, you do not think so.

Mr. Edwards: I have a way, my Lord, of expressing quite frankly what I think. I am not thinking anything different from that which I am expressing when I say that I do not suggest for a moment that the Board of Trade are attempting to stifle things at all. On the contrary, I am rather inclined to think in this matter that the letter to which I refer will very considerably rebound to the credit of the Marine Department of the Board of Trade.

The Commissioner: Well, now cannot you leave the Witness alone.

Mr. Edwards: That might be taken, my Lord, as a declaration of clearance.

The Commissioner: I do not mean that you have not helped us, because I think you have very much, but I think you have had enough from him.

24433. (*Mr. Edwards - To the Witness.*) I would just like to ask you this. Were you yourself satisfied when the question of the bulkheads was referred to you, that Messrs. Harland and Wolff in the building of the "Titanic" were taking the bulkheads to as high a deck as you thought was required by your regulations in Circular 1401? - Yes.

24434. You were satisfied? - Yes.

24435. Mr. Carruthers was not satisfied? - I do not understand that at all.

The Attorney-General: No, I did not understand that.

24436. (*Mr. Edwards.*) Then I will call your attention to your Minute. Take the collision bulkhead first of all. The plans of the "Titanic" and the "Olympic" were identical? - Yes, so far as bulkheads were concerned.

24437. On the 30th April, 1910, you write: "Steamship 'Olympic.' Sir, the Surveyor's report requesting instructions regarding the collision bulkhead of this vessel is forwarded. The Board's regulation Circular 1401 requires that the collision bulkhead is in all cases to extend to the upper deck, but there is a provision that in vessels of the shelter deck type the deck next below the shelter deck may be regarded as the upper deck, subject to the sheer being sufficient. The shelter deck stem deck, page 44 of Freeboard Table, may for this purpose be defined as one having a greater freeboard measured from the second deck than required by Table C, and having all openings in the second deck battened down as on a weather deck. The Surveyor reports that the freeboard of this vessel, measured from the so-called upper deck, will be about 10 feet 9 inches, but the freeboard required by Table C is about 11 feet 2 inches, as shown in detail on the attached sheet. The sheer will also be somewhat less than the standard, and there will be a large number of openings in the upper deck. As the deck marked 'upper' will be nearer the water than the main or second deck, with an awning deck vessel, it cannot be regarded as the upper deck within the meaning of the Circular. The Surveyor should, I think, be instructed to inform the builder that the collision bulkhead must be carried up to the deck marked 'saloon deck,' and that no part of the

bulkhead below this deck should be nearer the stem than one-twentieth of the vessel's length, as required by the Circular referred to. It may be observed that in the event of the upper part of the bulkhead where marked in red being damaged by collision, there would be some danger of water entering the space above the upper deck, unless the weather conditions were unusually favourable, when it would pass below down the open stairway." So that clearly it was in your view at that time that the collision bulkhead was not being taken as high as your regulations required? - Pardon me, it was not a question of the height of the bulkhead. The height of the drawing then submitted to me was the same as it stands there in that drawing, that is to D deck.

24438. (*The Attorney-General.*) That is the saloon deck? - Yes, but the upper portion of it, that is the portion above the F deck, was crashed forward; it was too near the stem of the vessel.

24439. (*Mr. Edwards.*) You say that that had nothing to do with the height of the particular deck? - The bulkhead was quite high enough, but it did not go up in a straight line.

The Attorney-General: It was carried up to D deck; it was stepped forward and stepped aft.

24440. (*Mr. Edwards.*) That is so; it did not go far up.

The Witness: No.

The Commissioner: It did not go straight up?

The Attorney-General: That is so.

24441. (*Mr. Edwards - To the Witness.*) Now, did you on the 28th May, 1910, report this to your Department: "I do not think that the increased sheer now reported materially affects the question. As there will be open stairways in the upper deck, the collision bulkhead should, I think, extend to the saloon deck"? - That is right.

24442. "No report has been received as to the height to which the remaining bulkheads extend"? - Yes.

24443. "The Surveyor should note that as the intended freeboard measured from the upper deck appears to be less than given in Table C by Clause 16 of the Regulations *re* passenger steamers and Circular 1,401, the engine room and stokehold bulkheads at least should extend to the saloon deck"? - Yes, that is right.

24444. As a matter of fact, in the "Titanic" they did not extend to the saloon deck, did they? - No.

24445. The stokehold bulkheads did not extend? - No.

24446. Why did you permit a departure from this view? That is to say, on the 28th May your view was that the stokehold bulkhead should come right up to the saloon deck. When the ship was finished they did not so extend; what was the reason for the alteration in your attitude? - I did not alter my attitude at all. The builder's altered their attitude. They lowered the centre of the freeboard disc so as to make the freeboard a little greater than Table C.

24447. And that slight lowering of the disc? - Pardon me for a moment. When I say they lowered the disc, they lowered the position that they had intended to put it in. The disc was never marked on the vessel in the position in which they originally intended to mark it, but they agreed to lower it a few inches, so that the distance from the centre of the disc to the E deck should not be less than Table C.

24448. Did that alteration satisfy you? - Yes.

24449. Was it after that that you reported this to your Department. On the 1st June Mr. Carruthers reports: "Since the builder's were informed of the Board's decision, I have had several interviews with them on the subject. They inform me that the arrangement of the vessel makes it very difficult for them to comply, and they point out" - apparently this is referring to your proposal about the trunking. There is a letter missing. Will you see if it can be obtained? It is somewhere about the 24th June. If you will kindly look you will see this report is stamped 25th June, and Mr. Carruthers' report is the 1st of June (*The document was handed to the*

Witness.)? - I notice Mr. Carruthers had interviews with the builder's. I do not see any reference to a letter on the subject. It may be only verbal.

24450. Where would he get the Board's decision from? And there is the reference there to what should be done in holds 1 and 2. What I am leading up to, and what I want to ask you about, is this. (Perhaps the letter can be found in the morning so that it can go on the Notes.) You advised that the cargo hold should be trunked, and you also advised that the spiral staircase in front of the firemen's passage should be trunked? - Yes.

24451. Why did not you insist upon both those proposals? - Because the builder's objected to do so, and they made a calculation which they handed to Mr. Carruthers, and which was forwarded to me, showing that even if the first compartment and the second compartment and the firemen's passage were all filled with water simultaneously, the vessel would sink by the head only 2 feet 6 inches.

24452. If the trunking had been carried out as you suggested - you know the evidence which has been given here - and the trunking had been effective, do you think that might have had a very important bearing on the sinking of the "Titanic"? - Not the very slightest effect.

24453. You do not think so? - Not the very slightest.

24454. In the light of the "Titanic" disaster, do you still think it advisable that there should be trunking of what are now open stairways, such as the spiral staircase on the "Titanic"? - On the "Titanic," no.

24455. Then why did you suggest it? - I suggested it for this reason. It is very difficult to explain it without pointing to the plan.

24456. Well, you can go over and point to the plan? - Thank you. (*The Witness went to the Plan on the wall.*) The Board's Regulations require that *that* bulkhead should extend up to the D deck, and that the distance of *this* part of the bulkhead from the stem should not be less than one-twentieth of the vessel's length. As the builders were unwilling to carry it up like *that* I suggested they should carry it up like *this*, (*Indicating.*) but if it had been carried like *that*, and if *this* had been broken away by the vessel colliding with another, water might have got in *here*, and in order to prevent water going down *that* hatchway and going down *that* spiral stairway it would be necessary to trunk that hatch up like *that* and trunk *this* spiral stairway up watertight to the D deck.

24457. Is not that a reason that exists as much today as when you recommended it to the builders? - Yes, quite. But when the builders said: "Supposing we do not do that; supposing *this* part of the bulkhead is broken away; supposing water does get over *there* and does go down *that* hatch, and supposing it goes down *that* spiral staircase and fills the tunnel, the vessel then will only go down by the head 2 ½ feet," and when I had ascertained myself that the top of *this* bulkhead would then be 15 ½ feet above the water, I felt I had insufficient ground for insisting that that should be done, and withholding the declaration.

24458. Now, in the light of what has happened to the "Titanic," do you think that your view was the best one, or the builders' view was the best one? - I think that my view was the only right one within our powers under the Merchant Shipping Act.

24459. And that applies today? - Yes.

24460. I only want to touch on one other aspect. There has been something said here as to the difficulty that there might be in utilising the boat deck for a larger number of boats, and it has been suggested that if you put the number of boats there, an increased number, you increase the tenderness of the ship. It has also been suggested that you might correct such tenderness by increasing the ballasting. Do you take the view that any greater tenderness which may be caused by the larger number of boats may be corrected by a process of ballasting? - Yes, it may be corrected by ballasting.

The Commissioner: I think I can relieve you also in this part of the case. One of the matters which the Committee will be asked to consider - they will have, I think, to have the submission to them amended in order to enable them to do it - will be the provision of boats. It is quite obvious that it is a matter of importance, and ought to be taken into consideration and dealt with. I think you will probably agree with me.

The Attorney-General: Yes, my Lord. I do entirely.

Mr. Edwards: I purposely put it because of that.

The Commissioner: You are quite right to put it.

24461. (*Mr. Edwards.*) I did say that I was going to ask Mr. Archer some questions on this matter, and you asked him to be prepared, but since then your Lordship gave the intimation which you did on Friday, and therefore having got this reply to a comprehensive question. I will not pursue it any further at all. (*To the Witness.*) You will see, Mr. Archer, that this correspondence is got into order for the purpose of being printed, and I will have the letters marked for you.

The Witness: I will endeavour to get them.

Examined by Mr. HOLMES.

24462. We have been referred to you by Sir Walter Howell. We have been told that he relied upon you to satisfy yourself as to the capabilities of the Board of Trade Surveyors when they were appointed? - Yes.

24463. Can you tell us exactly what test you put to them to satisfy yourself that they are capable of performing their duties. For instance, do you appoint a large number of Surveyors as engineer and Shipwright Surveyors? - They are appointed.

24464. One man does the two things? - Yes.

24465. They are in a great many cases men who have had nothing but engineering experience at sea? - They have had workshop experience as well as engineers.

24466. What test do you put to them as to their practical experience as shipwrights, or as nautical men? - As nautical men, none. I put to them a test as regards their ability to construct and repair - their knowledge of the construction and repair of iron vessels.

24467. Do you put them through examination? - Yes, both written examination and verbal examination.

24468. Is that before their appointment, or after it? - That is after they have served a probationary period of about six months.

24469. And during that six months, do they have any instruction from the Board of Trade? - Yes, they do.

24470. In what form? - I do not know exactly in what form.

24471. Do you give them a book to read, and then examine them on that? - Oh, no, so far as I understand the matter they go with a senior colleague and assist him in the performance of his duties.

24472. And at the end of that time you consider they are competent. For instance, an engineer is competent to survey boats? - I do not consider that unless I find it so after I have examined him.

24473. Do you examine him as to deck equipments, compasses and that kind of thing? - Not compasses, no; it is not part of my duty.

24474. Is it not part of his duty when he becomes a fully qualified Surveyor? - He has to examine certificates with the compass adjuster and see they are in order.

24475. Things like sea anchors and patent logs? - I do not examine him in sea anchors or logs

because I am not a nautical man; I am a shipbuilder.

24476. It becomes part of their duties to see that the ships are properly equipped with such things? - The ship is not equipped with a sea anchor; the boats are.

24477. The ship's boats? - Yes.

24478. But you put them through no test? - As to sea anchors, no.

The Commissioner: Can you tell me what a sea anchor is?

Mr. Holmes: Yes, my Lord.

The Commissioner: Describe it to me.

Mr. Holmes: I am not an expert, my Lord. I believe the one supplied to the "Titanic" was a canvas bag. It is required for riding in a rough sea.

The Commissioner: I know what it is for, but I thought you might be able to describe it to me.

Mr. Holmes: They can be made of all sorts of things.

The Commissioner: Have you ever seen one?

Mr. Holmes: I have.

The Commissioner: Well, I have not.

The Attorney-General: They were on the "Olympic" when your Lordship went to see it.

24479. (*Mr. Holmes - To the Witness.*) You have told us you made calculations as to stress and that kind of thing? - Yes.

24480. Do you ever see that your recommendations are carried out yourself? For instance, did you ever survey the "Titanic" yourself? - I did not survey the "Titanic," but I inspected the "Titanic"; I visited her once.

24481. And you rely, to see that your recommendations are carried out, on the local Engineer Surveyor? - I get a report from him.

24482. There is one other matter in which we were referred to you by Sir Walter Howell, and that is as to the reason why the regulations only provide for four of the ship's boats being equipped with compasses and so on. Can you tell me why that is? - That is a matter upon which I speak with great diffidence as I am not a nautical man, but I imagine the idea is that the boats will keep in company.

24483. And the four they had sufficiently equipped would guide the others; is that your idea? - That is my idea on the subject.

24484. Do you suggest that four masts and four sails would be sufficient for sixteen boats? - I am under the impression that it would not be necessary to have a mast and sail for every boat.

24485. You think four masts and four sails are sufficient for all the boats on the ship? - On the whole.

24486. Four compasses for all the boats? - Yes.

24487. Four lanterns? - I think I would be inclined to have a lantern in every boat.

24488. In that respect at least, you think the regulations might be with advantage altered? - Yes.

24489. But you still think that four compasses and four masts and sails are sufficient? - Yes.

Mr. Pringle: May I ask a question, my Lord? I promise not to take long. I was referred by Sir Walter Howell to this Witness as to his experience as a naval architect.

Examined by Mr. PRINGLE.

24490. Are you a naval architect? - Yes.

24491. What experience have you as a naval architect? - I was for about seven years, or rather more, from 1891 to 1898, naval architect in the employment of Messrs. James and George Thomson, Limited, Clydebank, Glasgow.

The Commissioner: He comes from your country.

24492. (*Mr. Pringle.*) It was in 1898 that you joined the staff of the Board of Trade? - Yes.

24493. As a naval architect you will have an opinion upon the effect which would have been introduced, had the bulkheads been extended to deck D instead of only extending to deck E. Can you express an opinion on what would have been the effect in the case of this disaster if the bulkheads had extended to deck D instead of only extending to deck E? - I desire to point out first that many of them did extend to deck E.

24494. Yes, the aft bulkheads did? - Yes. If the forward bulkheads had extended to deck D the vessel would have floated longer. I am not able to say how much longer.

24495. You would not express an opinion as to the additional time. Would the extension of the bulkheads, together with the trunking of the hatchways, not combine to still further increase the time? - I do not think the trunking of the hatchways would be of any use.

24496. (*The Commissioner.*) Let me put this question to you, Mr. Archer. Do you think the "Titanic" would have been safer if the bulkhead B had been carried up to the next deck? - That would be to C deck, I think, my Lord; it already goes to D deck.

24497. What do you say? - It would have been safer under certain eventualities, but not any safer under the damage that was done to her on this occasion.

24498. You do not think so? - Not in the least.

24499. Now, would she have been safer if No. 1 hatchway had been trunked up to the A deck? - I think not.

24500. (*Mr. Pringle.*) You say that you did not insist on the extension of these bulkheads in view of the alteration of the loadline disc? - Yes.

24501. What effect has that in relation to safety, the fact that there was an alteration of two inches or so on this disc? - It is this; the vessel is not allowed to load any deeper than the centre of the disc. Therefore, if you lower the disc a few inches, the top of the bulkheads is so many inches higher above the water than it was before.

24502. Is that a consideration which would have any very material consequence in the case of a ship like the "Titanic," which is not a cargo steamer? - I do not quite understand the purport of your question.

24503. I thought in a ship like that, which does not carry cargo, you are not in the habit of loading to the loadline at all? - I think passenger vessels very often load to the loadline.

Examined by Mr. COTTER.

24504. In regard to boats, you stated you agree they ought to carry motor-boats? - I did not say they ought to carry motor-boats; I said they might under certain circumstances be an advantage.

24505. Do you think the present system of lowering boats, especially from ships of the dimensions of the "Titanic," is a good system to go on with - I mean from blocks and tackles and davits? - I do not think it is the best system that can be devised.

24506. If I were to suggest to you that they use a crane for that purpose now, a long-armed crane with a single fall, would it not be more expeditious for lowering boats and just as safe? - It all depends what you are going to put on the end of the fall. Are you going to do it by man power or steam power or electric power?

Mr. Cotter: Well, if I may be allowed to suggest it, I should certainly, with your permission, my

Lord, suggest it should be oil engines independently absolutely of the machinery of the ship at all, attached to the crane.

The Commissioner: How long would it take to get an oil engine to work?

Mr. Cotter: I do not think it would take long, my Lord.

The Commissioner: I do not know I should think in the circumstances of the "Titanic," it would have been rather a disheartening job to have begun to light oil engines and work them. I should think men's hands were probably readier and quicker.

Mr. Cotter: We have had evidence that the boats took forty minutes to get ready and swing out.

The Commissioner: Yes, some of them, but not all.

Mr. Cotter: They were the first boats. It has been suggested, my Lord, that there should be more boats -

The Commissioner: Ask him a question, please.

24507. (*Mr. Cotter - To the Witness.*) If there were more boats on the deck, and those cranes were got into operation, would it not be a quicker method than the present method of lowering the falls through blocks and tackles, and then pulling them up again? - It would be quicker if the oil engine is always there to do this work.

24508. Now it has been stated here that there was a fear of the boats buckling. Can you suggest any way to strengthen those boats so that there would be no fear of buckling?

24509. (*The Commissioner.*) They did not buckle, you know, and it was an ill-founded fear, it was only in the minds of people who did not know.

The Witness: I understand the boats had been tested with the full weight on board, and they did not buckle.

24510. (*Mr. Cotter.*) I suggest to you it would be a good thing to let the Captain and officers know that the boats have been tested to carry a certain weight or carry a certain number of passengers, so that there should be no fear? - Oh, yes, it would be a good thing.

Examined by Mr. LAING.

24511. I only want to ask one question. On the freeboard, as fixed, of the "Titanic," did the height of these engine room bulkheads fully comply with your Rules? - Fully.

24512. And with Lloyd's Rules? - I cannot quite speak as to Lloyd's Rules; I do not quite know how they interpret their own Rules. So far as I know they would comply with Lloyd's Rules.

24513. So far as you know from your examination of the plans and what you know about this vessel, was she properly constructed and an efficient ship when she left? - Perfectly efficient.

24514. (*The Commissioner.*) I am asked to ask you this question. Are you satisfied that an engineer and shipwright surveyor is competent to survey nautical equipment and the hulls of passenger vessels? - As regards nautical equipment, my Lord, I am not a nautical man, and with your permission I would ask to be allowed to confine my remarks to the second part of the question.

24515. Very well, the hulls of passenger vessels? - The hulls of passenger vessels, yes.

(The Witness withdrew.)

(Adjourned to tomorrow, at 10.30 o'clock.)

In the Wreck Commissioner's Court

SCOTTISH HALL,

BUCKINGHAM GATE,

Tuesday 18th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-SIXTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURNE (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P., (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder, Roberts and Company) appeared as Counsel on behalf of the dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted

on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

MR. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

ALEXANDER BOYLE, Sworn.

Examined by Mr. BUTLER ASPINALL.

24516. You are the Engineer Surveyor in Chief to the Board of Trade? - I am.

24517. How long have you held that position? - Three and a half years, since January, 1909.

24518. I think you have altogether been 28 ½ years in the service of the Board? - That is so.

24519. I believe before that you served your Apprenticeship as an engineer, and also served at sea for a number of years as a marine engineer? - I did.

24520. For the purposes of this Enquiry your special department was connected with the machinery and mechanism of the "Titanic"? - Yes, all the machinery and mechanism in the ship.

24521. And were certain matters in connection with the "Titanic" put before you? - Yes.

24522. Did you make tests of materials? - Oh, yes.

24523. Steel and cast iron? - Yes, cast steel.

24524. And matters of that sort? - Yes.

24525. And I think amongst other matters, you had the material of the davits before you, had you not? - Yes.

The Commissioner: The material?

Mr. Butler Aspinall: I do not know the technical term.

The Witness: Yes, that is right, the material of which the davits are constructed.

24526. What is it? - Cast steel.

The Commissioner: Nobody suggests the material was not good.

Mr. Butler Aspinall: I was merely proving, as we have done throughout, that the Board of Trade have dealt with the matters about which certain question have been asked.

The Commissioner: This appears to me to be rather beside the question.

24527. (*Mr. Butler Aspinall.*) I will pass from it. (*To the Witness.*) With regard to one other matter that came specially before you, I think that was the mechanism of the doors in the watertight bulkheads? - That is so.

24528. Did you consider whether or not the mechanism was good and efficient? - Yes, I did.

24529. And did you pass it? - We did pass it. The drawings were submitted to my office and carefully considered and passed.

24530. In the event did you finally pass all the matters that had been put before you? - I did.

The Commissioner: And I am sure he thought them all right.

24531. (*Mr. Butler Aspinall.*) I was going to ask him that next. (*To the Witness.*) Did you think they were all right? - Yes.

24532. And were they all right? - Yes.

The Commissioner: Now that will do. Do any of you gentlemen want to ask any questions?

Mr. Edwards: I do not.

Sir Robert Finlay: No, my Lord.

(The Witness withdrew.)

The Commissioner: Have you considered, or has anybody considered, the desirability of contrivances for the application of compressed air to a breach of the ship's side?

Mr. Butler Aspinall: No, my Lord, that has not been considered by any of us.

The Commissioner: I wish you would think about it.

Mr. Butler Aspinall: Yes, certainly, my Lord, it will receive consideration.

The Commissioner: It is a suggestion that I make. You may think there is nothing in it, but just think about it.

Mr. Butler Aspinall: Yes, my Lord. Would your Lordship develop it a little?

The Commissioner: Salvage.

Mr. Butler Aspinall: I thought that was what your Lordship had in your mind.

The Commissioner: Yes.

Mr. Butler Aspinall: Putting a pad, as it were.

The Commissioner: Yes, I will tell you what the suggestion is - making the deck above the leak watertight and then working compressed air into the place where the water is, and so forcing the water out, and by means of the compressed air keeping the water out.

Mr. Butler Aspinall: That will receive consideration.

The Commissioner: Have you ever heard of such a thing.

Mr. Butler Aspinall: Personally I never have.

Sir Robert Finlay: I am told it has been used in salvage operations sometimes under special circumstances.

The Commissioner: Is it done for the purpose of enabling the salvors to work?

Sir Robert Finlay: It is used for that purpose, my Lord, and also for the purposes of floatation.

The Commissioner: Lifting the ship?

Sir Robert Finlay: Yes.

The Commissioner: What you mean to say is, it is used only in connection with a ship that is sunk?

Sir Robert Finlay: I believe so, my Lord.

The Commissioner: Not in connection with a ship that is still afloat?

Sir Robert Finlay: That is my understanding.

The Commissioner: Well, it may be, but I wish you would think about it.

Sir Robert Finlay: Yes, my Lord.

EBER SHARPE, Sworn.

Examined by Mr. BUTLER ASPINALL.

24533. (*Mr. Butler Aspinall.*) This is the gentleman who finally cleared the ship at Queenstown before she left for the West. (*To the Witness.*) Are you Board of Trade Surveyor stationed at Queenstown? - Yes.

24534. Did you occupy the position of Emigration Officer? - Yes.

24535. And was it your business to give a certificate of clearance to the "Titanic" before she left the United Kingdom for the United States? - Yes.

24536. And did you do so? - I did.

24537. And when she left was the ship, in your opinion, seaworthy, in safe trim and in all respects fit for her intended voyage? - Yes.

24538. One other matter. I think his Lordship asked about this. Did you, before you gave your

certificate of clearance, ascertain the exact number of passengers, divided into first and second and third class, and crew on board? - I took the passengers in two classes, cabin and steerage, and the crew.

24539. (*The Commissioner.*) In cabin you include first and second class? - Yes.

Mr. Butler Aspinall: The figures appear here, but I have added them up, and I can give my Lord a summary of them without going into the details. First and second cabin passengers, 606, third class emigrant, 710, making a total of 1,316; crew, 892, making a total, inclusive of all on board, 2,208. I think I have done it rightly.

24540. (*The Commissioner - To the Witness.*) Now you have it in your head, or you ought to have it in your head. Is it right? - The crew should be 891. There was one fireman deserted at Queenstown and went away on another ship.

24541. It was a very lucky thing for him? - Yes, my Lord.

24542. (*Mr. Butler Aspinall.*) Then it works out at a total of 2,207? - Yes, 2,207.

The Commissioner: Do you want to ask this gentleman any question?

Mr. Scanlan: No, my Lord.

Mr. Edwards: No, my Lord.

24543. (*Mr. Butler Aspinall.*) There is one matter I might be allowed to ask him (*To the Witness.*) Does this figure of 891 for the crew include the eight bandsmen or not? - Yes.

The Commissioner: What is the significance of that?

Mr. Butler Aspinall: I do not know.

The Commissioner: Is that why you asked it?

(*The Witness withdrew.*)

JOSEPH MASSEY HARVEY, Sworn.

Examined by Mr. BUTLER ASPINALL.

Mr. Butler Aspinall: This is the principal Examiner of Masters and Mates, but he gives information which will be of value to your Lordship on other matters.

The Commissioner: Very well.

24544. (*Mr. Butler Aspinall - To the Witness.*) Captain Joseph Massey Harvey, do you hold an Extra Master's Certificate? - Yes.

24545. Are you Principal Examiner of Masters and Mates in the Board of Trade? - Yes.

24546. Are you also the editor of "Notices to Mariners" and "Notices to Fishermen"? - Yes.

24547. Have you held that position for some time? - Nine years.

24548. For the purpose of compiling the "Notices to Mariners" is it your business to keep yourself informed of all the matters that are essential for mariners to know with regard to derelicts, ice, and matters of that sort? - Yes.

24549. Reference was made in the "United States Pilot," I think as long ago as a fortnight, to ice which is to be met on what, according to the language of the book, is the direct route? - Yes.

Mr. Laing: What page?

Mr. Butler Aspinall: Page 34. The matter that my Lord was calling one of the Witnesses' attention to was this. There is a statement on page 34, your Lordship may remember it.

The Commissioner: If you will read it, I daresay I shall.

24550. (*Mr. Butler Aspinall.*) The heading of the paragraph is "Ice." It commences thus: "This subject has been repeatedly dealt with and referred to in considering the general conditions of coastal navigation on the Atlantic seaboard of the United States; but quite another aspect of the

case presents itself in treating of the ocean passages of the large Transatlantic mail and passenger steamers. To these vessels, one of the chief dangers in crossing the Atlantic lies in the probability of encountering masses of ice both in the form of bergs and of extensive fields of solid compact ice released at the breaking up of winter in the Arctic regions, and drifted down by the Labrador Current across their direct route." I wish to call your attention to those last words, "their direct route." Now, in view of the fact that we know vessels are directed to travel certain routes at certain times of the year in order to avoid ice, have you an explanation of those words that ice is in "their direct route"? - It would be in the direct route if they came the shortest course, which is the great circle, of course, South of Cape Race; but to avoid the ice, and for other reasons, the principal companies made these routes, lanes, chiefly to avoid the ice, and to avoid collision.

24551. (*The Commissioner.*) Do you want me to understand that the route referred to in this book is not the route which was usually followed before the "Titanic" disaster? - I would not take it to be.

The Commissioner: Now, Mr. Aspinall, look at page 27. Are not the routes there actually given?

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: Are not the routes there given the routes which were followed by the Atlantic liners before the "Titanic" disaster?

24552. (*Mr. Butler Aspinall.*) I do not know. (*To the Witness.*) Do you know? - Yes.

24553. (*The Commissioner.*) Are they? - They are the routes.

24554. Very well, then I do not understand your answer to me just now? - In that notice they say the ice extends down to 42 N. and 45 W., which is the same as given on the Admiralty chart.

24555. Well? - The "Titanic" went South of that.

24556. I daresay she did, but the "Titanic" followed the ordinary route, did she not, except that we know she went a little to the Southward before she turned the corner, but ordinarily the great Atlantic liners follow the route mentioned in that book, do they not? - Yes.

24557. And what do you say is wrong in the book, if anything? - The great track of ice given does not extend down to that; it extends down to 42. Therefore I infer that they refer to the shortest tracks across when they speak of the direct route.

Mr. Butler Aspinall: I think what he means is the direct route is the shortest line between the two points.

The Commissioner: Yes, but that is not what this says; at least, I fancy not. The book, on page 27, sets out the outward route to New York or Philadelphia. The route described in the text appears to be exactly in accordance with the route delineated on the chart. Is there any reason to suppose that when they are talking about ice occurring in the "direct route" they are referring to anything but the route that they have already described in the text and delineated on the Chart?

Mr. Butler Aspinall: In view of what would seem to be a difficulty of understanding how it is that these vessels, if they are crossing by the route delineated in the Chart, should be meeting fields of solid, compact ice - in view of that difficulty, what this gentleman thinks is that the introduction of the word "direct" there takes it out of the routes which are mentioned on page 27.

The Commissioner: Just tell me where this word "direct" occurs.

Mr. Butler Aspinall: The word "direct" occurs here - under the heading of the subject matter on page 34, which is "Ice."

The Commissioner: Let me read that. "This subject has been repeatedly dealt with and referred to in considering the general conditions of coastal navigation on the Atlantic seaboard of the United States, but quite another aspect of the case presents itself in treating of the ocean passages of the large trans-Atlantic mail and passenger steamers. To these vessels, one of the chief dangers in crossing the Atlantic lies in the probability of encountering masses of ice both in the

form of bergs and of extensive fields of solid compact ice released at the breaking up of winter in the Arctic regions and drifted down by the Labrador Current across their direct route." Now they have no route - I think I see what you mean - they have no route other than the route which is described at page 27?

Mr. Butler Aspinall: No.

The Commissioner: What he means I expect is that if you take a straight line cross the chart -

Mr. Butler Aspinall: That is what this gentleman means.

24558. (*The Commissioner.*) But then, that is not what the book means. Now, you are a skilled man, Captain Harvey, and you can help me. What do you suppose the "direct route" which is mentioned in the book refers to? - I should think it refers to the shortest route from Fastnet to New York South of Cape Race.

24559. What is that? - It is the great circle track just South of Cape Race.

24560. Can you come round here and show it to me on the Chart? - Yes. (*The Witness explained the position on the Chart to the Commissioner.*) The direct route would be the great circle from either Fastnet or Bishop's Rock just South of Cape Race. Another thing I may tell you, I took notice that with regard to all vessels besides the Atlantic liners, other ships going across and going up to the Canadian ports, it was for their benefit as well. It is only certain ships that keep to these routes, and I take it that the information given in the Admiralty Sailing Directions is for all ships.

24561. (*The Commissioner.*) The Admiral points out that they say here: "Auxiliary steamers and sailing vessels, Northern route." That is the route you are talking about? - Yes.

24562. "It used to be taken at all seasons; it should, as a Rule, only be taken in the summer and autumn months." That is the route you are talking about? - Yes. The Admiralty says the ice extends down to 42. How do you account for the large masses of solid ice?

24563. The Admiral thinks it is simply a saving clause that this ice does come down sometimes. There is evidence that it came down this time. It is a saving clause. But it is a warning? - Oh, yes, it is a warning; but I take it it is a warning right across *here*.

The Commissioner: Now, Mr. Aspinall, will you tell me what the point of this examination is. What do you think it does establish when it comes out?

Mr. Butler Aspinall: The reason we are calling this Witness is this, that some 10 or 12 days ago your Lordship called the attention of the Attorney-General to the fact that apparently, according to the book, "The United States Pilot," there was a statement in that that vessels traversing the direct route run the risk of encountering fields of solid, compact ice, and your Lordship asked us if we had appreciated that this statement had existed there, and whether there was any appreciation of it; and under those circumstances I wanted to ask Captain Harvey, who is the Editor of "Notices to Mariners" and gets information with regard to the dangers of traversing the seas, if he could explain how it was that there was a danger of encountering solid, compact ice; and the only way he could explain it was the way in which he sought to explain it, namely, that if you follow (if I may use the phrase) the routes prescribed on page 27, it is likely that in 80 cases out of 100, or possibly more, you will not meet solid, compact ice, but if you travel across the Atlantic Ocean by the shortest line between Great Britain and the point you are wishing to go to in America, then there is a risk of your encountering solid, compact ice; and his view was that "the direct route" meant that short route, the shortest distance that could be travelled.

The Commissioner: I do not know myself - what I am saying agrees with the Witness - why the adjective "direct" is used unless it is intended to distinguish the route there mentioned from some other route.

Mr. Butler Aspinall: Yes.

The Commissioner: I do not know why "direct" is used. It would seem to point to this, that

they have described some other route which cannot be called direct. Do you follow what I mean?

Mr. Butler Aspinall: Quite; that is the reason we called Captain Harvey. In addition to the explanation which he sought to give of the paragraph to be found on page 34 - I do not know whether it will assist your Lordship, but it may be of assistance - he has also done this (*Handing Chart to the Commissioner.*)

The Commissioner: What is this document?

Mr. Butler Aspinall: That is a chart of the North Atlantic, and what Captain Harvey has put there is -

The Commissioner: Tell me what you want this evidence for. You shocked me by telling me that I have brought this down upon my own head by something I said 12 days ago.

Mr. Butler Aspinall: If I may say so, that is the reason why we had it prepared, in consequence of what your Lordship said. This gentleman has prepared this Chart, and has put upon it the original Southern track which existed in 1892.

The Commissioner: It may possibly affect Sir Robert Finlay - I do not know whether it does - when he comes to deal with the question of the Captain's conduct, but I do not think it will. Do you think it will, Sir Robert?

Sir Robert Finlay: I do not think so, my Lord. I think the "direct route" must be used as denoting that route more to the North which used to be followed, the great circle route, passing, it may be, within 30 miles to the Southward of the Virgins.

The Commissioner: They are sunken rocks - the Virgins?

Sir Robert Finlay: Yes. I am in a difficulty because I have not the book my friend is referring to, we have only the second part.

Mr. Butler Aspinall: The Chart shows how the route has been gradually Southing - that is what it comes to.

The Commissioner: Now, do you gentlemen want to ask this Witness any questions? Do not, unless you feel impelled to do it by an irresistible force.

(The Witness withdrew.)

The Commissioner: Who is the next Witness?

Mr. Butler Aspinall: I am in a little difficulty.

The Commissioner: You have no other Witness?

Mr. Butler Aspinall: Yes, I have, but I act under directions, and I am not even second in command here.

The Commissioner: Are not you Chief Officer?

Mr. Butler Aspinall: No, I am the First Officer, I believe he comes third.

Sir Robert Finlay: I think my friend is now in full control, as he is alone.

The Commissioner: I have been reading this morning in bed some sailing directions issued by the P. and O. Company, and I find that the Officer in charge for the time being has to take full responsibility.

Mr. Butler Aspinall: Oh, I have to do that.

Mr. Edwards: This might be a convenient time, so as to avoid your reading them in bed tomorrow, if the Sailing Directions were put in.

The Commissioner: I always read in bed. What is it you want?

Mr. Edwards: I suggest, so that you should avoid having to read Sailing Directions in bed, that this might be a convenient moment for the Sailing Directions of the Dominion Line with regard to ice, being put in.

The Commissioner: By all means.

Sir NORMAN HILL, Sworn.

Examined by Mr. BUTLER ASPINALL.

24564. Are you the Chairman of the Merchant Shipping Advisory Committee? - Yes.

24565. I think, since 1894, you have acted as secretary of the Liverpool Steamship Owners' Association? - That is so.

24566. Since 1896 you have been a member of the Shipowners' Parliamentary Committee? - Yes.

24567. I think the first Merchant Shipping Advisory Committee was appointed in 1907? - That is so.

24568. It was appointed for a term of two years, and did it in 1908 expire and cease to be? - Yes.

24569. Was it then reappointed in 1909? - Yes.

24570. And again in 1911? - Yes.

24571. I think all the members of the Committee are appointed by the President of the Board of Trade? - That is so.

24572. But before each Committee is formed, does the Board of Trade invite the associations representing the shipping interests to submit names? - Yes.

24573. And are any of the members selected and appointed by the Board of Trade? - There are four members appointed by the Board of Trade without being nominated by any association.

24574. How many members are there in all? - There are 20 now.

24575. And are they representative of the various shipping interests? - Yes. Five of the names are submitted by the Shipowners' Parliamentary Committee, I am one of those. There is one name submitted by Lloyd's, one by the Liverpool Underwriters' Association, two by the Institute of Naval Architects, one by the Mercantile Marine Service Association and the British Shipmaster's Association (they are acting together and appoint one), one by the Imperial Merchant Service Guild, one by the Institute of Marine Engineers, one by the Marine Engineer's Association, and three by the Seamen's Union.

24576. Is it the fact that the President of the Board of Trade has always appointed the representatives of the various interests whose names have been submitted to him? - Yes. If I may explain, the Associations asked that the Committee should only be appointed for two years, so that at the expiration of two years the Associations can re-select the names they submit, so that if the Committee does not represent the shipping interests as a whole, it is the fault of the shipping interests in the names they have submitted.

24577. We have had reference made to the Advisory Committee of 1911 already, but since 1906, which was the appointment of the first Committee - ? - 1907 it is.

24578. Yes, were you a member of that? - Yes, of the first Committee.

24579. And the second? - Yes.

24580. And the third? - Yes.

24581. The Chairman of all? - Yes, I have been Chairman of all.

24582. Has your Committee been amassing and collecting together information with regard to life-saving appliances and matters connected with making navigation safe at sea? - Yes. The Committee only deals with the matters upon which the Board asks for its opinion. It has since 1907, consulted us on a number of points. At the present moment it has asked us to advise generally upon the Life-Saving Rules and also generally as to whether we can make any suggestions to increase the precautions that are taken to protect life at sea. It has only asked us since the loss of the "Titanic" to advise generally.

24583. Before that had you collected a great deal of evidence and information? - Oh yes, we have advised on many points connected with boats and manning, and such things.

24584. Reference has already been made to the Committee of 1911. I think you have got, as a matter of fact, a Shorthand Note of all that was said by the members of the Committee which met in 1911, at their various meetings? - Yes, there are Shorthand Notes taken of all meetings.

24585. Was Mr. Carlisle a member of that Committee? - He was appointed a member of a Sub-Committee.

24586. Did the Committee appoint a Sub-Committee? - It was on the 4th April, 1911, that the Board asked the Committee to advise as to whether it was desirable to extend the existing boat scale so that it might deal with vessels of upwards of 10,000 tons, and, if we thought it advisable, as to the manner in which the scale should be extended. The Committee appointed a Sub-Committee to enquire and report upon that.

24587. (*The Commissioner.*) Was that a Sub-Committee consisting of members of the Committee itself? - There were seven members of the Committee itself. A further explanation is necessary. When the Merchant Shipping Advisory Committee is asked to advise on a matter affecting the Life-Saving Rules, then the Board adds to the Merchant Shipping Advisory Committee in order to comply with the 17th Section of the Act, a second member of Lloyd's, and one member nominated by the Institute of London Underwriters. The Committee to advise on the Life-Saving Regulations, as you know, my Lord, is a Statutory Committee, and on the Advisory Committee we have only one representative of Lloyd's, whilst on the Life-Saving Appliances Committee we are bound to have two. Also on the Life-Saving Appliances Committee the London Institute of Underwriters are entitled to be represented. We only have a Liverpool underwriter, so we have to have a second, London, underwriter. The Sub-Committee that we appointed consisted of Mr. Cross, who is one of the representatives of the Liverpool Underwriters; Sir Theodore Doxford, one of the representatives of the Naval Architects; Mr. Rome, who was one of the representatives of Lloyd's; Mr. Spencer, one of the representatives of the Marine Engineers; Mr. Havelock Wilson, one of the representatives of the Seamen's Union; Captain Hampson, one of the representatives of the Imperial Merchant Service Guild; Mr. Ogilvie, one of the representatives of Lloyd's; and myself, one of the representatives of the shipowners. Then that Sub-Committee co-opted, as we had authority to do -

24588. Before you come to what it did I want to understand its constitution. What authority has the Committee to appoint this Sub-Committee? - It is our common practice, my Lord, if we want further information - more detailed information.

24589. But what authority have you. It is a statutory committee? - That is so, my Lord.

24590. Then where do you get your statutory authority to appoint it? - My Lord, we appoint our Sub-Committees to enquire and report. They can take no action themselves. The action is taken by the Committee as a whole.

24591. Is the Committee, as a whole, a statutory body? - Yes. It is provided for in the Act of 1906 in very general terms. It says that the Board of Trade may appoint an Advisory Committee if it thinks fit. It is left absolutely to the Board whom it appoints.

24592. What section do you say that is? - I have not it in my mind, my Lord, at the minute; it is

towards the end of the Act.

Mr. Butler Aspinall: It is section 79 of the Act of 1906, my Lord, "The Board of Trade may, if they think fit, appoint committees for the purpose of advising them when considering the making or alteration of any rules, regulations or scales for the purpose of the Merchant Shipping Acts, consisting of such persons as they may appoint representing the interests principally affected, or having special knowledge of the subject matter.

The Commissioner: That seems to contemplate a Committee appointed by the Board of Trade.

Mr. Butler Aspinall: It does.

The Commissioner: And this Sub-Committee was not appointed by the Board of Trade; it was appointed at their request, but not by them.

24593. (*Mr. Butler Aspinall.*) Yes. (*To the Witness.*) The Sub-Committee really sits for the purpose of acquiring information for you - evidence and information? - That is so.

24594. They put it before the Committee, and then the Committee acts upon it? - That is so.

24595. That is the machinery? - Yes. Perhaps I put it a little too high in saying that the Life-Saving Appliances Committee is a Statutory Committee. That, again, is merely an Advisory Committee; it has absolutely no power to make Rules. The Board of Trade, before it makes Rules, has to consult with certain people.

24596. (*The Commissioner.*) I suppose the only body capable of making Rules is the Board of Trade itself? - That is so, my Lord, and if I may make it quite clear, when the Advisory Committee was first appointed, Mr. Lloyd George was then President, and he addressed us, and he made it perfectly clear that we were only there to advise the Board on such questions as the Board sought our advice upon; that we in no way relieved or could relieve the Board from its responsibility; and he went further and made it perfectly clear that we had nothing whatever to do with administration. We are merely consultative, and we have never been anything else.

24597. I am afraid the suggestion will be that the Board of Trade is always getting advice and never doing anything? - That is not the case with the Advisory Committee.

The Commissioner: I do not say it would be a complaint well founded; I am far from saying that.

24598. (*Mr. Butler Aspinall.*) One matter which was submitted to you was as to the manner in which the boat scale should be continued - whether it should or should not be continued upwards? - That is so. I did not quite finish with reference to our Sub-Committee. The Sub-Committee, whose names I have given you, co-opted Mr. Carlisle and Mr. Thomas Royden. We asked them to come in and help.

24599. (*The Commissioner.*) First of all the Board appoints the Committee? - Yes, my Lord.

24600. The Committee then appoints a Sub-Committee? - Yes, my Lord.

24601. Which includes people who are not members of the Committee? - They have been added to the Advisory Committee by the Board of Trade so I suppose, my Lord, we must take it that they were members.

24602. And then that Sub-Committee co-opts? - That is so.

24603. When does the series of operations stop? Does it stop at the co-option? - Well, my Lord, that rests with us. We are there to advise the Board to the best of our ability; and we find it is the most convenient way of getting all the skilled help we can get in giving that advice.

24604. I have no doubt you are right; at all events you co-opted Mr. Carlisle? - Yes, and Mr. Thomas Royden.

The Commissioner: Mr. Carlisle does not give himself a very good character, you know.

24605. (*Mr. Butler Aspinall.*) To finish with the composition of the Sub-Committee, were you appointed Chairman of the Sub-Committee? - I was.

24606. You have told us that one thing that had to be considered was as to whether or not the

boat scale should be continued upwards. You also had, I think, specially to consider whether what we call Rule 12, that is, the additional boats, assuming the cubical contents required by the scale will not carry everybody on board - you had to consider whether Rule 12 should or should not be revised so as to exempt altogether from the requirements of additional boats and/or rafts, those vessels which are divided into watertight compartments to the satisfaction of the Board? - That is so.

24607. Those were the two matters you applied your minds to? - And there was one further matter, a question with regard to the particular construction of the best type of lifeboat.

24608. Very well. Now I think you held two meetings on the 19th and the 26th of May, 1911. Was Mr. Carlisle in attendance at both those meetings? - At both.

24609. As you told us, you have a Shorthand Note of the Proceedings. I do not want to trouble my Lord with it, but you can verify these statements by reference to the Shorthand Notes, and I have no doubt you have looked up the Shorthand Notes to enable you to give this evidence? - I have been carefully through them.

24610. Mr. Carlisle told us this, that your Sub-Committee had arrived at certain conclusions with regard to boats before his appointment. Is that right or wrong? - If Mr. Carlisle means that we had arrived at certain conclusions on the particular points we were then considering, he is absolutely wrong. We had previously had to advise the Board with regard to types of decked lifeboats such as the Englehardt boat. We there had had a Sub-Committee, and we had made tests of the boats at sea; on other occasions we had had to advise the Board as to the stowage of boats, and there we had had a very careful Enquiry, and we had obtained a great deal of information. If Mr. Carlisle is referring to the fact that at this Sub-Committee we stated the conclusions we had arrived at on these other points, then he is right; but if he states that we had arrived at any conclusions in regard to the scale, he is absolutely wrong.

24611. Mr. Carlisle also told us that his view was that it would not be fair to force an extended scale on existing vessels? - Mr. Carlisle has said what?

24612. That his view, as stated to the Committee, was that it would not be fair to force an extended scale on existing ships, but that you ought to legislate or make Rules for would be future large vessels? - Mr. Carlisle made that statement during the discussion three or four times. It was raised first by another member of the Committee right at the beginning of our sittings, and I said that it appeared to me that whatever we thought was necessary for the safety of life would have to be enforced on all vessels, whether they were built then or whether they were going to be built. The Committee generally accepted that view, and I think the only member who raised the question again after my statement was Mr. Carlisle, and he, on two or three occasions, raised the point that it would be neither reasonable nor fair to extend any new Rule to existing vessels.

24613. I believe Mr. Carlisle submitted plans for a special davit to carry four boats, did he not? - Yes, he put in two plans; I have them here.

24614. I think we have seen them; they have been before the Court? - He explained those plans in detail to the Committee; we went over them - I am speaking now from the Shorthand Note, because I could not pledge my own recollection. We went over the plans with Mr. Carlisle twice, and the Committee, as a whole, were not satisfied with them; in fact, they preferred the arrangement which they have embodied in their report, of stowing boats, such as decked lifeboats, under the ordinary type of open lifeboat. They thought that was infinitely preferable to Mr. Carlisle's plan of having nothing but open decked lifeboats to be launched by rotation from one set of davits. And I think, my Lord, I may add that at the end of the discussion, when we were getting to close quarters with our report, I asked Mr. Carlisle did he recommend his four-boat davit - did he press it; and his answer to me was, "No, I think you are right in sticking to the 16"; that means the eight a side which we embodied in our report.

24615. In the event, did your Sub-Committee come to the view which is embodied in the report dated July, 1911? - That is so. I would like to explain the basis on which we arrived at the scale we embodied.

24616. I was coming to that. I wanted to ask you that. You arrived at this conclusion, and we find the report presented to the Committee, and eventually reaching the Board of Trade? - Yes.

24617. Was any pressure brought to bear on Mr. Carlisle with regard to that report? - Absolutely no pressure. We showed the greatest deference to Mr. Carlisle throughout the whole of the discussion, having regard to the fact that he had had more experience than any man on the Committee with regard to building this big type of ship.

24618. Now to pass to another matter which I was coming to. You wish to put before my Lord your reasons which induced you to arrive at the Table, the scale which is to be found in that report? - Before I go to that, the Scale we recommended in the Report was based on the written scale which Mr. Carlisle produced himself at the meeting. The written scale Mr. Carlisle produced showed that he recommended the carrying of 16 boats under davits, and no more. But on this large type of vessel he recommended carrying in addition boats readily available for launching. That is the scale which the Committee recommended. As to the difference, if you test it, in the case of the "Titanic," Mr. Carlisle's scale would have shown 16 boats under davits, eight boats readily available for launching; minimum cubic contents of the whole, 8,250 feet. The scale the Committee recommended was for 16 boats under davits, eight additional boats, cubic contents 8,300 feet. With regard to the "Titanic," the scale that the Committee recommended was practically identical with Mr. Carlisle's scale, the small difference in the cubic contents being a matter of arithmetic according to the size of the boat that we were adding.

The Commissioner: What page is Mr. Carlisle's evidence on?

Sir Robert Finlay: Page 557, my Lord, in the second column, on this point Questions 21489-90, by my friend, Mr. Laing.

24619. (*The Commissioner.*) I see he says: "I was asked to join that Committee two days before it finished." Is that accurate?

The Witness: No, my Lord; he was only asked to join that Sub-Committee. He was there from the beginning of the first meeting, and he was there throughout the whole of the meetings held by that Sub-Committee. There were only two of them.

24620. How long did the Sub-Committee sit? - It sat on two days. I think we finished before luncheon on each day. We generally start at half-past ten, and we sit, if we can, to get our work finished, and between the two meetings I had drafted the rough heads showing the conclusions we had arrived at at the first, and this was the basis for further discussion at the second.

24621. Then when he says: "I was asked to join that Committee two days before it finished," he was accurate? - Yes, my Lord, he was.

24622. It was not quite right for you to say he was not accurate; he was accurate, but he might have added "Two days was all the time that the Committee lasted"? - With submission, I should have thought that made the difference between accuracy and inaccuracy.

24623. Possibly; I am not going to discuss that. "They had come to certain conclusions on certain points." Well, that is true? - Not on the point submitted to us then.

24624. No, but on certain points? - Yes, certainly.

24625. "They had come to certain conclusions on certain points, and the Chairman drew my attention to the fact that if I pushed my idea for all ships the Bill would have to go back" - I do not know what Bill he is talking about - "any Bill connected with shipping would have to go back on all those ships, and it would not be fair"; and he put the contention that it would be unfair to make the Rule apply to old vessels upon you, whereas you say it was his contention and not yours? - It was his contention, and I held exactly the opposite.

24626. Yes, so I understand you to say - "and they had no doubt that big ships would fit more boats than were required by the Board of Trade." And then Mr. Laing puts this question: "Do you mean you signed this document without agreeing with it?" and then apparently he hesitated, because I said to him: "Answer that question; it is very simple"; and then he said: "I did not consider it satisfactory and I told them so, but I signed it." Now, did he tell you that it was unsatisfactory? - He did not, my Lord.

24627. You are sure of that? - I am quite positive.

24628. You have looked at the Note? - I have read the Note carefully through.

24629. Then I say to him: "It is a very strange thing to do, to sign something you are not satisfied with pretending, by signing it, that you are satisfied with it?"; and he answers: "Well, I quite confess that it looks very extraordinary, but from what occurred at the meeting, if any of you had been present you would have seen the exact reasons for agreeing not to force it, and to bring the whole thing up again that had been worked at for I do not know how long - weeks or months. (Q.) Do you want to go back on what you signed? - (A.) I certainly do not think it is enough, but I was not going to be a dog in the manger" - I do not know what that means, quite - "when a lot of gentlemen had come to the conclusion that this was satisfactory for the mercantile shipping." Now, I understand you to say, Sir Norman, that the scale adopted was suggested by Mr. Carlisle himself? - Produced at the first meeting, my Lord, in writing by Mr. Carlisle himself. And, my Lord, may I say, for the honour of my Committee, I believe we have done useful work. These kind of reflections are very difficult to sit down under. We have no opportunity of answering them; it is a condition of our service that our communications between the Committee and the Board are confidential. Might I ask if you can spare the time to read through those Shorthand Notes? Well, my Lord, may I ask some counsel who has read through them -

24630. (*The Commissioner.*) I am personally quite satisfied with your statement as to their effect? - The account that Mr. Carlisle gave you of what happened on that Committee is pure invention. May I just refer you to one other question? You did not touch on it yourself. It is on the same page, 526. There is a question put to Mr. Carlisle: "21488. Are you aware that if the conditions required by the Board of Trade had been carried out your recommendations would involve the carrying of fewer boats than was in fact carried." Now, my Lord, at the Committee we intended and we did increase by 50 percent the boats that would have had to be carried on a vessel such as the "Titanic," and we increased their cubic capacity by almost 50 percent. And we all knew it, and we all intended to do it, Mr. Carlisle and all the rest of us.

24631. Then why did not you do it? - My Lord, we recommended it, and our recommendation was sent to the Board of Trade on the 4th July, 1911.

24632. You say it is included in that recommendation? - Yes.

24633. (*Mr. Butler Aspinall.*) Since the disaster to the "Titanic," have your Committee been further asked to advise the Board generally upon the existing life-saving appliances? - We have, and following our practice we have added other advisers who, we think, could help us.

24634. I think you have co-opted to assist you the following gentlemen, Dr. S. J. P. Theirle, of Lloyd's Register? - Yes.

24635. Mr. J. Foster King, of the British Corporation? - Yes.

The Commissioner: What is the British Corporation?

24636. (*Mr. Butler Aspinall.*) I do not know.

The Witness: That is in Glasgow, it is similar to Lloyd's Register, in Glasgow.

The Commissioner: Very well.

24637. (*Mr. Butler Aspinall.*) Mr. W. J. Luke, of John Brown and Company, who are they? - They are big shipbuilders, the builders of the "Lusitania."

24638. And Mr. Trevisa Clarke, of Swan Hunter and Wigham Richardson? - They are the builders of the "Mauritania"; John Brown and Company are the builders of the "Lusitania."

24639. Mr. Royden - is he the same? - Yes. The Deputy Chairman of the Cunard Company.

24640. And Captain J. B. Watt, the late Commodore of the Cunard Line? - Yes.

24641. I think you have, since the "Titanic" disaster, given the boat scale very careful consideration, and have you, notwithstanding this disaster, resolved to adhere to the recommendations which are contained in the report of July 4th, 1911? - We have. I want to make that perfectly clear.

24642. Certainly? - It is with regard to the boats to be carried under the davits. With regard to the additional boats to be carried, we have not yet made our report.

24643. You are still considering that? - Yes, but with regard to the boats under the davits on the advice of these gentlemen we have asked to assist us, and it is a very representative Committee, we have adhered to the evidence we gave on the 4th July, 1911.

24644. Would there be any difficulty in your Committee working together with the Bulkheads Committee? - You had better leave the Bulkheads Committee to itself.

24645. You think so? - Oh, I am quite sure of that.

24646. (*The Commissioner.*) I think I understand why Mr. Aspinall asks that question. It has been thought that the two matters may be more or less closely connected, that is to say, the provision of lifeboats and the construction of bulkheads; and for this reason, as I understand: If you could only get bulkheads of such a character as to make the ship unsinkable you would not want lifeboats at all for the purpose of saving people on the ship, and the nearer you get to that state of things, it is thought the fewer lifeboats would be required; so that the two things go, so to speak, side by side. Now, do not you think it might be advisable that the two bodies should act together in some way, if not by sitting together, by communicating with each other? - Well, my Lord, we are sure to come in contact with one another. May I remind your Lordship it was in our Report of 4th July, 1911, that we asked the Board to review the Regulations with regard to these so-called unsinkable ships? The view we took was that the Regulations had been in force for 20 years; that for some reason which we did not know, they could not be commercially applied, the boats could not be built commercially to comply with the Requirements. Now, we did not want the standard of buoyancy to be lowered, but we did think that the particular mechanical contrivances by which that buoyancy could be best maintained should be reviewed after the 20 years, and it was because of our recommendation in July that the Board has appointed this Bulkheads Committee. Now, my Lord, we can advise with regard to boats, and we can say that certain modifications of the scale should be made when certain buoyancy has been maintained, but I do not think we are, and I do not think my Committee would claim to be an authority to advise on that question of buoyancy.

24647. That I can quite understand. - We would like the skilled assistance of the -

24648. Of the Bulkheads Committee? - It is a very strong Committee the Board has appointed, and we would be guided by them on the question of buoyancy, I think.

Mr. Butler Aspinall: I gather from the Report that in your view tonnage is the basis -

The Commissioner: Yes, I wanted you to ask him about that.

24649. (*Mr. Butler Aspinall - To the Witness.*) Upon which you think it is possible to lay down a practical boat standard for passenger and emigrant ships. That is so, is it not? - I believe it is the only practical standard.

24650. Will you tell my Lord the reasons for that opinion of yours? - Well, my Lord, the best way of testing the practicability of it is, I think, to apply it to the existing ships afloat. Of course, one knows that with regard to cargo ships the boatage is based on life, and cargo ships have to carry enough boats on each side to accommodate all the lives on board.

24651. (*The Commissioner.*) If you based it on tonnage, you would provide a number of useless boats? - You would, a great many. On the other hand, if you are basing the boatage of the passenger ships, and still more of the emigrant ships, on the numbers carried, you should never have built the present class of passenger ship. May I take an example. The average size of the emigrant ship carrying 2,000 will be, say, 10,000 tons. Now if you are going to start from the numbers carried, 2,000, and you take 50 a boat, you have 40 boats. Now 40 boats on a 10,000 ton ship, 40 lifeboats, readily launchable boats, is an absolute impossibility; and you will find that still more so because it is not a difficulty only affecting the big emigrant ships; the same difficulty is affecting a substantial number of passenger ships. You will go down, my Lord, and you will find that they are boats of 3,000 tons carrying well over 1,000 people, and carrying them very safely indeed.

24652. Then it comes to this, does it Sir Norman, that it is practically impossible for an emigrant ship designed to carry 2,000 people, to carry lifeboats sufficient to hold those 2,000 people at one time? - With lifeboats readily available for launching, it is an absolute impossibility, I believe. Now, my Lord, if that is an unsafe ship then you could prohibit her sailing the seas; but our view is (and of course we had before us the records of these boats year after year, we have had in detail the 20 years' record) that we cannot say that that is an unsafe ship. If you compare the loss of life on that class of ship with a cargo-boat trading across the North Atlantic, with boat accommodation on each side for everybody on board, the loss of life in the emigrant ship, both amongst the crew and amongst the passengers, is a bagatelle compared with the loss of life on the other boat.

24653. I follow quite what you mean. I do not know whether there are any statistics published - we have had some - to show the comparative loss of life at sea in emigrant ships and in cargo ships? - Well, my Lord, I have worked them out very closely in detail. In the last 20 years we find that there have been, as near as we can estimate, 32,000 voyages made by passenger ships across the Atlantic. That is 1,600 a year. There have been casualties either resulting in loss of life, or resulting in the total loss of the ship without loss of life, in 25 cases.

24654. Out of how many? - Out of 32,000 in 20 years. Twenty-five voyages have met with casualties resulting in either loss of life or total loss of the ship without loss of life.

24655. Is that something less than one-tenth percent.? - Yes, it is less than one in a thousand. Now, in those 25 casualties the lives of 68 passengers and 80 of the crew were lost; that makes a total of 148.

24656. But if you include the "Titanic" your figures, of course, would be greater? - That is so, my Lord. In the same period there were 233 casualties to other ships resulting in either loss of life or in total loss without loss of life, and in those casualties there were 17 passengers and 1,275 crew lost, giving a total of 1,292.

24657. (*The Attorney-General.*) Will you give us the number of the ships as you did in the other case? - The total number of voyages?

24658. Yes? - No, I cannot; the total number of casualties is 233.

24659. Over what period? - Over 20 years.

24660. We cannot get the proportion? - No, I am doing my best to get it. It is a difficult figure to get at, but I believe you will find that in the North Atlantic trade at least three-fourths of the voyages are in the passenger and the emigrant ships; they represent nearly three-fourths of the total. If it can be found anywhere you will find it in the Annual Navigation Returns. The figures that I have got from there are so striking - I mean it shows so few voyages from the other ships - that I am asking the Board to verify them for me.

24661. (*The Commissioner.*) Can you speak generally as to the percentage of loss of life at sea as against the loss of life travelling on land? - No, my Lord, I never compared those. I can give

you the loss of life at sea.

The Commissioner: I do not suppose there are any reliable figures upon that subject.

Mr. Edwards: The figures are available for railways and mines on land, and also for sailors at sea.

24662. (*The Commissioner.*) Yes, but I am afraid they would be of very little use, because you could not find out what time the people on land had been travelling.

The Witness: No.

The Commissioner: You could not find out what the length of their journeys was.

Mr. Edwards: That is true.

The Commissioner: And I do not think the figures would assist very much, but I have always had the impression - not so far as I know supported by any facts - that travelling by sea was safer than travelling by land.

Mr. Edwards: It is the old story of the chimney pot danger on land, my Lord.

24663. (*The Commissioner.*) That is an old story that I do not know.

The Witness: If I am not wearying you on this question of tonnage, we have applied the figures to see how far the requirements of persons carried were met by boating on a tonnage basis. There were on the 23rd April last 521 passenger and emigrant ships with their certificates running. In 343 of those, that equals 66 percent, the boatage on the tonnage basis provided boats under davits for all on board. Now, with regard to 75 of the remainder when you brought into account the three-fourths' allowance -

24664. The 12th Rule? - No, it is before that, when you have not got boats under davits sufficient for everybody then you have to increase it by three-fourths or one-half of their smaller boats. If you applied the Rule, with 75 of the remainder also, you found that the boat scale under the tonnage basis provided sufficient for all on board. The result is that under those two Rules, 428 out of your 521, that is 80 percent. of the vessels boated on the tonnage basis, provide sufficient boat accommodation or life-raft accommodation for all on board. Now, there is no other basis that I know of by which you could approximate any such results. The other important matter I take with regard to the passenger-carrying power of the ship, is the length. We have been working on gross tonnage. If you take length, and try any number of experiments, you cannot construct any general standard which would meet the object you have in view, which I take it is to provide boat accommodation for the greatest number of people. If you try to base on the standard of length you cannot get anything approaching these results.

24665. I think I understand what you say up to this point; but will you try to tell me, if you can, why there could not be on a ship like the "Titanic," say the "Olympic," a sufficient number of boats conveniently carried on the boat deck, to accommodate every soul on board? - If I may say so, that is the point that my Committee are now going very carefully into, and they are not ready with their recommendation.

24666. I quite understand what you say with reference to emigrant ships of 10,000 tons, and the impossibility from a practical point of view of carrying sufficient lifeboats to accommodate everybody on board such a ship; but take the "Titanic," a boat of 45,000 tons, designed to carry whatever the number may be: as I understand, the "Olympic" is now carrying, whether wisely or not is another matter, boats sufficient to accommodate any number that the law will allow that vessel to carry. That is so? - So we understand.

24667. If the boats that are being carried now on board the "Olympic" do not themselves constitute a source of danger, which I quite understand may be the fact, I do not see why in respect to other boats of the size of the "Titanic" and the "Olympic," Rules cannot be made to compel them to carry boatage accommodation for the whole number that the ship may be by law enabled to carry. That is a matter, you say, under consideration? - We are considering, if I may

say so, the point you have named, that is, as I understand it, the safety of the ship herself -

24668. Yes? - And, secondly, the availability of the boats that are immediately under davits for prompt launching, so that they may not be hampered and interfered with.

24669. There are many things to be considered, the feasibility, for instance, of some plan of shifting the boats easily from the port side to the starboard side, and vice versa? - Yes.

24670. So that if a ship is in a rough sea, or has a list the boats of the ship may all be available on one side of the ship? - That is so.

24671. And there are other matters of that kind which ought to be considered? - And the distribution of the boats, my Lord, is a very important matter.

24672. And another matter, it appears to me, you ought to consider is this: I will assume for the moment that the evidence which has been given before us is accurate, that there was no disorder on this ship, that everything worked well during the two and a half hours when the ship was sinking: there is the fact that the boat accommodation was only used to the extent of two-thirds or three-fourths - many of the boats went away partly empty, so that in truth the boatage accommodation, assuming that it was properly used, was too much? - One of the greatest difficulties in all these ingenious contrivances and ingenious inventions, of which my Committee has had a good many commended to its notice, is that they seem to forget the question that one of the greatest difficulties is marshalling the people into the boats.

24673. Marshalling the people? - Yes; you have got a huge hotel, a hotel with thousands of people on board, and how you can marshall those people into the boats is one of the greatest difficulties you can think of. The substantial recommendation of our Report of 4th July last is that what you must do is to do everything you possibly can to secure the buoyancy of the ship.

24674. It has never been suggested that the passengers should be drilled? - No, my Lord, you cannot do it; it is impossible.

24675. So as to make it easy for them to get into the boats; not only the crew drilled to handle the boats, but the passengers drilled for getting into them? - My Lord, we should lose more passengers' lives by pneumonia, by turning them out at night, to have effective drills, than we should save in the boats.

Sir Robert Finlay: In regard to what was said by your Lordship just now, may I refer your Lordship to what Mr. Sanderson said on page 481, just below the middle of the page your Lordship will see this passage occurs: "*(Sir Robert Finlay.)* My Lord, Mr. Sanderson would like to make a correction with regard to one thing he said yesterday, if your Lordship will let him. *(The Commissioner.)* You need not go into the box, Mr. Sanderson, if you tell us what it was. *(Mr. Sanderson.)* Thank you, my Lord. In the report of my evidence in regard to the boating of the 'Olympic' there is a possibility that I would be misunderstood in the record as it now is. I would like to say that after the accident to the 'Titanic' we started out with the intention of boating the 'Olympic' to the full extent of her capacity for passengers, that is to say, for about 3,500 people, 60 odd boats; and we found we were getting into such a ridiculous position, we were crowding the ship so with boats, that we modified those instructions and directed them to only boat the ship for the actual number of passengers and crew she was carrying at the time, and that is now the policy we are carrying out, which is a considerable reduction from the original intention."

The Commissioner: But, still one must contemplate the possibility of the ship carrying the total number that the law permits her to carry.

Sir Robert Finlay: Yes.

The Commissioner: And if she did, then you would require to have the 60 boats.

Sir Robert Finlay: Yes; it was only on the question of the practice on the "Olympic" that I desired to call attention to that passage.

The Attorney-General: The additional boats are mostly Berthon's, I think, folding boats; we saw them.

The Commissioner: Or are they Englehardt boats?

The Attorney-General: No, Berthon boats, mostly.

24676. (*The Commissioner.*) You can tell me, Sir Norman, which boats do you prefer when you come to what are called collapsible boats; do you prefer the Englehardt boats or the Berthon boats? - My Committee do not want to pin ourselves to any particular patent, but what we call the decked lifeboats, such as the Englehardt boats, we think are far the best; but we do not consider those are collapsible boats.

24677. You do not think the Englehardt boats collapsible? - No.

24678. You apply that term only to the Berthon boats that double up? - I do not want to deal with particular patents.

Examined by Mr. SCANLAN.

24679. Is it the case that this Sub-Committee dealing with life-saving appliances only met twice? - Twice.

24680. I gather they occupied part of the forenoon of each day? - Probably from half-past 10 to half-past 1 or 2.

24681. Is that the entire time taken by this Committee to deal with the question of the increase of lifeboat accommodation? - The entire time taken by the Sub-Committee.

24682. Had the Sub-Committee when it met any recommendations from the parent Committee with reference to lifeboat accommodation, and how it might be increased? - No.

You complain of Mr. Carlisle's evidence as being unfair to his fellow members?

The Commissioner: Inaccurate.

24683. (*Mr. Scanlan.*) Inaccurate, and I think you also said unfair to the Committee? - Mr. Carlisle's evidence, so far as the Committee is concerned, is an invention - a pure invention.

24684. Do you think that is quite fair to him? - What I stated?

24685. To characterise the whole of his evidence as pure invention?

24685A. (*The Commissioner.*) It is quite fair, if it is true, to say it.

The Witness: And that it is true is shown absolutely by the Shorthand Note that was taken of the whole of the proceedings.

24686. (*Mr. Scanlan.*) We have had it from him that he only sat two days with you, and that is quite true? - Quite true.

24687. There is no invention about that? - It is an invention to put it that he only sat for the two last days, or whatever the implication is.

The Commissioner: The impression that his evidence gives, I think you will see if you read it, is that he joined the Committee on the two last days of its sitting, as though it had been sitting for weeks before; and it was not, you know.

24688. (*Mr. Scanlan - To the Witness.*) But had not you, at all events, a meeting at which you decided to co-opt Mr. Carlisle on to your Committee? - We did that at the general meeting at which the Sub-Committee was appointed.

24689. So that it was not the Sub-Committee that decided on taking in Mr. Carlisle and Mr. Royden? - I believe it was the Sub-Committee, but we were all in the same room together; the

Committee left it to the Sub-Committee.

24690. At any rate, that was one meeting before Mr. Carlisle came.

The Commissioner: No, it is not. That was not a meeting of the Sub-Committee at all; that was a meeting of the General Committee. But it does not matter.

24691. (*Mr. Scanlan.*) But there were all the members of the Sub-Committee there. You contravert the statement made by Mr. Carlisle that the scale you arrived at provides for no increase in the lifeboat accommodation for ships like the "Titanic"? - I say it does provide 50 percent increase.

24692. Your evidence is it provides 50 percent increase. Now, I would like to refer you to paragraph 6 in your report which deals with the additional provision of lifeboats? - Yes.

24693. Where you have ships divided into watertight compartments - ? - To the satisfaction of the Board of Trade.

24694. Yes. Did not you propose there that the requirements of Section 12 of the original Rule should be departed from where the ships are provided with efficient watertight compartments? - I am afraid I do not quite follow, Mr. Scanlan. We exempt them altogether if they comply with the addition, certainly.

24695. You exempt them from any addition? - We strengthen Rule 12 in favour of shipping which complies with the requirements of the Board of Trade.

24696. You strengthen No. 12? - Yes.

24697. But by strengthening No. 12 you weaken the provision for lifeboat accommodation? - If you have got a ship which the Board of Trade will pass as unsinkable - we know at that time that the "Titanic" did not comply with the Board's conditions; we knew at the time that the "Mauretania" did not comply with the Board's conditions; we knew at the time that the "Lusitania" did not comply with the Board's conditions, and you may take it we knew there was no commercial ship afloat carrying these large numbers that did comply with the Board's conditions which are Sir Edward Harland's Committee's report.

24698. Are you making a statement that the "Titanic" did not comply with the Board of Trade's conditions? - It did not comply with Sir Edward Harland's Committee's report.

24699. I wish you to tell my Lord in what respect the "Titanic" failed to comply? - I could not, Mr. Scanlan.

24700. Why do you say that it failed to comply if you do not know in what respect it did fail? - I could only tell you that Mr. Carlisle told us -

24701. (*The Commissioner.*) May I interrupt you a moment. Do you say there is no commercial ship afloat which complies with the requirements of Sir Edward Harland's Committee? - Well, my Lord, no ship carrying these large numbers in the emigrant trade. Perhaps there is one, my Lord.

24702. What is it? - It is one of the Cunard boats, one of the older Cunard boats, but we had it in evidence that plans of the "Mauretania" had been submitted and rejected as not being in accordance with Sir Edward Harland's Committee.

24703. Rejected by whom? - By the Board of Trade as not being in accordance with Sir Edward Harland's Committee, and the same as to the "Lusitania." And Mr. Carlisle told us it was no good submitting the plans of the "Titanic" because they were not in accordance with Sir Edward Harland's Committee, and that no commercial ship could be so built; and it was because of that recommendation that we advised a reconsideration of Sir Edward Harland's recommendations.

24704. But I think we had some evidence that ships have been passed by the Board of Trade, I think four a year or something of that kind, that have complied with Clause 12? - The majority of them are quite small ships; some of them, I believe you will find, are ferry boats, and the

majority of them I think you will find are small vessels. I think I am right in saying that there is only one emigrant ship which has complied.

24705. Only one emigrant ship? - I think I am right.

24706. Since the Rule came into existence? - Well, I will not say that; at the beginning for some years there were one or two.

The Commissioner: If it is true, Mr. Attorney, I am afraid I have misconceived the effect of the evidence as to what has been done under Rule 12. It never occurred to me that when an average of four vessels were said to have come under this Rule per annum since it was in existence the vessels included ferry boats.

The Attorney-General: We will see what it really does mean.

24707. (*Mr. Scanlan - To the Witness.*) Were you informed at the Board of Trade by some official of the Board of Trade that the "Titanic" did not comply with the Board of Trade's requirements? - No, by Mr. Carlisle.

24708. Did you ask him in what respect was the failure of compliance? - Yes, there was a general discussion on that point.

24709. Can you tell us generally, if you cannot tell us accurately, what are the particulars in which the "Titanic" was deficient? - I think it is mainly a matter of longitudinal bulkheads.

24710. Longitudinal bulkheads? - I think so; that is my recollection.

24711. (*The Commissioner.*) Am I right in saying that the objection was that the ship had not such bulkheads as the "Mauretania" and the "Lusitania" had? - No, my Lord, those had been rejected.

24712. (*The Attorney-General.*) Is that quite right? - Yes, we were told, and the dates were given, that the plans of the "Mauretania" and the "Lusitania" had been sent to the Board of Trade and rejected as not complying with Rule 12. I have a Return, and I will give it to you, Mr. Attorney, giving all the names and all the dates.

24713. (*Mr. Scanlan.*) Was it from somebody officially in the Board of Trade you got information about the "Lusitania" and the "Mauretania" failing to comply with the Board of Trade's requirements? - No, the information about the "Lusitania" and the "Mauretania" in June, 1911, came from Mr. Royden, who was a member of our Committee and the Deputy-Chairman of the Cunard Company.

24714. I should like to ask you this to make it clear. Is there any official in the Board of Trade who is responsible for the statement that the "Titanic" did not come up to the Board of Trade's requirements? - Under Rule 12, no. I had the statement from no official.

The Commissioner: You are talking always of Rule 12?

24715. (*Mr. Scanlan.*) Yes, my Lord. (*To the Witness.*) I think we had the statement made that no application was made under Rule 12? - Mr. Carlisle told us at the Committee that it was no use applying for the "Titanic."

24716. Was it the case, then, that either the builders, Messrs. Harland and Wolff, or the owners, the White Star people, knew themselves that the ship was deficient in some particulars, and consequently did not make the application? - I do not think that is quite a fair way of putting it.

24717. Just put it in any way you like yourself? - Rule 12 says that if you comply, or if you come up to the category of unsinkable ships - I am paraphrasing the Rule -

- 24718. (*The Commissioner.*) That is not what it says, Sir Norman? - That is too strong, my Lord.

24719. (*Mr. Scanlan.*) I will read it to you? - I have it, so that I can follow it.

24720. "When ships of any class are divided into efficient watertight compartments to the satisfaction of the Board of Trade, they shall only be required to carry additional boats, rafts, and

buoyant apparatus of one-half of the capacity required by these Rules, but the exemption shall not extend to lifejackets or similar approved articles of equal buoyancy suitable to be worn on the person? - Yes. The way the Board interpret that Rule is this in practice: Unless the ship comes up to the standard laid down by Sir Edward Harland's Committee of 1890 as practically an unsinkable ship it will not pass you under Rule 12.

24721. (*The Commissioner.*) Will you repeat that explanation; I did not hear it? - My Lord, the way the Board interpret Rule 12 is this; that unless a ship comes up to the standard laid down by Sir Edward Harland's Committee in all respects they will not give the exemption under 12.

24722. Sir Edward Harland's Committee reported as follows: "Vessels may be considered able to float in moderate weather with any two adjoining compartments in free communication with the sea if fitted with efficient transverse watertight bulkheads, so spaced that when two such compartments are laid open to the sea the uppermost watertight deck to which all the bulkheads extend, and which we will call the bulkhead deck, is not brought nearer to the water surface than would be indicated by a line drawn round the side at a distance amidships of three-hundredths of the depth at side at that place below the bulkhead deck." That is what they reported? - Yes; and then there are detailed recommendations as to the mechanical arrangements by which that result is to be obtained, and the Board, as I understand it, insist on these particular detailed arrangements being carried out in all respects before they will give the certificate under Rule 12.

Rule 12 does not appear to me to contemplate the construction of a vessel which shall be unsinkable, otherwise there would be no occasion for any provision of lifeboats except for the purpose of communicating with another ship.

Mr. Scanlan: It seems to me to contemplate a standard of efficiency of the watertight compartments, and if this standard is to be insisted on for a matter which is so relatively small as the difference between $\frac{3}{4}$ and $\frac{1}{2}$ of the additional lifeboat accommodation, what it appears to me is that it should be insisted on for the general purpose for which watertight compartments are provided, that is, for the general security of the ship.

The Commissioner: It may be.

24723. (*Mr. Scanlan.*) Do you follow? - Yes, I follow that.

24724. And do you agree? - I can only tell you this. Lloyd's, as we understand it, and all the builders do not believe in the particular arrangements recommended by Sir Edward Harland's Committee. They think there is something better to be got.

The Commissioner: Did Sir Edward Harland's Committee recommend a longitudinal bulkhead?

24725. (*The Attorney-General.*) No, I do not think so.

The Witness: I am not sure.

24726. (*The Commissioner.*) They did not? The recommendation goes on, "With longitudinal bulkheads in combination with transverse bulkheads, the vessel should not, under the above conditions, list so as to bring the deck on either side below the water level." That seems to me to contemplate longitudinal bulkheads? - My recollection is this: we went into the matter very closely at the time that the longitudinal bulkhead was one of the difficulties.

24727. (*Mr. Scanlan.*) Surely you must have considered this matter on those two mornings that you sat as a Sub-Committee of the Advisory Committee of the Board of Trade? - Yes, we made a recommendation about it.

24728. I see you made a recommendation and you stated to me just now that you yourself did not understand what is meant by this requirement of the Board of Trade. Am I correct? - No, I think I do understand it clearly.

The Commissioner: I think he said just the opposite, Mr. Scanlan - that he understood it.

The Attorney-General: Has your Lordship paragraph 7 of that Committee's Report? I think that

will supply the answer to your question, that they did undoubtedly contemplate it.

The Commissioner: "7. Owners desiring to take advantage of any exceptions made in favour of efficiently subdivided vessels, should furnish the Board of Trade with the following particulars and drawings: -

"(a) Longitudinal elevation in section showing the sheer, the bulkheads, the bulkhead deck and any other decks proposed.

"(b) Plan and elevation of each bulkhead showing recesses and doors, if any, with their positions marked, together with details of the appliances for opening and closing them.

"(c) Proposed bulkhead freeboard and corresponding loadline; also the lines of the sills of the sidelights between the bulkhead deck and the bulkhead loadline.

"Where bulkheads are constructed as specified in Appendix B they may be regarded as of sufficient strength without further calculation."

Is it necessary to look at the various things mentioned?

The Attorney-General: No, I do not think so; it only shows that they did consider it.

The Commissioner: You mean about the longitudinal bulkheads?

The Attorney-General: And the particulars and drawing they were recommended to require.

Sir Robert Finlay: There is nothing under 7 about longitudinal bulkheads.

The Attorney-General: Yes, "longitudinal elevation."

The Commissioner: No, I do not think so - "longitudinal elevation in section."

The Attorney-General: Will you look at No. 6?

Sir Robert Finlay: 6 does touch upon it.

The Commissioner: Yes, it does, but I do not think 7 contemplates it.

The Attorney-General: 7 was the point Sir Norman Hill was referring to - that they required certain particulars and drawings. I was referring to paragraph 7 to show that under that - and I think that is what Sir Norman had in mind - the Harland Committee did recommend certain particulars and drawings which had to be required and that apparently is what was guiding the Board of Trade. I have been enquiring about the "Mauretania" and the "Lusitania." There is no real difference of opinion except that they were not actually rejected. What happened was that they supplied their drawings, and then they were asked by the Board of Trade to make certain calculations with certain compartments bilged, and then they withdrew their application. That is how the matter stands.

The Commissioner: Then they never did come within it.

The Attorney-General: They withdrew, that is all.

24729. (*Mr. Scanlan.*) May I take it that when your Committee decided on paragraph 6 of its Report: "That vessels divided into efficient watertight compartments to the satisfaction of the Board of Trade should be exempt from the requirements of additional boats or rafts"? - Will you go on, Mr. Scanlan? The next part is the substantial part.

24730. "The Committee suggest in this connection that the Board of Trade should review the requirements designed to attain the standards as to watertight compartments at present enforced by them under Rule 12, having regard to the developments of shipbuilding since the report of the Committee on the spacing and construction of watertight bulkheads"? - That is right.

24731. Was this considered at those two forenoon meetings of the Sub-Committee? - With regard to vessels of 10,000 tons and upwards we understood that Rule 12 was not of any practical value at all. It was a Rule under which no vessels then worked.

24732. Was not the opinion of your Committee that the requirements of the Board of Trade should be modified - lessened? - No.

24733. Made easier to qualify ships for getting the exemption given to ships regarded as efficiently divided into watertight bulkheads? - Our view was this, that the standard of buoyancy should be fully maintained. We thought that after twenty years an Enquiry should be held as to whether the particular mechanical arrangements required by Sir Edward Harland's Committee were still the best, and we wanted that reviewed. We did not want the standard of buoyancy lowered.

24734. Did I catch you as saying just now that Lloyd's requirements were higher in some respects? - They are different, I believe.

24735. From the Board of Trade's? - From Sir Edward Harland's Committee. I do not want to interject anything, but when we talk of the Board of Trade's Standard we generally mean, I think, the standard which the vessel has to comply with in order to get her passenger certificate or emigrant certificate, and, of course, this Rule 12 has nothing whatever to do with that. It is something far and above that standard.

24736. It means a higher degree of efficiency in the watertight provisions than that which suffices to qualify a vessel for a passenger certificate? - That is so.

24736. If your recommendation had been given effect to in the case of the "Titanic," does not it come to this, that you would have provided only for 830 people? - If the "Titanic" had passed Sir Edward Harland's standard of buoyancy, yes, not otherwise.

24737. Did Mr. Carlisle make any suggestion to the effect that 64 boats should be provided for a ship like the "Titanic"? - No. He showed us some plans, one of which showed 32 boats, and the other was a plan of a single davit showing 4 boats suspended in the davit.

24738. Have you in the Minute, which I take it you have got with you, any reference to the suggestions made by Mr. Carlisle? - Yes.

24739. Have you a Note of what he said with reference to 32 boats or 64 boats? - I do not think there is anything about 64. The Note breaks off twice in this way: "Mr. Carlisle then showed his plan - explained his plan."

24740. Did he not suggest that you might have 64? - I remember his suggesting four boats on each davit.

24741. I see here in the Minute: "Mr. Carlisle: I think, if you will look at the model you will see there would be room in the 'Olympic' and the 'Britannic' for three or four more sets of davits on each side"? - Yes.

24742. Then does he refer also to four boats on each davit? - He showed us a davit which would carry four boats.

24743. There were 16 sets of such davits on the "Titanic"? - I am not sure if he told us they were for four boats each, or if they were for three - I am not sure which.

24744. (*The Commissioner.*) If they were for four, that would be 64 boats? - If you will look at page 54 I think you will find that that does not unfairly summarise the result of a somewhat long discussion. I say to Mr. Carlisle: "But you would not recommend us to adopt this plan and only to have one set of davits covering all those 4 boats. - Mr. Carlisle: No, I would stick to your row of 16. I think this is perfectly correct." Mr. Carlisle, as I have stated, produced the scale showing the 16 boats under davits. You will find that on page 22. It begins with Mr. Rowe speaking. Mr. Carlisle handed his scale to Mr. Rowe, and Mr. Rowe sent it up to me, and then I summarised it: "I think Mr. Carlisle's suggestion comes to this, that for boats that are to be readily available from the davits in the case of ships of from 10,000 to 12,000 tons it stops as it is, 16, all of which must be under davits; 12,000 to 20,000, 18, 16 of which must be under davits. Then 20,000 to 35,000, 20, 16 always under davits; 35,000 to 45,000, 22, 16 always under davits; 45,000 to 50,000, 24, 16, always under davits. That is adding between 10,000 and 20,000 two boats"; and in the discussion we talked about it as Mr. Carlisle's scale.

24745. (*Mr. Scanlan.*) That is, Mr. Rowe did? - No. It was referred to, you will find, on many occasions or several occasions.

24746. On this occasion it is Mr. Rowe you are talking of? - Mr. Carlisle handed it to Mr. Rowe, and Mr. Rowe, who was sitting nearer to me, handed it to me.

24747. In fairness to Mr. Carlisle, I refer you to a passage on page 51: "I was asked if we were in a position to get boats. We could have got many more boats here if necessary, but there are only 16 required by the Board of Trade, and in getting out the plan we got it so as to work three or four davits under each set." I presume that is a misprint for "three or four boats under each set." "Whether he is going to fit in all this second lot of boats required by the Rule or not, I cannot say, but you could have it if you wanted it"? - Yes, he showed us the drawings of the davits.

24748. On the whole, is it not fair to Mr. Carlisle to state that he did bring before the Committee a scheme for increasing the boat accommodation to 64 on such a ship as the "Titanic"? - He showed us the plans; we debated them fully with him, and he also showed us his other scale. We debated both fully, and we adopted his own scale with modifications without any protest from him in any shape or form.

24749. And no doubt it is true, as Mr. Carlisle in his examination suggested to us, that he was influenced by the general discussion which went on and the persuasiveness of your argument amongst others? - That is absolutely incorrect, Mr. Scanlan.

24750. He made the proposals anyhow? - It is absolutely incorrect.

24751. It is correct that he made these proposals? - Yes.

25752. And it is also correct that your Committee did not adopt them? - It is correct that he placed two things before us. One was a scale based on sixteen boats under davits; one were plans based on a special davit with special means of launching. The Committee, as a whole, did not believe in the special arrangements; they did believe in modifications in the other plan that he suggested. Throughout that Committee the greatest deference was paid to Mr. Carlisle, and there was absolutely no pressure of any kind brought to bear on him.

24753. Great deference was paid to him but his suggested scale of 64 was not adopted? - His other one was.

24754. But the 64 was not? - And, as I say, I put it to him at the end, and he said the 16 was right.

Mr. Scanlan: I see how you put it to him; I see the nature of the discussion. Did you state that your Sub-Committee still adhere to this recommendation of July?

24755. (*The Commissioner.*) He did say so? - The Sub-Committee has never met since. I say that the general Committee, supplemented with the additional names, adhere to it.

24756. (*Mr. Scanlan.*) Do not your Committee now think that there should be a considerable addition to the lifeboat accommodation for all ships? - Are you referring to the boats immediately under davits, or generally?

24757. Generally? - That we are considering. Speaking generally, we consider there will have to be substantial additions to the bigger boats.

24758. Is not this the generally accepted view, that there should be lifeboat accommodation for every person on board, passengers and crew? - I would much prefer not to go into this - not to express my own views on a point which is still before the Committee. I mean I am the chairman, and I would much prefer not to express my own view.

24759. But your Committee are still considering it? - They are, still.

24760. Tell me how often have you met to consider it? You know you made these recommendations after two forenoon meetings? - We have met, I think it is, 21 or 22 times since the loss of the "Titanic."

24761. You have given quite an amount of consideration to the matter since? - We always give all the necessary time, Mr. Scanlan. Time is never grudged by the Committee.

24762. You have given yourself ample time since the "Titanic" in your 21 meetings - that is what I suggest, but the time you took before - two forenoon meetings - was, I also suggest, utterly inadequate? - We have been asked to review the whole of the life-saving Rules.

The Commissioner: What did you say, Mr. Scanlan?

24763. (*Mr. Scanlan.*) I suggest to him that the two forenoons taken by the Sub-Committee to review those Rules when they came to this recommendation was utterly inadequate? - Are you asking for my opinion?

24764. I am suggesting that view, yes? - We gave ample consideration to it. I think you must remember that the members of the Committee are all experts. We do not have to examine witnesses - at any rate, I do not. I am the Chairman.

24765. Just a question on that. You say that the members of the Committee are all experts? - Yes.

24766. I will begin with the Chairman. You belong to the honourable profession of the Law, do not you? - I do; but since 1894 I have devoted a very great deal of my time to all matters affecting shipping, and I do really consider I am an expert on the statistics of shipping, but not on the building.

The Attorney-General: I can vouch for that.

The Commissioner: You are not likely to persuade me, Mr. Scanlan, that Sir Norman Hill is not an expert on this matter. I know him to be an expert.

The Attorney-General: I know the assistance he has given us in some other matters.

24767. (*Mr. Scanlan.*) There are one or two other matters I should like to ask you about. Has the Advisory Committee of the Board of Trade made recommendations to the Board as to the Manning Scale for ships? - It has never recommended any Manning Scale, no.

24768. Has it considered whether there should be a Manning Scale set up? - Yes, it has considered it.

24769. But it did not come to any conclusion? - It recommended the maintenance of an efficient watch scale, not the Manning Scale.

24770. Has the question of the establishment of a Manning Scale frequently come before the Advisory Committee? - Yes, at a good many meetings.

24771. But you mean to say that no decision has yet been arrived at? - We have decided against a Manning Scale based upon tonnage or anything of that kind. We have based our recommendations on the maintenance of efficient watches. The things that were read to my Lord were wrong; they are not extracts from any Minutes or any letters written. They wrongly represent it; in fact, they never came from the Committee.

24772. Have your Committee considered the question of a standard of efficiency for seamen and men in the Engine Department? - Yes, it has been debated, and we have made recommendations.

24773. You mean have made recommendations to the Board of Trade? - Yes. The recommendations are that a man should not be passed as an efficient deckhand unless he has satisfied a Nautical Surveyor of the Board.

24774. That has not been carried out by the Board? - They assure us it is. They assure us that no man is passed as an efficient seaman if there is any question raised, unless he has been examined by a nautical Surveyor.

24775. Have you ever heard of nautical Surveyors examining men? - Certainly. I have heard them stopping ships because they have had inefficient deckhands on board.

24776. How often? - Not very often, but there are some every year.

24777. Have your Committee considered the question of boat drills? - Yes, we have considered the question of boat drills, but I would much sooner keep absolutely clear of what we have still under consideration, if I might.

24778. Yes, I respect the obligation? - If I express an opinion in public it is a little difficult for me, as Chairman, to hold an absolutely impartial hand.

24779. That is one of the subjects you are still considering? - That is one of the subjects we are still considering.

24780. Is the manning of lifeboats another subject which you are still considering? - Yes, another subject.

24781. And the question of efficiency - is that still under consideration? - That arises on the manning. We never would man with inefficient people.

Examined by Mr. CLEMENT EDWARDS.

24782. You are Chairman of this Sub-Committee that dealt with bulkheads? - No; I have nothing to do with the Bulkheads Committee.

24783. I mean of the life-saving appliances? - Yes.

24784. You are also head of the firm of solicitors who are instructing Counsel for the White Star Line in this Enquiry? - I am the second partner in the firm.

24785. Was the Sub-Committee of which you are Chairman a Sub-Committee appointed out of the General Advisory Committee? - Yes, subject to the point I have told you, that the Board had added to comply with the 17th Section -

The Commissioner: We have had all that - that there were some people co-opted.

Mr. Edwards: I did not quite catch what was said by this Witness. He did not speak very loudly, my Lord.

24786. (*The Attorney-General.*) We had it before from Mr. Carlisle and Mr. Royden.

The Witness: I am very sorry. May I give you the names again?

The Commissioner: Oh, do not, please.

24787. (*Mr. Edwards.*) I know the names? - The only point I wanted to make is this. On the Sub-Committee there were two members, Mr. Rowe, representing Lloyd's, and Mr. Ogilvie, representing the London Institute of Underwriters.

24788. (*The Commissioner.*) Who were necessarily put on? - By the Board of Trade. We had nothing to do with that.

24789. (*Mr. Edwards.*) In the Minute I notice you say, "We have added to our Committee representing the Merchant Shipping Advisory Committee Mr. Carlisle and Mr. Royden"? - That is right.

24790. Then you did not co-opt them? - The Sub-Committee did.

Mr. Edwards: What I want to get at is this: Where is the power in the Sub-Committee to co-opt anybody?

The Attorney-General: It is page 21 of the Memorandum we handed up yesterday. That gives the names.

The Witness: The power, the basis upon which we work, is the speech that Mr. Lloyd-George made to us when we were formed. He told us that he thought our number was necessarily limited, and it would be very desirable when we were dealing with particular points that we should co-opt people having special knowledge on those points; and we have always worked on that basis.

24791. (*Mr. Edwards.*) And that is the sole authority you have? - Yes.

24792. What I want to get from you is this: The Sub-Committee sat and the Sub-Committee

made certain recommendations? - Yes.

24793. Were those recommendations ever submitted to the Committee as a whole? - Yes.

24794. Were they adopted by the Committee as a whole? - Adopted unanimously.

24795. Have you a minute to that effect? - Yes.

24796. Will you, please, produce it? - Certainly. I have it here.

24797. Will you, please, read it? - "The chairman submitted to the Committee the Report of the Life-Saving Appliances Sub-Committee on the proposal to amend the life-saving appliances Rules as to the minimum number of lifeboats to be carried in vessels of more than 10,000 tons gross tonnage. The Report also dealt with a letter from the Board of Trade, raising the question whether the Rules should be amended so as to prescribe a maximum depth for lifeboats as compared with their breadth. On the motion of the chairman, seconded by Mr. Spencer, the Report of the Sub-Committee was unanimously adopted."

24798. Have you had any experience yourself in the navigation of ships? - None.

24799. Why did you express the view that it would be impracticable to carry a large number of boats on the boat deck of a ship like the "Titanic"? - I do not know that I have expressed that opinion.

24800. I understood Lord Mersey asked you whether you did not think it was practically impossible, and I understood you to say yes? - To carry them immediately under davits, it is impossible.

24801. You do not think it is impossible, then, in ships of this great size? - Under davits it is impossible. I am distinguishing between what you carry under davits and what you do not.

The Commissioner: We know it is not impossible because we have been told that the "Olympic" has done it.

The Attorney-General: Not under davits, my Lord.

The Commissioner: No, not under davits.

The Attorney-General: That is the distinction Sir Norman Hill is drawing. He says that under davits it is impossible.

24802. (*The Commissioner.*) I did not understand the question was limited to boats under davits. Was it limited to boats under davits?

The Witness: No.

24803. (*Mr. Edwards.*) No, my Lord, it was not. It was a general question. (*To the Witness.*) Is there any difficulty in your view, and from the evidence which has come before you, in putting upon a ship of the character of the "Titanic" a larger number of davits? - On the evidence before me there are difficulties. It is not that I am afraid of giving my own opinion, but I am Chairman of the Committee which is still considering this point and I think, in the public interests, it would be better I should not express it.

24804. (*The Commissioner.*) Cannot you give us your opinion, if I may say so, without prejudice? - Well, my Lord, if I give you my opinion without prejudice, and I have got my Committee meeting in a week - and sometimes we are very much divided in opinion - I weaken my position as Chairman. I have tried my Lord, to pursue an impartial course in the Chair, and if that is so I think the less the Committee know of what your own opinion is the better.

24805. (*Mr. Edwards.*) Are we to understand, Sir Norman, that the one real purpose for which you have come here is to correct the statement made by Mr. Carlisle? - That is the only purpose I asked to be examined for.

24806. And you do not feel inclined to express any views as to the future unsinkability of ships, provision of bulkheads, boat accommodation manning scale, or any other of the points which may arise in the nature of recommendations out of this Enquiry? - I do not wish to express any opinion with regard to the future. My Committee asked me to place before my Lord any

information he wanted with regard to our recommendations of July last, and our reasons for those recommendations.

24807. If that is your attitude, I shall not ask you any questions as to the future, but I do want to get quite clear what you recommended last year. It is a fact, is it not, that you were informed by an Official of the Marine Department of the Board of Trade that there was not a single ship which complied with the Regulations of the Board of Trade as to efficient watertight compartments? - I do not think at that time we had any statement from any Board of Trade Official. The statements we acted on were Mr. Royden's and Mr. Carlisle's and our general knowledge.

24808. I think I can refer you to a letter of the Board of Trade referred to in your Minute? - I have forgotten it if there is a letter.

24809. I think you will find it on page 37 of your Minute? - Oh, yes, I remember.

Mr. Royden said: "No ship is unsinkable. You are never quite safe. Something might give way," to which you, the Chairman, said: "Our Secretary reminds me that there is now a Rule with regard to watertight compartments. It is on page 16." That will be Rule 12. "When ships of any class are divided into efficient watertight compartments to the satisfaction of the Board of Trade, they shall only be required to carry additional boats, rafts, and buoyant apparatus of one-half of the capacity required by these Rules." He also tells me there is no ship that has yet succeeded in satisfying the Board that it comes under that Rule.

24810. (*The Commissioner.*) That rather agrees with what he says, that he obtained his opinion from Mr. Royden, I think it is? - That is the Secretary, my Lord. Our Secretary is an official of the Board of Trade.

Mr. Edwards: "He also tells me" - that is our Secretary - "that there is no ship that has yet succeeded in satisfying the Board that it comes under that Rule." Then it goes on: "*Mr. Havelock Wilson:* I think I will give one to the Board of Trade there. *The Chairman:* We cannot suggest a stronger Rule than that, can we?" That presumably is Rule 12. "If the Board of Trade's requirements are unreasonable, then it is our builder friends who will have to satisfy the Board that they ought to amend their requirements, and not this Committee. *Mr. Spencer:* No; I think that is very definite. *Mr. Royden:* I do not know if anybody has tried to convince the Board of Trade. *The Chairman:* I am told the 'Mauretania' did approach the Board with a view of satisfying it, but for some reason even she failed."

The Commissioner: What happened apparently was, according to the Attorney-General, that the Board of Trade made some suggestions when the plans of the "Mauretania" were put before it, and the result of those suggestions was that the application was not persevered with.

The Attorney-General: They asked for certain calculations.

24811. (*Mr. Edwards.*) If you turn to the next page you will see that Mr. Matthews, the Secretary, refers you to a letter on the subject. - I had forgotten that. It is just the last three lines of that page. "A copy of the Committee's Report is enclosed, and the recommendations which it contained were adopted at once by the Board of Trade as their requirements for the exemptions under Rule 12. These recommendations are still insisted on, but I may mention that during the past five years only one application (s.s. 'Mauretania') has been made in the case of a foreign-going steamer for the reduction of life-saving appliances allowed by the Rule, and as the recommendations of the Committee were not fully complied with in that case the application was subsequently abandoned."

The Commissioner: That seems to me to agree with what the Attorney-General has said. That is accurate.

24812. (*Mr. Edwards.*) I notice that you, Sir Norman, in your remarks there, speak of these Board of Trade requirements, Rule 12, as being unreasonable? - No, I do not say that - I say "if it

is unreasonable." We were told by the builders; we were told by Mr. Carlisle; we were told by Mr. Royden, whose ship, the "Mauretania," had not passed, that they did not think the particular requirements, the particular contrivances to attain the end, were the best possible, and that they were not reasonable.

24813. Then you yourself, your Committee as I understand it, have not been required to advise the Marine Department of the Board of Trade as to the reasonableness of those requirements in regard to efficient watertight compartments? - No, we suggested that they should appoint a Committee of equal standing to Sir Edward Harland's Committee. We are not capable of dealing with that question.

24814. There is just one point, in fairness to Mr. Carlisle, that I want to call your attention to, and that is this: Is it not a fact that you opposed his recommendations as to an increase in the number of boats, on the ground that it involved the employment of a larger number of crew? - That I did?

24815. Yes, that you did? - I, personally?

24816. Yes, you personally? - It is incorrect.

Mr. Edwards: I will refer you to the Minute in a moment.

The Commissioner: There must be a great many of them.

Mr. Edwards: This, my Lord, is the Shorthand Note, and I have only had an opportunity of glancing at it since the Witness went into the box.

24817. (*The Commissioner.*) But somebody at the side of you had apparently found the passage. Is there a difficulty in finding it again? Do you know it, Sir Norman? - I have no recollection of it, my Lord.

24818. (*Mr. Edwards.*) Will you turn to page 21? - Yes.

24819. You will find it at the top of the page. "*Mr. Carlisle:* Yes, I think if you look at the model you will see there would be room in the 'Olympic' and the 'Britannic' for three or four more sets of davits on each side? *Mr. Ogilvie:* And it must be remembered that we are talking of boats to be constructed with these Regulations in view. *Mr. Rowe:* I should like to see that measured on the plan. The well openings and the hatchway openings in the ship would be increased in length, and that would take off some of the space, and I have great doubts unless you go for a very small boat whether you would get the davits in. *The Chairman:* Then, again, we should be up against the crew question, and whether you want the bigger boats or more of the smaller boats. We are satisfied that it is not reasonably practicable - we will not say possible - to increase the number of davits, and then with regard to increasing facilities for additional boats to be launched from the same davits we should be up against the point, how do we think the number of boats should be increased in the case of ships not specially subdivided." In that question has the crew question any other meaning, in relation to these boats, except an increase in the number of the crew? - My remark refers to a question that you are always having in these manning discussions in regard to the boats - the size of the boat. If you have a big boat then you want fewer men to manage it as a Rule - I mean the number of hands does not increase in proportion to the increase in the boat, and my remark was only in relation to that. It has nothing to do with the point you are putting.

The Commissioner: It does not seem in the least to bear out your suggestion, Mr. Edwards, that he objected to Mr. Carlisle's suggestion on the ground that it would involve the employment of a larger number of men.

24820. (*Mr. Edwards.*) With respect, my Lord, I was going to ask him what other point it referred to. I have just asked him what other meaning the crew question had. (*To the Witness.*) If Mr. Carlisle's suggestion had been carried out, would it not in fact have involved the employment of a larger number of deckhands? - Which of Mr. Carlisle's suggestions?

24821. That particular proposal of putting on three or four more sets of davits on the "Titanic"? - I have not the number of the crew that the "Titanic" carried, but certainly I should say it would increase it.

The Commissioner: If you have more boats of the same size it involves the employment of more men to manage them, that is obvious, but I do not think that is what Sir Norman Hill means.

24822. (*Mr. Edwards.*) That is what I want to get from this Witness? - May I go further and deal with what my Lord has said?

24823. Certainly, if you will come back and answer my questions afterwards? - And if you have still more boats, but of a smaller size, you will still further increase the crew. That is what my remark goes to. It is the comparison between the small boat and the big boat.

24824. Have you any views, having sat on this Committee as Chairman, as to the number of crew that lifeboats of a 65 capacity should carry? - That we are debating now.

24825. You have no views? - I have views, but I would sooner not express them.

24826. Had you any views when that report was drawn up? - Yes, and I have got them still.

24827. They are the same views, are they? - They are the same views.

Mr. Edwards: Have you any views - perhaps that is also in the future - as to motor-boats?

24828. (*The Commissioner.*) What do you say about motor-boats? Are you going to excuse yourself from saying anything by telling me that it is a matter of consideration for the Committee? - Well, my Lord, we recommended and the Board have adopted, a Rule which makes the carrying of a motor-boat optional, showing what our mind was.

24829. Do not you think it would be much better that it should be compulsory? - There is a very great division of opinion as to the use of the boats - as to the difficulty of launching the boats and such things, but the Committee as a whole are in favour of the motor-boat, and have recommended that it might be carried. We wanted to get a little more experience before we said it must be carried.

Examined by Mr. HARBINSON.

24830. I heard you refer, Sir Norman, to Mr. Lloyd George's address. That was delivered when your Committee was formed in 1907? - When we were first appointed.

24831. Did I gather accurately from you that at that time he indicated generally the scope of your functions? - That is so.

24832. Did he in his address to you raise any question on that occasion of the consideration of life-saving appliances? - I have got a copy of his speech. I have not it in my recollection.

The Commissioner: Oh, please, do not read it! We must, you know, keep this Enquiry within some sort of limits. Is Mr. Lloyd George an expert on these matters?

24833. (*Mr. Harbinson.*) No. I only wanted to find out why it was, if the question was raised in 1907, it was not until 1911 that a Report was presented? - This question about the 10,000 ton boats was referred to us at the end of May, 1911.

Mr. Harbinson: But nothing was done from the information of that Committee in 1907.

24834. (*The Attorney-General.*) April, 1911.

The Witness: With regard to the 10,000 ton boats, nothing. It was not referred to us until 1911.

24835. (*Mr. Harbinson.*) I thought the whole question of merchant shipping was dealt with in 1906? - Not the whole question.

Mr. Harbinson: An Act was passed which pretty well covered the ground. You have told us the

names of the sub-committee. I do not want to go through the names again - and the names of the General Advisory Committee. My recollection is that all the members of the Advisory Committee are either shipowners, underwriters, shipbuilders, or members of trade unions represented by my friends.

The Commissioner: What are you complaining of - that there was no representation of the Irish third class passengers?

Mr. Harbinson: No, my Lord - that there is no independent representative outsider on the Committee.

The Commissioner: What do you mean by an "outsider"?

Mr. Harbinson: I mean people, to put it briefly, representative of the general public - who are not connected either with the trade unions or the shipowners.

The Commissioner: Is the suggestion that the "man in the street" should be called in? Is that it?

Mr. Harbinson: I do not go so far as to suggest that the man in the street should be called in, but I do, my Lord, go so far as to suggest this, that the shipping companies live by carrying the general public, and it would strengthen the Committee and make it more representative if some outsiders of prominence were included on the Advisory Committee.

The Commissioner: How are you to select them?

Mr. Harbinson: That would be a matter, of course, for the Board of Trade, or for some other competent body.

The Commissioner: Oh, Mr. Harbinson, do not take up our time with such suggestions.

24836. (*Mr. Harbinson.*) What I am suggesting, my Lord, is that it would strengthen the Committee and increase public confidence. (*To the Witness.*) Is that your view? - No.

24837. (*The Commissioner.*) Would you like to get a man in the street from Water Street, Liverpool?

The Witness: No. The advantages of our Committee, if it has any advantages, are that we are all - speaking with submission with regard to myself - experts. We come there with our expert knowledge. It is not a Committee to sit and examine -

The Commissioner: That is enough. Do not let me hear any more of that. Is there anyone else?

Mr. Harbinson: I have not finished yet, my Lord, with great respect. I think, my Lord, I have been very frugal in the matter of asking questions.

The Commissioner: I tell you that I do not think this is a matter upon which you can usefully ask any questions at all. It has been entirely exhausted and very well dealt with by Mr. Scanlan and Mr. Edwards, and I think you can very well leave it alone.

Mr. Harbinson: There is one question they have not asked, my Lord, and that is as regards the placing or the location of boats on the various decks. I respectfully submit that that is a matter of some importance.

The Commissioner: Very well.

24838. (*Mr. Harbinson - To the Witness.*) Have you or your Committee considered that question? - We are considering it now.

24839. You do consider that is a matter worthy of consideration? - Certainly.

24840. And also the question of access, especially for third class passengers, to the deck, on whatever deck you decide the boats should be? - All classes.

24841. Your Committee is also considering that? - Yes, for all classes - the crew and everybody.

Examined by Mr. COTTER.

24842. Are you making any recommendations in regard to the class of lifebuoys to be carried in the future? - We are inquiring into that also.

24843. And also into the means of launching the boats? - Yes.

24844. Whether you will have electric winches or cranes or the old blocks? - We are going into that carefully. We have already got it under consideration and have discussed it in great detail.

24845. You do not care to pass an opinion on it now? - I would sooner not, if you do not mind.

The Attorney-General: There is one question you asked, my Lord, that I should like to deal with as far as I can, and that is as to the applications that have been made under Rule 12. Your Lordship will remember it has been dealt with in evidence. It comes to this that 103 applications have been made since 1890, and 69 have been granted - roughly speaking, the applications have been five a year, and three to four a year have been granted. That is the position. I have got here the applications and the grounds, but it is rather difficult to classify them. They are down in four grades.

The Commissioner: Will you tell me the biggest ship that has applied?

24846. (*The Attorney-General.*) I see the "Campania."

The Witness: That is the one that I wanted to recall.

24847. (*The Commissioner.*) That is one of the smaller Cunarders? - That is one of the older Cunard boats.

24848. (*The Attorney-General.*) She is not so very small? - She is a fine big boat, but she is not one of the biggest now.

24849. (*The Attorney-General.*) 20,000 odd, I think she is? - 12,000, I think.

The Commissioner: Somebody said about 17,000. I do not know which is right. Which is the smallest?

The Attorney-General: I do not think I can tell you from this.

The Commissioner: The tonnage is not given?

The Attorney-General: No, the tonnage is not there, but the length is.

The Commissioner: That will do, if you can tell me the longest and the shortest.

The Attorney-General: There are a number that come under the longest grade, which is not less than 425 feet in length, or cross-Channel steamers irrespective of their length. That is why it is so difficult to find out without analysing it. They both come in the same grade.

The Commissioner: Do you mean to tell me that the cross-Channel steamers comply with this Rule?

The Attorney-General: Some do, apparently. The "Brighton Queen" is an excursion steamer. Evidently there are some excursion steamers - quite a number. If your Lordship would like it can be classified by those who can turn up the particulars of each ship, but it is obvious that a number of them are cross-Channel steamers, and therefore do not really come within the class of ship we are dealing with as passenger or emigrant ships. How many there are I cannot say.

The Commissioner: Perhaps you can supplement that list which you have with some particulars of the boats and vessels in it so that we may see what the character of the vessel is?

The Attorney-General: That is what I am proposing to do.

(The Witness withdrew.)

Mr. GUGLIELMO MARCONI, Sworn.

Examined by the ATTORNEY-GENERAL.

24850. Mr. Marconi, you are the inventor of your system of wireless telegraphy? - Yes.

24851. I want to go at once to the date of the year when the first installation of wireless telegraphy was fitted on a large liner. Was that the "Kaiser Wilhelm der Grosse"? - Yes, in 1900.

24852. That is a North-German Lloyd boat? - It belongs to the North-German Lloyd Company.

24853. And in the following year, 1901, wireless equipments were fitted to the "Lucania," the "Campania," and a number of other vessels? - Yes.

24854. The exact number is immaterial. Has there been a form of agreement between your Company and shipowners which was arrived at in the early stages of your system of wireless telegraphy, and which is practically still adhered to? - Yes.

24855. In substance? - In substance, it is practically the same as the original agreement which was drawn up at the commencement of the business.

24856. Your Lordship has had the agreement produced to you with this Company in respect of this vessel. I want to ask you just a few questions about your regulations with regard to signals of distress. Circular 57, I think, is the first one which in the form of a circular deals with this. I have the documents, but I propose to summarise them so as to save encumbering the case with more documents. CQ, as I understand it - you will correct me if it is wrong in summarising the effect of this document - is a call which means "all stations"? - Yes.

24857. And then the signal CQD is, or was, at any rate, the distress signal that is to be used? - Yes, the distress signal.

24858. On and after the 1st February, 1904, was the call to be given by ships in distress or requiring assistance, CQD? - Yes, CQD.

24859. And, according to the Regulations, that signal must not be given except by order of the Captain of the ship in distress - is that right? - Yes, that is right.

24860. Or by other vessels retransmitting the signals which they have received on account of the ship in distress? - Exactly.

24861. According to your Regulations I see all stations must recognise the urgency of this call and make every effort to establish satisfactory communication with the least possible delay? - Yes.

24862. Then you have another Regulation - it is Circular 102 - which provides for the possibility of a signal of distress being given by ships fitted with other systems of wireless telegraphy? - Yes.

24863. And are your instructions that, "should such signals be received equal attention shall be given them as to calls of 'CQD,' and any message received from the ship shall be at once forwarded to the addressees? - Yes.

24864. That is notwithstanding that they are vessels equipped with other systems? - Any ship, however equipped.

24865. In 1906 the International Radio-Telegraph Convention laid down some principles and regulations which were to govern wireless telegraphic communications at sea? - Yes.

24866. Which came into force in July, 1908? - July, 1908.

24867. And those are substantially, with certain additions of your own, the regulations which are still in force? - They are substantially the regulations still in force.

24868. The general orders? - They are really the only regulations in force. Any regulation of our own counts in so far as it is not contrary to the regulations of the Berlin conference.

24869. That is for the purpose of discipline and regulation, you make your own regulations, but they must not in any way conflict with the Regulations laid down by the Telegraphic Convention? - That is so; they do not in any way conflict.

24870. At that time was the distress call altered from CQD to SOS? - It was, but I might say that CQD, being so well known amongst the operators on the ships, has been used as well as the

SOS as an additional sign.

24871. That means that a number of operators were in the habit of using the CQD, or knew of it as a distress signal, and that sometimes that is used and sometimes the SOS? - I should say the SOS is always used, but also the CQD.

24872. Is the SOS a very simple signal to give or receive? - Yes, it is simple.

24873. Can you tell us why the SOS was adopted? - I really cannot say. I think CQD is just as good, but they wanted to make a change.

24874. (*The Commissioner.*) Who made the change? - The International Convention on Wireless Telegraphy held at Berlin in 1906.

24875. They made the change? - They made the change.

24876. Of CQD to SOS? - Yes.

24877. What does SOS stand for, anything, or is it simply three letters? - Simply three letters, my Lord.

24878. I understand that CQD stood for "Come quick, danger"? - It can be interpreted that way.

24879. (*The Attorney-General.*) It really is an easy way to remember it, and SOS is, I am told, "Save our souls." It is simply an easy way to remember it? - That is so.

24880. There is no mistake about it then; you remember it at once? - Yes.

24881. Have the recommendations of that convention and the principles laid down by them been adhered to by the principal powers? - They have been adhered to by all the principal powers.

24882. Generally speaking, is the wireless installation licensed by the Government of the country whose flag the ship flies? - Yes.

24883. You would get your license in this country from the Postmaster-General? - From the Postmaster-General of this country.

24884. Will you just tell me about the wireless installation on board the "Titanic": the installation was your property under the contract? - It was our property. It was what we call a 5 kilowatt installation; it was of very modern type and guaranteed I think for a distance of about 350 miles.

24885. (*The Commissioner.*) But it was capable of carrying a great deal further? - Yes, my Lord, it would be capable of carrying a great deal further.

24886. (*The Attorney-General.*) In actual practice does it carry a great deal further? - In actual practice it did, I think, carry a great deal further.

24887. The "Titanic," as we know, carried two operators? - It carried two operators. I might also add that the wireless apparatus was in duplicate, and also that it had a spare battery by means of which it could be operated in case of the current being cut off from the dynamos of the ship consequent upon the flooding of the engine room.

24888. As I understand, it would take it either from the dynamos or from the emergency dynamos on the ship, and if both of those failed then it could get it from the storage battery which you supplied? - Yes, from the storage battery which was put up in the wireless cabin on the top deck.

24889. To meet any emergency? - Yes.

24890. You made use of an expression just now - I am not sure that I heard it quite accurately - that the installation was in duplicate? - Yes.

24891. What does that mean? - The essential parts of the apparatus were in duplicate.

24892. It does not mean that it was possible to transmit simultaneously two different messages? - No, my Lord.

24893. (*The Attorney-General.*) Those precautions were taken in order to ensure that so long as the vessel remains above water it would be possible to transmit signals from it? - Yes.

24894. That is the object of it? - That is the object of it. It was done in consultation with the White Star Line.

24895. With reference to the two operators, you have regulations facilitating a proper watch being kept, have not you? - We have regulations to that effect, but I should also say that in our agreement with the White Star Line it devolves on the Captain to see that the proper watch is kept, and that the operators are advised when a communication is expected.

24896. Do you make every month communication diagrams which are published and transmitted from your Company to the various lines, I suppose, using your system? - Yes, we do. We do it in order to facilitate knowledge of the times when communications are expected.

24897. I am not sure that your Lordship has seen one at an earlier stage of the proceedings. Perhaps your Lordship will look at this, and you will see what it means. (*The document was handed to his Lordship.*) This is the one for April, 1912. As I understand, the object of those diagrams is this: For example, in dealing there with the North Atlantic route, you cover that trade route and show at what points vessels going one way or going the other way will intersect? - Exactly, what time they are expected to intersect.

24898. That is to show approximately the time and position at which the ships may expect to be within range of each other? - Exactly.

The Commissioner: When are these things prepared?

24899. (*The Attorney-General.*) Every month.

The Witness: On data collected from the shipping companies.

24900. (*The Commissioner.*) They are prepared in your office in London? - They are prepared in our office.

24901. And then copies are sent to the different ships? - To the different ships and stations - Governments, and anyone interested in the matter.

24902. (*The Attorney-General.*) So that anyone can tell, for example, if he had that diagram in front of him, what ships he might expect to get within range of at a given date? - Exactly. Each day the operator, by looking at that diagram, can see which ships are likely -

24903. (*The Commissioner.*) To be within call? - Yes, to be within call, and likely to get into communication with him.

24904. (*The Attorney-General.*) And also coast stations? - And also coast stations. I might add that they have proved to be very useful.

24905. (*The Commissioner.*) Had the "Titanic" one of these on board? - I am not certain that she had. I cannot say, as a matter of fact, I was aware that she had.

24906. In the ordinary course of events she would have? - In the ordinary course of events she certainly would have one.

Sir Robert Finlay: Not a copy of this particular one.

The Attorney-General: No, not that particular one, because this is worked out after the accident.

24907. (*The Commissioner.*) This is later than the accident. What I mean is, had she a plan of this kind on board which would give this kind of information, and I understand Mr. Marconi to say that in the ordinary course of things she would have one.

The Witness: Yes.

24908. (*The Attorney-General.*) They can be produced for every month? - Yes.

The Attorney-General: This particular one is worked out to show what happened where the "Titanic" foundered, according to the diagram, and what vessels were close to it.

Sir Robert Finlay: If the Attorney-General can produce one of the ordinary ones I think it might be convenient.

The Commissioner: This, as I understand it, is prepared for this case.

24909. (*The Attorney-General.*) It is for that purpose. We will either have one produced, or we will get you one. I daresay Mr. Marconi can get one? - We have got them for each month.

24910. (*Sir Robert Finlay.*) I simply want any one of the ordinary ones? - You shall have it after luncheon.

24911. (*The Attorney-General.*) I was asking you about the watch which is kept at ship's stations which are manned by two operators, such as the "Titanic." Can you tell me, first of all; are there many vessels which are manned by two operators? - Yes, there is a considerable number of vessels. All the larger passenger vessels have got two operators.

24912. So as to have a day and night operator? - Yes. They have a continuous watch when there are two operators.

24913. When there are two operators, must one always be on watch? - One is always on watch. One has the telephone on his ears, on his head. It does not mean that he is necessarily under strain for a long period, but he can just hear if any call is made, or if any ship desires to communicate.

24914. (*The Commissioner.*) He is listening for whatever the length of his watch may be? - Exactly. Of course he may talk, and he may read and do other things.

24915. There is no bell rings, or anything of that kind, he simply hears if he is being spoken to? - Not at present, my Lord.

24916. (*The Attorney-General.*) I am going to ask you some questions about that. Where there is only one operator, of course, it becomes more difficult to establish communication, because he is not always on watch? - He is not always on watch, he has to take rest at certain hours.

24917. And for that purpose are there circular instructions which are issued - I think it is Circular 183, which provides that he shall be on duty at certain hours: "In order to facilitate the establishment of communication between one-man ships at sea, operators, when not taking rest shall call 'CQ,' and listen in for 30 minutes each two hours (G.M.T. to be strictly observed) in accordance with the following time-table." Then the hours are given. Every operator who is on what you call one-man ships would receive this circular, and consequently would have to comply with those regulations every two hours? - Yes.

The Commissioner: How long is he to listen - for two hours?

The Attorney-General: Thirty minutes.

The Commissioner: That means that he can never take sleep for longer than 1 ½ hours at a time.

The Attorney-General: No, I do not think so. It says "Operators when not resting."

The Commissioner: I beg your pardon.

The Attorney-General: It is in order to provide that a systematised time when they will all be listening. Now I want to ask you just a little about the priority of messages. I will take it quite shortly.

The Commissioner: That is a matter of importance.

24918. (*The Attorney-General.*) It all appears quite clearly, and that is why I am not going to take up much time with it. I have two books here, Mr. Marconi, and perhaps you will just follow me in what I read. One of them is called "General Orders Part I, Service Regulations." That appears to be dated October, 1903? - Yes.

24919. Another book I have is "Handbook for Wireless Telegraph Operators," and that is published in 1912? - Yes, I have got copies of them here.

24920. Those are two distinct things, are they? - Yes.

24921. The General Orders are in force as well as the Regulations under this Handbook? - Yes.

24922. I see in the Handbook, at paragraph 7: "In case of distress the obligation to accept messages is absolute in the case of every ship and coast station without distinction, and such

messages must be accepted with priority over all other messages, they must be answered with similar priority, and the necessary steps must be taken at once to give effect to them." Then there is another Rule which deals with it, Rule 73, which says: "Ships in distress make use of the following signals" - and then does that mean the SOS? - Yes, it would be SOS. These are the Government Rules - that is it.

24923. The three short and three long and three short? - It is not exactly an SOS as shown here, but it is practically.

24924. "Repeated at short intervals. As soon as a station perceives the distress signal it must suspend all correspondence, and must not resume work until it has made sure that the communication consequent on the call for assistance has been completed"? - Yes, they must do their best to render assistance.

Sir Robert Finlay: What month of 1912 was this published?

24925. (*The Attorney-General.*) I do not know. I will ask Mr. Marconi. (*To the Witness.*) I called your attention to the fact that this book was published in 1912. Was it before or after the "Titanic" disaster, can you tell us? - I cannot say definitely, because I cannot find a date in it, but I think it was published before.

The Commissioner: You are unable, then, to tell us whether there was a copy of this book on board the "Titanic."

24926. (*The Attorney-General.*) I think I can answer it. (*To the Witness.*) You probably would not know the exact details? - I certainly can say that I have read it before the "Titanic" disaster.

The Commissioner: What was the name of the young man who was on the "Titanic"?

The Attorney-General: Mr. Bride.

The Commissioner: Bride was not asked about this, was he?

The Attorney-General: No, I do not think so. I think he is in Court now, and perhaps he can tell us about this.

The Commissioner: Is Bride here? (*Mr. Bride stood up in Court.*) Bride, had you a copy of this book on board?

Mr. Bride: Yes, I had a copy on board the "Titanic."

The Commissioner: Of this 1912 book?

Mr. Bride: No, Sir, I believe ours was 1911.

The Commissioner: That makes a difference.

The Attorney-General: I do not think it does from what I am told.

24927. (*The Commissioner.*) If the same Rule is in the 1911 book that removes the difficulty, but I have never heard of this Rule before.

The Witness: I think, my Lord, if you will allow me to say so, so far as I can recollect, the same Rule does exist in the 1911 book.

The Commissioner: That removes the difficulty.

24928. (*The Attorney-General.*) Mr. Turnbull tells me exactly the same. The book that I have here happens to be the last edition. I did call attention, I think, to Rule 73, which shows what has to be done, and that it takes priority of everything? - Absolutely everything.

24929. Everything else must cease until there is an answer to that call? - Exactly.

The Commissioner: Do I sum it up correctly when I say that the directions contained in these Rules to the operators orders them to give precedence to all messages affecting the navigation of the ship?

The Attorney-General: Your Lordship will forgive me, but it is not quite the same thing, if I may say so with respect. I will give it you from a Rule.

The Commissioner: Very well.

24930. (*The Attorney-General.*) Your Lordship will forgive me, I am sure. (*To the Witness.*)

Mr. Marconi, as I understand it, the message which takes priority over everything is the distress signal? - Yes.

24931. Everything gives way to that? - Yes, everything gives way to that - Government and service and shipping messages, and everything else.

24932. Then the next thing that would come would be the messages of the British Admiralty and the British Government Departments? - Yes.

The Commissioner: We may omit those.

24933. (*The Attorney-General.*) "Messages relating to navigation" - it is a special Rule - Rule 49? - Yes.

The Commissioner: Will you read it?

The Attorney-General: I will, my Lord. It is "Priority of messages," paragraph No. 49: "In the transmission of radiotelegrams priority must be assigned, first of all, to messages of distress (see Section 73); then to messages of the British Admiralty and other British Government Departments and to the messages of other Governments (see Section 74).

"As between the two communicating stations themselves, the following order should be maintained: -

"(1) Messages relating to navigation.

"(2) Service messages relating to the conduct of the Radiotelegraphic Service, or to previous radiotelegrams transmitted by the station concerned.

"(3) Ordinary correspondence."

24934. (*The Commissioner.*) It does come to what I was trying to say. Messages connected with or affecting the navigation of the ship take precedence of private messages? - Yes, my Lord.

24935. The messages of passengers and other people? - Yes, my Lord.

24936. (*The Attorney-General.*) That is the order and those are the Regulations? - That is the order and those are the Regulations.

24937. Have you also some special Regulations with regard to navigation messages? So far as I follow, you are particular about those, that they must be signed by the Captain? - We are particular that they should be signed by the Captain, and they should be entered on proper forms, so as to keep a record of them.

24938. A navigation message, as I understand it, would have to be written on a form which is supplied for the purpose? - Yes.

24939. Of course that is important, among other things, because of the priority which they get? - Because of the priority, and also as a record.

24940. And then they have to be duly signed by the Captain? - Yes.

24941. And then they have to be delivered? - They have to be delivered to the operator.

24942. And that helps you, to the best of your ability, to fix the responsibility? - Yes.

24943. You have the document, the record of what has taken place? - Yes; all telegrams should be kept that way.

24944. Just before I ask you some general questions as to the future there is one point to which I should like to refer. My Lord, there is one question upon which, I think, you have had no evidence so far - so far as I know there has been none given; and I want to ask Mr. Marconi about it. It refers to part of Question 18, which I will read to you: "Were any vessels prevented from going to the assistance of the 'Titanic' or her boats owing to messages received from the 'Titanic,' or owing to any erroneous messages being sent or received"? So far as you know was any vessel prevented by any such message from going to the assistance of the "Titanic"? - As far as I know, none.

The Attorney-General: I have a chart here, my Lord, which I should like to explain to you. (*The chart was handed to his Lordship.*) This is a chart of the scale of three to one of the North

Atlantic chart which we have been using. On it you will see marked the places and references to the vessels from which ice reports were received. The spots that you see marked are the places indicated by the message at which the ice was seen. Will you look, first of all, at No. 1? Does your Lordship see No. 1 on the pink rectangle there? No. 1 is the "Titanic." That is according to all the evidence which has been given here; I think it is 41.46 and 50.14. Then the next, No. 2, is of no importance in this case. Then there is the "Caronia," which gave the message on the 12th, and that is marked No. 3. You see that continues between 51 and 49 West.

The Commissioner: This plan shows where the ice was indicated by the telegrams.

The Attorney-General: That is right, where the telegrams said the ice was. Then No. 4 is the "Amerika." I do not dwell on that. Your Lordship will remember that was the message that was sent to the Hydrographic Office at Washington. Then No. 5 is an important one; it is the "Baltic." That is marked with a cross. That is the spot at which, according to the message from the "Baltic," the ice was when the "Baltic" sent it. Just above that there is a new one, of which we have not heard anything yet - I do not think it is a very important matter - the "Nordal." It is referred to in a document I am going to hand up, or have handed up. Then there is the "Californian," which is No. 7, to the right of the rectangle. That is the one, according to the "Californian's" message. Then No. 8 is the "Mesaba," which is the one your Lordship will remember that has been shown to have reached the "Titanic," but has not been shown to have reached the bridge. That is how it stands. Those take in all the messages which can be of any importance, and the plan brings in one or two which I agree are of no importance.

The Commissioner: The only difference, so far as I understand, is that this contains the "Nordal."

The Attorney-General: That is right; and it is on a larger scale. It fixes the places, I think, very accurately, but it is all, of course, subject to any corrections which my friend may make. But I think it is right.

Sir Robert Finlay: It really depends on the messages themselves and the messages which were received; it depends on what the messages themselves were and which of them were passed on to the bridge.

The Commissioner: That is the really important point.

Sir Robert Finlay: It does not, of course mean that the whole of that oblong was filled with ice, I suppose, and icebergs. It merely suggests the limits.

The Attorney-General: Nobody has ever suggested that I thought it was perfectly clear. It is only a rectangle which marks the limits. That is all it is intended to do, as we have done before.

The Commissioner: The limits that the telegrams refer to.

The Attorney-General: Yes.

(After a short adjournment.)

24945. (*The Attorney-General.*) Have you considered whether it would be possible on a ship which is manned by one operator for a person who is not an expert in wireless telegraphy, to receive some simple signal which could be devised so that he could then call the operator? - I have considered that, and think that if the International Regulations allowed it, a member of the crew could be instructed to stand by the instrument, to be in attendance at certain hours when the operator is off duty, and give the alarm and inform the Captain in the event of a danger signal being sent. I think that might be done. At the same time I have got a certain feeling that it might not in many cases be altogether reliable. I have another way that suggests itself to which I have given a great deal of attention since the "Titanic" disaster, and that is, of making the wireless apparatus ring a bell and thereby give warning that a ship in danger needs assistance. In order to

make this system effective, given that the apparatus was all right, it would be necessary to alter the regulations of the International Convention so as to enable the danger signal to consist of, or to be accompanied by, a long dash as we call it, an impulse or sequence of waves which would last for a period of 15, 20 or 30 seconds. This would cause a bell to give a prolonged ring like that which is given on shore by a fire alarm, and that would be a signal to denote that a ship requires assistance. Of course following that signal particulars might be given of the position of the ship and everything else.

24946. If a signal was once given, then the operator could be called and he could come and receive the particular message? - Yes. Some tests have been made with an apparatus such as I have referred to, and I have considerable confidence that it can be employed, although so far it has not been tested in actual practice.

24947. You think that is more feasible than the first suggestion? - I think that is more feasible than the first suggestion.

24948. (*The Commissioner.*) At all events, Mr. Marconi, at present the better plan is to have two men on board? - Yes, my Lord; that is the only reliable plan at present.

24949. You know nothing about bulkheads, I think, or boats on the deck? - No, my Lord. I have seen a lot of them, because I have crossed very often.

The Commissioner: Then you do not want to ask him any questions, Mr. Scanlan.

Mr. Scanlan: I do want to ask him one question, on manning.

Examined by Mr. SCANLAN.

24950. Has it been suggested to you, Mr. Marconi, that on first class ships, where there is a good deal of traffic in messages, it would be desirable to have a messenger boy, like a telegraph messenger boy, to assist the operator? - Yes, I think, that is provided on every ship on which I have crossed.

24951. It is provided? - It is provided, and not only is it provided but it is in our agreement with the shipping companies and particularly in our agreement with the White Star Line.

Examined by Mr. COTTER.

24952. Do you place much importance upon those charts which are issued to the ships each trip? - I think they are very important in regard to assisting the operator, and letting him know approximately at what time he may expect to be in communication with a certain ship.

Mr. Cotter: We have evidence of one operator not having one of these charts.

The Commissioner: Have we, which one?

Mr. Cotter: The operator of the "Californian," my Lord.

The Commissioner: I do not remember it.

Mr. Cotter: It is on page 192, my Lord.

The Commissioner: Will you read me the question and answer?

Mr. Cotter: I asked him at Question 9174, "Did you have a chart at all? - (A.) No. (Q.) Have you seen a Marconi chart? - (A.) I should think so. (Q.) Had you none on the 'Californian'? - (A.) I had got some. (Q.) When did you get it? - (A.) The other trip before. (Q.) The voyage you were on, I mean? - (A.) The trip before that." He had none on the voyage he was on.

The Commissioner: I am not at all sure about that; it does not at all follow. The voyage may be in the same month.

Mr. Cotter: I will read the whole of the questions, my Lord. "The voyage you were on, I mean? - (A.) The trip before that. (Q.) You got none for the last trip? - (A.) No. (Q.) Is it not the fact

that you get them every trip? - (A.) Yes, it was an oversight on my part."

The Commissioner: Then it would be an oversight of the boy.

24953. (*Mr. Cotter.*) Would it not be advantageous to see that these men got one of those charts every trip? - I think that is always done.

24954. This ship, the "Californian," played an important part in this Enquiry, and the operator had not a chart? - You take it he had not a chart?

24955. It is admitted he had no chart. He took a trip down to New Orleans and he had one for the South Atlantic and not for the North Atlantic.

24956. (*The Attorney-General.*) That is right.

The Witness: He certainly should have had a chart.

The Commissioner: Do you want to ask anything, Sir Robert?

Sir Robert Finlay: I only want to say we are very glad to have had the honour of seeing Mr. Marconi.

(The Witness withdrew.)

The Commissioner: Is there any other Witness?

The Attorney-General: There is the Captain of the "Baltic"; I will call him at once - Captain Ranson.

JOSEPH BARLOW RANSON, Sworn.

Examined by the ATTORNEY-GENERAL.

24957. You are the Master of the "Baltic"? - Yes.

24958. She sailed from New York on 11th April for Liverpool? - Yes.

24959. And did you receive a report of ice on 14th April? - Yes.

24960. Had you received any report before? - From several ships.

24961. On Sunday, 14th April, did you receive more than one report? - No; I received one report from a steamer called the "Athinai."

24962. Did you communicate with the "Titanic"? - Yes.

24963. The reason I am asking you in particular about this is that we have got the message which you sent to the "Titanic" in an affidavit which you made. I only want to know is that correct? - Yes.

24964. You said: "On Sunday, 14th April, reports were received by wireless from a number of steamships of having passed ice and bergs in positions varying from 49.9 W., to 50.20 W., on the outward Southern track"? - Yes.

24965. Was that right? - They were not sent to me officially. The operator gets those, and he transmits those to the different ships as they are passing along. I get just a list. They were not official; they were simply sent by the different steamers as we passed to the operator, and he makes out a list of them and sends them to me. They are not signed at all by the Captains of the other ships; they were not official.

24966. They were messages received from other ships to him to transmit? - To transmit to me. He would send to me. They were from the operators, but they were not sent to me specially, except this "Athinai" - that was. That was an official message signed by the Commander.

24967. The message you are referring to is the one that has been mentioned a good many times, which is on page 2. That is the last one we gave his Lordship when we were giving the messages that were received before the disaster. That is the one "Have had moderate, variable

winds and clear, fine weather since leaving. Greek steamer reports passing icebergs and large quantity of field ice today in latitude 41.51 N., longitude 49.52 W.. Last night we spoke German oiltank steamer 'Deutschland,' Stettin to Philadelphia, not under control, short of coal." Then you give the latitude and longitude. "Which is to be reported to New York and other steamers. Wish you all success." That is the one you sent to the "Titanic"? - Yes.

24968. Passing on the message which you had received from the Greek steamer? - Yes.

24969. And that is the one which was acknowledged by the "Titanic," signed by Captain Smith? - Yes, that is the one.

The Attorney-General: Your Lordship will remember that is the one which was given to Mr. Ismay; that is the one in question.

The Commissioner: Yes.

24970. (*The Attorney-General.*) That message had been received by you, and was addressed to you personally as the Captain of the "Baltic"? - Yes.

24971. That is the one which you transmitted to the "Titanic"? - Yes.

24972. Does that mean you did not transmit any of the others? - The operator sends all of them; he makes a list of all the different ships, and that was the only one I received that day, on the 14th. I had had several from other ships.

The Commissioner: This has all been proved.

24973. (*The Attorney-General.*) Yes, this has. There is one question I want to ask him. (*To the Witness.*) Did you receive a message from the "President Lincoln" on that day? - No, I do not remember it; not addressed to me.

You are quite right. I do not think we have heard of this one. I have only just heard of it myself. I think that is on the 13th.

24974-5. (*Sir Robert Finlay.*) He says he does not remember.

The Witness: I do not remember.

The Commissioner: What are you trying at present to establish?

The Attorney-General: I want to find out about another message of which hitherto we have heard nothing.

The Commissioner: I will tell you what occurs to me - perhaps I ought not at this stage to mention it. It appears to me that the Captain of the "Titanic" received undisputed evidence of quite a sufficient kind to communicate to him the fact that there were icebergs in this region.

The Attorney-General: Yes.

The Commissioner: And I do not think the matter is carried any further by showing that he received other messages as well.

The Attorney-General: If I may say so, I agree; but it was because we have said hitherto there was no other message. I do not say I can prove it, because I have only just heard it, but it looked as if there was another message; but I will not bother about it. I quite agree with your Lordship's view, if I may say so.

The Commissioner: I do not want to say anything that may prejudice Sir Robert Finlay's position at present, but that is my feeling, Sir Robert, at present.

Sir Robert Finlay: There is no dispute as to the two messages, one from the "Baltic" and the other from the "Caronia."

The Commissioner: There is no dispute, you told me long ago, as to either of those two, and my feeling at present is those two were in themselves amply sufficient to apprise the Captain of the danger of icebergs.

Sir Robert Finlay: They inform him that there are icebergs in the latitude and longitude indicated.

The Commissioner: Whether he was right to steam straight ahead relying upon his ability to

avoid an iceberg if he saw it is another matter altogether.

Sir Robert Finlay: Another matter altogether.

The Commissioner: But I am satisfied that he had ample information.

The Attorney-General: I am very much obliged to your Lordship; it will save a considerable time.

Sir Robert Finlay: It has been admitted a long time ago; as to the fact of those two messages there is no doubt.

The Commissioner: My feeling is the two messages are quite enough.

The Attorney-General: I do not think you are on the same point as I am, Sir Robert. This has not been admitted, and it has not been proved. That is the point I am on; but my Lord says it is unnecessary to prove any more.

The Commissioner: Did he receive any message, or would you be in a position to prove that he received any message indicating the existence of icebergs to the South of his course?

The Attorney-General: No.

The Commissioner: You see what I mean?

The Attorney-General: Yes.

The Commissioner: There was a course open to him when he received the "Baltic" and the "Caronia" message. That course was to go in a Southerly direction.

Sir Robert Finlay: Yes.

The Commissioner: If he did in fact receive messages showing there were icebergs to the South of him that might possibly excuse him for not having taken the Southerly course, because he would simply be running into the same kind of danger that he was already in.

The Attorney-General: The message I am referring to is a little to the Northward; but I will not trouble about it.

Examined by Mr. SCANLAN.

24976. What is the practice of your Company; what instructions do you get in regard to ice reported in the track you are pursuing? - Will you repeat that?

24977. I think it is probably unnecessary. I will take it your ship belongs to the White Star Company? - Yes.

24978. Very well; we know what their practice is. What is your individual practice if ice is reported? - How do you mean, clear weather or foggy weather?

At night?

24979. (*The Commissioner.*) At night, in clear weather? - We go full speed whether there is ice reported or not.

24980. As far as you know, is that the practice of all liners on this course? - It is.

24981. (*Mr. Scanlan.*) Do you double the look-outs at night? - No, not in clear weather.

Examined by Sir ROBERT FINLAY.

24982. With regard to your speed, you know the practice in the Atlantic; if the weather were clear and ice reported, do you keep up your speed? - We keep up our speed.

24983. And is that your invariable practice? - It has always been my practice.

24984. (*The Commissioner.*) What is the speed of your boat? - Sixteen knots.

24985. (*Sir Robert Finlay.*) You said the speed of your boat the "Baltic" was 16 knots? - Yes.

24986. Have you been on other boats in the Atlantic? - Yes.

24987. Faster boats? - Yes, the "Oceanic," the "Majestic," and the "Teutonic."

24988. How many knots an hour would they make? - Twenty to twenty-one.

24989. Is the practice you have spoken of one which prevailed with regard to ships of that class as well as your boat the "Baltic"? - Yes.

24990. You know, of course, the Atlantic well? - Yes.

24991. Was that practice always pursued by all masters of liners? - Yes, for the last 21 years to my knowledge.

24992. I think Mr. Ismay has more than once travelled by your boat? - Yes, he has travelled numerous times. I cannot say how often. Possibly half a dozen to a dozen times. I cannot remember.

24993. Has he ever in any way taken part in directing the navigation of the boat or ever been consulted by you or by any of the officers? - Never.

24994. (*The Commissioner.*) It would be very irregular? - He went out of his way to avoid it - he never came near us on board the ship.

24995. It would be a very irregular thing for the Captain to consult Mr. Ismay or anybody else? - It would, very much.

24996. (*Sir Robert Finlay.*) And he certainly never did it? - Never.

24997. And none of the officers were ever so irregular as to consult him? - No.

24998. Now you have told us about the speed which was kept if ice was reported. Did you keep your course as well as your speed? - Yes, I always keep my course whether ice is reported or not, on the track.

24999. (*The Commissioner.*) You know what the messages were - take only the "Baltic" and the "Caronia" - that were received by Captain Smith? - Yes, I know some of them.

25000. I am taking those two, the "Baltic" and the "Caronia"; they indicated icebergs in the region through which he was travelling. Now, was it a proper thing, in your opinion, for him to leave the bridge, knowing that he was going through that region? - Well, if it was a perfectly clear night, my Lord, I think it would be perfectly right as long as he did not go too far away from the bridge. On a perfectly clear night I should certainly say it was all right. Certainly not if there was any doubt about the weather at all, as to coming on thick.

The evidence, as I remember it, is that before going into his own room, he said to the officer on the bridge, "If there is any change let me know at once" - I think something to that effect.

The Attorney-General: Yes.

25001. (*The Commissioner.*) Do you think it was a seamanlike thing for him to go away from the bridge, merely leaving that message behind him? - Well, if he only went to his room, I think so, it is not very far away - the chart room is right on the bridge - he can be called immediately. The night was clear. I would do it myself.

The Commissioner: Was it into the chart room he went?

25002. (*The Attorney-General.*) Yes.

The Witness: It is on the bridge.

Sir Robert Finlay: He was absolutely close at hand, my Lord.

The Attorney-General: Oh, yes.

25003. (*The Commissioner.*) If he comes out in a hurry, summoned by the officer on the bridge from a comparatively light room in which he is, can he see as well from the bridge as he would do if he had been stationed there? - Certainly not, not when he first came out, till he got his eyesight.

25004. How long does it take him to get his eyesight? - In a few minutes we get it, coming out

of a white light.

25005. Do you mean minutes or seconds? - Minutes sometimes it takes, if it is a very dark night.

25006. Minutes may make all the difference? - Yes, but an officer on the bridge can inform him what he sees when he comes on it.

Sir Robert Finlay: May I ask a question?

The Commissioner: Yes.

25007. (*Sir Robert Finlay - To the Witness.*) You have been a good deal in the Atlantic trade. Have you been on the Northern route? - I have been on what we call the winter track up to August.

25008. I was thinking for the moment of the route which takes you just to the south of the Virgins, in the Cape Race direction, you know that well? - Yes.

25009. Are you sometimes for days there in the ice region? - No, we take a very short time to get through it there.

25010. How long does it take? - About 12 hours.

25011. Through ice in that region? - Yes.

25012. I suppose there is more ice there than there is South? - Oh, yes, considerably more, it is melted before it gets there.

25013. Where do you get most ice? - North - to the Straits of Belleisle, but I have never been there, I have never been to Montreal.

Sir Robert Finlay: I did not refer before to the message of the "Caronia," may I just at this point mention it. It has nothing to do with this Witness.

(The Witness withdrew.)

Sir Robert Finlay: The message from the "Caronia" was sent on the morning of the 14th, and it was this: "West-bound steamers report bergs, growlers, and field ice in 42° N, 49° 51' W., April 12th."

The Commissioner: Yes, I remember that. What occurs to me is this, that if they were there on April 12th, one might not unreasonably expect them to be there, not the identical icebergs, but others, on the 14th.

Sir Robert Finlay: That might or might not be.

The Commissioner: It occurs to me that a man reading that telegram would say: "They were here on the 12th, others may be here on the 14th."

Sir Robert Finlay: However, that is rather a matter of comment, my Lord.

The Commissioner: It is a matter of argument afterwards.

Sir ERNEST SHACKLETON, Sworn.

Examined by the ATTORNEY-GENERAL.

25014. You have had a large experience of ice? - Yes.

25015. I want you to help the Court with your views, as a result of your experience, first of all with regard to the visibility of ice in clear weather. Take icebergs first? - That entirely depends on the height of the iceberg. Take an iceberg of about 80 feet high, and the ordinary type of iceberg that has not turned over, you could see that in clear weather about ten to twelve miles.

25016. At night? - Not at night, no. I would say, providing it was an ordinary berg, about five miles on a clear night.

25017. (*The Commissioner.*) At night? - Yes, at night.

25018. (*The Attorney-General.*) You said provided it was an ordinary berg? - Yes.

25019. Are there bergs which present a different appearance in colour? - There are many bergs I have seen that appear to be black, due to the construction of the berg itself, and also due to the earthy matter and rocks that are in all bergs. In fact, in the South many of these so-called islands, and charted as islands, must have been big bergs with earthy matter on them. Again, after a berg has capsized, if it is not of close construction it is more porous and taking up the water does not reflect light in any way.

25020. Have you had large experience of this particular track? - Not much, only four or five times I have seen ice in the North Atlantic.

25021. Have you ever seen ice of this particular dark character to which you have referred in the North Atlantic? - Yes, twice.

25022. (*The Commissioner.*) In the North Atlantic? - Yes.

25023. (*The Attorney-General.*) Was that on the outward route to the States? - On the outward route, yes - once outward and once homeward.

25024. Do you remember about what time it was of the year? - In about April, I think, 1897, and again in May, 1903, and again in June, 1910, but that was further North.

25025. Is this right that you have seen altogether on the North Atlantic track ice on four or five occasions? - Yes.

25026. That is four or five voyages? - Yes.

25027. Extending evidently over a very considerable period of time? - That is so.

25028. Beginning in 1897? - Yes.

25029. Out of those four or five times is it right that you twice saw these dark-coloured icebergs? - I would not like to say on the last two occasions. My memory will not serve me more than that. I have noticed on one occasion at least more than one berg that did not reflect light.

25030. What I meant was - I want to follow your evidence - that of the four or five occasions of which you have spoken, two of them were occasions on which, as I understood you, you have seen ice of this dark colour? - Yes, but I would like to add that I have seen at the same time other ice - ice of a different colour.

25031. Yes, I see what you mean - there would be other ice of a different colour, but amongst it you saw twice icebergs of this dark colour? - Of darker colour, yes.

Sir Robert Finlay: I understood him to say that once he was sure of only.

The Attorney-General: No, he gave dates, one in 1897 and the other in 1903.

Sir Robert Finlay: I thought he qualified that.

25032. (*The Attorney-General.*) We will get it right. (*To the Witness.*) My friend thinks that you qualified what you said about the twice suggesting that you were certain of one, but not certain of the other occasion? - I was certain of the "other occasion," but I qualified it only inasmuch as that on the same occasion I saw different coloured ice.

25033. (*The Commissioner.*) Am I to understand that you saw several bergs on these five voyages that you have spoken of? - Yes, my Lord.

25034. On only one berg on each occasion? - No, on one occasion there were several bergs. On the first occasion, I remember it was a low lying berg which was evidently a capsized berg.

25035. You only saw one berg? - That is all I remember.

25036. Then on the second occasion you saw several bergs? - Yes.

25037. Did you see several on the other three occasions? - No, my Lord; some of them were just small pieces. I would not call them big bergs, not like the southern bergs.

25038. Are they called growlers? - I have never heard that term applied to them, but I believe it is a well-known term. I have read of such, but we never call them growlers, we call them floe

bergs when they were not the height of an actual big berg carved off from the land, but a berg that had capsized, having worn out underneath.

25039. (*The Attorney-General.*) You have spoken of the distance at which you would see bergs. You told us, I think I am right in saying, 10 or 12 miles in the daytime on a clear day, and 5 miles on a clear night? - Yes.

25040. How far would you see one of these dark bergs on a clear night, assuming it to be 60 to 80 feet high? - It might be only three miles, depending on the night and depending almost entirely on the condition of the sea at the time. With a dead calm sea there is no sign at all to give you any indication that there is anything there. If you first see the breaking sea at all, then you look for the rest and you generally see it. That is on the waterline. I do not say very high, because from a height it is not so easily seen; it blends with the ocean if you are looking down at an angle like *that*. If you are on the sea level it may loom up.

25041. That would rather suggest that your view would be that you could detect bergs of that kind better at the stem than you could at the crow's-nest? - Better, the nearer you are to the waterline. When we navigated in thick or hazy weather there was always one man on the look-out and one man as near the deck line as possible.

25042. That is thick or hazy weather? - Yes, that is thick or hazy weather, or even clear just the same.

25043. What I want you to tell my Lord is, do you think it is of advantage in clear weather to have a man stationed right ahead at the stem as well as in the crow's-nest? - Undoubtedly, if you are in the danger zone; in the ice zone.

25044. And supposing you were passing through a zone where you had ice reported to you, would you take precautions as to the look-out? Supposing you only had men in the crow's-nest, would you take any other precautions? - I would take the ordinary precaution of slowing down, whether I was in a ship equipped for ice or any other, compatible with keeping steerage way for the size of the ship.

25045. You would slow down? - I would slow down, yes.

And supposing you were going 21 to 22 knots, I suppose that would be the better reason for slowing down? - You have no right to go at that speed in an ice zone.

25046. (*The Commissioner.*) And you think that all these liners are wrong in going at this speed in regions where ice has been reported? - Where it has been reported I think the possibility of accident is greatly enhanced by the speed the ship goes.

25047. We have been told that none of these liners slow down even though they know that they are going through an ice region - that is to say a region where there are icebergs? - I have been in a ship which was specially built for ice, but I took the precaution to slow down because you can only tell the condition of any ice you see; there may be projecting spurs and you may suddenly come across them.

25048. What was the speed of the boat you were in? - She was only six knots at full speed. She was 40 years old.

25049. Do you mean to say that you slowed down a vessel of six knots? - Yes, I always did.

25050. Then what did you get to? - We got very near the South Pole, my Lord.

25051. What speed did you get down to? - We slowed down to about four knots. At her best she did six knots.

25052. At her best she did six knots; that was not the ship that you got near to the South Pole in? - Yes, that is the ship; she was very old; she was very small.

25053. (*The Attorney-General.*) I still want you to give me your attention with regard to the look-out. You have told me your views with regard to speed. Suppose you had two men in the crow's-nest, and it was a clear night, and you were going through a region in which ice had been

reported, would you put any person in the bow for a look-out? - I would put a look-out man in the bow or as near to the waterline as possible, even on a clear night, but I would only have one man in the crow's-nest.

25054. Your idea would be that of the two men when coming into an ice region, one should go to the bow and one be in the crow's-nest? - My main reason for saying one man in the crow's-nest is that I think one man gives more attention to the work in hand than two men.

The Attorney-General: There is a good deal to be said for that.

The Commissioner: Yes, I think so.

25055. (*The Attorney-General.*) If I follow you correctly your view is, it is better on a clear night passing through an ice region to have a man as near the waterline as possible? - Yes.

25056. Which would be preferable, the bow or the crow's-nest? - I would have a man in both, one in the crow's-nest and one in the bow; and if I may say this, I would prefer in a liner to go where there is known danger than to go in a Southerly route where you may occasionally get a berg, because some of these bergs drift from the North, very big bergs drift down into navigable waters, where no one would expect to find them; and then a ship comes to damage; whereas if you are looking for danger you guard against it more, or ought to.

25057. I think we have been told they drift from North to South? - Yes, by the Labrador Current.

25058. One other matter I wanted you to tell us about and that is with regard to the use of glasses for look-out men. You know the point. It has been suggested here that binoculars should be used by the look-out men, particularly if they have had a report of ice. Will you tell my Lord your view about that? - My Lord, I do not believe in any look-out man having glasses at all. I only believe in the officer using them, and then only when something has been reported in a certain quarter or certain place on the bow.

25059. The man would pick it up with his eyes and the officer would find out what it is with the glasses? - Yes, you have the whole range of the horizon in one moment with your eyes and you localise it by using glasses.

25060. I ought to ask you this. Is there any indication of the proximity of ice by the fall of temperature? - Unless the wind is blowing from a large field of ice to windward there is no indication at all by the methods that are used now, and it is a very poor thing to go upon, is the change of temperature. The film of fresh water that covers the sea is so thin that by dipping in a bucket you do not pick up that thin cold water; and if the temperature of the air is approximately the temperature of the sea there is practically no haze; it is only when the water is warmer or the air is warmer that the haze occurs. There are no methods that I have heard of before this that can really give you an indication of approaching ice by ordinary temperature methods.

25061. Supposing you were approaching an ice region, that is a region in which you had ice reported to you, and you found the temperature getting colder, would that be any indication to you that you were getting close? - No, it depends upon whether there was a wind or not.

The Commissioner: On this occasion we were told that, at all events, from 3 o'clock in the afternoon there was no wind.

25062. (*The Attorney-General.*) No wind, and the temperature fell very much.

The Witness: Then if there was no wind and the temperature fell abnormally for the time of the year, I would consider I was approaching an area that might have ice in it.

25063. (*The Attorney-General.*) According to the evidence - I am only dealing with one part of it - perhaps the most striking part - during the afternoon on this particular occasion on 14th April of this year, the temperature was reported to be falling, so much so that the Captain ordered the carpenter to see that the water in his tanks did not freeze. Would that be any indication to you? - If I knew what the mean temperature of that locality was for that month of the year and there was

a great variation, then I would certainly think there was some abnormal disturbance in the ice to the North. Of course, that particular night was an abnormal night at sea in being a flat calm; it is a thing that might never occur again.

25064. That is what Mr. Lightoller says. You say apparently it is very rare to get such a flat calm as there was that night? - I only remember it once or twice in about 20 years' experience - the sea absolutely calm, without a swell, as it was recorded to have been.

25065. And if I followed correctly what you said earlier it would make it more difficult to pick up an iceberg with the eyes? - Decidedly.

25066. If you had this calm sea? - Yes, decidedly so.

25067. Although it was a clear night? - Yes.

25068. There would be no indication of the water breaking round it? - No, there would be none in a condition like that. It takes very little sea and very little swell, with the Northern bergs which are submerged about seven times to one above, for what we call a splash to get up and give you an indication.

25069. We have been told of the phenomenon of the ice-blink? - Yes.

25070. Would that be effected at all by the night we have had described or is it a variable thing? - On a night such as you have described, if there was a big field of ice, the blink would most certainly be seen very, very clearly. If there was really what we call big fields, miles and miles of ice, then you would see the edge, what we call the water-sky, that is where the ice-field ends.

25071. But you would not expect to get the ice-blink with an iceberg? - No, I would not.

25072. Does that mean it does not throw off any of its luminosity? - Well, it does not reflect any light that there may be, one single berg; it takes ice in the mass to do that; it is like a whole lot of deck lights along the side of a ship; they look one glare instead of isolated things.

Examined by Mr. SCANLAN.

25073. Just one question, Sir Ernest: Do you frequently find a haze in close proximity to an iceberg? - Generally when the temperatures are different - the temperature of the water and the temperature of the air.

Examined by Sir ROBERT FINLAY.

25074. What was the tonnage of the boat you went to the South Pole in? - Two hundred and twenty-seven.

25075. How high was it on the forecastle at the stem above the water? - When we were loaded it was about 14 feet, 14 feet from the forecastle to the waterline. From the crow's-nest it was about 90 feet.

25076. About 90 feet? - Yes.

25077. Then the comparison you are making is between the height of 90 feet in the crow's-nest on your foremast? - Yes.

25078. And a height of 14 feet on your stem? - I do not make a comparison. I say from 90 feet, which is the crow's-nest of the "Titanic," we will say, which equals our crow's-nest, and from the waterline, as near as we can get it. If we could have got right down to the waterline we would have done so. The advantage lies in being as near the waterline as possible. You suffered from a disadvantage, certainly, in the "Titanic" by not being able to get as near to the waterline as we did in the "Nimrod."

25079. If I gather rightly, your view is that if you are near the waterline, it is an advantage in

seeing icebergs? - Yes.

25080. And that is an advantage which a small boat like yours, which most of us have read about, has. You had that advantage in that boat? - We had that advantage over other vessels to a certain extent.

25081. Your outside rate was six knots? - Yes.

25082. You slowed down in ice to four knots? - Yes.

25083. You say you slowed down. I suppose you experienced in going to the South Pole a very great deal of ice? - Yes, a great deal. We first got into the vanguard of the ice before we got to the heavy pack, and then we got into the region of icebergs, where we had to turn and twist. Sometimes we would have 8 hours' run, but ice suddenly comes up in front of you, and then you slow down at once.

25084. The pace you speak of, four knots, was when you were in among the ice, turning and twisting, as you have described it? - Yes, when we were in the ice region. I would not like to compare in any way the North Atlantic, with its comparatively few bergs, with the South, but if I were going 20 knots, I would want to get down to the steerage way just the same as when I am going six knots I want to get down to four knots.

25085. But you do not compare the state of things which you found, as you were approaching the South Pole, where you had to turn and twist among the icebergs and masses of ice, with what prevails in the North Atlantic? - No, I do not compare it. The point I look at is, when you get a very fast speed, you must slow down, even as we in narrow waters had to slow down in our little ship.

25086. Slow down to four knots? - We did.

25087. What do you suggest a liner should slow down to? - I am not qualified to give an opinion, but I should suggest a liner should slow down sufficiently to give her steering way, which is, of course, more than the full speed of my own smaller ship.

25088. What do you estimate would give a vessel like the "Titanic" steering way? - I am not qualified to say. I do not know enough of the turning movement of ships over 10,000 tons; I should say 10 knots.

25089. (*The Commissioner.*) That would be half-speed, practically? - Yes, my Lord.

25090. (*Sir Robert Finlay - To the Witness.*) Is your suggestion that all liners in the Atlantic should slow down to 10 knots as soon as they know that they may come across an iceberg? - As soon as they know they are in an absolute ice locality, which they can tell now because of the wireless.

25091. My expression was, "As soon as they know they may come across an iceberg"? - No, I do not say that.

25092. What do you mean by an absolute ice locality? - The locality where it is reported and where it is generally known that more than one iceberg will be met - where you are likely to meet masses of ice floating about.

25093. Assume one or two icebergs are reported: Do you say that if the vessel may pass near one of these icebergs she ought to reduce her speed to 10 knots? - No, I do not. I do not say just for one iceberg or two icebergs or ten icebergs if they are nowhere near one another, but if there is a general indication of ice in the locality within a certain area which is fairly well known, a vessel ought to be slowed accordingly at nighttime.

25094. At nighttime? - Yes, only at nighttime, unless it is thick in the day.

25095. Can you give me an idea of the extent of the indication of ice that you say should lead to the reduction to 10 knots. You would not reduce for one or two or ten icebergs? - No. I would reduce if I heard that ice was generally reported, specifically from more than one-quarter. I am taking very modern methods, that is that ice is reported by wireless.

25096. If it is reported, you mean you have something, I will not say equalling, but approaching the collection of icebergs through which you had to thread your way? - Oh no; the ice is generally known in the Atlantic.

25097. But one or two or ten would not be sufficient. I wish only to understand exactly what you mean by the absolute ice region, which you think should lead to slowing down to ten knots an hour? - I should say that if ice was reported in any quantity, bergs and floes, when the vessel is anywhere near that latitude and longitude and had a late report of say even the day before, at nighttime she should slow till she was past that latitude and longitude in which icebergs and floe ice were seen.

25098. Do you think that the practice in the North Atlantic has been all wrong for the last 20 or 30 years? - I do not say that. I say a certain state of things has evolved in the last few years by public desire and competition.

25099. (*The Commissioner.*) You say what? - I say the state of full speed has evolved in the last few years with the great public desire for speed.

25100. To get to their journey's end? - Yes.

25101. (*The Attorney-General.*) By competition? - Yes.

25102. (*Sir Robert Finlay.*) You have been following this case I take it? - I have to a certain extent.

25103. And you know we have had evidence as to the practice existing among gentlemen who have been in the trade for 25 years? - Yes; I think the gentlemen that have been in the trade for 25 years have been acting under the instructions of their owners.

25104. Have you any ground for saying that? - No more than a general feeling that I have had, and the feeling I have had that when the owner is on board you *go*.

25105. And supposing the owner is not on board? - I do not want to make surmises and I do not want to lay down any particular Rules, but there is a general feeling amongst people at sea that you have to make your passage. If you do not make your passage it is not so good for you. That is only my own personal point of view. I do not know whether I should not refuse to answer this particular question.

The Commissioner: I think not; you are giving us very useful evidence.

25106. (*Sir Robert Finlay.*) You have been in the North Atlantic trade to some extent yourself? - I have only been as a passenger. Well, once in 1891 I was across the Atlantic in March.

25107. Were you in command of a vessel? - No, I was only 17 years old then.

25108. But the other times you speak of in the North Atlantic you have been merely as a passenger? - Yes, that is all.

25109. But apart from this voyage when you were 17 of ice in the Atlantic, you have had no experience? - I have had no experience, no, of actual ice in the North Atlantic. I happen to be aware of the conditions, though.

25110. Now with regard to the coldness, the connection of cold with the presence of icebergs. You know, of course, of the Labrador current? - Yes.

25111. Is the cold very often due to the Labrador current? - I would not say that so much, but I would say the breaking up of the ice was due to the Labrador current. I mean it comes down with the Labrador current, but the other current goes up to the North. It is sometimes very clearly defined, but then again these currents sometimes come far out of their usual route.

25112. You would not say, I suppose, that a fall in temperature was anything like a certain indication of the presence of ice? - No, I would not at all.

25113. Not at all? - Excepting under very definite conditions, such as a dead calm and a sudden fall in the temperature, because if you are in colder water, and as I said before you have not an equal temperature of the air, then you have a haze. If both the air temperature and the

water temperature are the same the effect is that the weather is clear.

The Commissioner: My recollection is that the fall of temperature began on the Saturday.

The Attorney-General: Yes, it did; it became more acute on the Sunday afternoon.

The Commissioner: It gradually fell and fell rapidly, but began Saturday.

The Attorney-General: Yes. We know very little of the wind on the Saturday.

Sir Robert Finlay: I think we have information on the morning of the Sunday that there was wind.

The Commissioner: There was wind of a kind up to three o'clock in the afternoon of the Sunday, and then it fell and became a dead calm.

Sir Robert Finlay: Yes. The point is the cold had begun before the wind dropped.

The Commissioner: Oh, it began on the Saturday.

25114. (*Sir Robert Finlay - To the Witness.*) I think you said that the importance you would attach to a fall of temperature in this connection was if there was a dead calm? - Yes. If the sea and the air are about the same temperature I would consider ice; but all those methods such as dipping up water in buckets to get the temperature are no good.

Re-examined by the ATTORNEY-GENERAL.

25115. We have been speaking hitherto about icebergs; but supposing you had a wireless telegram to the effect that there were icebergs and a large quantity of field ice in the region which the ship had to cross, would that in any way accentuate the risk which you say would be run? - The field ice?

25116. Yes? - I think field ice for a ship of the class of any ocean liner is almost as bad as an iceberg, because going at a speed like that, the kinetic energy is so enormous and field ice is very often 20 feet deep; it is like running on a rock almost.

Mr. Cotter: May I ask one question?

The Commissioner: Yes.

25117. (*Mr. Cotter.*) Have you any faith in searchlights for picking up ice at nighttime? - No, I have no faith. If it happened to catch an iceberg I think you would see it all right but outside the actual range in length and width of the arc of light, the officer may be blinded. It is like going down the Suez Canal.

25118. (*The Attorney-General.*) I did not ask a question about searchlights, my Lord, because I did not know whether Sir Ernest had any experience of them. (*To the Witness.*) Perhaps I may ask you, have you had any experience of searchlights for the purposes of detecting ice? - Not for detecting ice, no.

25119. Have you formed any opinion at all? - Yes, I have just stated it.

The Attorney-General: I did not catch it, I beg your pardon.

25120. (*The Commissioner.*) It agrees with the other evidence. (*To the Witness.*) I should like you to answer this. If you can see the berg at a sufficient distance to clear it, is there then any object in reducing speed? - My Lord, if there is one certain iceberg and one berg alone or two or three bergs, there is no object in reducing speed, but if you are in an area where there is floe ice and bergs which might perhaps be met at any moment, where if you put the helm hard a-port you might run into another one, then there is need.

25121. We have no evidence that the "Titanic" saw what you call floe ice, pack ice, or anything of that kind. There were telegrams warning the ship of the existence of such ice. But taking icebergs if you can see them at sufficient distance to avoid them, is there any object in slowing down? - I do not consider there is any need to slow down if you can see every iceberg at a sufficient distance to avoid it, but I doubt if you could when you come into such a region.

25122. Now I am going to ask you about that. We have been told that on this night the conditions were very peculiar, that the sea was as flat as a table top and that there was no sort of swell, and therefore nothing that would make a ridge round the waterline of the iceberg on which the eye would fall. We have been told that this iceberg was black, and it has been said that in those circumstances it is very difficult to detect the existence of a berg in time to avoid it. Is that so? - I agree with that, my Lord. I think it would have been a very difficult thing with a ship going at that speed to have done so.

25123. Do you think the speed makes any difference in picking up a thing? - I do not know about picking up, but slower speed gives you a longer time from the time you see it at the same distance.

25124. Of course it does. I did not understand your observation. Now, you know these conditions as they have been described - whether accurately or not I do not know - but they have been described to us. How far off do you think the men in the crow's-nest, if they had been attending to their business and not talking to each other, ought to have seen this berg? - I would not like to put a definite figure on it, but I should think the men in the crow's-nest saw that berg about as soon as you would ordinarily expect a man to see it.

25125. That means they saw it just as the ship was striking the berg? - Had not some three minutes elapsed from the time it was reported?

The Commissioner: I think not.

The Attorney-General: It is rather difficult to say. We know what was done; and we have to estimate the time.

25126. (*The Commissioner.*) She was right on the berg before any time elapsed? - I should think, my Lord, that in the case of that particular berg it would be a very difficult thing to pick it up at all. A man might have said to his companion, "Do you think you see anything?" but arising out of that I should like to say that all officers, as far as I know, and Captains of ships in modern times, are only too ready to hear reported from the crow's-nest or wherever it is, any report of any sort even though the light reported is not there.

25127. I am not quite following you I am afraid. Do you want to convey this to me, that that berg would be within 100 feet of the stem of the ship before it would be seen? - No, I should think a berg of that type would be seen somewhere about perhaps three-quarters of a mile away, not more.

25128. Well, three-quarters of a mile - would it be seen less than three-quarters of a mile? - It might be; I do not know.

25129. I am putting 100 feet to you? - I think it ought to be seen long before 100 feet.

25130. What would you say would be the shortest distance that this berg would be seen by the men in the crow's-nest on a clear night? - The shortest distance from the ship?

25131. Yes, on a perfectly clear night, and under these conditions of a flat sea and possibly black ice? - I would not like to express an opinion, because I have never actually seen a berg as close to a ship. I have never seen any ice quite exactly like that which was described. I have seen it in the winter time in the ice, but then we were always absolutely stationary.

25132. My difficulty is this, and I am afraid you cannot help me, but I cannot understand how the men in the crow's-nest and the men on the bridge - there were two, I think; one, at all events, on the bridge - failed to see this iceberg until it was practically in contact with the ship? - I think that iceberg was such a very little thing. It was such a small thing and the conditions were so bad, that a man on watch, even two hours on watch, might have his eyes strained, and the officer on watch might have his eyes strained, and might just miss that particular berg. In running round the horizon his eyes might hop over this particular thing.

25133. But there were three pairs of eyes; there was a man on the bridge and two men in the

crow's-nest? - I think that is a possibility.

25134. Is it a probability? - I think it is a probability. I think they might not see such a thing.

25135. Then do you really mean to say that on a fine night with a flat sea the probable thing is that every ship will come in contact with an iceberg that happens to be on its course? - No, my Lord, I think it is an abnormal case entirely.

25136. I am putting an abnormal case - an extraordinarily flat sea and black ice; do you think if there happens to be an iceberg in the course of that ship she must run up against it although there are three men on the watch? - The next time somebody may see it a little earlier; it is possible to see it a little earlier but I do not like to express an opinion.

The Commissioner: You said the probability was the ship would run up against the iceberg.

The Attorney-General: Your Lordship will remember she is going 700 yards a minute and it would not take long.

25137. (*The Commissioner.*) I know that. (*To the Witness.*) Then you know nothing about the turning circle of this ship? - I do not.

25138. So that you cannot tell how she could avoid it. Well, now I want to know this - do these bergs extend sometimes under the water any considerable distance from the part that is visible? - It depends; if the berg is capsized it may extend perhaps 200 yards or more, depending on the size of the berg. Some bergs that are five miles long, which are rarely seen in the Atlantic, may extend 200 or 300 yards, what we call a spur, but not more than that.

25139. So that the bottom of a ship might strike an iceberg before it reached what you may call the locality of the part that is uppermost? - Yes, before it actually struck the part above water.

25140. But you think in an extreme case only 200 yards? - Yes, an extreme case.

25141. Did you say 200 yards? - I have seen spurs 200 yards away, but I think a couple of hundred feet would be about the average for a spur. A lot depends upon the sort of ice - what sort of mountain it came off, and how it was formed, and what its specific gravity is, whether it is worn down in the current by the temperature of the water.

25142. But the bottom of the berg may extend under the water any distance, from 200 feet to 600 feet? - Yes.

25143. Away from the visible berg itself? - Away from the visible vertical side of the berg.

25144. So that the bottom of the ship might strike a berg any distance from 200 to 600 feet away from the visible berg? - Yes, that is my opinion, my Lord. There are no doubt other people who have also got perhaps slightly different opinions on it, but in the main, generalising, it is so.

25145. I rather gather from what you have said to me - I am not sure that I ought to ask you this question, but I am going to ask it all the same - that you think it quite possible that the men were keeping as good a look-out as they could? - Yes, that is what I do think.

25146. That is what you want to convey? - Yes, but I did say earlier and I still say I think it is an advantage to have only one man in the crow's-nest.

25147. It has occurred to me; one knows what men are, when they are standing together they begin to talk sometimes? - I know I used to in my early days.

25148. Then there is another question I am not sure I ought to ask you. Supposing it had been the invariable practice to navigate ships of this kind, following the usual track to America, at full speed, notwithstanding ice warnings, in your opinion would a Captain who had been brought up in that trade be justified in following the practice. Now, do not answer that question if you do not like, and I will not ask it, Sir Robert, if you do not want me to ask it. If you have not formed any opinion about it I will not press you to give me an answer? - We sailors all form opinions, my Lord, like other people, but it opens such a very wide question of relationship between owners and captains, that I am not competent to answer it. I think it would be a natural thing for a captain who has been brought up in a line doing the same thing, to continue doing it. But in view

of the fact that there is wireless now, I think any accident could be avoided.

25149. Well, yes, that is quite true. If you are right in saying that the better thing would be to reduce the speed to half-speed, about 10 or 11 knots, and if you are right in saying that this berg might be approached practically without any warning to the look-out, it seems to me you would have an accident all the same, 11 knots or 22 knots; you would have to reduce it to your 4 knots? - Well, it would be better to do that.

25150. Oh, yes, I quite agree. Now I want to ask you this question. Suppose that it took this ship 37 seconds to turn her two points, and that in that time she would travel 1,300 feet - supposing those to be the facts, and the helm was put hard a starboard as soon as the berg was sighted, the berg must then have been sighted more than 400 yards off? - Yes.

25151. That would be so of course? - Yes.

(The Witness withdrew.)

The Attorney-General: There is a very short Witness I should like to take. It is not relevant to any issue which is before you except in answer to one question but it is very desirable he should state what he has to say in order to allay a considerable amount of feeling with regard to three persons whose bodies were found and it was said they had died from starvation. I only want that point cleared up.

The Commissioner: Is that something we have seen in the newspapers?

The Attorney-General: There has been a good deal said about it. I should like to call a Witness on this matter.

Dr. RIVERSDALE SAMPSON FRENCH, Sworn.

Examined by Mr. BUTLER ASPINALL.

25152. On the 13th of May of this year were you surgeon on the steamship "Oceanic"? - Yes.

25153. And on that date was she on her voyage from England to the United States? - Yes.

25154. And somewhere in the course of that day was a boat sighted and did the "Oceanic" go to it, and did you go off in one of the "Oceanic" boats to that boat? - Yes on the second visit to the boat.

25155. Very well. I do not want it in great detail. Did it prove to be an Englehardt boat? - Yes.

25155a. Did you identify it as being one of the "Titanic's" boats? - Yes.

25155b. What was in that boat? - Three bodies, a fur rug, a ring, and a lady's comb.

25156. They were dead bodies? - Yes.

25157. I think you examined them? - Yes.

25158. And you finally read the Burial Service and committed them to the deep? - Yes.

25159. Were you as a medical man able to inform yourself whether they had died from exposure or from hunger, or both? - Do you mean in the light of what I know now or of what I knew then?

25160. In the light of what you know now? - By the light of what I know now, I know those bodies had died of exposure.

25161. *(The Commissioner.)* What were they, men or women? - Three men. One evidently was a passenger, and two probably members of the crew. The passenger's body was in evening clothes, and we found his name.

25162. *(Mr. Butler Aspinall.)* There was a suggestion in consequence of something which appeared in the daily Press that you had said they had died of hunger. That is incorrect? - That is

incorrect.

Examined by Sir ROBERT FINLAY.

25163. I daresay you have seen the paragraphs that have appeared? - Yes.

25164. Stating you had come to the conclusion on examining them that they had died of starvation? - Yes, that is incorrect.

25165. It is all pure invention? - I would not say pure invention, because before we knew the circumstances of the abandonment of this boat there was that idea in my mind that they possibly had done so. Having the evidence of five people in the boat and only finding three I had it in my mind that there might have been privation.

25166. (*The Commissioner.*) There is a statement in the newspapers that there was a cork on this boat which had apparently been partly eaten. Did you see the cork? - No, it was not in the condition you think. There was powdered cork all over a good deal of the bottom of the boat attached to some of their clothing but this powdered cork had been collected - I am speaking of things which I am not absolutely cognisant of because the cork had been removed - but the cork must have been on the part which was covered by the lifebelts before they were taken off. The lifebelts were on the bodies. They were taken off before I saw the bodies.

25167. (*Sir Robert Finlay.*) My Lord has referred to powdered cork. It was said you had found these poor people had eaten cork? - No, I never found that. There was a report but I never expressed that.

(The Witness withdrew.)

Mr. Laing: Your Lordship asked Mr. Wilding yesterday to get some correspondence from Belfast, and he has done so. It is here.

The Commissioner: Very well, you can hand it to Mr. Scanlan.

Mr. Laing: I think it was Mr. Edwards.

Mr. Scanlan: I think it was Mr. Edwards who asked for it.

The Commissioner: It was your desire to have this correspondence, Mr. Edwards?

Mr. Edwards: I should like to look through it.

The Commissioner: Very well; I think you might trust it to the custody of Mr. Edwards, and he can take it home and read it.

(The correspondence was handed to the learned Counsel.)

(Adjourned to tomorrow, at 10.30 o'clock.)

In the Wreck Commissioner's Court

SCOTTISH HALL,

BUCKINGHAM GATE,

Wednesday, 19th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-SEVENTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURNE (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P., (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder, Roberts and Company) appeared as Counsel on behalf of the dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland.

(Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted

on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

MR. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Attorney-General: My Lord, I have to be away a little later and as the evidence will conclude this morning, there are one or two matters to which I would wish to direct attention. First, I would ask your Lordship to adjourn from the conclusion of the evidence until Friday morning. On Friday morning we expect to have the Captain of the "Carpathia" here, and his evidence will then close all the evidence to be put before you. It might be that he would not be available till the afternoon. As his evidence cannot affect any of my friends - as it cannot affect the interests with which they are particularly concerned - I would suggest, and I think it meets with their approval, that they should proceed with their addresses to your Lordship on Friday, notwithstanding that he may not be available at once, so that we may not lose time; as soon as he does arrive I will call him. His evidence in the main affects the address which I should have to make to your Lordship principally, because I have to deal with all the questions, but it does not affect anybody else, at any rate, very materially.

Then your Lordship was good enough yesterday to refer to a suggestion which had been made to you about a contrivance for the application of compressed air to a breach of the ship's side; and your Lordship asked us whether we had considered it. We have not in fact gone into it. We have made some little Enquiry into it, only such Enquiry as could be made from yesterday morning. What I suggest to your Lordship, subject to its meeting with your approval, is that this is a matter which should be referred also to the Bulkheads Committee when they are dealing with questions affecting the sinkability of ships, and that we should draw their attention to the suggestion which your Lordship has made, and ask them to consider it amongst their experts with other questions which are before them. I think any other plan would involve our calling a good deal of evidence before your Lordship on a subject into which we have not even yet enquired, and it would mean also that if we once proceeded upon that we should have to enquire into further suggestions that have been made. I think that that would be contravening the ruling which your Lordship gave just before the adjournment at Whitsuntide. If your Lordship approves, that is the course we propose to take with regard to that.

The Commissioner: Yes.

The Attorney-General: If your Lordship pleases.

Sir Robert Finlay: I entirely assent. I have gone a little into this matter with Mr. Wilding, and the result of what I have had from him on the subject is that I think the course which the Attorney-General proposes would be the right one.

Mr. Edwards: There is one point, my Lord. When Mr. Wilding was being examined, and the question came up as to longitudinal bulkheads, the learned Attorney-General said that they were going to call somebody from the Admiralty. I am not certain whether in view of what your Lordship indicated as to bulkhead construction going to the Committee, that intention now is abandoned.

The Attorney-General: My Lord, I will tell my friend at once. There are two considerations which affected me in not calling evidence from the Admiralty. The one, and I think the paramount consideration, is that on the whole it is not considered advisable that the Admiralty should give evidence upon this subject in a public Court. It must be obvious that it is not

advisable. And, moreover, if I may say so, your Lordship has the advantage of the assistance of those who do know what takes place, and it becomes therefore unnecessary to call that particular evidence, and in the public interest, I came to the conclusion that I could not press it.

The Commissioner: Then there is a further consideration.

The Attorney-General: Yes, your Lordship gave a ruling which decided us that in any event it would only be taking up time uselessly upon this point inasmuch as your Lordship is only going to make a general recommendation with regard to this matter, and not a specific one; and consequently I thought we ought not even to attempt to take up further time with discussions of that kind. It would involve my calling evidence as to other systems as well.

The Commissioner: Not only that, but I think the considerations which guide the Admiralty are probably quite different from those which guide the constructors of merchant vessels.

The Attorney-General: Quite, my Lord.

Mr. Edwards: May I say at once that that is an explanation entirely satisfactory.

The Attorney-General: Very well. Then there are one or two matters I should like to deal with. There is the table I referred to.

The Table was handed in, and is as follows: -

BOAT ACCOMMODATION ON GERMAN PASSENGER STEAMERS.

STATEMENT, showing the provision of Boat Accommodation on certain large German Transatlantic Passenger Steamers, forwarded to the Board of Trade by the President of the See Berufungsgenossenschaft at Hamburg. The additions to the Table made at the Board of Trade for the purpose of showing the cubic capacity of the boats in cubic feet, and the percentage of persons allowed to be carried, who could be accommodated in the boats, are shown in italics (2.832 cubic metres = 100 cubic feet).

Name of Vessel.	Gross Tonnage	Minimum Number of Passengers allowed.	Crew Carried.	Total Persons On Board.	Boats.									
					31st March, 1912.					29th May, 1912.				
					Cubic Capacity		Persons Accommodated.		Cubic Capacity.		Persons Accommodated.			
					Number.	Cubic Meters	Cubic Feet.	Number	Percent	Number	Cubic Meters	Cubic Feet	Number	Percent
"George Washington"	25,570	2,476*	585	3,068	36	598.20	21,122	2,279	74	40	648.60	22,902	2,498	81
"Kaiserin Auguste Victoria"	24,581	2,762†	596	3,378	35	618.95	21,855	2,201	65	57¥	773.70	27,319	3,074	91
"Amerika"	22,622	2,857†	577	3,434	30	301.52	17,709	1,895	55	58§	850.21	30,021	3,213	94
"Berlin"	17,824	2,490*	402	3,092	24	393.23	15,885	1,489	48	39	574.77	20,295	2,278	74
"Kronprinzessin Cecilie"	19,503	1,412*	708	2,120	28	423.77	14,963	1,578	74	32	476.28	16,817	1,784	84
"Kaiser Wilhelm II."	19,361	1,477*	679	2,156	28	416.07	14,691	1,544	72	32	472.68	16,860	1,825	85

* Norddeutscher Lloyd Vessel. - This number is in compliance with the maximum number of berths fitted in the above steamer, but does not accord with the passenger certificate.

† Hamburg Amerika Line Vessel. - According to passenger certificate.

¥ When leaving Hamburg, 16th May. Number of passengers and crew carried on board, 2,980 persons.

§ When leaving Hamburg, 2nd May. Number of passengers and crew carried on board, 2,995 persons.

The Commissioner: Mr. Edwards, Mr. Scanlan and the other gentlemen - what I call the other side - should have copies of this document.

The Attorney-General: Yes, my Lord, I want to call attention to this document which is agreed between us. It is the table of boat accommodation on German passenger steamers. I referred earlier to it. I told you we had agreed to it, and I will call your attention to specific figures in it. Your Lordship will see first of all it contains the names of six of the large German liners, with their gross tonnage, with the maximum number of passengers they are allowed to carry; then the crew they carry, giving the total number of persons they can carry on board each of these vessels.

Then, my Lord, there are two further columns. One shows the number of boats and the persons who could be accommodated in those boats for the period up to the 31st March, 1912, and gives also in the last column of that table in italics the percentage of persons who could be accommodated. The next column is for the same vessels on the 29th May, 1912, when according to the German requirements there have been very important additions made, so that we may see

now what the position was on the 29th May, 1912, with regard to these same vessels, the number of boats and the percentage of boatage accommodation for the persons on the vessels. The point of it, as you will see, is that, according to the requirements before the 31st March, 1912, the percentage is as low as 48 percent boatage accommodation for persons carried. That is in the "Berlin."

The Commissioner: And that is the smallest vessel.

The Attorney-General: And it is the smallest vessel, 17,324 tons, carrying 3,092 persons; 24 boats, with boatage accommodation for 1,489, giving a percentage of 48 percent. The increase after the "Titanic" disaster, on the 29th May, 1912, was from 24 to 39 boats, cubic capacity in feet from 13,885 to 20,295; persons accommodated 1,489 in March, to 2,278 in May, and the percentage, therefore, of persons accommodated in May of 1912 was 74 percent, as against 48 percent before the "Titanic" disaster. That is the best instance. I need not go through them all. I take that as a typical instance and as the best, because it had the lowest percentage of boatage accommodation before March, and there has been a large increase. Your Lordship will observe from that that even now, at the present date, after the "Titanic" disaster, the total number of persons accommodated, according to the German requirements, is 74 percent, only of those on board.

The Commissioner: No; 74 percent, of those that are permitted by law to be carried.

The Attorney-General: I think I will take it at that; yes. I think it is because of the asterisk there to it.

The Commissioner: I notice, Mr. Attorney, that the boat accommodation appears by these figures to be regulated as it is with us, according to tonnage.

The Attorney-General: Yes.

The Commissioner: And not according to numbers carried.

The Attorney-General: Yes, that would be in accordance with the requirements to which I called attention earlier.

Sir Robert Finlay: I do not know whether the Attorney-General can supply it, probably not, but with regard to this that was done in May, after the "Titanic" disaster, do the figures represent what was voluntarily done, as, for instance, in the case of this country in the "Olympic" - the increase in the number of boats; or does it represent what is done under any Government requirement; if so, I think it would be desirable to have the requirement.

The Attorney-General: I understand from the Board of Trade, Sir Robert, that, in fact, the increase was voluntary. There are no new requirements; but in consequence of the disaster, as was done in this country, all liners did certainly make very great efforts to supply greater boatage accommodation.

Sir Robert Finlay: There is one other observation, and only one, I wish to make about this; it does not show the number of boats under davits.

The Attorney-General: No, it does not do that.

The Commissioner: I was told that since the "Titanic" disaster there had been some alteration in the law in the United States by which every passenger ship was required to carry sufficient boat accommodation for everybody on board.

The Attorney-General: I thought it was a recommendation, my Lord, but not a law yet.

The Commissioner: I did not understand that, but certainly within the last few days I have seen in the newspapers that that recommendation had been approved by the authorities in New York, and might be regarded now as one of their Rules and Regulations corresponding with the Rules and Regulations of our Board of Trade.

The Attorney-General: I did not know whether it had got to the effective stage, but in any event it had, I think, so far as to indicate what would be done.

The Commissioner: But, then, I do not know what that means, whether it is a Rule applying to ships flying the United States flag or whether it is a Rule which would preclude any foreign vessel entering a United States port unless it complied with those Rules.

The Attorney-General: There is the question of reciprocity.

Mr. Scanlan: I asked a question with regard to this.

The Commissioner: I think it was you who drew my attention to it.

Mr. Scanlan: I asked a question on the Rules of the Department of Commerce and Labour of America, and I would like your Lordship to look at this. These are Rules actually in force, I am given to understand. This was issued on the 27th April, 1912.

The Commissioner: That is what I was referring to; it is something later.

Mr. Scanlan: Yes, it is later - the 27th April.

The Commissioner: When was the date of the American Report? It was last month?

The Attorney-General: I should like to see that document which Mr. Scanlan has.

The Commissioner: What is that pamphlet you have in your hand, Mr. Scanlan?

Mr. Scanlan: It is the official American Regulations, my Lord. (*The same were handed to the Attorney-General.*)

The Attorney-General: I see this is "General Rules and Regulations prescribed by the Board of Supervising Inspectors as amended January, 1912, and as further amended by action of the Executive Committee of the Board of Supervising Inspectors, April 26th, 1912." They are the requirements as amended.

The Commissioner: What date is that last?

The Attorney-General: April 26.

The Commissioner: That is the document Mr. Scanlan referred to. I understood from what I read in a newspaper - perhaps I ought not to refer to newspapers - that it had recently been made a law in the United States. I do not know how they make these things laws, whether they are laws by being regulations, or whether there has to be some legislation about them.

The Attorney-General: I should gather from this that the Executive Committee has the power of amending the Rules.

The Commissioner: I fancy so.

The Attorney-General: And from this it must be so.

Mr. Scanlan: It corresponds somewhat to the Board of Trade.

The Attorney-General: I think so.

Mr. Scanlan: It is the same as the Board of Trade here.

The Commissioner: That is to say, they can make Rules which have the effect of laws.

Mr. Scanlan: Yes, my Lord. Your Lordship asked for the date of the American Report, and it is the 28th of May of this year.

The Commissioner: I think there was something that took place after that date.

Mr. Scanlan: I am not in possession of any information as to that.

The Commissioner: Have you heard of any, Sir Robert?

Sir Robert Finlay: I take it that the regulation of the 27th of April would not apply to vessels flying the British flag.

The Commissioner: That is what I want to know.

The Attorney-General: I am not so sure about that.

The Commissioner: Are they regulations which apply merely to American ships.

Sir Robert Finlay: It would seem very remarkable if any Executive Committee had any authority to make regulations which would affect foreign vessels.

The Commissioner: What occurred to me was this: it might make a regulation that no ship which did not meet their requirements should enter their ports.

Sir Robert Finlay: No doubt it might, but my observation is that it is very remarkable if such a power as that were given to an Executive Committee.

The Attorney-General: We know how it is. Under a reciprocal agreement between the United States and this country, to which reference has been made, the United States is satisfied with the compliance of British vessels with the requirements of the Board of Trade, and we do the same with regard to the United States in this country. Those are reciprocal agreements.

The Commissioner: And those agreements, I should think could only be altered by a treaty.

Sir Robert Finlay: The reciprocal treaty is still in force.

The Attorney-General: This Executive Committee cannot alter the reciprocal agreement between the United States and this country.

The Commissioner: I think it is cleared up. I do not think we need discuss it any further.

Mr. Scanlan: I may say, with reference to the American Report, this matter is referred to at page 18: By statute the United States accepts reciprocally the inspection certificates of foreign countries having inspection laws approximating those of the United States. Unless there is early revision of inspection laws of foreign countries along the lines laid down hereinafter, the Committee deems it proper that such reciprocal arrangements be terminated, and that no vessel shall be licensed to carry passengers from ports of the United States until all regulations and requirements of the laws of the United States have been fully complied with."

Sir Robert Finlay: That makes it clear that it is as your Lordship said; it is a recommendation for a modification.

The Commissioner: And now, Sir Robert, you have made an observation with regard to this Table put in this morning, that it does not distinguish between boats carried under davits and collapsible boats.

Sir Robert Finlay: It does not; and I take it it would be impossible, at all events at present, to get the information.

The Attorney-General: Yes.

The Commissioner: There is another matter to which I am very anxious your attention should be directed. I mentioned it some days ago. I should like to know what liners were traversing this region on or about the date of the 14th April, and I should like to know at what speeds they were traversing the region. I mentioned it some time ago, and my reason is this: I shall have to consider at the proper time whether Captain Smith was guilty of negligence or merely guilty of an error of judgment, and I think my opinion on that matter will be greatly influenced by the conduct of others, other experienced navigators traversing the same district at the same time.

The Attorney-General: Of course, you must add something to that, my Lord, must you not, to make the comparison - and receiving ice reports of a similar character?

The Commissioner: Oh, of course. I assume - I do not know it - that liners traversing this region on or about that day would receive similar advices to those that were received by the "Titanic."

The Attorney-General: Yes, enquiries have been made. I was just going to refer to it when your Lordship mentioned it. I have the document in my hand which enabled us to make some answer to it, but I am afraid it is by no means complete. Several lines have not answered at all.

The Commissioner: I daresay they would not.

The Attorney-General: I think there is some objection, or, at any rate, I can quite conceive there is some objection, to giving their sailing instructions and stating what happened. But I have it from some. The lines from which I have answers I am going to call your Lordship's attention to now.

The Commissioner: Have you any German boats?

The Attorney-General: No; we wrote to them, but we have had no reply to both the Hamburg-

Amerika and the Norddeutscher.

The Commissioner: I should like to have copies of the letters, because the absence of an answer to the letters would have a significance in my mind.

The Attorney-General: I will read your Lordship the letter that was sent round to all the various Liner Companies, including the German and one of the French. It is on the 6th June, 1912, from the Board of Trade: "With reference to the Enquiry now proceeding into the 'Titanic' disaster, I am directed by the Board of Trade to inform you that they have been requested by the Court to obtain information from the leading British (and German) shipping companies engaged in the North Atlantic passenger trade respecting (a) the westward-bound vessels which received on or about the 15th of April wireless or other messages similar to those received by the 'Titanic' regarding the presence of field ice or icebergs in their vicinity."

The Commissioner: Why not the 14th?

The Attorney-General: I do not know why they said the 15th, but obviously it would cover it, and the answers show it does. "(b) The speed at which they were travelling, and (c) the precautions, such as alteration of course, or diminution of speed, adopted by the Master of the ship in order to avoid danger."

The Commissioner: If these gentlemen have omitted, or do not desire to answer for some reason (I can understand it, I am not in any way blaming them), the information can be obtained in another way, not so satisfactorily, it is true, but it can be obtained in this way - by ascertaining when these vessels left their ports of departure and when they arrived.

The Attorney-General: We can do that, but I do not know whether your Lordship would think that would give you the information.

The Commissioner: Well, if I found that American liners travelling through that region at this particular time kept their time, arrived at the ordinary time, I should draw the conclusion that they had not slowed down, at all events, for any length of time.

The Attorney-General: Yes.

Sir Robert Finlay: Of course, it might involve a good deal of investigation into each particular case.

The Commissioner: Of course it would. It is very rough.

Sir Robert Finlay: Your Lordship will recollect that in the case of the "Titanic" they had intended not to keep up their speed, but to arrive in the evening.

The Commissioner: I know that; for the convenience of the passengers, I think it was.

Sir Robert Finlay: Yes.

The Attorney-General: In order to make it quite clear, I think when I said just now the German Lines have not answered, that is not quite accurate. They have answered, but they have not supplied us with the information. They have said that they will furnish the information as soon as it can be obtained.

The Commissioner: Well, that is a very reasonable answer.

The Attorney-General: Yes, I have not got the answer.

The Commissioner: I daresay they have to wait until they can inspect the logs.

The Attorney-General: Quite so; and the Norddeutscher also say they have to get their information from the head office at Bremen. At any rate, we shall have it according to the promise made, and as soon as it is obtained it can be supplied to your Lordship.

The Commissioner: I am very glad they have taken up that position.

The Attorney-General: We only wrote to the Hamburg-Amerika Line and the Norddeutscher Line, and they replied at once, saying they would furnish the information as soon as it could be obtained.

The Commissioner: Have you, Mr. Scanlan, or Mr. Edwards, any information bearing upon

this subject.

Mr. Scanlan: I have not, my Lord.

Mr. Edwards: I have not, my Lord.

The Commissioner: Because when you come to address me I should like you to direct your attention to this question as to the blame that is to be fixed upon the Captain. I am very anxious not to fix blame upon a man who cannot be here, unless it is very clearly proved, and I want, therefore, to get out everything that can be reasonably regarded as explaining his conduct.

Mr. Scanlan: Yes.

The Attorney-General: We have some information that will be laid before the Court from various lines - the Leyland, the Anchor, the Canadian Pacific and the Allan Line - information which we can give you, and also from the Cunard.

Sir Robert Finlay: I am afraid this will want a good deal of probing. I take only one case, the "Mauretania." We are told that on approaching ice regions she deviated to the Southward - I am informed that she deviated to the Southward, because she got a wireless message as to alteration of the track.

The Attorney-General: I think that is highly probable.

The Commissioner: But when did she get that?

The Attorney-General: Only after the "Titanic" disaster.

The Commissioner: It must have been after it.

The Attorney-General: That is the explanation.

The Commissioner: That would be of no importance whatever to my mind, Sir Robert. If it has any significance it is rather in your favour than otherwise, but I do not think it has any real significance.

Sir Robert Finlay: It very much qualifies it.

The Commissioner: I regard you as representing the Captain.

Sir Robert Finlay: Yes, I do, my Lord.

The Commissioner: Very well. I regard you as representing the Captain, and if you object to this, what I call an irregularity, then I will not do it.

Sir Robert Finlay: I should ask before anything of the kind is admitted, we should have the opportunity of examining the letters upon which this Table is based, and seeing what these letters show on their face.

The Attorney-General: You have them.

Sir Robert Finlay: And we must also see the logbooks. I do not think this is satisfactory. As things at present stand I object to it.

The Attorney-General: I do not mind what happens to it.

The Commissioner: If Sir Robert tells me he objects to it, it is not, in my opinion, evidence in the proper sense of the word, and if it is objected to I will not accept it.

Sir Robert Finlay: We will assist the Court in every way in our power, but we must see the logbooks and we must see the correspondence.

The Attorney-General: If that is to happen, if your Lordship thinks it is of importance that you should have them, we will take care it is put before you in regular form. I cannot do anything more. We have got it in accordance with the Court's desire. There is the evidence, or, at any rate, the information which we have got.

The Commissioner: I will explain to you the significance which I think it has. If a number of experienced men who traverse the ocean, as Captain Smith did, are found to have been doing precisely what he did, it would be a very difficult thing for me to say that he was guilty of negligence. An error of judgment is a different thing altogether.

The Attorney-General: I do not want to argue it now, but your Lordship has to take into

account some other considerations. It may be, and sometimes is, the case - it is quite necessary to put this view - that lines that are running in competition run unnecessary risks.

The Commissioner: Yes.

The Attorney-General: And the question is whether in this case, although they have all done the same thing, it was still an unnecessary risk.

The Commissioner: Yes.

The Attorney-General: And a negligent act, in view of the freight they carried.

The Commissioner: You mean the lives they carried.

The Attorney-General: Certainly, the number of passengers.

The Commissioner: You can imagine every man in the trade has been negligent for the last 20 years, but I should be much more disposed to say that a man who has followed the practice that has existed so long is guilty of an error of judgment.

The Attorney-General: There are so many considerations to apply to this particular case.

The Commissioner: I am not arguing it. I am only mentioning to you the consideration that I think might be given to these facts and figures if they can be procured.

The Attorney-General: The only thing I want to know is, where we are. Am I or am I not to proceed with this Enquiry in order to deal with the request which your Lordship made? We have done it as far as we possibly can, and we are waiting for the further documents. If objection is to be taken to it, and your Lordship rules it out, then of course we will go no further. If on the other hand your Lordship thinks it of importance that you should have it then we must take steps, and we must call evidence properly before you and take care to subpoena the owners to produce the logbooks and get all the material before the Court.

Sir Robert Finlay: What I said was, I object to it at present. We will give every help in our power to the Court, but it is absolutely essential that before a statement of this kind goes in, we should see not only the letters which are written, on which the statement is based, but also the logbooks of the several vessels.

The Commissioner: I quite agree.

Sir Robert Finlay: Subject to that, we will cooperate in every way in our power.

The Attorney-General: That does not really meet the difficulty. If my friend wants to see the logbooks of the vessels we cannot get them except by subpoena.

The Commissioner: You talk about subpoenaing these gentlemen to produce the logbooks, but you must remember these are German ships.

The Attorney-General: There are only two German ships, and there are a number of other lines we have to deal with. Of course, I cannot get the German ships. I am not thinking of them for the moment, but so far as they are concerned they may give them. I do not know. We have asked for them, and they have said they will supply us with all information, but have not specifically dealt with the logbooks. On the other hand, there are companies which have answered and have given us the information, but do not answer with regard to logbooks. If we want to get those logbooks we have to bring them before the Court, and we should have to subpoena the companies to produce them. That is the only way we can get them. If that is required it must be done, and we cannot treat the evidence as concluded; that is all.

The Commissioner: All I can say at present, Mr. Attorney, is this: proceed to get the evidence; try to get it together, but do not let the Enquiry be delayed for the want of it. I think we had better, on the whole, go on, although the evidence may not be gathered together in such a way as to satisfy Sir Robert. If it is not, I shall not accept it. But still I think it would be desirable to get the evidence if you can, so that you may show it to Sir Robert, and if he chooses he can allow it to go in. If he does not choose, he can object. Perhaps you would not like that.

The Attorney-General: No, I object to that.

The Commissioner: Yes, I can see why, because it would mean giving him the opportunity of letting it in if it favours his case, and of excluding it if it does not.

The Attorney-General: Yes. Of course I represent no party, I am here merely for the purpose of putting the matter before the Court.

The Commissioner: Sir Robert does represent a party. You do not.

The Attorney-General: If the Court wants the information I can see how it can be got, but, at the same time, as I say, it will take a little time, and the one thing that would be impossible is for me to say that the evidence will be concluded today with reference to it. I must leave it there. I cannot do anything else.

Sir Robert Finlay: We will give every help in our power, and we will make these investigations as soon as we get the materials, and we will go as far as we can if there is any difficulty in getting the logbooks.

The Attorney-General: You have the letters; all the information that we have my friend has. He is probably not aware of the fact, but all the letters that are referred to from which that is collected, are in that bundle.

Sir Robert Finlay: I did not know they were all there; I see there are some.

The Attorney-General: All that I have are there.

The Commissioner: There is really only one question: "Did you in consequence of ice reports slow down?" That is the only question.

The Attorney-General: And that makes it necessary that I should formally put in the *proces-verbaux* of all the various vessels which were in the vicinity during these material days. It has been prepared in consequence of a request which was made by your Lordship earlier, but owing to what your Lordship said yesterday as to the "Baltic" message and the "Caronia" message affecting it I do not think it necessary to go further.

The Commissioner: I did not intend to qualify in the least what I said yesterday.

The Attorney-General: Therefore I do not proceed with it, but I do think we ought to have the *proces-verbaux* in, in case we have to refer -

The Commissioner: To what was said in the messages.

The Attorney-General: Yes, to what ice reports were received by a particular vessel. It may or may not become necessary, but we had better have it.

The Commissioner: I should have thought not. Then I shall consider the evidence is not formally closed, but that it is closed subject to this question of the course adopted by other steamers in similar circumstances at the same time.

The Attorney-General: Yes.

Sir Robert Finlay: Yes.

The Attorney-General: There are five Captains whose proofs we have, which have been supplied by the White Star Line, and whose evidence they have asked us to put before the Court. They are here today, and we shall call them. It is similar evidence to that which you have already had of four Captains, but I will call it as my friend thinks it right. The only reference I want to make further is this. Your Lordship asked for an analysis of the emigrants from Queenstown. That is being prepared, but it will be agreed so that your Lordship can have it on Friday as an agreed list. It will save discussion about it. You will not want it before that. The only other matter is with reference to the questions, which I would like to deal with at once.

The Commissioner: Are you going to suggest other questions?

The Attorney-General: There are two alterations that I want to make. One is in Question 21. This is a mere limitation. It is only because, as the question stands, it goes much further than the Enquiry should. Your Lordship will see in Question 21: "How many lost their lives?" There should be added: "Prior to the arrival of the 'Carpathia' in New York." It is a mere limitation of

time. There is no importance in it.

The Commissioner: I will tell you at once I should not have attempted to answer it in any other way.

The Attorney-General: I knew your Lordship would not, but I thought it was better to limit it in form.

The Commissioner: Yes, quite right.

The Attorney-General: The other question is Question 24: "What was the cause of the loss of the 'Titanic', and of the loss of life which thereby ensued or occurred?" To that I propose to add this question: "What vessel had the opportunity of rendering assistance to the "Titanic," and, if any, how was it that assistance did not reach the 'Titanic' before the 'Carpathia' arrived?"

The Commissioner: Will that involve my dealing with the "Frankfurt."

The Attorney-General: Well, only a reference. It is quite simple, I think. The only one that gives any difficulty with regard to this - any examination - is the "Californian." As to the "Mount Temple," you have the evidence about that. That question will cover the "Californian."

The Commissioner: Yes.

The Attorney-General: Those are all the additions that I want to make.

Sir Robert Finlay: I understand, my Lord, that it has been arranged that my friends who appear for the various parties admitted by leave will address the Court first.

The Commissioner: The course that I understand is to be taken, and which I should approve, is that Mr. Scanlan should begin, and deal with this case. Then I shall ask Mr. Edwards, and I hope that Mr. Edwards will be able to obtain the consent of some of the gentlemen to his dealing with their arguments whatever they may be. Will you do that, Mr. Edwards?

Mr. Edwards: Yes, I can already say, my Lord, that Mr. Cotter agrees.

The Commissioner: I shall listen to Mr. Scanlan first, as he has been, as a Rule, the first Counsel to examine the Witnesses, and then I shall call upon you, Mr. Edwards, and I want as many of the gentlemen who appear on that side of the Court as can be induced to do it, to entrust the case, so far as they are concerned, to you, so that you may deal, not only with your own arguments, but with theirs. It is in order to save some of the speeches. And then after I have listened to you there is a gentleman over there whom I have not seen for quite a long time, Mr. Lewis, and he is not here now.

Mr. Edwards: I can already tell your Lordship that, acting upon a suggestion, Mr. Cotter has asked me to address your Lordship upon those points which otherwise he would have had to address you upon, and I believe I shall be able to make the same statement, from information which has been conveyed to me, with regard to Mr. Lewis. As to the others, I will put myself into communication with them.

The Commissioner: Do as much as you can. I daresay Mr. Harbinson (I say this because I think it) would desire to address me himself. Then there is Mr. Dunlop, who appears for the "Californian," and I think I must listen to him, as I do not think he can leave his case in anybody else's hands. And then after I have dealt with all those, then, Sir Robert, I shall ask you to address me, and finally the Attorney-General.

The Attorney-General: Yes, my Lord.

Sir Robert Finlay: Then my friend, Mr. Laing, my Lord -

The Commissioner: Mr. Botterell, do you want to speak?

Mr. Botterell: No, my Lord, I do not think I can usefully employ the time of the Court by any observations.

The Commissioner: That is the best speech I have heard for some time.

Mr. Scanlan: I understand Mr. Holmes said he would like to address your Lordship. He is not here at the moment.

The Attorney-General: Mr. Wilding has to be called on the turning circle, and also I propose to get from him something else -

The Commissioner: There are two things Mr. Wilding must formally do. I understand he has made a diagram to show the space in which the vessel could turn.

The Attorney-General: Yes.

The Commissioner: I want him to come into the box and prove that diagram. Then there is another diagram which he produced showing what the condition of the "Mauretania" would have been having had a similar accident to that which happened to the "Titanic."

The Attorney-General: Yes.

The Commissioner: I do not know that it will be of much value, but still he has prepared it, and I should like him to put it in.

The Attorney-General: The only thing which I think would be useful if he did - he has done it at my request on the model, and I want him also to put it on this sectional plan - is to indicate the spots at which, according to the evidence, there was water found. It is so much easier to see it than merely to describe it.

The Commissioner: It will be very useful to me.

The Attorney-General: He has done it on the model, but I think it would be better on the sectional plan as well.

Mr. Edwards: There is one matter I am not quite clear upon. Your Lordship has had a discussion as to the question of possible negligence or error of judgment on the part of Captain Smith; I understand your Lordship said that we may conclude the Enquiry subject to that question. The point I want to ask your Lordship is this: Though your Lordship may keep open your judgment on that point, whether those who are addressing your Lordship are also to leave the matter over or whether we are to deal with it as far as we can on the basis of the evidence already before the Court.

The Commissioner: I will tell you, Mr. Edwards, how it occurs to me. You and Mr. Scanlan and others are no doubt concerned generally in the question of this calamity and how it happened and who is to blame; but you are more particularly concerned in the matters that you so closely examined the Witnesses about - boats, watertight bulkheads, and the construction of the ship. Those are matters that it appears to me you are more closely concerned with. At the same time I do not mean to say that you are not also concerned with the question of blame, if any, to be imputed to those who were navigating the ship; and therefore you will have to address yourselves, but I hope not at any great length, to that question. There is, of course, a very important distinction between what I call an error of judgment and negligence. You cannot have a better illustration of it than something that has happened in the evidence in this case. You remember, I daresay, that Mr. Wilding said that in his opinion if this vessel had gone stem on to the ice it would have been better for the lives of the people than if she had starboarded her helm and so torn a rent in her side for some distance aft. As at present advised, assuming Mr. Wilding's view to be correct (I am far from saying that his view is correct) and that what the man at the helm was told to do was wrong, I should be very loth to say that such a direction given to the man at the helm was negligence. It was a mistake, possibly, but a mistake and negligence are very different things. I give you that as a sort of illustration.

Mr. Edwards: Yes, my Lord.

The Commissioner: I am told, Sir Robert, and you can tell me if it is right - I did not know it - that it is not the practice to find negligence against a dead man. Is that so?

Mr. Butler Aspinall: I have never known a case, and I have always known this, that the Court has shown the greatest reluctance to accede to any such suggestion.

The Commissioner: That is what I feel. I feel the greatest reluctance to finding negligence

against a man who cannot be heard.

Mr. Butler Aspinall: That is the point, my Lord. He has no opportunity of giving any explanation. He is a man with a good record.

The Commissioner: But if there is a fixed practice, of course, I am relieved of the difficulty altogether.

Mr. Butler Aspinall: Mr. Laing will, I think, agree with me; I cannot say it has been laid down as a fixed practice, and I really do not know a case in which the Captain or the officer in command has been lost, but there have been a good many enquiries in my experience, and I have never known a case in which the Court has found a dead man guilty of negligence, and I think I am right in saying I do not know a case in which it has been invited to do so even by adverse interests. The parties and the Court have always been very tender to the good name and the honour of a dead man.

The Commissioner: You heard what Mr. Aspinall says, Mr. Edwards?

Mr. Edwards: Yes, my Lord.

The Commissioner: And you heard it, Mr. Scanlan?

Mr. Scanlan: Yes, my Lord. There was a suggestion in the course of the Enquiry that the look-out men were to blame, and, of course, on that point, in exonerating them, I shall have to make some remarks generally on the question.

The Commissioner: Different considerations arise in connection with them, because both of them are alive and have been heard.

Mr. Edwards: At this point may I ask formally for the production of the certificate of approval issued by the Board of Trade for the "Titanic," that is the certificate of approval which shows the point at which the loadline disc had to be placed according to the Board of Trade.

The Commissioner: Has not that been put in?

Mr. Edwards: I am told that it has been handed to your Lordship, but it is not in the proceedings.

The Commissioner: Is it not on the Note?

Mr. Edwards: I am not able to trace it, my Lord.

Mr. Butler Aspinall: You shall have it.

The Commissioner: Take care that Mr. Edwards has it.

Mr. Butler Aspinall: Yes, he shall have it at once.

Mr. Edwards: We may take it it is in, because I shall want to use it.

Mr. Butler Aspinall: With regard to these sea captains, they are very short, and I propose to call them at once. They are very anxious to get away. And then, after that, I will put Mr. Wilding into the box.

JOHN PRITCHARD, Sworn.

Examined by Mr. BUTLER ASPINALL.

25168. Do you hold a Master's certificate? - Yes.

25169. Is it an Extra Master's? - No, an ordinary Master's.

25170. I believe your last command was the "Mauretania," was it not? - Yes.

25171. When did you leave her? - Two years last Christmas.

25172. I believe for 18 years you have commanded Cunard steamships sailing between Liverpool and New York? - Yes.

25173. Have you heard the evidence in this case with regard to the weather conditions which existed when the "Titanic" struck? - Yes.

25174. You know them? - Yes.

25175. Now what practice did you follow with regard to maintaining your full speed or reducing your speed, assuming similar conditions, and assuming you had information that there was a probability of your meeting ice on your course? - As long as the weather is clear I always go full speed.

25176. You always have done so? - Yes.

25177. What was the speed of the "Mauretania"? - 26 knots.

Examined by Mr. SCANLAN.

25178. Tell me this, Captain: Do you under any circumstances at night double the look-out? - In fog only.

25179. If on a night when you experienced some difficulty in seeing, you found, although the night was clear, it was more difficult to see than at other times, would you have doubled the look-out? - Oh, yes.

25180. Very well. If you doubled the look-out, where would you station the extra look-out men? - One on each bow.

25181. One on each bow? - Yes.

25182. Of course you had a crow's-nest? - Yes.

25183. Had you two in the crow's-nest as a Rule? - Yes.

25184. During the nighttime, when you expected to meet ice, would you then, in accordance with your practice, double the look-out? - Not if it was clear weather.

25185. But if you experienced any difficulty at all? - If it was hazy, yes, I should double the look-out at once.

25186. If there was any difficulty at all in seeing would you reduce your speed? - Well, if it was hazy, yes.

25187. If it was a flat calm and you expected ice - you were warned of ice and knew you would meet ice in the course of the night - would you double the look-out? - No, as long as the weather is clear.

Examined by Mr. CLEMENT EDWARDS.

25188. Have you, in your Sailing Directions, any instructions as to what you are to do in an ice-field? - No, I do not think we have, because I never got into an ice-field. We do not go North, you know; we go on the Southern tracks this time of year.

25189. There are no instructions at all. You have, of course, been through ice? - No.

25190. (*The Commissioner.*) Have you never seen an iceberg? - I have seen them, my Lord, yes.

25191. How far off? - Sometimes two or three miles, sometimes 10 miles.

25192. Have you never passed close to an iceberg? - No, not nearer than two miles.

25193. (*Mr. Edwards.*) In your instructions as to going on the Southern course is there anything said there as to avoiding ice? - No.

25194. No reference at all in your printed instructions as to ice? - No.

25195. You have to use your own discretion? - Yes.

25196. (*The Commissioner.*) You followed the same course, as I understand, on the

"Mauretania" as the "Titanic" took? - Yes.

Examined by Mr. COTTER.

25197. Is it not the custom in the Cunard Company for every man to have a boat station? - Yes.

25198. A bulkhead door station? - Yes.

25199. And fire station? - Yes.

The Commissioner: You cannot begin all this over again.

25200. (*Mr. Cotter.*) I want to show the contrast, if you will allow me. (*To the Witness.*) Every man receives a boat badge in the Cunard Company? - Yes, quite right.

25201. You have boat drill before you leave port on sailing day? - Yes.

25202. Have you ever had any difficulty in getting any members of the crew to attend boat drill? - Not in my time.

25203. (*The Commissioner.*) Have you heard of difficulties since your time? - I believe they have had, but not in my time; we had no difficulty, none whatever.

25204. (*Mr. Cotter.*) Have you ever had any difficulty with firemen coming to boat drill? - No.

25205. (*The Commissioner.*) Have you heard of difficulty since? - Yes, I have.

25206. (*Mr. Cotter.*) You never heard of it in your firm? - No.

25207. In the Cunard Company, how long would you call a reasonable time to get the boats out and the covers off and swung out? - Six minutes.

25208. That is with a properly disciplined boat crew? - Yes.

25209. Is it the custom to have bulkhead door drill every day? - Yes, at sea.

25210. At 11 o'clock? - At 12 o'clock.

Examined by Sir ROBERT FINLAY.

25211. For the last two years I think you have retired from the sea? - Yes.

25212. For the 18 years before that you were in command of Cunard boats? - Yes.

25213. And you have been at sea altogether 30 years? - More, 51 years at sea.

25214. You have been at sea for 51 years, or had been before you retired? - Yes.

25215. (*The Commissioner.*) What age are you? - 67, my Lord.

25216. (*Sir Robert Finlay.*) And you have had, I think, a Master's certificate for 37 years? - Yes.

25217. You told us your practice as to speed when ice was reported or you were in an ice region; did you also hold your course? - Always, if it is clear weather.

25218. You have kept your course in clear weather, and maintained full speed? - Yes.

25219. And was that the universal practice in your experience? - Yes.

My Lord, a point was raised, and some time was spent, about binoculars. If your Lordship thinks it worthwhile I will ask it.

The Commissioner: Unless Mr. Scanlan tells me I ought not to do it, I will now express my opinion about binoculars.

Mr. Scanlan: I will submit to judgment now, my Lord.

The Commissioner: Very well. Then the judgment is that binoculars are not desirable in the crow's-nest.

(The Witness withdrew.)

HUGH YOUNG, Sworn.

Examined by Mr. BUTLER ASPINALL.

25220. You are a retired master mariner? - Yes.
25221. And you hold an Extra Master's certificate? - Yes.
25222. For 37 years did you command steamers in the Anchor Line? - Thirty-seven years.
25223. In such position were you travelling backwards and forwards between Glasgow and New York? - For 35 years I was travelling across, all that time.
25224. Are you familiar with ice-fields and icebergs? - Quite.
25225. Do you know the weather conditions which existed when the "Titanic" struck the iceberg? - I understand it was a dead calm.
25226. It was a dead calm; it was a clear night? - Yes.
25227. No sea? - No sea.
25228. And no moon. Now assuming those to be the conditions, and assuming that you had had information that there was a probability that you might be travelling through a region of the sea at night where you might meet icebergs, would you or would you not reduce the speed of your vessel? - No, sir.
25229. What was the fastest vessel you ever commanded? - The "City of Rome," 17 knots.
25230. One other matter. With regard to look-out at night, when you have been informed that you may be passing icebergs, what provision did you make for your look-out under such circumstances? - The same as other times, as long as it was clear - two men in the crow's-nest.
25231. You had two men in the crow's-nest? - Yes, I had two men in the crow's-nest.
25232. And nobody on the stem head? - Not when it is perfectly clear.

Examined by Sir ROBERT FINLAY.

25233. Captain Young, if ice were reported, would you keep your course, as well as maintain your speed, in clear weather? - I should keep my course and maintain my speed.
25234. How many years were you in the New York trade, crossing the Atlantic? - About 37 years.
- The Commissioner:* Just direct your attention, Sir Robert, to field ice, as well as icebergs.
25235. (*Sir Robert Finlay.*) If your Lordship pleases. (*To the Witness.*) Suppose you were told there was field ice, would your practice be the same, or different? - Just the same.
25236. Has that been the universal practice in the trade as long as you have known it? - As far as I know, yes.
25237. All ships have done so? - I think so.
25238. Now, just one question with regard to the change of temperature. A good deal has been said about a change of temperature, it becoming colder, indicating you were approaching icebergs or ice. What do you say about that? - I do not think it is any indication. The temperature indicates a colder current and no more.
- The Commissioner:* It stands thus on the evidence at present, that it may be an indication and it may not be.
25239. (*Sir Robert Finlay.*) What do you say about that, Captain Young? - I say the change in temperature tells you you are getting into a colder current. There may be ice and there may not be.
- The Commissioner:* And it may be due to ice and it may not be due to ice.
25240. (*Sir Robert Finlay.*) What do you say to that?

The Witness: I say the same thing.

25241. Have you been in the Montreal trade as well? - No.

[NOTE: The original inquiry transcripts included Questions 25242 to 25253 as part of Hugh Young's testimony. However, after careful consideration of the testimony it was determined that this data actually constitutes the opening testimony of William Stewart, who followed Mr. Young on the stand. Therefore, the decision was made to move the testimony into its proper place.]

(The Witness withdrew.)

WILLIAM STEWART, Sworn.

Examined by Mr. BUTLER ASPINALL.

25242. Are you a retired Master Mariner? - I am.

25243. Do you hold a master's certificate? - Yes.

25244. Have you been in the North Atlantic trade for 38 years? - Yes.

25245. I think you held command for some years in the Beaver Line? - All the time that it ran, 35 years.

25246. Sailing between Liverpool and Canada? - Yes.

25247. When was it the Beaver Line were taken over by the Canadian Pacific? - 1903.

25248. And did you continue on then in the service of that Company? - Yes, for three years, till I retired.

25249. What was the last vessel that you commanded? - The "Empress of Britain"; but I went in the late "Manitoba" for a voyage to let a Captain fit in that was going to join her.

25250. I do not want it in great detail. I only want to direct your attention to one of the salient matters. Was the "Empress of Britain" the fastest ship you ever commanded? - Yes.

25251. What was her speed? - 18 knots.

25252. Do you know the weather conditions which existed when the "Titanic" struck? - I have read about them in the newspapers.

25253. See you have them accurate. It was a clear night, no moon, no swell, no sea, and stars? - Yes.

25254. Given those conditions, and that you had command of a ship, and were given information that you might meet ice and that your course would take you through the place where you might meet ice, and meet it at night, would you reduce your speed? - No, not as long as it was clear.

25255. Not as long as it was clear? - No.

25256. I am going upon the assumption that you might meet icebergs - you would not reduce your speed? - No.

25257. If you had information that you might meet field ice, would you still maintain your speed? - Until I saw it, and then I should do what I thought proper.

25258. With regard to the look-out, if you have information that you may meet ice, either field ice or icebergs at night, do you take any special precautions with regard to the look-out? - In clear weather we have the ordinary look-out.

25259. Where is that ordinary look-out kept? - In the crow's-nest.

Examined by Sir ROBERT FINLAY.

25260. Would you maintain your course as well as your speed if ice were reported? - Yes.

25261. And has that been the invariable practice in the North Atlantic? - It was with me.

25262. And, as far as you know, with others? - As far as I know with others.

25263. Did the "Empress of Britain" carry many passengers? - Yes.

25264. First, second, and third? - Yes.

25265. What was her tonnage, about? - I could not tell you now, she was a large ship.

25266. She was a big boat? - Yes.

25267. Of 18 knots? - Yes.

25268. How many people did she carry, about? - Oh, I suppose about 2,000 altogether.

(The Witness withdrew.)

The Commissioner: Who are the other two Witnesses?

Mr. Butler Aspinall: They are both Allan Line Captains, and they both give the same evidence.

The Commissioner: May we take it they say the same?

Mr. Butler Aspinall: They do according to their proofs.

The Commissioner: Give me their names.

Mr. Butler Aspinall: John Alexander Fairfull, who has held an ordinary Master's certificate since 1873, and been in command of Allan liners for 21 years. The other man is Andrew Braes, who is a retired master mariner, and holds an Extra Master's certificate, and who has commanded steamers of the Allan Line for 17 years.

The Commissioner: Perhaps you had better put them formally into the box and swear them, and ask them if they agree with the previous evidence.

JOHN ALEXANDER FAIRFULL, Sworn.

Examined by Mr. BUTLER ASPINALL.

25269. Are you a retired master mariner? - Yes.

25270. For 21 years were you sailing in command of Allan Line steamships across the Atlantic? - Yes.

25271. Have you heard the evidence of the last two gentlemen? - I have.

25272. Is your practice in accordance with theirs? - All except that when we get to the ice track in an Allan steamer, besides having a look-out in the crow's-nest, we put a man on the stem head at night.

25273. *(The Commissioner.)* I do not hear what you are saying.

The Witness: Besides having a look-out in the crow's-nest in crossing the ice track, I put a man on the stem head at night.

25274. Whether it is clear or not? - Yes.

The Commissioner: Mr. Aspinall, is the next one going to say something different?

Mr. Butler Aspinall: No, my Lord, as far as I know.

Examined by Sir ROBERT FINLAY.

25275. Were you crossing the Atlantic on the 14th of April? - We were.

25276. In what vessel? - In the "Tunisian."

25277. Did you get a message about ice? - Yes. I am not very sure. I could not remember whether we got a report from any other ships, but after we got clear of the ice our report was made out and given to the operators, and he gave it to every ship with which he got into communication.

25278. Do you remember a message from the "Canada," or sent by you to the "Canada"? - I know the communication with the "Canada," Sir Robert, but I could not tell you what the message was.

25279. What time was it that you had communications with the "Canada"? It was some time in the morning if I remember rightly? - I would refer to what Captain Jones said in his evidence at page 664, if your Lordship will kindly look at it.

The Commissioner: Yes. He said, "On the 9th I had a message from the 'Tunisian,'" Then he produces it.

25280. (*Sir Robert Finlay.*) Yes, my Lord. (*To the Witness.*) Were you bound West? - Bound East.

25281. Did you send a wireless message to the "Canada"? - I believe so.

25282. You do not recollect it? - No, I cannot recollect it. I believe we did.

The Commissioner: Then it comes to nothing.

Sir Robert Finlay: It comes to nothing.

(The Witness withdrew.)

ANDREW BRAES, Sworn.

Examined by Mr. BUTLER ASPINALL.

25283. Are you a retired master mariner? - Yes.

25284. You hold an Extra Master's certificate? - Yes.

25285. Have you commanded steamers of the Allan Line for the last 17 years? - Yes.

25286. Have you heard the evidence of the last four Witnesses? - Yes.

25287. Is your practice when you may be meeting ice at night similar to their practice? - Just the same. I never slowed down so long as the weather was clear.

Examined by Sir ROBERT FINLAY.

25288. And did you hold your course? - Yes, I kept my course.

25289. You kept your course and your speed? - Yes.

25290. In your experience is that the universal practice in the Atlantic? - I never knew any other practice.

(The Witness withdrew.)

EDWARD WILDING, Recalled.

Further examined by Mr. BUTLER ASPINALL.

25291. Have you prepared a diagram which shows the turning curves of the "Titanic"? - I have got the results of some of the turning circles - in the first place of two circles which were made off Belfast Lough, one of them with both engines at full speed ahead, and the rudder put hard-a-starboard and the ship's head turning to port; and the other one with the helm put hard-a-port, the ship turning to starboard and the starboard engine reversed to full speed astern. Both of those curves were at speeds of between 18 and 20 knots. (*Handing same to the Commissioner.*) I have also got the results of circles made with the ship, steaming at different speeds, the engines being kept at the same speed going ahead and the helm put hard-a-starboard and the ship turning to port, the speeds being 11 knots, 19 ½ knots, and 21 ¾ knots, and I have plotted the three different circles in comparison. (*Handing same to the Commissioner.*)

25292. Does that complete the information? - No, there is a little more information that I think the Court wishes to have. Since the accident, we have tried the "Olympic" to see how long it took her to turn two points, which was referred to in some of the early evidence. She was running at about 74 revolutions, that corresponds to about 21 ½ knots, and from the time the order was given to put the helm hard over till the vessel had turned two points was 37 seconds.

25293. (*The Commissioner.*) How far would she travel in that time? - The distance run by log was given to me as two-tenths of a knot, but I think it would be slightly more than that - about 1,200 or 1,300 feet.

25294. (*Mr. Butler Aspinall.*) Does that complete the information with regard to the turning circles or curves? - As regards the turning, but my Lord also wanted certain information with regard to stopping with engines reversed and the rudder not put over.

25295. Yes? - The trials that I have were made again off Belfast Lough. Both engines were running at about 60 revolutions, corresponding to a speed of about 18 knots. The helm was left amidships and both engines were reversed. The way was off the ship in about three minutes and 15 seconds from the order to reverse engines being given, and the distance run was just over 3,000 feet. I might mention in that connection that, so far as we on the bridge could see, the engines were not reversed as quickly as we had seen them, and the distance is probably a little on the large side; but that is what we actually observed, and it would be very difficult to put an estimated correction on it.

25296. Does that complete the matter, the curves and the distance the ship would run before she would come to a stop? - That is right.

25297. Then your attention was also directed to this, I believe, whether or not you had made any calculations with regard to the flooding of the "Mauretania" in view of her internal construction. Have you been able to arrive at any certain results with regard to it? - Yes. The calculations, of course, were approximate, because the data available were not complete in the sense in which they had been complete for the flooding calculations that I made for the "Titanic," but made them in conjunction with the Cunard Naval Architect, who gave evidence, and we agreed on the figures as being the best approximation we could make with the data available. We wrote out a brief memorandum giving the results and made a plan which we both initialed, and I propose to put this in.

(*The memorandum was handed in and is as follows*): -

"We have considered by approximate methods the flooding of the 'Mauretania' in the event of an accident similar to that met with by the 'Titanic.' We have assumed the watertight doors and hatches to be closed and similar deductions to those made in the calculations for the 'Titanic.' From the calculations made, taking the vessel as damaged from the stem to the afterend of the forward boiler room (corresponding nearly - but not quite - to the length from the stem to the afterend of the No. 5 boiler room in the 'Titanic') the vessel would remain afloat with a

considerable list, say 15 deg. to 20 deg., which, no doubt, could be slowly reduced by carefully flooding some after spaces on the opposite side. With the data available we do not think we can satisfactorily discuss flooding corresponding to the damage extending into No. 4 boiler room in the 'Titanic.' - (Signed), Ed. W.; L. Peskett."

The Witness: There is one thing I should like to say with regard to the calculations which have been handed in, because I do not think it appears in the statement. Might I see the statement for a moment? (*The statement was handed to the Witness.*) I see it does not appear in the statement. The calculations show that the vessel would have a considerable list, and in order that the water should not rise above the top of the bulkhead, we had to assume the bunkers flooded on the other side. It would be quite a practicable operation by raising the watertight doors, but they would have to be opened so that the water could get through to the port bunkers.

25298. (*The Commissioner.*) This report of yours has been made in conjunction with the naval architect of the Cunard Line? - In conjunction with the naval architect of the Cunard Line, and we both signed it. It was an agreed calculation. There is just one other matter in that calculation which does not appear, which perhaps should be mentioned, and that is that the flooding of the foremost boiler room in the "Mauretania" was due to the fact that at one place in the boiler room there is only a single skin, and not a double skin, and that materially increased the danger to that vessel.

25299. (*Mr. Butler Aspinall.*) I believe the other matter to which you have applied your mind is marking the profile plan at various places where according to the evidence the water entered the ship. Is that right? - It has not been marked yet; I have undertaken to do it. It is marked on the model.

Mr. Butler Aspinall: In order to do that, I suppose what he would want are some steps and a paint brush, or something. I do not know whether your Lordship wants him to do it now?

The Commissioner: Oh, yes; we have plenty of time.

Mr. Butler Aspinall - To the Witness: Will you do it now?

25300. (*The Commissioner.*) First of all, tell me where those points are marked upon the model? - They are marked *here* on the model, my Lord. (*Indicating.*) The blue marks the hole. A piece of ice has been assumed to break off and fill the part of the space marked in red. The white paper round the blue indicates the extent of the probable denting, in the middle of which was the hole.

25301. (*The Commissioner.*) The blue marks the hole? - Yes.

25302. Through which the water would come? - Yes.

25303. The red marks the hole plugged? - Yes, by the piece of ice.

25304. And there are five altogether? - Yes, five altogether. I may say the after one corresponds to that damage which is not absolutely proved, but which was under discussion, in No. 4 boiler room.

25305. Now you might go with some red paint and mark the plan? - I could do it now of course, or I could do it before Friday.

25306. (*Mr. Butler Aspinall.*) Your Lordship has already indicated that you wanted him to do it now; the Witness did not hear that.

The Witness: I did not understand his Lordship wanted me to do it now.

Sir Robert Finlay: I am not sure we have red paint handy.

The Commissioner: I think we can make these marks upon our own plans from the model.

Mr. Butler Aspinall: If your Lordship pleases.

The Commissioner: Therefore I do not think it is necessary.

Sir Robert Finlay: It might be convenient, my Lord, if it were done on this small model which has been shown. It is very handy. Your lordship recollects it.

The Commissioner: Yes.

Sir Robert Finlay: It will be convenient if Mr. Wilding puts it upon that.

The Commissioner: Yes, then he need not trouble about the other plan.

Mr. Edwards: May I ask Mr. Wilding one or two questions, to clear up certain things?

The Commissioner: Yes.

Examined by Mr. CLEMENT EDWARDS.

25307. You were asked by the Surveyor of the Board of Trade to trunk the spiral staircase? - Yes.

25308. If you had carried out that request of the Board of Trade, what difference would that have made on the volume of water in the area of the spiral staircase, do you think? - I do not quite take your question; either I have not heard it all, or something. Is it in the correspondence?

25309. You were requested by the Surveyor of the Board of Trade to trunk the spiral staircase? - Yes, pardon me, the lower part is trunked already, you know.

25310. Up to where is it trunked? - Up to G deck, I think; it is marked on the big plan there.

25311. They wanted you to trunk it up to the saloon deck, did they not? - I think that point was raised at one time.

25312. Supposing that recommendation had been carried out, what difference, in your view, would it have made to the area filled with water in that particular compartment? - None whatever.

25313. Why do you say that? - Because the No. 1 compartment was damaged independently, and No. 2 compartment had to be damaged in order to admit water to the bottom of the spiral stair. As to the water that was admitted to No. 1 compartment, the only difference that it would have made - it might have made this difference - is that the water would have taken a few minutes longer, three or four minutes perhaps, to get to the same level inside the trunked spiral stair than it did take. But that would only have made a difference of two or three inches to the trim of the vessel by the head, and so is quite immaterial.

25314. If the spiral staircase had been trunked in the way that was suggested, would it have been possible for water to have come over that bulkhead? - Over which bulkhead?

25315. The bulkhead abaft the spiral staircase? - Certainly.

25316. The trunking would have made no difference? - No difference.

25317. Why? - Because the trunk would only have been carried up the middle portion of the bulkhead. The sides of the bulkhead were just in the same position as before.

25318. It was not proposed to trunk it all the way along? - Not for the whole width of the ship, as I understand, but round the two spiral staircases. That takes about one-third of the width of the bulkhead and leaves about two-thirds over which the water could flow.

25319. You were also asked this. Perhaps I had better read you the letter. In 1910 you were asked by Mr. Chantler: "I am to state that the following information, as supplied in a previous case by the builders of an unusually large steamer, which greatly facilitates the consideration of these cases, should be furnished, namely, curves of buoyancy, complete curves of load, of shearing force, and of bending movement as applicable to the ship when on the crest, and also in the trough of a wave of her own length, corresponding to the conditions of leaving port, and of arriving at the end of a voyage, with coals consumed." In reply to that letter you say: "With regard to curves of buoyancy and load, showing also curves of shearing force and bending movement mentioned in the second paragraph of your letter, following our usual practice, we have not made out this information in the form you desire to obtain, nor have we found it necessary to do so for previous large vessels, and, as you are no doubt aware, the calculation of

it is a very laborious process, and would occupy at least three months. Accordingly, we trust you may be able to see your way not to press for this particular information." And, in fact, they did not press for it? - They did not. May I say that the object of that information would be to supplement the basis on which the strength of the vessel is estimated, and which, I think, Mr. Archer mentioned as being represented by the weight displacement multiplied by the length and divided by 30. The effect of those data asked for would enable them to go into the question as to whether the 30 was exactly the correct figure or not.

25320. That might be a very important factor in determining the strength of a ship of this size? - Yes, to the extent to which it departs from 30. Our experience is that it does not usually depart much.

25321. Anyhow, the view was taken then that the mere fact of much greater magnitude might in itself effect this problem? - Not at all.

25322. I am not saying whether that is right or wrong, but evidently that was the view of the Marine Department of the Board of Trade at the time? - I do not think that view would be held in the least.

25323. "I am to state that the following information as supplied in a previous case by the builders of an unusually large steamer, which greatly facilitates the consideration of these cases"? - Certainly.

25324. Anyhow, the information was not supplied and they did not insist? - It was not made out.

25325. I ought to have asked you this question. First of all, the Board of Trade took the view that your collision bulkhead by stepping did not quite comply with their regulation? - Quite right.

25326. And to meet their view somewhat, you undertook to carry up the first bulkhead abaft the collision bulkhead a little higher? - Quite right.

25327. The bulkhead immediately abaft the spiral staircase? - Yes, abaft the upper part of the spiral staircase.

25328. Did that bulkhead in the "Titanic" vary in strength from any of the other bulkheads? - It is on the same basis; that is, all the bulkheads in the "Titanic" were constructed on the same footing for scantlings.

25329. Have you any idea what weight of water might cause that bulkhead to give way at any point? - It is not a question of the weight of water, but a question of the height of water. I tried to explain that before, if you remember.

25330. What height of water in relation to the height of bulkhead would reach either the bending or the breaking strain in the bulkhead? - Any height at all will produce a certain amount of bending; the steel is flexible. But to produce a breaking strain, that is assuming the calculations that were made to be correct, it would take a head of water of about 150 feet to break the bulkhead.

25331. Have you considered the amount of bending that would be caused by different heads of water: take the height of the bulkhead? - I think that one is about 52 or 53 feet - something like that anyway.

25332. Assume the water was up to 45 feet, with the flexibility of the steel, have you any idea to what extent it would cause a bend? - I believe I have got out figures, but I have no recollection what they are.

25333. There would be a certain point reached by the bend which might cause a displacement of the rivets? - That point would not be reached; it was nothing like enough to do that.

25334. Nothing like? - Nothing like.

25335. Have you calculated what extent of bend there must be to displace rivets? - Not for this particular case, but in most riveted structures it goes to something like 7/8ths of the ultimate

breaking strength before the rivets give.

25336. If a bend - I am only putting it "if" - if a bend sufficient to cause displacement of the rivets with the weight of the water had in fact taken place, that would indirectly lead to the collapse of the whole thing, would it not? - No.

25337. Assume such a bend by a weight of water as to displace rivets, what was there abaft the bulkhead that would hold it in position? - You say "displace rivets." I am not quite clear what you mean. Do you mean to push them out, or do you mean to make them slightly loose in the hole?

25338. I mean to make them slightly loose in the hole to begin with, and then to cause a movement of the plates or a movement of the stiffeners. I purposely used the term "displacement"? - Go on. I am not quite clear yet.

Mr. Edwards: I purposely used the word "displacement."

The Commissioner: Yes, but he wants to know what you mean by it.

25339. (*Mr. Edwards - To the Witness.*) There may be degrees of displacement? - Certainly.

25340. There might be the breaking of the head of the rivet? - Yes.

25341. There might be simply a loosening of the rivet? - That would occur, of course, much earlier than the other.

25342. And the moment there was a loosening begun, there might be an accelerated process of displacement? - No, I think not, not an accelerating process.

25343. You think not? - I think not.

25344. Anyhow, you cannot state what would be in your view such a weight of water as would cause a sufficient displacement of the rivets, as to cause the collapse of any part of the bulkhead? - Only the general statement that I made to you, that in riveted structures in general, it would take something like seven-eighths of the collapsing head. I pointed out to you that the collapsing head was something like 150 feet, and therefore a head of something like 130 feet would generally do it. That is only in general terms.

25345. That is where your tank is perfectly still and the water is quite passive? - Or only moderately disturbed.

25346. If there were a swaying movement, that would make a very great difference to the power of the water and the pressure of the water on the bulkhead, would it not? - It would undoubtedly make some difference, and that is why the strength of the bulkhead is so much in excess of the height.

25347. Do not you think after this experience that it might be very advisable, instead of relying upon mere calculations, to get bulkheads practically tested under actual water conditions? - I think I told you that results were known to me of bulkheads which had been tested, and they agreed with the calculation.

25348. That is not quite an answer to my question? - If the test agrees with the calculation, I do not see any reason for testing each one.

25349. But your calculation has been based upon water perfectly passive, but I am putting if there were movement. Do not you think it advisable that there should be actual practical tests of what I will call the resistibility of the bulkhead under actual water conditions, and even a movement of water condition? - How are you to get the movement conditions? It does not seem very practicable.

The Commissioner: You can shake water either violently or a little. Do you suggest there ought to be a series of experiments beginning with a slight movement, and then going on to a greater movement, and a greater movement still?

Mr. Edwards: I suggest that there should be such tests as will, as near as may be approximate to the actual conditions which these bulkheads are built to resist.

The Commissioner: Sometimes they are in a storm, you know.

Mr. Edwards: Yes.

The Commissioner: Are you to get a storm for the purpose of your test?

25350. (*Mr. Edwards.*) I am afraid, if I suggested that, I might raise one here, and that I am anxious to avoid; but I have the point I want. (*To the Witness.*) Anyhow, your view is that the builders can be trusted in this matter.

The Commissioner: I think these are matters which probably the Bulkheads Committee will enquire into. I should think so.

Mr. Edwards: Yes, my Lord.

Examined by Mr. LAING.

25351. Mr. Edwards said at page 687 that "either Messrs. Harland and Wolff defied the Board of Trade, or there was extraordinary laxity on the part of the officials of the Marine Department of the Board of Trade, to allow in the construction of this ship a departure from those Rules which they have already laid down." Is there any foundation at all for saying that you defied the Board of Trade? - I really know of none.

25352. Or that the ship was allowed to be built by the officials of the Marine Department in violation of their Rules? - We have to comply with all their Rules, and make some sacrifices to do so.

(*The Witness withdrew.*)

Mr. Butler Aspinall: That is all, my Lord. Subject to the evidence of the Master of the "Carpathia," and possibly two or three formal documents which the Attorney-General may seem fit to put in on Friday, that is the evidence put before your Lordship by the Board of Trade.

Sir Robert Finlay: I do not know whether the Table supplied to us by the Board of Trade with reference to the number of other British vessels has been formally put in?

The Commissioner: I think we were to have a Note of the vessels over 10,000 tons which had been built since that Rule was extended from 9,000 to 10,000.

Sir Robert Finlay: The object of this Table was, as I understand it, to show in a considerable number of British vessels the boat accommodation, as compared with the number of passengers carried or the number of passengers which might be carried; a Table was prepared by the Board of Trade.

The Commissioner: And I think one of the things we wanted to know was what number of vessels of 10,000 tons and upwards had been built for the passenger or emigrant service since the Rule was extended from 9,000 to 10,000 ton vessels.

Sir Robert Finlay: The Table that I had in my mind was a Table not directed to that precise point, but directed with reference to the number of other vessels, to show what the boating accommodation in fact was.

Mr. Butler Aspinall: Is not this it? (*Handing a printed document to the learned Counsel.*)

Sir Robert Finlay: Yes. I saw it in manuscript and it is now printed, and I did not recognise it. I will not stop to comment upon it at any length. I will take the "Lusitania" and the "Mauretania," which appear upon it. The "Lusitania" could carry 2,889, that was her license, and she had boats for 978. The "Mauretania" was licensed to carry 2,972, and had boats for 976; and so on - there are other cases.

The Commissioner: This is not the list I was thinking of.

Mr. Butler Aspinall: It has only just been handed to me, but I think this statement contains the

information. (*Handing same to the Commissioner.*)

The Commissioner: Is this the list, Sir Ellis?

Sir Ellis Cunliffe: I think so, my Lord.

The Commissioner: Yes, it is the one.

Sir Robert Finlay: To avoid misconception, there is a Mr. Blackett in New York, who examined the boats on board after the "Carpathia." He has made an affidavit. He is not here. I do not know that it is of any great importance, but I may ask on Friday morning to put in that.

The Commissioner: Very well; to what point is the affidavit to be directed?

Sir Robert Finlay: Merely as to the condition of the boats and the equipment of the boats; the state of the boats as regards water and biscuits, and so on. However, Mr. Aspinall asks that that should stand over till Friday morning.

The Commissioner: Was Mr. Blackett a passenger?

Sir Robert Finlay: No, he was a Surveyor.

Mr. Butler Aspinall: He was one of Lloyd's Surveyors.

The Commissioner: At New York?

Sir Robert Finlay: At New York. We have had a letter from the Marine Superintendent of the Red Star Line at Antwerp, which bears a good deal upon the question your Lordship put as to the speed of vessels. It is, of course, a general statement, and I may ask leave to call the gentleman who made it. I could not put in a letter, of course, unless by consent, but I may ask on Friday morning if that gentleman can come over here. He will not take any time. His name is Captain Apfeld, Marine Superintendent.

Mr. Butler Aspinall: With regard to the Board of Trade Witnesses, I am instructed to ask your Lordship whether or not your Lordship wishes any of them to remain in attendance. They have been kept here at very great expense, and they are anxious to go to their business.

The Commissioner: I do not think that we shall want them again. There is nothing more that occurs to me at present to call for, and therefore I suppose we had better now adjourn till Friday morning. That will give the gentlemen who have to address me an opportunity of considering the subjects upon which they are going to address me.

(Adjourned to Friday next, 10.30 o'clock.)

APPENDIX

The following document was supplied by the White Star Line at the request of Mr. Clement Edwards. -

"DOMINION LINE".

"To the Commanders: -

"Precautions to be observed in approaching and navigating the St. Lawrence.

"The principal dangers in approaching the St. Lawrence being ice and fog, during the ice season, particularly between February and June, a sharp look-out at all time must be kept for ice. In hazy weather ice-blink can be seen at some distance if the officer on watch is quick enough to distinguish it, but in dense fog you should go slow across the ice track, taking temperatures of the water at regular and frequent intervals of not more than half an hour. Some large bergs when close to will give an echo from the steamer's whistle, and thereby give you warning. Again, most bergs have a few small detached pieces floating around and near them. Should you see small ice, stop and reverse at once. In the event of your running into thick field or pack ice

during fog on the edge of the Grand Banks, it will be best to stop, turn round, and come out the same way as you went in, then steer to the southward to pass around the southern end of it. Remember this kind of ice frequently contains many submerged bergs.

"In approaching the Straits of Belleisle from the Eastward the best plan would be to deviate from the Great Circle course so as to arrive in the latitude of Belleisle Lighthouse about 40 miles East of it, then steer to pass South of the Island. In fog keep sounding; you will be safe in not going into less than 60 fathoms. The Strait should not be entered in dense fog without locating the Island. Even in hazy weather the greatest precautions must be taken, the only safe guide being the lead. After entering the Strait in thick weather take a continuous range of soundings with course and distance between each cast, so as to verify your position by laying this down on the chart.

"In approaching the South entrance pass about 40 miles South-east of the Virgin Rocks. In thick weather commence sounding as soon as you pass the edge of the Grand Bank, taking a continuous range of soundings until you run off the St. Pierre Bank into deep water, then haul up for Cabot Strait to pass midway between Cape Ray and St. Paul's Island, keeping the lead going so as to keep in the deep water, and proceed with the greatest caution.

"Between Cape Rosier and Father Point in thick weather, the soundings should be very frequent on account of the Hundred Fathom Bank being only two miles off shore in some places.

"Remember that in the St. Lawrence the land is frequently obscured by thick mist or snow, and clear off shore, thereby obscuring the land by day, and the lights by night.

"As it is supposed by many that there is in some parts of the St. Lawrence a certain amount of local attraction, too much reliance should not be placed on the compass. Solar and stellar observations to correct the compasses should be taken at every opportunity. If no observations have been obtained for some length of time, particularly after a change in the course, you must be extremely careful how you proceed, bearing in mind the fact that the tides and currents, both in the St. Lawrence and also in the North and South approaches thereto, vary very much in force and direction, and cannot be relied on at any time.

"July 27th, 1903."

In the Wreck Commissioners' Court.

SCOTTISH HALL,
BUCKINGHAM GATE,

Friday, 21st June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

TWENTY-EIGHTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S. A. T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURNE (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P., (instructed by Mr. Smith, Solicitor) appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes, of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder, Roberts and Company) appeared as Counsel on behalf of the dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland.

(Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

MR. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Attorney-General: My Lord, we have had the analysis made of the number of Irish emigrants so far as we are able to distinguish them taking those who shipped at Queenstown, third class, as Irish emigrants; they numbered 113. There were 57 males and 56 females. It is rather difficult to distinguish children, but it makes altogether 113, and there were 7 men saved and 33 women, making 40 altogether saved out of 113, of which a very large proportion is women. That is the substance of the analysis, and I think that answers the question which your Lordship asked. So that it leaves us of the 113, 7 men saved and 33 women; the others were lost.

The Commissioner: About 35 percent of the whole.

The Attorney-General: Yes.

ARTHUR HENRY ROSTRON, Sworn.

Examined by the ATTORNEY-GENERAL.

25353. Are you Master of the "Carpathia"? - Yes.

25354. You have been a great many years at sea, I think - how many? - 27.

25355. Altogether? - Altogether.

25356. You have filled every rank in the Merchant Service up to Master? - Yes.

25357. The "Carpathia" is a vessel belonging to the Cunard Company? - Yes.

25358. How long have you been Master of the "Carpathia"? - Since the 18th January.

25359. Of this year? - Yes.

25360. Before that had you been Master of another vessel of the same line? - Yes, the "Pannonia."

25361. At what date did you sail on the "Carpathia" from New York - on what date before the "Titanic" disaster? - The 11th April.

25362. On the 11th April you left New York and you were then bound for Liverpool, Genoa, Naples, Trieste and Fiume? - No, Gibraltar.

25363. Can you tell me the number of passengers you carried approximately? - We had about 125 first, about 65 second, and 550 third.

25364. How many boats did you carry? - Then we had 18 boats.

25365. Lifeboats? - Lifeboats.

25366. Were they all under davits? - No.

25367. How many had you under davits? - 12 boats under davits.

25368. Were the rest on houses, or how? - No, the rest were inboard; 12 boats were under davits and the other boats were inboard of those boats.

25369. Can you tell me what the carrying capacity of those boats was in persons? - 68 and 72; about 68 was the average.

25369a. And how many passengers could the "Carpathia" carry; how many was she certified to carry, do you know? - About 1,050, I think it was at the time. I am not quite sure of those

numbers because I have been absolutely unprepared for these questions. I cannot give you anything definite.

25370. You have just returned? - Yes, I arrived here last night.

25371. Is this your first arrival since the "Titanic" disaster in this country? - Yes.

25372. Will you allow me, Captain, at the earliest opportunity to express to you on behalf of His Majesty's Government how deeply grateful we are to you for your conduct and for the great number of lives which you were instrumental in saving? - Thank you very much.

25373. I take this opportunity of stating it in Court, because it is the earliest moment at which His Majesty's Government has been able to get into communication with you. - Thank you very much.

Sir Robert Finlay: I desire to make the same acknowledgment on behalf of the White Star Company.

The Commissioner: My colleagues and I entirely agree with these observation of the Attorney-General.

25374. (*The Attorney-General.*) Can you tell us the tonnage of the "Carpathia"? - 13,600.

25375. That is the gross tonnage? - The gross tonnage.

I am not going into further detail as to that; your Lordship appreciates why. I thought you would like the facts.

The Commissioner: I should like to know the number of the crew.

25376. (*The Attorney-General.*) Can you tell us the number of the crew? - Well, the number varies from about 300 to 335. It all depends upon the number of passengers we are carrying at the moment.

25377. Do you know at all how many there were on this particular voyage, when you started this particular voyage on the 11th April? - 325, I think.

25378. That, I think, will give all the particulars your Lordship wants at the moment in this matter. (*To the Witness.*) Now you started on the 11th April from New York, and you received wireless messages from the "Titanic"? - Yes.

25379. Would you tell me, before you received any messages from the "Titanic," had you had any ice reports? - Wireless?

25380. Yes? - None; we had received the ordinary reports on shore from the office, which came through from other ships.

25381. Do you mean the Hydrographic Office at Washington? - No, from our Company's office in New York.

25382. I hardly expect you to remember in detail the wireless messages that were received from the "Titanic," but we have got them? - The first message I received was merely a verbal message. As soon as the Marconi operator received the message he left the instrument room and ran up to me at once, so it was merely a verbal message.

25383. Will you just tell us as far as you can, was the first message that you got a distress signal? - Yes, a distress signal.

25384. That was the first message you received? - An urgent distress message. The Marconi operator told me when he called me.

25385. I am going to help you with regard to the time by reference to the evidence which you gave very soon after the disaster, in New York. I am reading the evidence given at the Commission in America: "At 12.35 a.m. on Monday I was informed of the urgent distress signal from the 'Titanic.'" 12.35 was ship's time? - Yes.

25386. (*The Attorney-General.*) If your Lordship has the last *procès-verbal* which I gave you, the corrected one, you will find at the bottom of page 4 the first one. New York time. 10.35 p.m.; " 'Titanic' time approximate" we have got it, "12.25 a.m. C.Q.D. call received from 'Titanic' by

'Carpathia' - I cannot say whether it was "C.Q.D." or "S.O.S."

25387. It is the urgent distress message? - Yes.

25388. They might have used the one or the other. I see. Just tell us how you received that? - I was just in bed, as a matter of fact, and the First Marconi Operator came to my cabin and came right up to me and woke me - well, I was not asleep, as a matter of fact - and told me he had just received an urgent distress signal from the "Titanic" that she required immediate assistance; that she had struck ice, and giving me her position. I immediately ordered the ship to be turned round.

25389. That is the wireless which your Lordship sees. "Titanic" said, "Come at once, we have struck a berg; it's a C.Q.D. O.M., position 41.46 N., 50.14 W." The position in which the "Titanic" was when she struck the berg, according to that message, would make her approximately, not exactly to a mile, about 58 miles from you when you got the call? - Yes, the true course was N. 52 deg. W., 58 miles from me when I turned her round.

25390. At what speed could you travel? - Ordinarily about 14. We worked up to about 17 ½ that night. That was about the highest speed we made that night.

25391. You gave instructions at once, I understand? - I immediately sent down to the Chief Engineer and told him to get all the firemen out and do everything possible.

25392. And those orders were continued - that is to say, those instructions were carried out until the time you arrived at the position indicated by the message? - Yes.

25393. When you got to the position indicated can you tell us first of all, did you pass any ice? - I was passing ice. May I put it in my own words?

25394. Yes, do? - At 20 minutes to 3 I saw the green flare, which is the White Star Company's night signal, and naturally, knowing I must be at least 20 miles away, I thought it was the ship herself still. It was showing just for a few seconds and I passed the remark that she must still be afloat. Naturally before this I had got the wireless message that the engine room was filling, so I felt it was a case of all up.

25395. That was the last message you ever got? - The last message I received was that the engine room was filling, probably not exactly in those words, but to that effect.

25396. You are quite right, we have the exact message. It has been read? - That was 20 minutes to 3.

The Attorney-General: If your Lordship will look at page 8, the message in the middle: "Last signals heard from 'Titanic' by 'Carpathia' - 'Engine room full up to boilers.'"

The Commissioner: I want to know, or perhaps the Captain will tell me: What do you read that as meaning - "full up to boilers"? I think we have had that message before?

The Attorney-General: Yes.

The Commissioner: But I do not know whether anyone can tell me exactly what the message means. What is "full up to boilers"?

The Attorney-General: Your Lordship will see, as throwing a little light on it, if you look at the preceding page, the last message but one on page 7: "1.35 a.m. 'Titanic' time; 'Baltic' hears 'Titanic' say, 'Engine room getting flooded.'" Then this message apparently is 10 minutes after.

The Commissioner: Yes, but what does "full up to boilers" mean?

Sir Robert Finlay: The suggestion was made that "engine room" there must have been used in a loose sense - it did not refer to the engine room proper, but to the boiler section.

The Commissioner: That may be, and I think that is right, but what does "full up to boilers" mean? Does it mean the water was above the boilers or under the boilers?

Sir Robert Finlay: Well, it reached the boilers.

The Commissioner: Reached a set of the boilers?

Sir Robert Finlay: I think so.

The Attorney-General: Including all the boiler sections?

Sir Robert Finlay: Yes.

The Commissioner: It is suggested to me, Mr. Attorney, that it means this, that the water had travelled along the ship, from forward, aft as far as the boilers.

Sir Robert Finlay: I think that is what it must mean.

The Attorney-General: As far as the boilers? But, according to the evidence, it was there long before this - in some of the boiler sections. Is there any evidence that before this time (which was 1.45) the water had reached as far aft as the last boiler?

The Attorney-General: No, not before that.

The Commissioner: It is suggested by one of my colleagues that the meaning of this expression is that water aft had got as far aft as the aftermost boiler.

The Attorney-General: In other words, that the water was in all the boiler sections?

The Commissioner: Yes.

The Attorney-General: Yes, of course it might mean that. There are no boilers in the engine room proper, and, therefore, it cannot mean those.

25397. (*The Commissioner.*) No, that is so. (*To the Witness.*) How do you understand that message? You have got the message in your mind? - Well, I really understood that message to mean that there was water in the engine room probably as high as the boilers, on a level with the boilers.

25398. There are no boilers in the engine room? - No, there are not boilers in the engine room, certainly.

The Attorney-General: We tried to elucidate this before, your Lordship will remember.

Sir Robert Finlay: I think your Lordship will find that Mr. Wilding said that the water would not get into the engine room until the ship took the final plunge.

The Commissioner: Is it not the fact that all the engineers went down?

Sir Robert Finlay: Yes.

The Commissioner: I cannot suppose that there was any depth of water in the engine room at that time. Not one engineer came up to the surface, as far as I know.

The Attorney-General: Oh, yes, they were seen on deck undoubtedly.

The Commissioner: When were they seen on deck?

The Attorney-General: Almost at the last.

The Commissioner: As I understood, they were working in the engine room as long as it was possible to work.

The Attorney-General: Yes, I should gather from the evidence that what happened was when the water began to rise they came up on deck, but not till then; they remained there as long as they possibly could.

The Commissioner: 1.45 is more than half an hour before the foundering.

The Attorney-General: Yes.

Sir Robert Finlay: It was only at the last moment that any of the engineers came up.

The Commissioner: And not one of them was saved, I think.

Mr. Laing: No, my Lord.

25399. (*The Attorney-General.*) I am sorry we interrupted you, Captain. We had got to this. Your last message had come from the "Titanic" at about a quarter to two: "Engine room full up to boilers," this message which we have read? - Yes.

25400. You were making all speed towards her? - Yes.

25401. Will you go on and tell us? - At twenty minutes to three I saw a night signal, as I was saying, and it was just about half a point on the port bow, practically right ahead. At a quarter to three I saw what we knew was an iceberg by the light from a star - I saw a streak of light right on

the iceberg. We saw it, I cannot say the distance off, but some distance - not very far; and from then on till four o'clock we were altering our course very often to avoid the bergs. At four o'clock I considered I was practically up to the position, and I stopped, at about five minutes after four. In the meantime I had been firing rockets and the Company's signals every time we saw this green light again. At five minutes past four I saw the green light again, and I was going to pick the boat up on the port bow, but just as it showed the green light I saw an iceberg right ahead of me. It was very close, so I had to port my helm hard-a-starboard and put her head round quick and pick up the boat on the starboard side. At 10 minutes past four we got alongside.

25402. Let me just understand that. You had got up by about four o'clock? - Four o'clock I considered I was in the position.

25403. You got up to the first of the boats then? - At four o'clock I could not see anything, but I knew I must be somewhere in the vicinity.

25404. Because of the signals? - Well, yes, I had seen the signals, but I knew I had run my distance then, so I stopped her; and a few minutes after I saw the boat's light again. That was the first time I knew really it was a boat and not the ship herself.

25405. And you intended, as I follow you, to pick her up on the port bow? - Yes, on the port side; that was the lee-side; but just after I saw his light I saw an iceberg right ahead. Then, of course, I starboarded - I could not port - to get away from the berg; so I starboarded to make it more convenient for the boat I was going to pick up, and I picked it up on the starboard side.

25406. How close was the iceberg which you saw? - Well, when we had stopped, when daylight broke, it was something less than a quarter of a mile away.

25407. I should like to follow that to understand it. Had you seen that iceberg before? - No, it was the first I saw of it. We were close up before we saw it.

25408. Was day breaking at all? - No, it was perfectly dark at the time.

25409. And you had men on the look-out? - Yes, we had doubled our look-outs.

25410. Had you men in the crow's-nest? - Yes.

25411. When you say you doubled the look-out, does that mean you had also men in the eyes of the vessel? - Yes.

25412. Right on the stem? - Yes.

25413. Two? - Two, and one on the look-out, one in the crow's-nest and two in the eyes.

25414. Is that your practice? - No, we have one in the crow's-nest and one forward.

25415. Your practice is to have one in the crow's-nest and one forward? - At night.

25416. Do you take any particular precautions if you have received ice reports? - Always.

25417. Is that what you do? - Yes. Immediately I started round, before I knew we should be up to the ice; in fact, as soon as I got this report, and I had put her on the course for the "Titanic's" position, I doubled the look-outs at once, and took all the precautions I possibly could.

25418. Was that the first iceberg that you had seen? - Oh, dear, no.

25419. I mean, on this particular night? - Oh, no; the first iceberg we saw was at a quarter to 3.

25420. I wanted you to tell us about that. You saw one at a quarter to 3? - We saw about half a dozen - in fact, more than that. I was moving about to get between them up to 4 o'clock.

25421. No ice-field? - No ice-field. We were not up to the ice-field then.

25422. Only icebergs. Take the first one you saw about a quarter to 3; how far off was it when you first saw it - when it was reported to you? - I should think it was about a mile and a half to two miles away.

25423. And with regard to the others, I think you say you saw about six up to 4 o'clock? - Yes, about six.

25424. Did you see all those at about the same distance? - Yes, about the same distance - from one to two miles.

25425. Then, I understand, when you came to the last one - you will correct this if I am wrong - as far as I gather from your evidence, you did not see that till it was somewhere about a quarter of a mile off? - That is so; at daybreak I saw it was between 25 and 30 feet high.

25426. Will you explain to us a little more in detail why it was that you did not see this iceberg, the one which you found about 4 o'clock, earlier? - I cannot tell you; we were all on the look-out.

25427. It was rather low? - It was low.

25428. Twenty-five to 30 feet. I do not know whether you can tell us what the height of your fore-castle was from the waterline? - Yes; the fore-castle head would be just about 30 feet.

25429. Your two men were on the look-out then in the eyes of the vessel? - Yes.

25430. No report had been made to you? - No.

25431. Who was it saw it first, do you know? - Yes, I saw it first.

25432. Before the look-out men? - Yes, we saw all the icebergs first from the bridge.

The Commissioner: I do not understand that.

25433. (*The Attorney-General.*) You were on the bridge with your officers, I presume? - Yes, the whole time.

25434. And each time, if I follow you, that an iceberg was seen, you picked it up first on your bridge? - Either one of my officers or myself, before the look-outs.

25435. Did you pick it up by sight, or by naked eye, or with binoculars? - At first with the naked eye.

25436. Do you find that you pick them up better with the naked eye than with binoculars? - It all depends. Sometimes yes, at other times not; it depends.

25437. How was it neither of the look-out men saw it or reported it to you? Why did not they see it before you? - Well, of course, they had all had warning about keeping a look-out for growlers and icebergs, previous to going on the look-out, and on the look-out also. You must understand, unless you know what you are looking for, if you see some very dim indistinct shape of some kind, anyone could take that as nothing at all - merely some shadow upon the water, or something of that kind; but people with experience of ice know what to look for, and can at once distinguish that it is a separate object on the water, and it must be only one thing, and that is ice.

25438. So that what it really comes to is this, if I follow you correctly, that it requires a man with some knowledge of icebergs, some experience of picking them up before he can detect them at night? - Precisely.

25439. That is to say, before he could detect them unless they were very close to him? - Yes.

25440. Do you employ on the "Carpathia" special look-out men, or are they some of your seamen who are told off as look-out men? - No, the seamen take it in turns, the whole watch right through. There are no special look-out men.

25441. So far as you know, had any of these men any experience in being amongst icebergs? - Not to my knowledge, but I should imagine some of them must have had, because several of them have been in the Cunard Company for years.

25442. On this North Atlantic track? - Oh, yes.

25443. And if they had been on this track for some years they must have seen icebergs? - I think so, yes, they must have done.

25444. Does it mean that on your bridge you and your officers were quicker in detecting them than any of the men on the look-out? - Well, about 75 percent of the objects that are seen at sea every day or night are picked up from the bridge first. Naturally the officer will take more interest in these things than a look-out man. I always trust to the bridge preferably to the men.

25445. (*The Commissioner.*) That is the point I had in my mind. I do not see any advantage in putting men in the eyes of the ship if you can pick up things from the bridge before them? - It

does not necessarily say we shall pick them up quicker from the bridge, but naturally an officer is more on the *qui vive*; he is keener on his work than a man would be, and he knows what to look for. He is more intelligent than a sailor.

25446. (*The Attorney-General.*) And he has to act? - He has to act, certainly.

25447. He relies upon his eyesight, assisted by the look-out? - Yes, that is the position; we are assisted by the look-outs.

25448. If I followed correctly what you said, you rely in the main upon what is seen from the bridge by the officers? - Yes.

25449. Of course, it may be that the officer is, for the moment, attending to something else; his attention may be distracted by something else which is happening, and in that case he would have to depend on the look-out? - Well, the only thing is, supposing an officer is looking on the port side and there is an object on the starboard side, and the seaman happens to be looking on the starboard side, naturally he might detect it first and he would report it.

25450. (*The Commissioner.*) Were you on the bridge? - I was.

25450a. You cannot account to me for your seeing some of these bergs a couple of miles away, but not seeing this particular one till it was about a quarter of a mile away? - No.

25451. You cannot account for it? - No.

25452. It happened to yourself? - I cannot account for it at all.

25453. It did happen to yourself? - Yes, it did happen.

25454. (*The Attorney-General.*) That would seem to indicate a considerable risk in going through the ice region, does it not? - Yes.

25455. (*The Commissioner.*) Is that a common experience, that when you are amongst icebergs you will detect one two or three miles away and another not till it is within a quarter of a mile? Is that within your experience? - No, I do not think it is common experience. I think it is rather uncommon, as a matter of fact.

25456. (*The Attorney-General.*) Rather uncommon? - I think so.

25457. I want to understand this a little more if we can. If I correctly followed you, you said you only saw this one at about a quarter of a mile distance from you by the streak of a star upon it? - No, the first one I saw was about one and a half to two miles away; that was the one we saw at about a quarter to three with the streak of the star. That was the first one we picked up; it was a large one.

25458. That one we understand, but this last one that you saw about 4 o'clock when you were getting ready to pick up the boat on the port side, was there anything at all special about the colour of that iceberg? - No, but I suppose it must have been because of the shadow or something of that kind that we could not make it out before. I cannot account for it.

25459. Does it sometimes happen? - Yes, very often.

25460. It may be, the iceberg presents to you a luminous appearance? - Yes.

25461. Or it may be, it presents to you a dark appearance? - Exactly.

25462. That is what you would ordinarily expect when you are looking out for icebergs, is it? - Yes.

25463. You cannot tell from which side you are going to see it? - No.

25464. Or how it is going to present itself to you in appearance? - No.

25465. So that if I follow what you have said, you would always have to be prepared for an iceberg which presented a dark appearance to those who were looking out for it? - Yes.

25466. (*The Commissioner.*) I do not understand where the shadow comes from; there is nothing to create a shadow. There were no clouds in the sky? - No, my Lord, there were no clouds, but the shape of the iceberg itself might account for it. Now this iceberg was about 30 feet high and the sides were rather precipitous. If the side had been more of a slope, do not you

think that slope would have given off some shadow?

If you have a greater surface and there is anything in the theory about "blink," you would have more blink if you had a greater surface, and so you might have a dark place if the iceberg itself had a crevice in it or a break. I can imagine that, but I do not know where the shadow comes from.

25467. (*The Attorney-General.*) I do not profess to know sufficiently about it. It may depend upon the angle of refraction. I do not profess to be able to explain it better than that. (*To the Witness.*) At what speed were you going when you saw this iceberg about a quarter of a mile from you? - I should think we were making something about 15; the engines had been stopped for about three minutes - probably between 13 and 15 knots at the time.

25468. But slowing all the time? - Oh, it was slowing all the time - yes.

25469. You starboarded, you have told us? - Yes, I starboarded, and we picked up the boat on the starboard side.

25470. Will you tell me, when you starboarded, how close did you get to the iceberg? - When daylight broke I consider the iceberg was then a little under a quarter of a mile away.

25471. I am not quite sure that we have got it correctly yet. When you saw this iceberg I rather understood that it was then about a quarter of a mile away from you? - Between a quarter and half a mile.

25472. Then you say, although your engines had stopped and had been stopped for something like three minutes, you were still making somewhere about 13 to 15 knots? - Yes.

25473. Then I want to know how close it was - you had an iceberg within your range of vision then - you went to the iceberg when you starboarded? - *This* was the boat over *here*. (*Describing.*) I did not know the distance off. *Here* was the iceberg right ahead. I was coming along *there*; I saw the iceberg right ahead *here*, and I saw the light was on my port bow. Of course, I could not see the boat itself, but only the light when he showed the flare. I came along *here* and starboarded, and brought her *here*. Then I saw the light on my starboard side. I saw the light showing. It was getting close. I went full speed astern. I went a little bit past the boat before I could get the way off the ship, and I came back again, because they sang out from the boat that they had only one seaman, and could not handle her. I brought the ship back to the boat. When the boat was alongside of me daylight broke, and I found the berg was about a quarter of a mile off.

25474. Had you been any closer to the berg than that? - No, that was the closest I had been.

25475. That answers what I wanted to know. Bearing round like that in answering the helm, she was still about a quarter of a mile from you? - Yes.

25476. You picked up that boat. Altogether how many boats did you pick up? - We got 13 lifeboats alongside, two emergency boats, two Berthon boats. There was one lifeboat which we saw was abandoned, and one of the Berthon boats, of course, was not launched from the ship, I understand. That made twenty altogether.

25477. My impression is there is one collapsible still unaccounted for in that? - Oh, yes; I beg your pardon, one bottom up; one that was capsized. That was in the wreckage. That was the twenty.

25478. You picked up and actually took on board the "Carpathia" 13 of the "Titanic's" lifeboats? - Precisely.

25479. One of them you saw; the occupants of the boat were rescued and taken on your boat, but the boat was left in the water? - Yes, she was damaged.

25480. You did not bother any more about her? - No.

25481. That made the 14 lifeboats. Then there were the two emergency boats; were they taken on board the "Carpathia," or abandoned? - I cannot say which were the boats we took up. I took

them as they came along, and after the whole thing was over we got as many boats as we could. I did not notice which they were.

25482. There were two emergency boats, and besides that there were -? - The two Berthon boats.

25483. The two collapsibles? - Yes; and there is one Berthon boat which we saw amongst the wreckage bottom up. It was reported to me that there was another Berthon boat still on board the ship.

25484. That makes 19 out of the 20? - No, excuse me.

It makes the 20 if you reckon the one still left, but I am not reckoning that. It comes to the same thing. If you reckon that one in, of course it accounts for the lot.

The Commissioner: The one collapsible boat was not launched in the proper sense of the word; it got into the water, very likely?

25485. (*The Attorney-General.*) Yes; Bride's evidence was with regard to that. That is quite right; that made the 20. (*To the Witness.*) I do not know if you have the figures available, but can you tell us how many persons were taken on board the "Carpathia" from these various boats? - It was reported to me that 705 was the number of survivors, and we took three dead bodies from one of the boats, and also, not counting the 705, there was another man, a passenger we took up from the boat, who died two or three hours after we got him on board.

25486. That is not counted in the 705? - No.

25487. There were 705 survivors? - Yes, we landed in New York 705.

25488. And then there were four, three were dead and one died? - Yes, he died two or three hours after coming on board.

The Attorney-General: We make it 711 somehow; I do not know how.

The Commissioner: This is 709.

The Attorney-General: There is some discrepancy in this; I will try to clear it up. There are 705 of which we have a list. There are six persons who were saved whose names did not appear in the list of the 705, but according to our knowledge now were actually saved by you, so that that would make 711 altogether were saved. That is not including either the three bodies found or the one which died shortly after.

The Commissioner: I do not know that it matters.

The Attorney-General: I am trying to give you the figures so that your Lordship can answer one of the questions. That is the point of it. It involves going into some detail through the evidence in America, but the substance of it is this: the 705 who survived and were landed at New York are included in a list which we have got from the "Carpathia" from America, but besides that there are six persons who were saved on the "Carpathia" who are not included in that list.

The Commissioner: Who prepared the list?

The Attorney-General: We have the names from cables; they are among the first class passengers who were saved according to the cable information which we have. What I am dealing with is the evidence which was taken in America. We cannot do more than that.

The Commissioner: What is the importance of ascertaining the exact number?

The Attorney-General: I do not think anything, except that as far as possible we want to give you the figures as accurately as we can.

The Commissioner: There is a question directed to it?

25489. (*The Attorney-General.*) Yes. It is desirable to know, so far as we can know. I think the difficulty is that more apparently were saved than Captain Rostron had included in the particular list. I do not know that he made out the list, but it was made out.

The Witness: The Pursers made out the list.

The Commissioner: But it is very small.

The Attorney-General: Yes.

The Commissioner: At most, six.

The Attorney-General: Yes, it does show that six more were saved than that list would indicate. There were some first class passengers which would make altogether 711. That is the position. I do not think it is worthwhile spending time on it.

The Commissioner: Seven hundred and eleven living persons from the "Titanic" were landed in New York.

25490. (*The Attorney-General.*) Yes, by the "Carpathia." (*To the Witness.*) Now, from the time that you began to take the passengers on board the "Carpathia" from the boats, was it daylight? - Daylight was breaking just as we were taking the passengers up from the first boat. By the time we got them on board there was sufficient daylight for us to see the boats in the immediate vicinity of the ship.

25491. I want to ask you some questions about that. You saw the other boats when you were taking the persons out of the first boat? - No, it must have been a quarter of an hour after I got them all on board that I saw the other boats. It was not sufficiently light to see the other boats. They were within a range of four or five miles.

25492. The passengers from the first boat you had got on board before you saw any more? - Yes, before we saw any more boats.

25493. In the meanwhile was it becoming lighter? - Yes, it was getting lighter all the time.

25494. Did you see them all very quickly one after the other? - Yes, daylight broke very quickly, and we picked them up here and there within a range of four or five miles, as I say.

25495. I want you to give the Court your impression with regard to these boats, as to whether or not they were full, or whether they could have accommodated more persons, so far as you could see? - Several of the boats could have accommodated a good many more people, and two or three boats were rather crowded, I thought.

25496. I need not pursue that in detail, because we have more exact evidence of it, but I thought it was right to ask you. That agrees, your Lordship sees, with evidence which we have got. (*To the Witness.*) Did you see any wreckage at all of the "Titanic"? - The only wreckage we saw there was very small stuff - a few deck chairs and pieces of cork from lifebelts, and a few lifebelts knocking about, and things of that description, all very small stuff indeed. There was very little indeed.

25497. Any bodies in the water? - We only saw one body.

25498. Would this be between four and six o'clock or something like that? - When we got up to the wreckage it would be about twenty minutes to eight, or a quarter to eight, or something like that.

25499. But you had been close to the spot for some time, had you not? - Yes, but we had not seen this wreckage. We had been dodging about picking up the other boats. I had not any idea where the wreckage was. As soon as we had finished taking the passengers from the boats I cleared off to another boat to pick them up, and was dodging about all over the place to pick them up. It was only when we got to the last boat that we got close up to the wreckage. It was close up to the wreckage. It would be about a quarter to eight when we got there.

25500. (*The Commissioner.*) I understand you to say those boats were spread over an area of five miles? - Four to five miles, yes.

25501. (*The Attorney-General.*) In the morning, when it was full daylight, did you see many icebergs? - Yes, I sent a junior officer to the top of the wheelhouse, and told him to count the icebergs 150 to 200 feet high; I sampled out one or two and told him to count the icebergs of about that size. He counted 25 large ones, 150 to 200 feet high, and stopped counting the smaller

ones; there were dozens and dozens all over the place; and about two or three miles from the position of the "Titanic's" wreckage we saw a huge ice-field extending as far as we could see, N.W. to S.E.

25502. About two to three miles from the "Titanic's" wreckage? - Yes.

25503. Had you seen anything at all of that ice-field before it became daylight? - Oh, no, nothing; it was quite daylight before we saw the ice-field.

25504. You must have been close to it? - We were then about four or five miles from it when we first saw it.

25505. In the full daylight? - In full daylight, yes. We saw the bergs in the ice-field, but we did not see the field itself. There were numerous bergs among the ice-field.

25506. You had not seen those till daylight? - No, we had not seen those till daylight; they were too far away.

25507. As I understand, from what you tell us, you saw six bergs from a quarter to 3 to 4 o'clock? - Yes, we passed those to get up to the position.

25508. The number of icebergs of which you have told us, you did not detect at all in the night? - Well, we passed a lot of them on our way to the position; we must have done, because they were astern of us; they were all round us.

25509. That is what made me ask you the question; because it would seem to indicate you were in amongst the icebergs without knowing it? - Yes, we had not the faintest idea.

25510. And, therefore, they were not easy to pick up by the eye? - No, they were very hard to pick up, as a matter of fact.

25511. We know the one you have told my Lord in detail about was only a quarter of a mile off; were the others close to you? - Do you mean the others that we saw?

25512. No; what I want to know is this: When it got daylight, as I understand you, there were a number of icebergs all round you? - Yes.

25513. Of which really you had only seen, so far as you know, this one which you had starboarded to avoid, when you were going to pick the boat up? - Yes.

25514. You had only detected that one in the night? - No, those that we saw on our way to the position were included in those we could see at daylight. We must have passed some of those on our way, because they were right in the course which we had come.

25515. Did I understand there were six altogether that you saw? - Yes, that we knew of.

25516. I am dealing with the number of icebergs you saw. From a quarter to 3 to 4 o'clock you picked up with the eye six icebergs? - Yes.

25517. When it cleared up and got daylight, and you were more or less in the same place, you found yourself surrounded by icebergs? - Yes.

25518. You have told us there were a great many, and some of them 150 to 200 feet high? - Yes.

25519. But the point I wanted to be quite clear about was that these icebergs must have been close to you without your seeing them? - They must have been, yes.

25520. I wanted to know if you could tell us how far off the nearest one was, leaving out the one which was only a quarter of a mile from you, of which you have told us in detail? How far off was the nearest berg, so far as you can tell us, of 150 to 200 feet high when full daylight came and you could see plainly? - Somewhere about three or four miles.

25521. That would be about the closest? - Yes, that would be about the nearest.

25522. That would seem to indicate that it must have been particularly difficult to pick them up by the eye that night? - Under certain circumstances, yes. Of course, it all depends what you are looking for. If you know what you are looking for, you pick them up better than a man who does not know what he is looking for.

25523. Was there anything, so far as you know, peculiar in the atmospheric conditions that night? - No, I never saw a clearer night. It was a beautiful night.

25524. So far as you could see, you ought to have been able to pick them up easily, or comparatively easily? - Comparatively easily, yes.

25525. If you are looking out for them? - If you are looking out for them.

25526. If you are not particularly directing your attention to picking up icebergs, you might not see them, although they are close to you? - That is so. May I give you one more instance?

25527. Yes, do. - We starboarded for this iceberg, which we saw ahead. When daylight broke and we were picking up the passengers from the first boat, I was looking round and 200 yards on my port quarters I saw a lump of ice twenty feet long and ten feet high, which we had not seen at all.

25528. I think there is only one other matter I want to ask you about. You have navigated for a good many years on this North Atlantic track? - Yes.

25529. And you have often seen icebergs on this track? - Yes.

25530. Have you seen them during this particular month, April, on this track? - I never remember seeing ice in April on the track.

25531. Supposing you had had a wireless message giving you the position of icebergs, and an ice-field or ice-fields, which you would reach in the ordinary course of things within a few hours, what precautions would you take when approaching that region, if any? - A great deal would depend. Do you mean at nighttime?

25532. Yes? - Well, it is very hard to say what I should do, but I think I should do my best to get out of it, to avoid that position. But if an iceberg is reported, it is no use altering your course and trying to avoid it when you do not know where it is. From the time it was reported near the vessel it may have drifted four or five or ten miles, and you might as well keep on your proper course. But if it is an extensive ice-field, we know it covers some area, and of course with an ice-field, I think I should try to get out of it; otherwise I do not know.

25533. You mean you would not go out of your course? - Yes, for an ice-field, but for an iceberg, no. I do not think I should. I should rely upon keeping a look-out, and the weather and things of that kind.

25534. You would attempt to keep out of the way of ice-fields and alter your course, but for icebergs you would go on your course and depend upon picking them up with your eye, and then avoiding them when you have picked them up? - Yes.

25535. I think you have already told me, but I should like to make quite sure of it, that you would take special precautions with regard to the look-out by putting men in the eyes of the vessel? - Yes.

25536. When you had an ice report? - Yes.

25537. As well as having a man in the crow's-nest? - Yes.

25538. (*The Commissioner.*) Do you put two men in the crow's-nest, or one? - I only put one.

25539. (*The Attorney-General.*) And two in the eyes? - Yes.

The Commissioner: In the "Titanic" they had two in the crow's-nest, and it occurred to me it would be almost better to have only one. I do not know whether that is right.

The Attorney-General: The same idea in your Lordship's mind would apply to the two men in the eyes.

The Commissioner: I am not sure.

The Attorney-General: They cannot talk so easily, I agree.

The Commissioner: In the crow's-nest they are rubbing shoulder to shoulder.

25540. (*The Attorney-General.*) Yes, it is not quite so easy, I agree. (*To the Witness.*) I have one other matter I want to know. Supposing you had had a report of the character that I have

indicated to you of icebergs and an ice-field in the regions which you are bound to cross, when you approach that region, would you take any precautions with regard to the safety of your vessel? - Well, a great deal would depend on the weather and the atmospheric conditions.

25541. (*The Commissioner.*) Suppose it is perfectly clear? - If it is a perfectly clear night, and I was sure of my position and everything else, unless I knew there was a lot of ice about, I should feel perfectly justified in going full speed.

25542. (*The Attorney-General.*) But if you thought there was a lot of ice about you would not do it, I gather? - No, I would not. For one or two bergs I should feel perfectly justified in going full speed.

25543. (*The Commissioner.*) I suppose it is a matter for the judgment of the man in charge of the ship? - Absolutely.

25544. (*The Attorney-General.*) Which again, I suppose, must depend upon the atmospheric conditions as to whether he can see clearly ahead? - Yes. We have to take a whole lot of things into consideration in a thing of that kind. It is not one or two; it is many.

The Commissioner: Do you want to ask him anything, Mr. Scanlan?

Mr. Scanlan: No.

Examined by Sir ROBERT FINLAY.

25545. You gave evidence in America? - Yes.

25546. May I put one passage to you? You were asked this by Senator Smith. I am reading to you from the evidence in America. "Captain, is it customary to take orders from a director or a general officer of the Company aboard? - (A.) No, Sir. (Q.) From whom do you take orders? - (A.) From no one. (Q.) Aboard ship? - (A.) At sea, immediately I leave port until I arrive at port, the Captain is in absolute control and takes orders from no one. I have never known it in our company, or any other big company, when a director or a managing owner would issue orders on that ship. It matters not who comes on board that ship, they are either passengers or crew. There is no official status and no authority whatever with them." That is correct? - That is correct.

25547. Did you know Captain Smith? - Yes.

25548. He was a very experienced officer, I think? - Yes, very.

25549. Of very high standing? - Very high, indeed.

Mr. Bucknill: My friend, Mr. Dunlop, unfortunately, is unable to be here at the present moment, and he has asked me to apply to your Lordship for leave to read an affidavit, it is a very short one, which Captain Rostron made.

The Commissioner: Just postpone it for a minute.

Mr. Bucknill: Captain Rostron made it.

The Commissioner: Oh, yes.

25550. (*Mr. Bucknill.*) Perhaps I had better read it and ask him if it is correct. (*To the Witness.*) On the 4th June did you make an affidavit in New York? - Yes.

25551. Did you say then: "I approached the position of the "Titanic" 41.46 N. L., 50.14 W. L. on a course substantially N. 52 W. (true), reaching the first boat shortly after 4 a.m. It was daylight at about 4.20 a.m. At 5 o'clock it was light enough to see all round the horizon. We then saw two steamships to the northwards, perhaps seven or eight miles distant. Neither of them was the 'Californian.' One of them was a four-masted steamer with one funnel, and the other a two-masted steamer with one funnel. I never saw the 'Mount Temple' to identify her. The first time that I saw the 'Californian' was at about eight o'clock on the morning of 15th April. She was then about five to six miles distant, bearing W.S.W. true, and steaming towards the 'Carpathia.' The 'Carpathia' was then in substantially the position of the 'Titanic' at the time of the disaster

as given to us by wireless. I consider the position of the 'Titanic,' as given to us by her officers, to be correct." You swore that? - Yes.

25552. (*The Attorney-General.*) Does that state all the vessels that you saw? I think it stated two steamers? - No; I saw one more, but it was during the night previous to getting out of the "Titanic's" position. We saw masthead lights quite distinctly of another steamer between us and the "Titanic." That was about quarter-past three.

25553. The masthead lights? - Yes, of another steamer, and one of the officers swore he also saw one of the sidelights.

25554. Which one? - The port sidelight.

25555. Do you know of any identification of that steamer at all? - No; we saw nothing but the lights. I did not see the sidelights; I merely saw the masthead lights.

Mr. Bucknill: May we have the distance and bearing of these lights that he saw, as far as he can remember?

25556. (*The Commissioner.*) You did not see the additional lights yourself, the sidelight? - I saw the masthead lights.

25557. Did you see the lights your officer spoke of? - I saw the masthead lights myself, but not the sidelight.

25558. What time was it? - About a quarter-past three.

25559. And how was the light bearing? - About 2 points on the starboard bow.

25560. On your starboard bow? - On my starboard bow; that would be about N. 30, W. true.

25561. I should like to ask you one or two questions. When the boats came up, or when you got alongside the boats, were the people in the boats wearing lifebelts? - Everyone we saw in the boats was wearing a lifebelt.

25562. Can you give me any idea what the thickness of these lifebelts is? - About 4 inches - 3 to 4 inches.

The Attorney-General: We can produce one, if your Lordship wishes.

25563. (*The Commissioner.*) No, that is quite sufficient. I am asking for this reason. It is said by, at all events, one of the Witnesses that one reason why the lifeboats did not carry more than they in fact carried, was that all the people in the lifeboats were wearing lifebelts, and you cannot stow them so closely as you could stow people without lifebelts. I suppose there is some truth in it? - There is some truth in that.

25564. You saw the passengers that you landed at New York, and must have conversed a good deal with them? - No.

25565. Did you not? -No, I did not speak to half a dozen passengers the whole time.

25566. Did you hear no explanation at all as to why these boats were not better filled? - No. The only explanation I got was when the boats first left the "Titanic" the people really would not be put in the boats; they did not want to go in, and I understand that some of the boats that left first had fewer people in. That is all I know about it.

25567. That is what I wanted to know. You heard that explanation given yourself? - Yes.

25568. I wish you would tell us again what you know about the collapsible boats. There were four collapsible boats on board the "Titanic"? - Yes.

25569. How many came alongside your ship, or did you get alongside of? - Two.

25570. Did you see any collapsible boat adrift? - We saw one adrift bottom up amongst the wreckage of the "Titanic."

25571. Then you only know of three boats? - We only know of three collapsible boats.

25572. As to what became of the other boat you know nothing? - Nothing whatever, my Lord.

25573. What condition were those collapsible boats in that you did come alongside of? - In perfect condition.

25574. There were people in them, I suppose? - Oh, yes, they were full. Both the collapsible boats we took alongside were full of people.

The Commissioner: Thank you very much for your evidence.

(The Witness withdrew.)

GERHARD CHRISTOFER AFFELD, Sworn.

Examined by Mr. ROWLATT.

25575. Are you the Marine Superintendent of the Red Star Line? - I am.

25576. Is that a Belgian line of steamships? - Yes.

25577. You live in Belgium? - Yes.

25578. They sail from Antwerp to New York, Philadelphia, Boston and Baltimore, do not they? - Yes.

25579. They carry passengers and mails? - That is right.

25580. Have you experience at sea? - Yes.

25581. How many years? - I have been 39 years at sea, and five years Marine Superintendent.

25582. How long have you been in the Red Star Line? - 32 years.

25583. When you have been navigating in the region of ice, have you changed your course or speed? - Never. I slow her down in the case of fog or thick weather, otherwise not.

25584. Is that the case, although ice has been actually reported to you? - I would not slow her down.

25585. Have you examined the deck logbooks and the engine logbooks of the steamers of your line running the Atlantic passage during April last? - I have.

25586. What steamers are those? - The "Finland," the "Manitou," the "Kroonland," the "Zeeland," and the "Vaterland," and the "Minomini."

25587. Do those logbooks show whether those vessels passed ice? - Some of them.

25588. Which of them? Can you remember? - The "Lapland" and the "Manitou"? - The "Lapland," the "Finland," and the "Manitou," and I believe the "Zeeland."

25589. They all passed ice? - Yes.

25590. Where were they going to, to New York? - They were going to New York except the "Manitou" and the "Minomini," which were going to Boston.

25591. Did they change their course or their speed? - Absolutely not. The "Manitou" slowed down after she entered the field ice. She went into field ice at full speed for about an hour and then the field ice became thick, heavy lumps amongst it, and her Captain slowed her down for about an hour. He reduced speed for fear of damaging the propeller.

25592. What date was that? - I think it was the 14th or 15th.

25593. The 14th, the very day of the "Titanic" going down. I thought it was the 12th? - Yes, the 12th.

25594. You think it was the 12th? - Yes.

25595. You have the logbook if necessary here, have you not? - Yes.

25596. Can you tell us what boats these ships carried, the "Lapland," the "Vaterland," the "Zeeland," and so on? - Yes, the "Vaterland," the "Zeeland," have 14 lifeboats and two gigs under davits.

25597. *(The Commissioner.)* Two emergency boats? - Yes. The "Lapland" has nine collapsible boats, the "Zeeland" has seven collapsible boats, the other three had eight collapsible boats.

25598. *(Mr. Rowlatt.)* Here is the list. *(Handing same to Witness.)* I think you have added some

since the wreck of the "Titanic"? - Yes, since then.

25599. Look at the list. There is a list of ships and boats, and are those that are underlined in black the ones which have been added since the "Titanic" went down (*Handing same to Witness.*)? - Yes, all above the black line were there before.

25600. All under the black line have been added? - Yes.

25601. (*Mr. Rowlatt.*) I was wrong; it is not underlined; it was under the line. I do not know whether that shows it; I do not think it does, but for what percentage of the passengers and crew do you provide boats? - Before the disaster to the "Titanic" about 50 percent, roughly speaking.

25602. Are there any regulations in Belgium as to the boats which must be carried on passenger steamers? - No, we go by the regulations of the American law and the Board of Trade.

25603. (*The Commissioner.*) The British Board of Trade? - Yes.

25604. (*Mr. Rowlatt.*) That is because you call here? - We call at Dover.

25605. You get a passenger certificate from our Board of Trade? - We do.

25606. That involves a certain survey? - Yes.

25607. Do your steamers follow the tracks agreed in 1898? - We do, yes.

25608. I think in your early days you went further North, did you not? - We reported in former years at Cape Race.

25609. You went to Cape Race so as to signal? - Yes; we went North of the Virgin Rocks and reported at Cape Race.

Examined by Sir ROBERT FINLAY.

25610. Can you tell me anything with regard to temperature as an indication of being near icebergs? - Absolutely none. I have tried that so often. I have gone across the banks, where I had the temperature down to 28 or 31 bright clear weather, night and day, and absolutely no ice. At other times I have been close to ice.

Sir Robert Finlay: I do not know whether your Lordship caught the last answer.

The Commissioner: Will you repeat it?

25611. (*Sir Robert Finlay - To the Witness.*) Will you repeat what you said? I understood it was to this effect. He began by saying that he had often been in a very low temperature, absolutely no ice, and then he was going on. (*To the Witness.*) Just repeat what you said? - Sometimes we took the temperature, and on passing a mile and a half or two miles from a mile of icebergs, and found a temperature up to 55 and 56 degrees. One of our Captains during the April voyage marked in his logbook what temperature he had.

25612. Was that the "Finland"? - That was the "Finland," yes.

25613. Is that the log? (*Handing same to Witness.*) - Yes, the Captain made an entry in the logbook.

The Commissioner: I think, Sir Robert, that the effect of the evidence so far is that a fall in the temperature cannot be relied upon as indicating the presence of ice.

Sir Robert Finlay: If your Lordship pleases. Then I need not trouble. There is an illustration there that they passed icebergs with certain temperatures.

The Attorney-General: I think the only comment I should make with regard to the evidence is this. Speaking for myself, having considered it, and more especially having regard for some observations of your Lordship during the course of the evidence, I think it would rest thus, that it does not necessarily follow that a fall of temperature would indicate the vicinity of ice. But there is this comment to be made - it is the only comment which I propose to make - that if you are approaching a region in which you expect to find ice, in consequence of reports which you may have received, a fall of temperature then may be an indication to you, but by itself not, I agree.

25614. (*Sir Robert Finlay.*) Perhaps you will read that entry from the log of the "Finland"? - "At 2.50 p.m. to 4 p.m. passed nine large icebergs between latitude 41° 28' N. and 40° 58' N., and longitude 46° 7' W. and 46° 42' W." It says, "We were nine miles off the iceberg when we had a temperature on one occasion of 42 degrees"; when he came close to the iceberg, one mile, he had the same temperature of 42 degrees. The same night he passed several other bergs where he had 56 degrees, 12 miles off and again one mile off, the same temperature. Absolutely, you cannot tell by that.

25615. You have told us the practice is not to reduce speed. Is that the practice of all your captains of the Red Star Line? - Yes, all of them.

25616. And, as far as you know, in other lines too? - I believe every captain will give you the same answer; they will not slow down unless it becomes thick or hazy.

Mr. Harbinson: My Lord, the Witness has told us of the practice; would your Lordship ask him what the speed of the vessels is?

23617. (*The Commissioner.*) Yes, quite right. (*To the Witness.*) What is the speed of your vessels? - 15 ½ to 16 knots, the New York boats.

(The Witness withdrew.)

The Attorney-General: May I just remind you of this. I only want to do it, so that my friends, particularly Sir Robert Finlay, may know. Sir Ernest Shackleton said this in dealing with the temperature point: "If there was no wind and the temperature fell abnormally for the time of year, I would consider I was approaching an area that might have ice in it." If there was no wind, that is the point. Then he explained it more in detail. It is page 720.

We are calling these Witnesses at the request of my friend, my Lord.

The Commissioner: I was under the impression that the evidence was finished.

The Attorney-General: Yes, so were we.

ARTHUR ERNEST TRIDE, Sworn.

Examined by Mr. BUTLER ASPINALL.

25618. You hold a Master's certificate? - Yes.

25619. And have you been in the Atlantic trade for the last eighteen years? - Yes.

25620. And are you at present in command of the "Manitou"? - Yes.

25621. She is one of the Red Star Line that was spoken of by the last Witness? - Yes.

25622. You heard the last gentleman's evidence. Is your practice as to reducing speed the same as the practice of the various other Masters in that fleet? - Yes.

(The Witness withdrew.)

Sir Robert Finlay: I am glad to say that after the examination of the correspondence and the logs, the statement such as your Lordship asked for with regard to other vessels has been agreed upon. The statement that was produced the other day has been altered in some respects after examining the logs, and we are now agreed that it is accurate. It will save a good deal of trouble.

The Attorney-General: I will hand in a summary. I have not seen it yet. I see that the letters are summarised in a short table.

The Commissioner: What letters are these?

The Attorney-General: These are the replies that were received to the Board of Trade circular letter of the 6th June, which is the letter I read to your Lordship on the last occasion, when we had some discussion as to what was the answer received from the two German lines, as to the course pursued by them, and sailing directions. At that time your Lordship will remember, you indicated that they could not be put in unless my friend Sir Robert allowed them to be put in; he had the right to object. He objected then only for the purpose of considering the documents which he had not then seen. He has now seen them, and we have agreed upon the summary, and we have agreed upon the documents which are now being handed up to the Court. (*The same were handed in.*)

Sir Robert Finlay: There is only one addition I want to make. Your Lordship will see that under the head of "White Star Line" in this statement in the margin is "Logs not sent." The logbooks are in Court, and at the service of the Court. I have them here, and I will hand them up now.

The Commissioner: Do not encumber my table with a number of things which it is not necessary for me to have.

The Attorney-General: I quite agree. My friend can refer to them without handing them up.

The Commissioner: I get them here, and then very often I do not know what they have been handed in for.

Sir Robert Finlay: I entirely sympathise with that point of view.

The Attorney-General: We may treat them as in, and my friend can refer to any part of them if he wishes.

The Commissioner: And you will understand I shall not refer to any part of them unless you draw my attention to them.

Sir Robert Finlay: I do not know that it will be necessary to refer to them. I only wish it to be understood the logbooks are here.

Sir Robert Finlay: May I indicate what this table is? I think one has been handed up to each of the Assessors as well as your Lordship; the first, "Particulars of vessels in neighbourhood of disaster," you have first there in the summary, the Leyland Line. There is the "Californian" - of course that is already dealt with in the Enquiry - "Instructions to Commanders of vessels: The Commanders must run no risk which might by any possibility result in accident to their ships." That is a summary. The letter is actually here in the documents, but your Lordship really has got enough of it when you have that summary, which is an agreed summary. Then there are the logbooks, showing what has happened with regard to them. Then if you take the Anchor Line, the next one, "No vessels in actual vicinity but 'Caledonia' was warned by wireless of field ice; course altered to southward to avoid it. Sighted ice 9th April." "Instructions to Commanders: Course to be altered on ice being seen or reported. In the event of fog, speed to be reduced. No book of Instructions and Regulations sent; log not sent," and so forth.

The Commissioner: Where does the Anchor Line trade to?

The Attorney-General: I think it is Glasgow to New York - Glasgow to the United States, certainly. I am told that they also trade to the Canadian ports, and that we do not quite know what track she was on.

The Commissioner: I thought so. That would make a difference.

The Attorney-General: I see what is in your Lordship's mind, and it may be necessary to enquire into it. Of course, these are the general instructions which are given to the Commanders of both.

The Commissioner: I think the Instructions, so far as they refer to ice, would apply more particularly to the voyages to Canada.

The Attorney-General: I agree, my Lord, to the extent that you would more probably meet ice

on that voyage.

The Commissioner: For instance, in the Leyland Line, which I do not believe goes to Canada at all, there are no such words. There are no specific references to ice.

The Attorney-General: No. The Allan Line, which is a Canadian Line, specifically does mention it.

The Commissioner: Yes, that is another Canadian Line.

The Attorney-General: Your Lordship will remember that the White Star Line also itself has special regulations with regard to entering ice on the Canadian Line.

The Commissioner: Yes. And then the Canadian Pacific, again.

The Attorney-General: They do not seem to make any special reference to ice.

The Commissioner: I think so. We had the Master of the "Mount Temple." I agree this summary of the letter does not mention it, but the Master of the "Mount Temple" told us he had express directions, either to slow down -

Sir Robert Finlay: I think your Lordship will find it in the letter appended.

The Commissioner: However, I think you can leave this with me, Mr. Attorney.

The Attorney-General: Yes, certainly. I see it is a letter of 11th June: "I have no knowledge of what other Shipmasters do" - this is the manager of the Canadian Pacific Line writing - "but our Masters know that they must not enter even light field ice or touch ice of any kind." That bears out what the Master of the "Mount Temple" says. The summary does not indicate that, as your Lordship sees, but it is there. It is under date 11th June. Then I have here some letters which I have not seen before, but they are answers which have been made, I understand, to the White Star Line, which has also been making some inquiries with the same object. They had better be handed in. My friends wish them handed in. Will you follow this, Sir Robert, because it does not seem very desirable to encumber the Court with more documents than are necessary? I think the only addition to what we have already in evidence is the Hamburg-Amerika Line.

Sir Robert Finlay: Yes.

The Commissioner: I have here the Norddeutscher, which is a sufficient answer for my guidance, because I assume that the Hamburg-Amerika is the same: "Steamers were going full speed as long as the weather kept clear."

The Attorney-General: Very well.

The Commissioner: That looked as though they followed the same practice as the British ships.

The Attorney-General: Now, my Lord, there is one matter I want to mention to avoid any possible misapprehension. With reference to my friend, Mr. Duke, who appeared for Sir Cosmo and Lady Duff-Gordon - I mention it because I happen to have seen him with reference to it - of course he is ready to come if there were any necessity, but I indicated to him what I have already told your Lordship with reference to them, that is to say that I was going to make no comment whatever upon their evidence, except in so far as it became necessary in regard to that particular boat, but not in any way reflecting upon them. I had already said that, and therefore he did not propose to attend unless any other of my friends was going to make an attack upon them. I told him I understood from what had happened that that was not going to take place, and that therefore he need not appear; but if there is any intention of making an attack upon them it ought to be stated, so that he may have notice of it, and be here whenever the attack is taking place.

The Commissioner: What is your view, Mr. Edwards and Mr. Scanlan?

Mr. Edwards: I was going rather to ask your Lordship's direction. I was responsible in the first place for getting out the evidence as to the payment of money. I quite recognise, whatever might be our view or whatever might be your Lordship's view, about the actual conduct of any single passenger, it is not material to the issues which you have to try, except in so far as it may have had a certain effect in seducing the mind of the man responsible for navigating the boat from any

idea there may have been of going back to the rescue. Of course it is a very serious matter in the case of that boat, which was practically empty, and was capable of saving a great number of people. It may be essential to point out the possible effect of a certain line of conduct on the part of the passengers; and subject to what your Lordship might say, I did propose commenting upon the evidence as given against and by Sir Cosmo Duff-Gordon and Lady Duff-Gordon, in so far as it is calculated, or may be calculated, to have affected the mind of those responsible for the conduct of that particular boat. Therefore, I think, those who are representing Sir Cosmo and Lady Duff-Gordon ought to be apprised of the fact, subject of course to what your Lordship may say, that there is an intention to call attention to the evidence relating to that part of the case.

The Commissioner: What do you say, Mr. Scanlan?

Mr. Scanlan: I have felt that I could with propriety in discharging what I conceive to be my duty to my clients, leave the question of the personal conduct of the Duff-Gordon's out of this case. I feel I am not debarred on that account from making a comment on the fact that this particular boat was not filled with a proper complement of persons. But I am going to attribute that, my Lord, to another cause. I am going to attribute the fact that the boat was not filled to another cause, to the want of discipline. I shall have some remarks to make upon that when I come to it, but not at all in reference to the personal conduct of the Duff-Gordon's.

The Attorney-General: I have never said that I am not going to comment upon the conduct of the man who was in charge of the boat, and responsible for it, and also to some extent to what happened in the boat. What I have said, and what I intend to adhere to, is that I am going to make no comment on the conduct of Sir Cosmo Duff-Gordon and Lady Duff-Gordon. As I understand, the personal incident was introduced at first by some underlying suggestion that Sir Cosmo and Lady Duff-Gordon had promised money to the men not to go back to the spot at which the "Titanic" had sunk, in order that they might run no risk. Of course, if there had been evidence of that, it would be a matter, I presume, which your Lordship would not for a moment have passed over. But looking at the evidence, of course it is quite clear upon the evidence that that did not take place. I have been through it very carefully. And short of that, whether or not, having regard to what I may call the highest duties which are imposed upon persons in such circumstances, they should have gone back or should have done their best to persuade the men in charge of the boat to go back, is not a matter which it seems to me your Lordship will have to deal with. It has almost always to be left to considerations which are really not considerations which would sway a Court of law. Men and women will always differ to all eternity between what should be done in circumstances such as those described, and therefore it is that I am making no comment, and intend making no criticism in any way upon what took place with regard to that. It seemed to me not to be a matter which your Lordship would deal with. But the boat, and the conduct of the man in charge of the boat, I think we must deal with. I indicated that some days ago when I first mentioned this.

The Commissioner: My own view of the matter is this: It is material to enquire why that particular boat did not contain a proper number of passengers, and to the extent to which the acts or conduct of Sir Cosmo Duff-Gordon can explain, or can be said to explain, why that boat did not contain a full or proper complement of passengers. I think it is quite right that what he said and what he did and what his wife said and did, should be enquired into. But beyond that I do not see that it is at all necessary to go. I do not propose myself to make any reflections, at present at all events, at all upon the conduct of either the gentleman or his wife, and I want to add that if I do not my silence is not to be taken as any adverse reflection on him at all. I shall be silent simply because it has got nothing to do with what I have before me.

The Attorney-General: As your Lordship pleases.

The Commissioner: I do not know whether I have made it plain. I think, Mr. Edwards and Mr.

Scanlan, you are both entitled to make any comments that you think proper upon the acts and conduct of Sir Cosmo Duff-Gordon, so far as they may be said to explain why that boat did not succeed in saving more people. I think you are quite entitled to do that, and I do not think you would discharge your duty if you did not do it; but, at the same time, it occurs to me that you may be able to do it without any reflections upon his conduct as a man.

The Attorney-General: There is one other matter I want to mention.

The Commissioner: There is one I want to mention, and I will do it when you have finished.

The Attorney-General: After I left on Wednesday your Lordship had a little discussion with my friends, Mr. Butler Aspinall and Mr. Laing, who are, of course, best qualified to express their views as to the practice in these Enquiries. My Lord, I confess that I thought it was necessary, and I think it necessary now, to make some observations to your Lordship with regard to what took place on that occasion, so that at any rate it may be made clear what the argument is which will be put to the Court by me at the end of this Enquiry, and so that my learned friend, Sir Robert Finlay, who I understand is representing also Captain Smith -

Sir Robert Finlay: Yes.

The Attorney-General: Will have the opportunity of dealing with what I am about to say. I am very anxious, as your Lordship will understand, not in any way to press anything against either Captain Smith or the other officers who, unfortunately, met their fate on this occasion - so far as it is possible for me, whilst, at the same time doing my duty in this Enquiry I should wish to avoid it. The practice of these Courts of Enquiry has been, speaking generally, and only generally, as your Lordship will see in a moment, not to enquire whether or not an officer who does not survive the loss of his ship has been negligent. The reason of it is not far to seek. In the ordinary course of these enquiries if an allegation is going to be made of negligence against an officer which would, if found by the Court, affect his certificate, the practice - and it is a practice which is regulated by the Rules - necessitates that notice must be given to him so that he may appear and defend himself. Of course, in the case of an officer who has not survived, it is impossible to deal with his certificate; the Court does not do it; and no notice to his representatives is necessary because of that fact. It is not necessary to go into it more in detail. Your Lordship will remember that I indicated this in opening the case, and pointed out that we were not asking your Lordship to find anything with regard to the certificates of the officers, because those who were in charge had succumbed in this disaster. But, my Lord, having regard to the nature of this Enquiry, and to what I think I am justified in calling the somewhat extraordinary character of this Enquiry, and also of the disaster, I cannot find, according to what I have been able to ascertain about the practice, that there is anything which would prevent your Lordship coming to a conclusion - assuming that you did, of course - I will not say, coming to a conclusion, but I will say considering and determining whether or not you think this vessel was navigated with proper and seamanlike care. With great respect, it does seem to me that it is not possible to deal with this Enquiry and to satisfactorily answer the questions that are put without, at least, coming to some conclusion with regard to that question.

Sir Robert Finlay: I quite agree.

The Attorney-General: I am glad my learned friend agrees. I wanted to make it quite plain that it must be so. The reason I am mentioning it is that your Lordship did indicate the view which is in accordance with the general practice, but there is a case to which I wanted to call attention only because it shows so plainly that that practice is not an invariable one.

The Commissioner: I do not think either Mr. Laing, or Mr. Aspinall suggested the contrary.

Sir Robert Finlay: I may say that I shall certainly ask for no indulgence on the ground of the unhappy death of these officers. I shall ask the opinion of the Court, and I shall ask the Court to say that there was no error of judgment on their part whatever.

The Commissioner: That means also no negligence.

Sir Robert Finlay: Certainly.

The Commissioner: It includes it - no negligence or error of judgment?

Sir Robert Finlay: Yes. I used the expression "error of judgment" because your Lordship put that as denoting something less than negligence - not even an error of judgment. On behalf of every one of those officers I want the fullest Enquiry into it, and I give the Attorney-General notice that I shall submit to the Court that they did what was right under the circumstances, and that no blame of any sort or kind is imputable to any of them.

The Attorney-General: As long as it is quite clear that the matter is to be dealt with by the Court, I am satisfied. I want my learned friend to be quite clear that it will be my duty to submit to the Court some considerations which, if they commend themselves to the Court and are accepted would not agree with the view which my learned friend must necessarily contend for. I wanted it to be made quite clear, as I have to speak at the end. All I have to do is to put considerations to the Court.

The Commissioner: Very well, you have given full notice now to the others.

Mr. Clement Edwards: There is one matter, my Lord, a little outside the precise scope of my particular duties here which I want to mention.

Sir Robert Finlay: Forgive me, there is one very small matter I have to mention. Something was said about the steerage-way of the "Titanic" when Sir Ernest Shackleton was in the box. He put it at 10 knots. I am told it would have steerage-way at 6 knots. Mr. Wilding is not here today, but he will be here on Monday and will state that.

The Attorney-General: I should accept that.

Sir Robert Finlay: Sir Ernest put it too high. My learned friend will not want evidence on that point.

The Attorney-General: No, I accept that statement.

Sir Robert Finlay: Mr. Wilding will be here on Monday if my learned friend desires him to make the statement.

Mr. Clement Edwards: My Lord, in this Enquiry, except in the case where certain reflections were passed by a Witness on the conduct of particular passengers, there have been no passengers called to give evidence. I know there is a perfectly satisfactory explanation why that is so, but I think in the public interest it might be well if the learned Attorney-General indicated why that course has been taken.

The Attorney-General: I am quite ready to do so. I thought I had already done so, but I will state it in two sentences. We found it useless to call passengers who could only state what has already been stated by the officers and crew who have been called. If I had found in any proof or document submitted to me that any passengers could prove anything which was in conflict with what had been said on any material point, of course, I should have called them. As your Lordship knows, at an early stage, and since, as intimated to my learned friend, Mr. Harbinson, who naturally had some statements before him, I would call any passenger whose proof or statement was put before me, if it added anything to the testimony which we already have. My own view, after consideration of a great many statements was that it was useless repetition, and that therefore it was unnecessary to put it before the Court.

The Commissioner: That will probably be satisfactory to Mr. Edward. There was one matter I was asked to bring to your notice. When the answers were being received to the C.Q.D. messages from the "Titanic," apparently Phillips had a great difficulty in hearing them because of the noise of the steam. The question I was asked to put to you was this: Is it not possible to arrange that messages received in the Marconi room as well as despatched can be received in a silent cabin - I believe it is called.

The Attorney-General: It would be the same room, would it not?

The Commissioner: I am told it is so on board the vessels in the Navy.

The Attorney-General: It would be in the same room. They are received and sent in the same room.

The Commissioner: As I understand, they are sent from what is called the silent cabin, and the question is, could not it be arranged that they should also be received in a similar cabin, or in the same cabin, so that the noise should not interfere with hearing the message.

The Attorney-General: My impression is that they are received and sent in the same room. I do not follow how they could be received in a different room from the one in which they are sent. I should think they are received and transmitted in the same room.

The Commissioner: If that is so, I do not understand why the noise of steam should prevent them hearing.

The Attorney-General: Mr. Turnbull is here. May we ask him the question?

25623. (*The Commissioner.*) Yes. (*To Mr. Turnbull.*) Will you please answer the question. Have you heard what I was asking?

Mr. Turnbull: Yes.

25624. (*The Commissioner.*) What is the explanation?

Mr. Turnbull: I think, on these large Trans-Atlantic liners, almost everyone of them, without exception, has the cabin in the most silent place in the ship. That is one of the specifications we always ask for. The cabin is placed amidships for two reasons - one because that is the most silent place, and another because it is the best place technically. In the case of the "Titanic" the instruments were divided into two rooms. The transmitting instruments, which cause a certain amount of noise, were placed inside a silent chamber, so that the noise of the signals as transmitted would not be heard outside or by passengers. We have to preserve the secrecy of telegrams as far as possible. In the receiving cabin, in all ordinary circumstances under which the "Titanic" is sailed, there would be practically no noise at all. It was only, I think, under the exceptional circumstances of the "Titanic" being at full steam and being suddenly stopped that there was an excessive blow-off at a pipe in the immediate neighbourhood of the station. I do not think that would ever have occurred in ordinary practice. I understand from Mr. Bride that this noise was brought to the notice of the Captain and he had it stopped immediately. I do not know how he did have it stopped. I suppose he arranged that.

25625. (*The Commissioner.*) I do not see how he could have stopped that?

Mr. Turnbull: By some arrangement in the engine room, I suppose.

25626. (*The Commissioner.*) He could not stop that blow-off.

Mr. Turnbull: It might be diverted to another exhaust pipe.

25627. (*The Commissioner.*) It is pointed out to me that the answers to their messages were of the greatest importance, and yet they could not hear them because of the noise, and it is suggested to me that there should be some chamber in which to receive the messages, and from which the noise outside in the ship should be excluded?

Mr. Turnbull: We used to do that years ago when wireless was in its infancy and when it was necessary to reinforce the strength of the signals as much as possible; but at the present day the signals are so strong within the normal range of shipping stations, that it is not necessary to go to the expense.

25628. (*The Commissioner.*) It would have been a very good thing on this occasion?

Mr. Turnbull: Yes, my Lord, it would.

25629. (*The Commissioner.*) I daresay the signals are very strong, but it would have been a very desirable thing that the messages which were being received by the "Titanic" on this occasion should have been heard.

Mr. Turnbull: There are occasions when we find it is impossible to fulfill the conditions of silence to the extent that we desire. For instance, in the case of a winch being outside, or pumps of any description making a noise, then we do have the receiving room silenced as much as possible.

25630. (*The Commissioner.*) Cannot you have a cabinet?

Mr. Turnbull: We do, my Lord.

25631. (*The Commissioner.*) So constructed as to keep out the sounds of a winch?

Mr. Turnbull: We have them constructed to diminish sound as much as possible.

The Attorney-General: I am not going to ask Mr. Turnbull anything, but the two documents which have been referred to and handed in, the one, the corrected *procès-verbal*, and the other, received and sent messages, are taken in. I need not formally put them to Mr. Turnbull?

The Commissioner: No. Are you going to begin your address, Mr. Edwards?

Mr. Clement Edwards: No, my Lord. I thought your Lordship would like to know how the matter stands in relation to what your Lordship intimated on Friday. The position is this: that in the case of my friend, Mr. Pringle, appearing for the shipwrights, in the case of Mr. Cotter, appearing for the National Union of Stewards, and Mr. Lewis, appearing for the British Seafarers' Union, they have acceded to your Lordship's suggestion, and I shall represent them in making my speech.

The Commissioner: That is very convenient.

Mr. Clement Edwards: With regard to the officers represented by Mr. Holmes, they are quite anxious, I understand, that he should address you, and, with your Lordship's permission, he will do that before I address your Lordship, and also, with your Lordship's permission, Mr. Harbinson will address you before I address you.

The Commissioner: Very well.

Mr. Clement Edwards: Your Lordship recognises better than anyone that in this Enquiry there is a huge mass of evidence, and if the case were an ordinary one where there is a responsibility placed upon individual Counsel to draw your Lordship's attention to the effect of the evidence, it would involve, if I may say so in my own case, taking up quite a considerable time, but inasmuch as the learned Attorney-General must, in the discharge of his duty to all concerned, point quite in detail to the effect of the evidence on the respective points, I suggest that there will be no need for me, except, perhaps, in the case of the Board of Trade, to go at all into detail with regard to the evidence, but to point out broadly to your Lordship what I deem to be the effect of the evidence on the respective points. It is a difference between two hours and two days, and I thought your Lordship would much prefer the two hours.

The Commissioner: I am always delighted to hear you, and, though it may seem inconsistent, I prefer the two hours.

The Attorney-General: I hope the same observations will apply to me. It must not be assumed that I am going to take up days by referring in detail to the evidence, except where it is necessary.

The Commissioner: Who am I to hear first, you, Mr. Scanlan?

Mr. Scanlan: I understand so, my Lord.

The Attorney-General: There is one matter Sir Ellis calls attention to which, perhaps, for formality's sake we had better put right. Under the Rules to which I called attention in opening the case, when the examination of witnesses has been concluded, the Board of Trade shall state in open Court the question in reference to the casualty and the conduct of officers or other persons connected therewith upon which the opinion of the Court is desired. What I want to call attention to is this: That if there is any other question which any of my learned friends would desire submitted which is not included in the questions which I have submitted, as amended, at

the end of the evidence, I shall be very glad to consider any such question and determine whether or not I would ask your Lordship to consider it. So far as I gathered during the course of the case, and from the questions, of which my learned friends have had copies, they do cover all the ground upon which we are engaged, and I am not asked to put any other questions to your Lordship than those already before you. I understand that is so.

Mr. Scanlan: My Lord, at the outset, as this is the first opportunity that I have of addressing you, I desire, on behalf of my clients and myself, to express our sympathy with the relatives of those who were lost in this dreadful catastrophe, the circumstances of which have been brought so vividly back to us by the admirable evidence of Captain Rostron today.

I should like also to say that we feel that the greatest scope and indulgence has been given to us in putting the views of our Union before your Lordship, and so far as the conduct of the case by the learned Attorney-General is concerned, I may be permitted to express my indebtedness to him for calling a certain number of witnesses whose names and the nature of whose evidence I had an opportunity of submitting to him.

My Lord, there are portions of this case with which I feel it is quite unnecessary for me to deal. In the whole twenty-six Questions, as they are set down by the learned Attorney-General, there may be found three leading divisions. There are three considerations of safety which apply to every ship that goes to sea. The first is the seaworthiness of the ship; the second is the skill in seamanship and in navigation; and the third is the provision for the saving of life, which may be taken as the last resort. As to the construction of the "Titanic," saving, of course, what I shall have to say to your Lordship as to her boat equipment and appliances for life-saving, I do not think it is necessary for me to deal with this aspect of the case, because I feel I am justified, subject to what has been brought out in the evidence and what may be submitted to your Lordship, to proceed on the assumption that this ship was in a perfectly seaworthy condition, and that what befell it was due not to the condition of the ship, but to the seamanship and skill, or want of seamanship and skill, and the want of proper directions as to her navigation.

My Lord, it is important to consider Question 24 and Questions 10 and 13. Question 24 is: "What was the cause of the loss of the 'Titanic,' and of the loss of life which thereby ensued or occurred?" Question 10 is: "If at the time referred to in the last preceding Question, or later, the 'Titanic' was warned of, or had reason to suppose it would encounter ice, at what time might she have reasonably expected to have encountered it? Was a good and proper look-out for ice kept on board? Were any, and, if so, what, directions given to vary the speed? If so, were they carried out?" And Question 13 is: "Was ice seen and reported by anybody on board the 'Titanic' before the casualty occurred? If so, what measures were taken by the officer on watch to avoid it; were they proper measures and were they promptly taken?" These, my Lord, are three very important questions which I think go to the root of the first general consideration to which I am addressing myself, and that is the consideration as to seamanship and navigation.

Of course, it is of the very utmost importance to consider at the outset what were the conditions on the night of the 14th of April, when this catastrophe occurred. Here I have to present to your Lordship a view of the disaster which will at once, I doubt not, lead me into controversy with some of my learned friends. I am to submit to your Lordship on the evidence that there was in fact a haze on the night of the 14th of April, and that this haze prevented the look-out men and the officer on watch from seeing the iceberg in time to have the course of the ship altered, so as to avoid the collision. I would like to refer your Lordship to two remarks which your Lordship made in the course of the evidence on this matter. At page 410, on the question of haze, your Lordship said, while the Attorney-General was asking questions of Fleet, one of the look-out men: "Yes, I will tell you at once. My impression is this, that the man was trying to make an excuse for not seeing the iceberg, and he thought he could make it out by creating a thick haze."

That referred to one of them. Then at page 413, whilst Fleet is under examination still, your Lordship said: "He was asked by the Attorney-General, and he told us that he could not" - that is, see the iceberg - "and as I myself have very grave doubts about there being a haze at all, I can understand his having a difficulty in saying how long before the collision it was that he saw it." On this part of the case let me direct attention to the watches of the look-out men. The first watch was of Hogg and Evans from 6 to 8. Then came the watch of Jewell and Symons from 8 to 10. Then the watch of Fleet and Lee from 10 to 12. So far as the first watch, from 6 to 8, is concerned, there is no question of a haze. The evidence as to haze was first of all brought out when the men on the second watch were giving evidence to your Lordship. In the second watch, of the two men Jewell and Symons, Jewell has been asked no question whatever as to a haze, but the Witness Symons was asked a question on this by my learned friend Mr. Laing. Then we came to the third watch, and this is, of course, the all important critical time - from 10 to 12 - and we have it on the evidence, both of Fleet, and Lee, that there was a haze. This is not the whole of the evidence on the question of haze, but it exhausts all the look-out men to whom any questions were put as to whether or not there was a haze. Perhaps your Lordship will take a reference to the particular parts of the evidence. The evidence of Symons will be found on page 268, and he states at Question 11983, in answer to Mr. Laing, that there was a haze. Mr. Laing asked: "While you were on the look-out, up to 10 o'clock, what sort of a night was it? - (A.) Pretty clear, Sir, a fine night, rather hazy; if anything a little hazy on the horizon, but nothing to speak of. (Q.) Would you describe it as a very clear night? - (A.) Yes. (Q.) With stars? - (A.) Yes." Then the evidence of Lee is at page 72. He is one of the men on the look-out when this collision occurred. At Question 2401 he is asked by the Attorney-General: "What sort of a night was it? - (A.) A clear, starry night overhead, but at the time of the accident there was a haze right ahead. (Q.) At the time of the accident a haze right ahead? - (A.) A haze right ahead - in fact, it was extending more or less round the horizon. There was no moon. (Q.) And no wind? - (A.) And no wind whatever, barring what the ship made herself." And he described the conditions: "(Q.) Quite a calm sea? - (A.) Quite a calm sea. (Q.) Was it cold? - (A.) Very, freezing." Then Question 2408: "Did you notice this haze which you said extended on the horizon when you first came on the look-out, or did it come later? - (A.) It was not so distinct then - not to be noticed. You did not really notice it then - not on going on watch, but we had all our work cut out to pierce through it just after we started. My mate happened to pass the remark to me. He said, 'Well, if we can see through that we will be lucky.' That was when we began to notice there was a haze on the water. There was nothing in sight." Then there is the evidence of Fleet, at page 410, Question 17248. He is being examined by Mr. Attorney, and is asked: "Could you clearly see the horizon? - (A.) The first part of the watch we could. (Q.) The first part of the watch you could? - (A.) Yes. (Q.) After the first part of the watch what was the change, if any? - (A.) A sort of slight haze. (Q.) A slight haze? - (A.) Yes. (Q.) Was the haze on the waterline? - (A.) Yes. (Q.) It prevented you from seeing the horizon clearly? - (A.) It was nothing to talk about. (Q.) It was nothing much apparently? - (A.) No. (Q.) Was this haze ahead of you? - (A.) Yes. (Q.) Was it only ahead, did you notice? - (A.) Well, it was only about 2 points on each side." He is asked further questions about it.

The Commissioner: There is Question 17270: "You did not say anything about it to the bridge? - (A.) No."

Mr. Scanlan: He is asked a further Question, 17321, I think, by the Attorney-General, at page 411.

Sir Robert Finlay: Question 17273 I think is important.

Mr. Scanlan: Yes: "I understand you to say that whatever it was it made no difference to the look-out? - (A.) Yes, my Lord." I will come to that again. On page 411, he is asked at Question

17321: "I think then Hogg and Evans relieved you. Now, will you tell me, supposing there had been a haze, would it be your duty to report it at all to the bridge? - (A.) I have never reported haze yet." I think, my Lord, it is fair to observe at this point that there has not been a suggestion from any Captain, or any officer, that a look-out man has a duty to report haze. I made a suggestion to the first Witness who mentioned haze as to whether or not he had reported it, and I think he looked at the question as being somewhat childish; it seemed so obvious to him, as it did to everybody else, that the officers on the bridge had at least as good an opportunity of determining for themselves whether or not there was a haze as the look-out men. The evidence of the Witness, Alfred Shiers, I consider most important on this point.

The Commissioner: Did this Witness contradict the evidence of the first man?

The Attorney-General: There is Question 17271, on page 410.

Mr. Scanlan: That question is: "I think it is necessary to direct your Lordship's attention to Question 2408, at page 73 of Lee's evidence. I have asked him his story in detail, but I think it is necessary to put it to him now. I will read it. (*To the Witness.*) Just listen to this, Fleet. This is a question put to your mate, and I will read you his answer, 'Did you notice this haze which you said extended on the horizon when you first came on the look-out, or did it come later? - (A.) It was not so distinct then - not to be noticed. You did not really notice it then? - Not on going on watch, but we had all our work cut out to pierce through it just after we started. My mate' - that is you - 'happened to pass the remark to me. He said, "Well, if we can see through that we will be lucky." That was when we began to notice there was a haze on the water. There was nothing in sight." - (A.) Well, I never said that. (Q.) You never said it? - (A.) No." On the question of haze he is examined somewhat further when he is being examined by myself at page 413, Question 17392: "I think you said when you were being examined that you said to your mate Lee that there was a slight haze coming? - (A.) Yes. (Q.) I want to make this perfectly clear. Is it your evidence that there was a haze that night? - (A.) No, there was not. I said there was a slight haze. (Q.) Could you recall now how long you had observed the haze before - (*The Commissioner.*) He told us once that he could not. (*Mr. Scanlan.*) He was asked, I think, how long after he came on the watch. (*The Commissioner.*) He was asked by the Attorney-General, and he told us that he could not; and as I myself have very grave doubts about there being a haze at all, I can understand his having a difficulty in saying how long before the collision it was that he saw it." Then your Lordship is referred to the evidence of other Witnesses. Then at Question 17395 I quoted some evidence: "Would you describe it as a very clear night? - (A.) Yes. (Q.) With stars? - (A.) Yes"; and asked: "Do you agree with this description of the night - 'fine night, rather hazy; if anything a little hazy on the horizon.' (*To the Witness.*) Not when I went on the look-out; it was not hazy."

The Commissioner: But it occurs in Question 17394: "Pretty clear, Sir, a fine night, rather hazy; if anything a little hazy on the horizon, but nothing to speak of."

Mr. Scanlan: Yes. Then the next Question is "*(Mr. Scanlan.)* 'Would you describe it as a very clear night? - (A.) Yes. (Q.) With stars? - (A.) Yes.' Do you agree with this description of the night - 'fine night, rather hazy; if anything a little hazy on the horizon?' (*The Witness.*) Not when I went on the look-out; it was not hazy. (Q.) But when the haze did come on was it like that? - (A.) A slight haze. (Q.) And did it extend right round the horizon? - (A.) No. (Q.) It did not extend all round? - (A.) No. (Q.) Was it right in front of you? - (A.) Right in front. (*The Commissioner.*) I understand you to say two points on each bow. - (A.) Two points on each bow; that is in front." Then he is asked a question about binoculars, which I need not trouble your Lordship with. Then will your Lordship look at the evidence of Alfred Shiers, at page 111, he was a fireman on the "Titanic," and is being cross-examined by Mr. Aspinall. He was not on watch at the time the collision occurred, and the effect of his evidence - I do not wish to read it

all - is that he left his quarters and came up on deck almost immediately after the collision occurred, and he is one of the two or three people who have given evidence who have been able to say that they saw the actual berg after the collision occurred. The evidence he gives as to the haze is at Question 4700, on page 113. He describes how he went on to the fore-well deck and looked aft on the starboard side, and he describes the berg, and he is asked, at Question 4699: "Could you get a good view of it from where you were standing? - (A.) No, only dim." Then Question 4700: "Was there a haze at the time; was the air clear, or was there a haze? - (A.) It was hazy. When I saw that berg it was hazy. The berg was in a haze." It might appear that he was being led at that time - that was part of my examination - but I think if your Lordship reads his evidence in the second column on page 111, it will be seen that what he said in his first examination by Mr. Aspinall is quite consistent with this: "How soon after you felt the striking of the iceberg did you see it away on your quarter? - (A.) About four or five minutes. (Q.) Tell me what you did, that will give me an idea. Did you get up at once? - (A.) Yes, I was reading in my bunk at the time. (Q.) You got up at once? - (A.) I went up on the fore-castle. (Q.) Did you run up? - (A.) I walked up; our fore-castle is only outside the companion ladder. (Q.) Did you see the berg then? - (A.) No, not then. (Q.) What did you do before you saw it? - (A.) Looked towards the window underneath the fore-castle head to see if there was anything there. (Q.) That took a short time, I suppose? - (A.) It is only just a walk round from our room. (Q.) What did you do next? - (A.) Came out on the deck; on the starboard side of the deck. (Q.) Was it then you saw the berg? - (A.) I saw the ice then, and then the berg when I looked over the side. (Q.) And then the berg was away on the starboard quarter? - (A.) Yes. (Q.) About how far off? - (A.) I could not say; it was very dim then; I could just see it. (Q.) It was a dark night? - (A.) Yes, a starry night. (Q.) Starry, but dark. When you saw the berg could you judge whether your ship was stopped or going ahead? - (A.) When I looked over the side there was a slight way on her; she was moving, but not much." It is of some importance in this connection to remember that according to all the evidence, the "Titanic" must have proceeded a very, very short distance after the collision with the iceberg.

This, my Lord, is all the positive evidence as to the existence of a haze that night; but I think the evidence is corroborated by Mr. Lightoller, and I would direct attention to his evidence at page 305. At Question 13571 he is asked, "Was there any breeze on this night? - (A.) When I left the deck at 10 o'clock there was a slight breeze. Oh, pardon me, no. I take that back. No, it was calm, perfectly calm." Then Question 13575 on the same page: "Do you agree from that experience that this was an occasion when it was an absolutely flat sea? - (A.) Absolutely flat. (*The Commissioner.*) Not in fact, but to all appearance? - (A.) In fact, my Lord," is his answer. Then at page 306, Question 13606 he mentions about a drop in the temperature. Then Question 13607: "Well, it was now nine o'clock, and you had worked out in your head that you would probably get the 49 degrees meridian by half-past nine? - (A.) Just let me correct that. It must have been a few minutes before nine, because I remember the Commander came on the bridge at five minutes to nine, and I told him then that I had already sent word round, so it was perhaps ten minutes or a quarter to nine, as a matter of minutes. (Q.) Then that is a drop of 10 degrees in less than two hours? - (A.) Slightly less." Then his conversation with the Captain is given, and he is asked at Question 13612: "Is that all that took place? - (A.) No, my Lord. We had a conversation with regard to the weather. (Q.) But had you no conversation with regard to ice? - (A.) Well, I was coming to that, my Lord." I think I had better read on further: "*(The Solicitor-General.)* Had not you better tell us as accurately as you can what passed between him and you when he came on the bridge at five minutes to nine? - (A.) I will. (Q.) If you please? - (A.) At five minutes to nine, when the Commander came on the bridge (I will give it to you as near as I remember) he remarked that it was cold, and as far as I remember, I said, 'Yes, it is very cold, Sir. In fact,' I

said, 'it is only 1 degree above freezing. I have sent word down to the carpenter and rung up the engine room, and told them that it is freezing or will be during the night.' We then commenced to speak about the weather. He said, 'There is not much wind.' I said, 'No, it is a flat calm, as a matter of fact.' He repeated it; he said, 'A flat calm.' I said, 'Yes, quite flat; there is no wind.' I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course, my reason was obvious; he knew I meant the water ripples breaking on the base of the berg. (Q.) You said it was a pity there was not a breeze? - (A.) Yes, I said, 'It is a pity there is not a breeze,' and we went on to discuss the weather. He was then getting his eyesight, you know, and he said, 'Yes, it seems quite clear,' and I said, 'Yes, it is perfectly clear.' It was a beautiful night; there was not a cloud in the sky. The sea was apparently smooth, and there was no wind, but at that time you could see the stars rising and setting with absolute distinctness."

The Commissioner: "Rising and setting with absolute distinctness."

Mr. Scanlan: Yes, with absolute distinctness. Then the next question is: "On the horizon? - (A.) On the horizon. We then discussed the indications of ice. I remember saying, 'In any case there will be a certain amount of reflected light from the bergs.' He said, 'Oh, yes, there will be a certain amount of reflected light.' I said, or he said; blue was said between us - that even though the blue side of the berg was towards us, probably the outline, the white outline, would give us sufficient warning, that we should be able to see it at a good distance, and, as far as we could see, we should be able to see it. Of course, it was just with regard to that possibility of the blue side being towards us, and that if it did happen to be turned with the purely blue side towards us, there would still be the white outline." Then will your Lordship look at Question 13643, at page 307? He was asked if it came at all hazy what were they to do. I do not know whether it would be as well to direct your Lordship's attention to question 13635 - it is all on the same context, and if I only read those other questions it may not be quite clear.

The Attorney-General: They must be read at some time.

Mr. Scanlan: Yes, Question 13635 is: "The Captain left you about twenty or twenty-five past nine, you say. Did he say where he was going to, or where he had been, and so on? - (A.) Yes. The Captain said: 'If it becomes at all doubtful' - I think those are his words - 'If it becomes at all doubtful let me know at once; I will be just inside.' (*The Commissioner.*) If what becomes doubtful? - (A.) The general conditions, my Lord, I suppose he would mean - if I were at all doubtful about the distance I could see, principally. (Q.) You were relying at this time exclusively upon the look-out; you were not taking any measures to reduce the speed? - (A.) None, my Lord. (Q.) And therefore you were relying for safety entirely on the look-out? - (A.) Yes. (Q.) Now tell me again what this observation of the Captain meant, because I do not understand it? - (A.) With regard to the word 'doubtful'? (Q.) Yes; what did he mean? - (A.) It is rather difficult to define. It means to say if I had any doubt at all in my mind. (Q.) What about? - (A.) About the weather, about the distance I could see - principally those two conditions it would refer to. If there were the slightest degree of haze to arise, the slightest haze whatever, if that were to any degree noticeable, to immediately notify him. (*The Solicitor-General.*) I will take what you have just said. You said if the slightest degree of haze was to arise - that would be what was meant - you were to notify him? - (A.) Immediately; yes. (Q.) And then did you understand, and do you represent, that if the slightest degree of haze arose it would at once become dangerous? - (A.) Well, it would render it more difficult to see the ice, though not necessarily dangerous. If we were coming on a large berg there might be a haze, as there frequently is in that position, where warm and cold streams are intermixing. You will very frequently get a little low lying haze, smoke we call it, lying on the water perhaps a couple of feet." I wish to emphasise this as indicating the possibility that there might be a local haze in the vicinity of this iceberg

which the ship struck produced on account of such conditions as a variance between the temperature of the berg and the temperature of the water, or between the temperature of the air and the temperature of the water. At all events it was a possibility contemplated by Mr. Lightoller, and doubtless also by Captain Smith.

The Commissioner: What point are you making?

Mr. Scanlan: I am making the point that this was a hazy night.

The Commissioner: This evidence does not show that it was a hazy night. This evidence shows that there is sometimes a slight haze round the bottom of a berg to the height of about two feet.

Mr. Scanlan: Yes. I think this evidence is important corroboration of the evidence of the four persons who state that there was a haze.

The Commissioner: I am asking what point you are making. Do you suggest that the haze was of such a character that it was necessary to alter the navigation of the ship on account of the haze.

Mr. Scanlan: I do, certainly.

The Commissioner: This evidence you are reading now would not bear that out at all.

Mr. Scanlan: I thought it was only fair I should read those questions. This branch of the case is, I think, the only one in which I find it desirable to refer your Lordship to particular parts of the evidence and the answers of Witnesses.

The Commissioner: What time was Mr. Lightoller speaking of?

Mr. Scanlan: He was speaking of the time between 8 and 10 - just up to 10 o'clock. The importance of what he says in this last answer of his about a haze arising locally, I think I should impress upon your Lordship, because he contemplated as a possibility that they might find themselves in a local haze - in a haze produced by an iceberg. At Question 13679, on page 308, he is asked: "Were the conditions of the weather such that a haze might arise locally in one particular part of the field in front of you? - (A.) Then I should have seen it. (Q.) You thought that might be so, and you were looking out? - (A.) It could possibly have been so."

Sir Robert Finlay: Read the next question, 13681.

Mr. Scanlan: Question 13681 is: "Did that happen so during the rest of your watch? - (A.) No, it was perfectly clear" - that is up to 10 o'clock. The answer at question 13680 is showing his knowledge and appreciation of the fact that a haze might be expected to arise locally in the circumstances in which they were. At page 327 he is asked this, at Question 14335: "At all events, it was more difficult then than under normal circumstances to see an iceberg. You observed that yourself from six to ten" - and his answer is "Yes."

The Commissioner: That had nothing to do with haze.

Mr. Scanlan: No, my Lord, but it at all events had to do with the peculiar atmospheric conditions in which he and those responsible for the navigation of the ship found themselves between 10 and 12 o'clock, and even between 8 and 10 o'clock, and I think it right to call your Lordship's attention to it.

The Commissioner: I do not know whether you have overlooked it, but there is Mr. Lightoller's evidence on page 322.

Mr. Scanlan: I have that.

The Commissioner: Then you will have to go back if you are coming to it. You are not taking it in its order.

Mr. Scanlan: It deals with the weather conditions.

The Commissioner: No, it deals with this question of haze.

Mr. Scanlan: Yes, my Lord.

The Commissioner: He says this: "No reference to what the weather had been after 10 o'clock. - (A.) No. The weather was perfectly clear when I came on deck after the accident, and the

slightest degree of haze on the surface of the water would have been very noticeable, or, rather, I might put it the other way: It is proved that there was no haze by some of the boats noticing from the waterline this vessel's lights. I think that has been mentioned, and if there had been the slightest degree of haze they would not have seen them."

Mr. Scanlan: Yes, my Lord, and then it goes on: "As far as you saw, did you see any change in the weather conditions at all while you were working, helping to get these boats out? - (A.) Absolutely none. (Q.) Right up to the time the ship went down is it your view that the conditions were the same as they were between 6 and 10? - (A.) Precisely. (Q.) Can you suggest at all how it can have come about that this iceberg should not have been seen at a greater distance? - (A.) It is very difficult indeed to come to any conclusion. Of course, we know now the extraordinary combination of circumstances that existed at that time, which you would not meet again once in 100 years; that they should all have existed just on that particular night shows, of course, that everything was against us. (*The Commissioner.*) When you make a general statement of that kind I want you to particularise. What were the circumstances? - (A.) I was going to give them, my Lord. In the first place there was no moon. (Q.) That is frequently the case? - (A.) Very. I daresay it had been the last quarter or the first quarter. Then there was no wind - not the slightest breath of air. And most particular of all, in my estimation is the fact, a most extraordinary circumstance, that there was not any swell. Had there been the slightest degree of swell I have no doubt that berg would have been seen in plenty of time to clear it. (Q.) Wait a minute: No moon, no wind, no swell? - The moon we knew of, the wind we knew of, but the absence of swell we did not know of. You naturally conclude that you do not meet with a sea like it was, like a table-top or a floor, a most extraordinary circumstance, and I guarantee that 99 men out of 100 could never call to mind actual proof of there having been such an absolutely smooth sea." I think in one passage of the evidence which I have read he did say that it was flat and known to be flat at the time.

The Commissioner: What was flat?

Mr. Scanlan: That the sea was flat.

The Commissioner: Yes, he said that frequently.

Mr. Scanlan: Yes, and that there was no breeze, and this is the first time the suggestion is made by him that he did not know until afterwards that there was no swell.

The Attorney-General: No, I think he said that from the first.

The Commissioner: His whole case was that there was no swell, no wind, and no moon, and those three circumstances put together, he said, accounted for the iceberg not being seen, although the weather was quite clear.

The Attorney-General: He did not know there was no swell until the accident had happened.

Mr. Scanlan: Afterwards.

The Commissioner: Yes, he found it out when he was launching the boats that there was no swell, because the water did not lift the boat.

The Attorney-General: Yes, it could not get free from the tackle.

Mr. Scanlan: There is this statement from him, which summarises the whole of his evidence; and is, I think, consistent with what he has said in these various passages. I have already referred to it at page 327, Question 14335: "At all events it was more difficult than under normal circumstances to see an iceberg. You observed that yourself from six to ten?" And he answered, "Yes."

I want to refer generally now to the evidence given by the survivors and by members of the crew. We know now that they were in the midst of icebergs round about where the ship sank and where they were rowing until they were picked up by the "Carpathia"; but no single Witness who has been called has told us that any of the survivors noticed those icebergs while they were

in the small boats, while, of course, they all saw them in the morning. There is the evidence of the Officer Boxhall, at page 358.

The Commissioner: Are you suggesting that when the people got into the boats they did not see the iceberg because they were in a haze? You cannot forget the fact that they saw the light miles away.

Mr. Scanlan: I can conceive a great difference between seeing a light and seeing an iceberg.

The Commissioner: Yes, of course.

Mr. Scanlan: There is this important distinction, according to Mr. Lightoller's evidence, that an iceberg may be surrounded with its own haze, due to the fact that it is an iceberg, and that it takes it out of comparison at once with the visibility of the lights on a ship or of other lights which those people might have seen. Then, on page 358, in the evidence of Boxhall -

The Commissioner: Are you going to be much longer on this point?

Mr. Scanlan: No, my Lord. I finish with this reference with all the evidence on this point that I have collected. At page 358, Question 15488, Boxhall is asked: "Did you see any ice when the day broke? - (A.) Yes, I saw quite a lot of ice at daybreak. (Q.) Large bergs, did you see? - (A.) The first ice I saw, I saw it probably about half a mile on the port bow of the 'Carpathia' just as I was approaching it, when I got about two ship's lengths away from her. Day was breaking then." I give that as a typical sample of the evidence we have had from survivors on this point. These are the only references to the weather conditions with which I am going to trouble your Lordship. But looking to the *procès-verbal* and the statements in the messages from the Captain, there is a reference on page 5 to the moderate, variable weather. Those are the messages sent from the "Titanic" to other ships - to the "Caronia" and the "Noordam."

The Commissioner: I do not see the particular telegram you are talking about.

Mr. Scanlan: It is a separate Paper that I have here, which is supplied to us all by the learned Attorney-General.

The Commissioner: From whom is the telegram, and to whom?

Mr. Scanlan: From Captain Smith, on Sunday the 14th. One of them is to the Captain of the "Caronia," and the other is to the "Noordam." The only reason that I read them is that he mentions on the Sunday variable weather.

The Commissioner: There has been variable weather. At 3 o'clock in the afternoon there was, I think, some wind, but I do not know what this has got to do with a haze at twenty minutes to 12 at night, when they were approaching the iceberg.

Mr. Scanlan: Except that the weather was variable. What I was going to suggest on the whole of this was that whether or not your Lordship agrees with the positive statements of the four Witnesses, who stated here that there was a haze or whether you take the conversation of Mr. Lightoller, this, at all events is established, that the atmospheric conditions that night were abnormal, and it was recognised on this watch up to 10 o'clock that it was more difficult to see icebergs on account of those peculiar conditions than it would be under normal circumstances.

The Commissioner: I do not think you are right there. The right way to put it is this - and this is what I think Mr. Lightoller meant - he did not then realise that it was difficult to see the ice, but he subsequently asked himself how it was he had not seen it, and then he said: "These are the circumstances which only happen once in a hundred years which prevented my seeing it."

Mr. Scanlan: I could take that explanation of it, my Lord, were it not that he does not say that himself. At page 327, in the question to which your Lordship has already referred, he is asked: "At all events, it was more difficult than under normal circumstances to see an iceberg. You observed that yourself from six to ten?" And he answered: "Yes." That, my Lord, coupled with the fact that he had various conversations with the Captain as to the difficulty of seeing bergs -

The Commissioner: Where is that? He had a conversation with the Captain as to the possibility

of a change in the weather, and to the effect that the Captain was to be advised at once; but I do not remember any conversation he had with the Captain as to the difficulty of seeing icebergs.

Mr. Scanlan: I have given your Lordship the references.

The Commissioner: I think you have read it all to us.

Mr. Scanlan: I read the evidence he gave as to his conversation with the Captain, and I think this part of the evidence, and the statement which he makes that he recognised, between 6 and 10 o'clock, that it was more difficult to see icebergs than under normal circumstances, justifies me in making this observation, that on this occasion no extra precautions for safety were adopted, no extra look-out men were stationed, and there was no reduction of the speed. What I submit to your Lordship is that even in normal circumstances on a clear night where those abnormal conditions did not exist, but where warning was given of the presence of ice in a region through which the ship would pass, it would then have been the duty of those responsible for the navigation of the ship to have taken extraordinary and proper precautions to secure safety.

The Commissioner: I thoroughly appreciate that point.

Mr. Scanlan: I am bound to say that in addition to the warning of ice, and the certainty of Mr. Lightoller and the Captain, and Mr. Ismay, that they were coming into ice, and that they would be in the ice regions that night, there was a duty on the owners which was not discharged, and in particular on Mr. Ismay. I am sorry to have to say it, but I feel it my duty to say that there was a duty on the Officers responsible for the navigation of the ship to have taken precautions to avoid the iceberg, and my submission is that those precautions were not taken, and that the failure to take those precautions in the peculiar circumstances, which I have referred your Lordship to, is negligence of a very serious character. I should be very sorry to asperse the character of Captain Smith, but while it is the case that Captain Smith has been drowned, it is also the case that hundreds of the passengers and hundreds of the crew are also drowned, and the whole of this dreadful tragedy is due, in the view I submit to your Lordship, not to any defect in the ship, but to the want of proper seamanship, to want of skill in her navigation, and to utter disregard of the warnings that had been given and of the duties incumbent on them under the peculiar weather conditions which prevailed that night.

The Attorney-General: There is just one point I will call attention to, so that your Lordship may have it in mind, because I do not want to get back to it. You said that in the conversation with the Captain there was no reference intended to a haze. That does not quite seem to accord with what happened.

The Commissioner: The difficulty of seeing icebergs.

The Attorney-General: But in reference to haze, I want to call attention - so that you may have it in mind, and I may not have to travel over these numbers of questions again - to page 307, Questions 13639 to 13641. I think they bear out what my learned friend, Mr. Scanlan, said about this conversation, because your Lordship asked him what he meant by saying: "If it becomes at all doubtful," and "What did the Captain mean?" Then he gives his explanation, and it is "About the weather; about the distance I could see - principally those two conditions it would refer to. If there were the slightest degree of haze to arise, the slightest haze whatever, if that were to any degree noticeable, to immediately notify him." That is what I think my learned friend, Mr. Scanlan, was thinking of.

Mr. Scanlan: Yes.

Sir Robert Finlay: But that does not bear it out.

The Commissioner: But I understood Mr. Scanlan to say that there was some conversation between the Captain and Mr. Lightoller as to the difficulty of seeing icebergs.

The Attorney-General: I think that is what he was referring to. He said he had read it, and your Lordship said: "I do not think that has anything to do with haze." I agree haze never was

mentioned, but only when the question was put to Mr. Lightoller he seemed to think it included haze. That is the only point.

Sir Robert Finlay: I do not think it bears that out.

(After a short adjournment.)

Mr. Scanlan: Just before the adjournment, my Lord, I was making a submission that the immediate cause of the disaster was the bad seamanship of those responsible for the navigation of the "Titanic" at the time when she met with the disaster. I did not mean, however, and I wish to make myself clear on this point, to be understood as saying that the "Titanic" complied with all the requirements that she should have complied with, or that she was a perfect ship. I think it is only fair to some of my friends who are to follow me to make that clear to your Lordship. I say that the "Titanic" should have slackened speed, or, at all events, that she should have doubled her look-outs, and this involves both the officers who were responsible and, I submit, also the owners. It is important to bear in mind what the position of the owners is in this connection. They not only said in the evidence that their Commanders have no instructions to slacken speed, but in one part of the case, at page 441, Mr. Ismay, under examination by the Attorney-General, said they would be justified even in increasing speed.

The Commissioner: What question is that?

Mr. Scanlan: 18434, on page 440, and 18448, on page 441.

The Commissioner: You do not take exception to what he says in Question 18434, do you? It is a truism you know. If you can see far enough to avoid the ice you need not alter your speed.

Mr. Scanlan: This is how it is qualified in Question 18448: "So that on a perfectly fine, clear night, with the expectation that you are coming within the region of ice, your view is that the Captain would be justified in increasing his speed? - (A.) I do not see any reason why he should not, so long as he could see sufficiently far to clear the ice."

The Commissioner: It is the same answer. Do you take exception to that?

Mr. Scanlan: I do, my Lord.

The Commissioner: Assuming he can see sufficiently far to clear it, why should he slacken speed?

Mr. Scanlan: Why should it be assumed, my Lord?

The Commissioner: No, but you must take his assumption.

Mr. Scanlan: I do, and I quarrel with the assumption.

The Commissioner: You may quarrel with the assumption, but assuming that you can see the ice far enough to clear it, I cannot understand why, if you take that assumption, he should trouble himself about the speed.

Mr. Scanlan: I daresay if you are to assume that you can see far enough ahead and that you can see an iceberg in time to avoid it, it may be so; but what I do say is that the assumption is not reasonable. In another part of his evidence, to which your Lordship will no doubt be referred, he said, in answer to the Attorney-General, that he knew there was always danger, or that there was danger, in the proximity of ice. I have not the exact reference just now.

At page 448, Question 18713, he is asked: "Do not you think, as ice was reported in your track, and as you expected to be in the presence of ice, that the look-out should have been doubled? - (A.) I do not. (Q.) Is it still your view that your captains and officers are discharging their duty in crossing the Atlantic, when ice is reported to them, in going ahead at full speed, and taking no extra precautions? - (A.) So long as they can see the object far enough ahead to be able to avoid it."

There is no need to bring home to the owners of the "Titanic" that so far as their instructions to

their officers are concerned there is no prohibition, no direction against going at full speed in such circumstances as those I have indicated, because not only have they produced their regulations to establish that, but they have called numerous Captains of the various lines controlled by the Liverpool Company or the American Trust to give evidence, all to the same effect.

The Commissioner: Will you for my assistance tell me what they ought to say in their sailing directions?

Mr. Scanlan: I think they should give particular directions in regard to the approach of ice.

The Commissioner: What should they say?

Mr. Scanlan: I think it would not be unreasonable in the case of a ship, the speed of which is 21 $\frac{3}{4}$ to 22 knots, that if a Captain gets a message of ice in his track at night, he should reduce his speed; I think half that speed would be a very high limit of speed in those circumstances.

The Commissioner: Then do you say that there should be in the sailing directions an order that if they are advised there is ice in their track - I do not know how far it may be off - they must not go at more than a certain speed? At what speed?

Mr. Scanlan: I should say when they are approaching ice they should reduce their speed.

The Commissioner: How much?

Mr. Scanlan: I think they should reduce their speed to such an extent that it would be possible for them to escape the iceberg.

The Commissioner: Do you think it requires a direction of that kind?

Mr. Scanlan: It is difficult for a layman in nautical matters to say what would be a reasonable speed when approaching ice.

The Commissioner: Must not that be left to the Captain?

Mr. Scanlan: I do not know that it should be left to the Captain, my Lord. I think, at all events, the circumstances of this terrible accident point to the necessity of some direction being given, or some recommendation being made as to the reduction of speed in the proximity of ice.

Here you have the owner of the ship saying that he would not double the look-outs where ice was expected; he is quite definite on that.

The Commissioner: The Cunard Company do not give those directions, do they?

Mr. Scanlan: I do not think it has been shown that they do, my Lord.

The Commissioner: I think it has been shown that they do not know, and I do not know that German liners give that direction. They say what, of course, they must say, that every man in command of a ship must do all that reason and experience dictate to him to preserve his ship, and to preserve the lives of his passengers.

Mr. Scanlan: That is not saying much to him, my Lord; in fact, it is leaving everything to his discretion.

The Commissioner: How those sailing directions can govern the discretion of the Captain in each particular case that may arise, I am at a loss to understand. Are the sailing directions to tell him when he is to port his helm?

Mr. Scanlan: I do not make such an extreme proposition as that, my Lord; I think he has to qualify and pass an examination, and in his Apprenticeship he gets all the knowledge that is necessary to teach him that. But if there is, and undoubtedly there is, a somewhat general practice which I am forced to regard as a very dangerous practice, of not slackening speed at night when ice is reported on the track, surely it is time that something was done to put a stop to that practice. If it could be done by giving directions that speed is to be diminished or that the speed should not exceed a certain limit, say 10 knots an hour, that would be a positive direction which, if it had been in force on this occasion would probably have averted the collision. I think the importance of a direction on that point is sufficiently evidenced by what we have heard at

this Enquiry, and that I am justified in making a submission to your Lordship on that point.

The Commissioner: That is very proper, but are you now trying to fix the liability for this calamity upon the owners, as distinguished from the Captain? I do not know quite what you are driving at.

Mr. Scanlan: So far as legal liability is concerned, I take it we are not concerned with it here.

The Commissioner: Oh, no.

Mr. Scanlan: And what your Lordship is attempting to do is to get a satisfactory answer to Question 24: "What was the cause of this disaster and of the loss of life?"

The Commissioner: What was the effective cause of the disaster.

Mr. Scanlan: The effective cause, and other matters, that had some relation to the accident, whether as the direct cause or the effective cause. With those directions or with the want of directions with regard to this point and with the presence of the managing owner on board, who knew there was ice ahead, and who had had something to do with the direction of the voyage in the instructions which he gave at Queenstown to the Chief Engineer, he clearly makes himself a responsible party, in the sense in which this Question 24 is put, as well as the Captain, and those who are charged by the duty of their office with the navigation of the ship.

At page 439, Question 18392, Mr. Ismay, describing his interview at Queenstown, says, "The reason why we discussed it at Queenstown was this, that Mr. Bell came into my room; I wanted to know how much coal we had on board the ship, because the ship left after the coal strike was on, and he told me. I then spoke to him about the ship, and I said it is not possible for the ship to arrive in New York on Tuesday. Therefore there is no object in pushing her. We will arrive there at five o'clock on Wednesday morning, and it will be good landing for the passengers in New York, and we shall also be able to economise our coal. We did not want to burn any more coal than we needed." And elsewhere in the evidence, to which I have no doubt your Lordship will be referred, it is clear that Mr. Ismay had the telegram, and it is not clear to my mind from his evidence how, unless he had discussed the navigation of the ship and the meaning of the Marconigram with the Captain or some of the other officers, he reasoned with himself and came to the conclusion that they would be that night in the proximity of ice shortly after turning the corner.

I do not wish to go further into this matter, because I have no doubt it will form the subject of a part of the address of Mr. Attorney, as a number of his questions have borne on that part of the case. But I must find fault with the attitude of Mr. Ismay in regard to the look-out. It is true that a number of companies are in the same position, so far as regulations are concerned, about going into an ice track as the White Star Company.

The Commissioner: No, not so far as regulations are concerned, but so far as the absence of regulations is concerned.

Mr. Scanlan: Yes, that is a much better way of putting it. But it is not the case, my Lord, that they are all as reckless as the White Star people in reference to look-outs. Mr. Ismay says in this part of his evidence that he would not double the look-out; he does not think the look-out should have been doubled.

The Commissioner: To tell you the truth, I do not pay much attention to what Mr. Bruce Ismay said upon a matter of that kind. He is not a sailor.

Mr. Scanlan: He is not a sailor, my Lord, but he is the representative of the owners, and the principal owner of the "Titanic" - one of the principal members of the Company or syndicate which owned the "Titanic"; and in the circumstances in which he is connected with this voyage of the "Titanic" I think the observation is quite fair to him. A number of people who have given their evidence speak of doubling the look-out as being a proper thing. I do not think there could have been better evidence with regard to that than the evidence we had today from Captain

Rostron. It was his practice. And I think in other points, as to the degree of care and the precautions which should be taken, his evidence strongly supports the contention which I have made all along that in the presence of ice, in proximity to ice, and especially where ice is reported, the look-out should be doubled, and in particular look-out men, or at least one look-out man, should be stationed in the bows.

The Commissioner: Do you apply this observation to this case? Do you think if there had been a dozen men there they would have seen the iceberg any sooner?

Mr. Scanlan: I think they would have had a chance of seeing it sooner; they might have seen it sooner; but if there was not a certainty that they would have seen it sooner, then the other obvious precaution should have been taken - of slackening the speed of the ship.

The Commissioner: Have you thought about a combination of causes in this connection?

Mr. Scanlan: Yes, my Lord.

The Commissioner: That is to say, a bad look-out plus excessive speed.

Mr. Scanlan: I have not thought of a bad look-out, my Lord.

The Commissioner: No, you will not contemplate the possibility of your men not having looked properly, but have you thought about the combination of bad look-out, or, if you like, a bad disposal of the look-out - that you do not object to.

Mr. Scanlan: No, I must not quarrel with that.

The Commissioner: That does not hurt your clients - a bad disposal of the look-out, together with excessive speed.

Mr. Scanlan: Of course, I am bound not to complain of the combination, because I have already complained of both of those things taken separately and individually.

The Commissioner: What I mean is this: Can you logically attribute the accident to the two together, or must you confine yourself to one?

Mr. Scanlan: I do not think so, my Lord. I do not think it is necessary to confine myself to one. In the evidence of Captain Rostron, he said in some circumstances (and he is a very clear-sighted man, I have no doubt, and a man with excellent eyes and great practice), a look-out man might see an object ahead sooner than the man on the bridge. I think, therefore, that that is a wise precaution.

The Commissioner: He does, but he says in 75 percent of the cases the men on the bridge see an object before the look-out man.

Mr. Scanlan: Yes, my Lord. As your Lordship has suggested one view about the look-out, perhaps I should be permitted to say this: Captain Rostron saw one berg probably about the distance ahead that Fleet and Lee [Original spelled Leigh.] saw the berg which caused the collision; therefore, it would be unreasonable to hold that the look-out men who were posted in the crow's-nest could have seen this berg sooner than they did, whether your Lordship takes the view that there was a haze, or refuses to adopt that view.

Another thing which confirms this is the fact that only the two look-out men saw the berg, and on this occasion the officer on the bridge, who was Mr. Murdoch, did not see the berg. There is nothing to show that Mr. Murdoch was not a careful officer; there is nothing to show that his mind was in any way distracted from his duty at the time the collision occurred, and when you couple those two considerations together, that these men did see it, and this other man who was in an equally good position did not see it, the iceberg in all probability was seen by those men as far ahead as they could have seen it in the peculiar circumstances of the night, and of the position in which they were placed.

You have the evidence of Captain Jones as to stationing a look-out on the bows. He is a man who believes in going ahead. His evidence is at page 665.

The Commissioner: Who was Jones?

Mr. Scanlan: He was one of the Captains called.

The Attorney-General: Captain of one of the Dominion Line boats.

The Commissioner: The Dominion Line goes to Canada, does it not?

Mr. Scanlan: Yes, my Lord.

The Commissioner: I say it in your favour: if it is a wise precaution to do what this Captain says he has been in the habit of doing for the last 27 years, I do not see why it should not be done anywhere else where there is ice reported.

Mr. Scanlan: Yes, my Lord. Another Captain, Captain Cannons, at page 667, says at Question 23771: "If any condition of the weather prevented you from seeing clearly, you would double the look-out? - (A.) Decidedly."

The Commissioner: That is not to the point.

Mr. Scanlan: At Question 23778 he is asked about doubling the look-outs.

The Commissioner: Yes, that is to the point.

Mr. Scanlan: "Is it considered that the position of the stem head is a good commanding position from which to see low-lying ice? - (A.) Yes, it is a position of advantage."

Of course, there is the most important and, to my mind, convincing evidence of Sir Ernest Shackleton on this point. His evidence is at page 720. He is asked by the Attorney-General at Question 25041, "That would rather suggest that your view would be that you could detect bergs of that kind better at the stem than you could at the crow's-nest? - (A.) Better, the nearer you are to the waterline. When we navigated in thick or hazy weather there was always one man on the look-out and one man as near the deck-line as possible. (Q.) That is thick or hazy weather? - (A.) Yes, that is thick or hazy weather, or even clear just the same. (Q.) What I want you to tell my Lord is, Do you think it is of advantage in clear weather to have a man stationed right ahead at the stem as well as in the crow's-nest? - (A.) Undoubtedly, if you are in the danger zone; in the ice zone. (Q.) And supposing you were passing through a zone where you had ice reported to you would you take precautions as to the look-out? Supposing you only had men in the crow's-nest, would you take any other precaution? - (A.) I would take the ordinary precaution of slowing down, whether I was in a ship equipped for ice, or any other, compatible with keeping steerage way for the size of the ship." Then he says he would slow down.

The Commissioner: What did you say the speed of the "Titanic" would have to be to keep steering way on?

The Attorney-General: Six knots; that is admitted.

Mr. Scanlan: Then there is an important piece of evidence at page 734, from Captain Fairfull. He is asked at Question 25272 - other captains had been examined and he is asked if he agrees with them - "Is your practice in accordance with theirs? - (A.) All except that when we get to the ice track in an Allan steamer, besides having a look-out in the crow's-nest, we put a man on the stem head at night. (*The Commissioner.*) I do not hear what you are saying. (*The Witness.*) Besides having a look-out in the crow's-nest in crossing the ice track, I put a man on the stem head at night. (Q.) Whether it is clear or not? - (A.) Yes." Another witness is asked if he agrees with him, but I am afraid he agrees with too many.

The Commissioner: What do you mean?

Mr. Scanlan: There is another Witness, Braes, on the next page, and he is asked at Question 25286, "Have you heard the evidence of the last four Witnesses? - (A.) Yes. (Q.) Is your practice when you may be meeting ice at night similar to their practice? - (A.) Just the same." I do not take any advantage of that question, because the practice of the four referred to differs very considerably, and I do not think I can take him as concurring with Captain Fairfull.

Sir Robert Finlay: The next sentence says, "I never slowed down, so long as the weather was clear."

The Commissioner: There is a great mass of evidence to the effect that in clear weather speed is not reduced although they know that they are in an ice region.

Mr. Scanlan: Yes, my Lord.

The Commissioner: They trust they will be able to avoid the ice. And that seems to have been the practice of a great number of skilled and experienced captains?

Mr. Scanlan: Yes.

The Commissioner: That may have been all right according to their experience, and now to their experience has been added a very important circumstance, namely the loss of the "Titanic."

Mr. Scanlan: Yes, my Lord. Then I may say that almost universally, with the single exception of Captain Rostron, there is no suggestion, that I am aware of, of diminishing speed. There may be some other. But at all events it cannot be said that it is a universal practice not to double the look-out, or not to station men on the stem head.

The Commissioner: That is certainly true.

Mr. Scanlan: I think I may say that a large number of Captains speaking for themselves and speaking for their own line, as the Captain of that Allan Line steamer does, when they are in these circumstances of danger do at all events make this provision for safety, that they double the look-out. While the White Star people followed what may have been the practice, and a very dangerous practice, and took an unnecessary risk in navigation, at all events, they failed to do this; they failed to adopt the precaution which I pointed out to your Lordship is in a large number of cases adopted, and I submit should have been adopted by them, and by all responsible for the navigation of a ship in similar circumstances of danger. It seems to me manifest that a Captain who has such knowledge and drives a ship at a speed of 21 ½ to 22 knots into a region of ice, must know he is taking a risk. There seems to me to be no suggestion of justification of this practice, but inveterate custom.

The Commissioner: Will you look at the evidence of Captain Moore, who is the Captain of the "Mount Temple"?

Mr. Scanlan: Yes, my Lord.

The Commissioner: He goes to Canada. He answers a general question put to him by Mr. Harbinson at page 209, "Would you consider it safe in the neighbourhood of an ice-field" - that is an ice-field - "provided your boat had the power to go ahead at 21 knots an hour? - (A.) It would be most unwise to go that speed at nighttime." He is speaking apparently with reference to an ice-field.

Sir Robert Finlay: Yes, the expression there is "ice-field," and at Question 9406, on the next page, it is put specifically as to field ice. "(Q.) You meet constantly field ice on your way to Montreal, do you not? - (A.) Yes, but we go round it. (Q.) And when you say it is not wise to go 21 ½ knots - I think your expression was in the neighbourhood of ice - did you mean field ice? - (A.) Field ice." At page 209 the expression is "ice-field" and on page 210 it is "field ice."

Mr. Scanlan: At page 208, my Lord, he gives some important evidence from Question 9261 downwards, about instructions he has from his company.

The Commissioner: Oh, yes; you need not read that; I remember that quite well. He has specific instructions.

Mr. Scanlan: Yes, my Lord, and then he doubles his look-out even on a clear night. You will find that on the same page. I will not further labour that point.

I was saying, my Lord, that the only justification for this practice of going ahead at full speed is inveterate custom, long-standing usage of mariners -

The Commissioner: Oh, no, not quite that, I think; it is not the justification; at least, I do not think they ought to put it in that way if they do. What they say is, "Hitherto experience has shown us that we may in safety in clear weather keep our speed." That is what they say, and I am

not aware of any evidence to the contrary, but of course that is not conclusive of the question.

Mr. Scanlan: That is the point I was coming to, my Lord. They may say this is a custom of very long standing and an almost universal custom. They may also say that there has been long immunity from serious accident in following this custom, dangerous as it may appear, that there has not been any serious accident.

The Commissioner: As far as I know I have heard of none, you know.

Mr. Scanlan: What I am to submit on that is that even in those circumstances and with those two elements of justification brought forward, such a course of conduct, going ahead at full speed at night by a track or lane which leads you into a region where you know you will meet ice, is an unjustifiable custom, and that no amount of usage and no immunity from serious consequences in the past would justify it. When is a custom of that kind to stop? Is it to stop after one accident, or is it a custom which may be persevered in until a series of great disasters takes place? Because, my Lord, from the evidence of Mr. Ismay and Mr. Sanderson, those responsible for the conduct of the White Star Line, there have been no positive directions given, even since the disaster to the "Titanic," which would, so to speak, bind their Captains to adopt -

The Commissioner: You are on a wrong line now. What they have done since has got nothing to do with it.

Mr. Scanlan: Quite, my Lord.

The Commissioner: It was what they omitted to do before.

Mr. Scanlan: What they did before is sufficiently serious, and I have said all about it I need say. But I think the recommendations of your Lordship might have some effect in stopping this practice in the future. It is in that view and in that hope -

The Commissioner: Have you ever considered who the people are who are really responsible for it, if it is a wrong custom or practice? Is it not the passengers?

Mr. Scanlan: The demand of the public?

The Commissioner: The demand of the public.

Mr. Scanlan: And the taste for high speed?

The Commissioner: Yes.

Mr. Scanlan: That leads to a disregard of precautions of safety which one would think that ordinary common sense, apart from seamanship, would dictate. But does that relieve the owners of vessels and those in charge of vessels of their responsibility?

The Commissioner: You can answer that question with a "No," because the fact, assuming that it is a foolish act, that the public ask the captain of a ship to do a foolish act is no justification for his doing it.

Mr. Scanlan: No, my Lord; and then running at full speed and the making of records, or the keeping one's place as a shipowner in the competition amongst shipowners to do a voyage quickly, would not either be a justification for the avoidance of what would seem to be fair and reasonable precautions.

I have something further to say in reference to the responsibility in the sense of this Question 4, of the owners of the "Titanic." I say nothing at all about Mr. Bruce Ismay as an individual. I may say, if I may respectfully say so, that I was very much impressed by the evidence of a number of Witnesses as to the amount of care he took and the amount of help that he gave to a number of women and children, in getting them into the boats when he was on the deck of the ship before he left it. But, insofar as he is a shipowner, and, insofar as he took any part in this voyage, I think all his actions are fair subjects for criticism and comment in this Enquiry.

What I wish to direct your Lordship's attention to now, is the question of lifeboat accommodation. This involves amongst the questions submitted, No. 3: "In the actual design and construction of the 'Titanic,' what special provisions were made for the safety of the vessel and

the lives of those on board in the event of collisions and other casualties." Then Question No. 5 is: "What was the number of the boats of any kind on board the 'Titanic'? Were the arrangements for manning and launching the boats on board the 'Titanic' in cases of emergency proper and sufficient? Had a boat drill been held on board, and, if so, when? What was the carrying capacity of the respective boats?" Then Question 25 is, "When the 'Titanic' left Queenstown on or about 11th April last, was she properly constructed and adequately equipped as a passenger steamer and emigrant ship for the Atlantic service?"

This brings me to examine, which I shall do very briefly, the provision of lifeboats. We know the number of passengers she could have carried was over 3,500. She had on the occasion 892 of her crew and 1,316 passengers - a total on board of 2,208. Her lifeboat accommodation was for 1,178 persons.

The Attorney-General: That covers all boat accommodation; they are not all lifeboats.

The Commissioner: 1178 boat accommodation?

Mr. Scanlan: Yes.

The Commissioner: Give me the number she was entitled to carry.

The Attorney-General: 3547.

The Commissioner: That is with the crew?

Mr. Scanlan: Yes; she had, in point of fact, 2208.

The Commissioner: Is that 2208 an admitted figure? There was some question about two.

The Attorney-General: Yes, about 2206 or 2208.

The Commissioner: Am I to take it at 2208?

The Attorney-General: We have analysed it for the purpose of getting at the exact figure. We have got it from the documents I referred to this morning, and the exact figure is 2201. I do not think you have had that before.

The Commissioner: No, I have not.

The Attorney-General: We have assumed always that it was 2206 or 2208, and which it was was not quite clear; but I think you had better take it as 2201, because we have taken that with considerable care.

The Commissioner: What do you say, Sir Robert?

Sir Robert Finlay: If it has been calculated, I am quite contented to take it as that; I am not certain that it is more exact than the other. But the difference is not very great. I am told by Mr. Furniss that he has agreed that with the Board of Trade.

The Commissioner: Very well. Take it, Mr. Scanlan, at 2201; it makes no difference to your argument.

Mr. Scanlan: No, I have made a note of that figure. Then we have the total number saved of passengers and crew, 703.

The Attorney-General: No, 711 is the figure. That has been got this morning.

Mr. Scanlan: That is so.

The Attorney-General: Take that as the right figure.

Mr. Scanlan: Yes, the figure we have got today, 711. Now I am to ask this question, my Lord: Was this provision of lifeboats sufficient? It was evidently insufficient.

The Commissioner: Insufficient in what sense?

Mr. Scanlan: Insufficient for all on board; insufficient for the accommodation in the event of an accident for all those carried on this particular voyage; and, still more insufficient for the people who could have been carried, the full complement of the passengers and the crew of the vessel. The Board of Trade have power to make regulations with regard to the provision of life-saving appliances on ships, but I think the owners of ships have a duty incumbent on them apart from the regulations and requirements of the Board of Trade under this section to make provision

for the safe carrying of their passengers. That is a general proposition in this particular case.

I am to submit to your Lordship that the owners of the "Titanic" had brought specially home to them the insufficiency of the lifeboat accommodation which they had proposed to install on the "Titanic" and on the "Olympic." I refer to the evidence of Mr. Carlisle and also the evidence on this point of Mr. Ismay and Mr. Sanderson. Without going into the evidence and reading it, the evidence of Mr. Carlisle is that he submitted his plans, which would have provided for full accommodation on the "Titanic" to the directors of the White Star Line at two separate meetings, and that when those plans were submitted the directors of the White Star Line, Mr. Bruce Ismay and Mr. Sanderson were put to their election as to whether they should have the somewhat scanty provision of lifeboats recognised by the Board of Trade, or whether they would have adequate lifeboat accommodation for all they were entitled to carry, and in particular for the number of passengers who were carried on this fatal voyage. Both Mr. Ismay and Mr. Sanderson admit in their evidence that plans were submitted, but they have no recollection of the particular plans which would have shown accommodation for the number of passengers that could have been provided for, if the evidence of Mr. Carlisle is to be accepted by your Lordship as to what he submitted to them.

I may leave the matter, except for this further remark: the evidence of Mr. Wilding, at page 534, Questions 20758 and 20766, is to the effect that it would have been practicable, in the case of the "Titanic," to have provided adequate lifeboat accommodation. I do submit that this evidence brings home to the owners of the White Star Line a responsibility in connection with the disaster, by reason of their not having on the "Titanic" sufficient lifeboats to accommodate all on board. I could give the special references, but I think it is probably better not to trouble your Lordship with them.

The Commissioner: In this connection I daresay you have taken into account in some way or another the fact that no more than two-thirds of the lifeboat accommodation provided was utilised.

Mr. Scanlan: Yes, my Lord, I was going to refer to that, and the fact that while you had lifeboat accommodation for this number, so few were saved.

The Commissioner: That, of course, is another topic.

Mr. Scanlan: It is another topic, my Lord. I do not think I can say any more on this topic.

Then one of the Questions asked is as to binoculars and searchlights. I already understand your Lordship's view about binoculars.

The Commissioner: You invited me, you know, to express an opinion. That is disposed of. You need not go any further with that.

Mr. Scanlan: Not entirely, I may say, my Lord, to my satisfaction.

The Commissioner: Oh, I think so.

Mr. Scanlan: I feel a certain regret -

The Commissioner: I am sure you are quite satisfied.

Mr. Scanlan: I feel a certain regret at the loss of the binoculars; I could have let the searchlight go much more readily.

Now with regard to the launching of those boats - and this will bring me at once to the question which your Lordship has suggested - I think Questions 5, 16, 17, and 19, are those in this case which are directed to that point. We have the numbers saved, and we have this strange fact that while accommodation was provided for 1178 only 711 were saved. Then looking through the list prepared by the Attorney-General, you find the greatest disparity in going over the boats, number by number, in respect of the passenger accommodation actually provided and utilised. You find boat No. 1 with 12 people; you find No. 11 boat had 74 people.

The Commissioner: What you do find is that the evidence says so.

Mr. Scanlan: Yes.

The Commissioner: It is quite evident that the evidence is not right, because if you have taken the trouble, as no doubt you have, to add up the numbers that are deposed to as having been in the boats, you will find that there were put into the boats and saved a great many more than ever were saved.

Mr. Scanlan: There certainly is a good deal of exaggeration, but some things have come out clearly enough, and that is, for instance, with regard to No. 1 boat, that it only had five passengers and seven of the crew, and in regard to some other boats that they were properly filled.

The Commissioner: Is it your contention that if there had been more lifeboats on board this vessel more lives would have been saved, although the lifeboats that were there were not used more than to the extent of two-thirds of their capacity?

Mr. Scanlan: I do say, my Lord, that if there had been discipline -

The Commissioner: Yes, that may be.

Mr. Scanlan: And if there had been a training of the officers and crews in the manning and handling and navigation of the lifeboats, it would have been possible to have launched and lowered lifeboats sufficient to have rescued every one on that ship. We are all glad to think that there was nothing in the nature of a panic on the "Titanic," but I think it would be blinding one's eyes to the real facts of the case if one were to accept the view that discipline, in any proper sense of the term, was observed after the accident in the filling and sending off of these boats.

The Commissioner: Now I think what you must say - you will probably agree with me - is that the facts speak for themselves, and that the evidence of the Witnesses who nearly all say that there was no panic and plenty of discipline cannot be accepted in face of the facts.

Mr. Scanlan: That is my contention, my Lord. Of course, you might have panic in one sense if there had been a rush of the passengers past the officers to get into the boats; and the witnesses from the crew, and from amongst the officers, are quite justified probably in saying that there was no panic whatever in that sense, and that discipline was maintained in that way, and that the officers were respected by the members of the crew and by the passengers. But in the sense of the officers and the members of the crew realising the duty thrown upon them and the work they had to do in the circumstances of the disaster, I think I am justified in saying in that broad sense that there was a lamentable want of knowledge and want of discipline amongst the officers.

The Commissioner: I want to follow you, and I want to have it clear. All the boats, except possibly one collapsible boat, were launched?

Mr. Scanlan: Yes.

The Commissioner: Let us leave out the one collapsible boat. And they were launched well before the ship foundered?

Mr. Scanlan: Yes, my Lord.

The Commissioner: So that, discipline or no discipline, the boats were got into the water?

Mr. Scanlan: Yes, my Lord.

The Commissioner: All of them, except the one collapsible?

Mr. Scanlan: Yes.

The Commissioner: The only fault, therefore, which was of any consequence, if it was a fault, was that they did not get the people into the boats?

Mr. Scanlan: That is it, my Lord.

The Commissioner: They managed, discipline or no discipline, to get all the boats into the water.

Mr. Scanlan: Yes.

The Commissioner: I leave out the one collapsible boat. What they did not do, for some reason,

was to get the people into the boats.

Mr. Scanlan: Yes, my Lord.

The Commissioner: Now, have you thought about that?

Mr. Scanlan: I have, my Lord. I have given a good deal of consideration to the suggestion that people would not go into the boats, and I daresay that at the beginning that was true; but I do think if, when the terrible seriousness of what had happened was recognised by those in charge of the ship, they had told the people plainly that the ship was doomed, and was sinking, and would sink in a very short time, I think there would have been no indisposition to get into the boats.

There is a reference in Mr. Ismay's evidence, which I accept, to the fact that up to the time he left the "Titanic" he was not told by the Chief Engineer or the Captain or anybody else, that the ship would certainly sink. He was told that the condition of the ship was dangerous, and I think he was told, in one part of his evidence, that the engineers hoped that by working the pumps they would be able to keep the "Titanic" afloat.

The Commissioner: Have you looked at the Marconigram which says "sinking"? I will tell you which it is. It may be taken as showing that they, at all events, realised the condition then.

Mr. Scanlan: Yes, my Lord.

The Attorney-General: It is at the top of page 7, I think your Lordship means - "Titanic" to "Olympic."

The Commissioner: Yes. "We are in collision with berg. Sinking. Head down." Now that is 1.10 a.m. ship's time. Now I think probably that message was sent from the Marconi room upon information given by the Captain to the Marconi operator.

Mr. Scanlan: Yes, my Lord.

The Commissioner: So that it was realised apparently at that time.

Mr. Scanlan: Yes.

The Commissioner: That is an hour and ten minutes before the vessel went down.

Mr. Scanlan: Yes, but there is no evidence, so far as I know, to the effect that when the seriousness of the catastrophe was realised, the passengers were apprised of the seriousness of their position.

The Commissioner: Just think about that; let us see. They began, I think, to uncover the boats very soon after twelve o'clock, did they not?

Mr. Scanlan: Yes, my Lord.

The Commissioner: That is within about a short half hour of the striking?

Mr. Scanlan: Yes, from 11.40.

The Commissioner: Large numbers of people were then coming on deck.

Mr. Scanlan: Yes.

The Commissioner: Does not that show this, that there was the very clearest notification of danger? People do not uncover lifeboats, you know, and begin to lower them, until there is danger.

Mr. Scanlan: I thought I should indicate this to your Lordship as one explanation that has appeared to me. I think they would not have had any difficulty in getting the passengers; I do not think that any passengers would have held back, who knew that this was a last chance - if they were told, upon a boat going away, "If you do not go into it you will go down with the ship in half an hour." That would be a crude way of doing it.

The Commissioner: I doubt whether they knew when they first began to uncover the boats that the ship would go down. They knew at ten minutes past one when the Marconigram was sent off.

Mr. Scanlan: At all events, I do not think that can be put forward as an explanation why the boats were not filled to their full capacity. Two explanations suggest themselves to me. There

was an idea in the mind of the Captain and in the mind of Mr. Lightoller as appears from the evidence of Mr. Lightoller at page 316, Questions 13953 and 13958. Shall I read those, my Lord, or just refer to them?

The Commissioner: Just wait a minute. There is a telegram sent from the ship at 12.26. It is on the top of page 5, the second telegram, and it leaves the "Titanic" at 12.26 a.m. "Require immediate assistance. We have collision with iceberg. Sinking. Can hear nothing for noise of steam." That makes the notification of the sinking three-quarters of an hour before.

Mr. Scanlan: Yes, my Lord. What that shows is that the responsible people, the officers, knew that this message presumably was sent by the Captain's orders.

The Commissioner: I want you to tell me your view. Do you think the officers ought to have announced in some sort of way to the passengers that the ship was sinking?

Mr. Scanlan: Well, I do, my Lord. I think the stewards -

The Commissioner: I cannot imagine myself any more likely way to defeat the object that they had in view.

Mr. Scanlan: I do admit that the situation then was a difficult one, and a delicate one, but at all events the stewards should have been instructed by the officers to make it quite clear to any passengers who were holding back that if they did hold back they did so at their peril, and to let them know as quietly as might be the serious condition in which affairs were then. They might have even been forced into the boats, the women. In one department a large number of the women were not saved, and it would probably be the duty of the stewards, if discipline were rigorously carried out, to have put those people into the boats.

The Commissioner: To have done what?

Mr. Scanlan: To have put those people into the boats. I say the women, my Lord, who were held back by fear, should have been forcibly put into the boats.

The Commissioner: I cannot imagine anything more alarming than for stewards to be dragging women by force; it would be a most terrifying thing.

Mr. Scanlan: It is very alarming, my Lord, but it is not quite so terrible as being left behind on a ship that is doomed.

The Commissioner: But, as you said just now, and you were quite right, it was a very difficult and delicate duty to perform.

Mr. Scanlan: Yes, my Lord.

The Commissioner: You must not frighten the people too much, because if you do, you may have panic.

Mr. Scanlan: I agree, my Lord.

The Commissioner: And yet, you must get them into the boats.

Mr. Scanlan: Yes, my Lord.

The Commissioner: You have to reconcile those two things.

Mr. Scanlan: Yes, my Lord. I think probably something more might have been done. It is difficult, it is impossible, for me to say how much more might have been done; but this has occurred to me now as one explanation, and which I have put before your Lordship.

There is another matter. We had it in the evidence of a number of Witnesses that certain of the officers did not know the carrying capacity of the boats, and that certain of the officers entertained doubts as to the strength of the falls. It is true that the boats were new. I believe the boats were sound; I believe the falls were sound, but I think reading together the evidence of a number of Witnesses, Hogg, Boxhall, Symons, Hendrickson and Crawford, this is apparent.

The Commissioner: I agree with you that there is evidence of that kind. That, you know, does not account for some of the boats going away with only a dozen people in them.

Mr. Scanlan: No, my Lord, it does not. Then there is the evidence of Mr. Lightoller at page

316 with reference to this. It is where he lowered the boat with 40 people in it; it is Question 13953.

The Commissioner: There is 13971, "You put as many into No. 4 boat as you thought safe? - (A.) Yes. (Q.) That was about 40. We know some of the boats carried considerably more than 40. - (A.) 65." I think I am examining. I apparently took a large slice of examination here: "Would the man in the boat to whom you had said, 'That boat is full; lower her,' know that she was capable of taking more when she became waterborne? - (A.) Yes, my Lord. (Q.) They would know? - (A.) They would know." Do you see those questions, Mr. Scanlan? How do you account for some of these boats going away with only twelve people in them?

Mr. Scanlan: I am going to comment upon that, my Lord.

The Commissioner: It cannot have been want of discipline.

Mr. Scanlan: I was going to say this: I have put before your Lordship this consideration that the officers did not know the carrying capacity of the boats or the strength of the falls.

The Commissioner: That would not account for only 12.

Mr. Scanlan: Very well. There is another consideration which I think is relevant to this branch of the Enquiry, and that is that there was a suggestion that when the boats were lowered they should be brought along when they became waterborne -

The Commissioner: Below a gangway door?

Mr. Scanlan: Below a gangway, and the passengers might be let down from the gangways. I understand there were two gangway doors, on each side of the ship, on the starboard and on the port.

The Commissioner: Yes.

Mr. Scanlan: Your Lordship will find this in the evidence of Mr. Lightoller on page 316 at Question 13957. "(*The Commissioner.*) You had ordered the gangway to be lowered, as I understand? - (A.) What gangway, my Lord? (Q.) The gangway in the forward part of the ship? - (A.) I had ordered the doors to be opened. (Q.) Well, that is what I mean."

The Commissioner: If I said the forward part of the ship, I made a mistake. I think it was in the afterpart of the ship.

Mr. Scanlan: Yes, my Lord, but they had those doors in point of fact both forward and aft. There were two sets of gangway doors. I think that is clear from the evidence. "You had ordered the gangway doors to be opened? - (A.) Yes. (Q.) And the gangway to be lowered from that point? - (A.) If there were sufficient time. We had a companion ladder." Then at Question 13961, "I do not see what is the use of the door if you do not lower the gangway? - (A.) We should probably lower the rope ladder; that was our idea. (Q.) That is the same thing as a gangway. You would provide some sort of communication between the opening of the door and the boat in the water below? - (A.) Exactly. (Q.) Whether it was a gangway or a rope ladder, it does not matter. You had ordered this door to be opened? - (A.) Yes. (Q.) There was no use having that open unless there was some sort of gangway? - (A.) No."

There is a good deal of further evidence as to that, my Lord. We have from Mr. Wilding, speaking of the construction of the ship, that in her construction special attention was directed to the possibility, if the lifeboats had to be used, of having the passengers lowered through those gangway doors. I will refer your Lordship to page 522 of Mr. Wilding's evidence. Almost at the top of the page your Lordship sees: "(*The Commissioner.*) The suggestion, I understand, was that those side doors might have been utilised for the purpose of getting passengers into the boats? (*Mr. Rowlatt.*) Had they all gangways? - (A.) They can be used without gangways."

The Commissioner: I do not understand that. The doors were high up above the waterline. You could not step out into the boats, you know.

Mr. Scanlan: No, you could not possibly, my Lord.

The Commissioner: They would want either a companion ladder, or rope ladder, or something of the kind.

Mr. Scanlan: Yes. Just at the foot of that page it is explained lucidly by Mr. Wilding the provision which they did make. At Question 20476, your Lordship says "Directions by the Captain that these side doors should be opened, and, as I understood, it was suggested in the examination of the witness by, I think, Mr. Scanlan (possibly by Mr. Edwards, I do not know), that if they had been open, people who were either on that deck or could have been brought to that deck, could then have been put into the half-filled boats, and so more lives would have been saved. Now what have you to say to that? - (A.) The door that would most likely be used was *this*" - he pointed to the model. He means aft.

The Commissioner: He pointed about to where the police officer is standing now.

Mr. Scanlan: Further aft than that, my Lord, "that door, at which there is an accommodation ladder; that is, a portable sloping ladder is provided just inside the ship opposite this door, which can be slipped on either side, and the order would probably be intended to apply to that door. (*The Commissioner.*) There is a corresponding door on the other side of the ship? - (A.) There is a door on each side, with a broad passage leading through from one door to the other. If this accommodation ladder was put in position from one of these doors it would be very easy for anyone, even ladies and children, to go down the accommodation ladder to get into the boats in smooth water, which we understand prevailed. There would be no difficulty once the accommodation ladder was rigged, which would be a matter of perhaps half an hour, to use it in that way. (Q.) But we have no evidence at all, as far as I know, that anybody from the ship got into a boat from that doorway? - (A.) I have heard none, my Lord."

The Commissioner: I do not think we even know whether the door was opened. Orders were given to open it.

Mr. Scanlan: Orders were given, and I think there is some evidence of the door being opened.

Sir Robert Finlay: I do not think so.

Mr. Scanlan: I had asked some questions previously on that. There is evidence of Mr. Boxhall at page 337 as to that method of getting the people away from the ship.

The Commissioner: This is not a method contemplated of getting people into boats at all, is it?

Mr. Scanlan: I think it is, my Lord, yes.

The Commissioner: To lower the boats into the water and then fill them by means of a rope ladder or something of that sort?

Mr. Scanlan: Or this companion ladder. It is an adjustable ladder which was specially provided for the purpose, Mr. Lightoller says that was his intention.

The Commissioner: It is the way you get on board the ship.

Mr. Scanlan: Yes, my Lord. When I was visiting with my learned friends the "Olympic" at Southampton, this was pointed out to me as a recognised way for using the boats and getting people into them. Boxhall says at Question 15472 on page 358, "Was any suggestion made of going back? - (A.) There was a suggestion made. I spoke about going back to the sailorman that was in the boat - that was whilst I was pulling round the stern - about going back to the ship, and then I decided that it was very unwise to have attempted it. So we pulled away, and then we did not pull back at all. (*The Commissioner.*) What did you intend to go back to the ship for? - (A.) I intended to go back to try and obey orders that I heard given through the megaphone. (Q.) Was that to stand by the gangway door, or what? - (A.) I do not know whether it was to stand by the gangway door; I do not remember any gangway doors being open."

The Commissioner: That is not to the point.

Mr. Scanlan: It is dealing with that point, my Lord. Your Lordship remembers the Witness, I think it is Crawford, who said that as he understood his orders from the Captain, they were to

take the load of people he had off to that ship, pointing to a light, and then to come back for more. What appears to me, my Lord, is that there was a confused idea in the minds of the Captain and officers that those doors might be used. Of course, the ship was new and the crew were new to the ship, and even this method of filling the boats with passengers does not seem to have been understood.

The Commissioner: It was not adopted.

Mr. Scanlan: It was not adopted, but I think it was meant to be adopted, because you have from Mr. Lightoller's evidence that he gave directions to have the door opened, and he told your Lordship the reason.

The Commissioner: I can imagine that many of the women would have preferred going down steps to get into a boat rather than being swung out.

Mr. Scanlan: Yes, my Lord.

The Commissioner: Than being swung out 90 feet above the water and dropped down by means of the falls.

Mr. Scanlan: I think it can be conceded that it would have been, in the circumstances of that night, a calm night, a most desirable way to have adopted. The only point I am trying to make now on this is that it is evident that the officers did not know properly that this was a means, and that there was no decision come to, and communicated from one to another for the adoption of those means; because had it been adopted, I think quite a number of people who were left behind might have been got in, especially in the earlier stages.

In my examination of Mr. Lightoller, at page 323, I asked this question at Question 14228: "Had you understood between you and the Captain that this was one way of filling the lifeboats in the event of the lifeboats being required? - (A.) I had not discussed the matter with the Captain. (Q.) How was it that it occurred to you and to the Captain at the same time? - (A.) I do not know that it occurred at the same time. (Q.) But it did occur to both of you? - (A.) It came to both our minds, and naturally anyone familiar with the ship, any seaman, anyone attached to the ship, would know at once that was the best means of putting the people into the boats - by the gangway doors." I think it of importance to indicate this as one explanation for the lifeboats not being filled.

The Commissioner: It does not account for one or more boats going away with only 12 people.

Mr. Scanlan: No, it does not. I do not think there would have been any danger in lowering a boat with more than 10 or more than 12, or more than 20. The only boat that had 12 in it was this No. 1 boat.

The Commissioner: Yes, and I am reminded that she was told to stand by the steamer.

Mr. Scanlan: Yes, my Lord. They say that there were no other people there at the time, but she was to stand by.

The Commissioner: How many people were there in the boat that Sir Cosmo Duff-Gordon went away in?

Mr. Scanlan: Twelve.

The Commissioner: That is the one.

Mr. Scanlan: That is the same boat; 12 people - five passengers, and seven of the crew. I was pointing out this on the question of discipline. In the first place, it was not properly known and understood that this was a means of filling the boats, and there were no concerted means adopted between the officers and the crew to carry out this method of loading. There was an ignorance on the part of the officers as to the carrying capacity of the boats and the strength of the falls. Then, my Lord, we have this evidence from one of the officers, Harold Godfrey Lowe, on page 346, "What was the boat to which you belonged? - (A.) I do not know."

The Commissioner: Yes, he did not know, but whose fault was it that he did not know?

Mr. Scanlan: I think that the fault is a somewhat wide one. There is a general want of discipline. Of course, there is a great want of drilling.

The Commissioner: That is another matter.

Mr. Scanlan: Yes. You certainly had it that this man did not know his boat. I offer it as an explanation. If there had been discipline, if there had been a proper system of boat drills, and if through the years of their service with this Company and with other Companies more importance had been attached to boat drills, then I think the men would have been more useful in this emergency. On the question of the importance of having boat drills, I refer your Lordship to Captain Clarke at page 678, Question 24109, "Was it your duty to see whether all the lifeboats on the "Titanic" were equipped in accordance with the provisions of the Rules and Regulations made by the Board of Trade under the Merchant Shipping Acts? - (A.) That had already been done at Belfast. (Q.) It did not fall to your duty? - (A.) No, it did not fall to me. (Q.) Have you any idea as to what would be an efficient method of drilling crews to man lifeboats in case of accident? - (A.) Yes; I think that all hands that form the crew should be exercised in handling the ship's boats, both firemen and stewards. (Q.) I take it that up to the time of the 'Titanic' disaster that had not been the practice? - (A.) Not in the White Star Line." That is sufficient to indicate to your Lordship this view, and if you take the evidence of the Principal Professional Officer, as he is called, at the Board of Trade, Captain Young, he says at page 640, Question 23188, "I have witnessed in the course of my duties as an emigration officer methods of putting out boats which were a disgrace to the service; and during the time that I was carrying out my emigration duties I did the best I could to remedy that defect. I was imbued with the knowledge that since that period when I was an emigration officer, things have not materially improved in the merchant service with regard to the training of deckhands. I may as well say at once that it is not the fault of those deckhands themselves; it is simply due to circumstances, the lack of opportunity, the lack of time in the hustle of the passenger service of the present day, which precludes those men from getting the training that they ought to have."

Mr. Laing: Then the next question.

The Commissioner: Yes, the next Question.

Mr. Scanlan: "Do you mean the ships do not remain in port enough? - (A.) That is the reason, my Lord. There are not sufficient facilities for the exercise of the deckhands in the boats; there are in some ports but not in others." That sufficiently indicates it. I am anxious not to detain your Lordship by reading much of the evidence, but perhaps that and his answers to me, if I generally direct your Lordship to them, on the next page 641, will establish sufficiently the point I am now trying to make. He gives me his opinion that it is very desirable to have boat drills, and to have expensive boat drills, so as to practise a large number of the crew, and with a view, if possible, to give an opportunity of boat practice, not to 10 or 12 deckhands, selected at the port, as they were in the case of the "Titanic," but to all the different men of the different branches of the crew who would be called upon in the event of an emergency to go to the boats to help man them and rescue the passengers.

The Commissioner: One has to think about these big vessels. Stewards are expected to serve at these boats, are not they?

Mr. Scanlan: Yes.

The Commissioner: And firemen?

Mr. Scanlan: Yes.

The Commissioner: And the deckhands?

Mr. Scanlan: Yes, my Lord.

The Commissioner: No others, I think, are there?

Mr. Scanlan: Well, my friend, Mr. Roche, suggested that it would be well for the engineers

whom he represents - the engineers -

The Commissioner: I do not know. That would amount to some hundreds.

Mr. Scanlan: Yes.

The Commissioner: I think there were 300 stewards on board this vessel?

Mr. Scanlan: Yes, my Lord, at least.

The Commissioner: I do not know when you are going to get a drill which would include all these people.

Mr. Scanlan: In various ways, my Lord. I tried to suggest to the Board of Trade that there should be some method of testing the efficiency of seamen and the efficiency of men in the different grades, and that a certificate of efficiency might be obtained. Your Lordship pointed out to me the undesirability of having anything like Civil Service examination tests, through which the sailors and the firemen and others would have to go.

The Commissioner: I am afraid you would have very few sailors if you did that.

Mr. Scanlan: I do not think it would be too much that a man who is qualified as an efficient seaman should be expected to have a knowledge of the handling and the management of boats. This, I think, also would be reasonable in the case of firemen and in the case of stewards. In the questions put to Sir Walter Howell, Sir Alfred Chalmers, Captain Young, and Mr. Clarke I brought out those various points. I think it is unnecessary for me to labour it further.

Now a suggestion has been made - I do not think I shall have to make any further observations upon this branch of the case - that no passenger had a right to dissuade members of the crew from doing their duty - that is, if their boats were not properly filled - from going back to rescue drowning people out of the water, or from going back to stand by at these gangway doors if they had been opened. But in a general way this is the submission I should like to make to your Lordship: If there had been discipline, if there had been in practice a system of training of the men by extensive boat drills and by boat musters, and a standard and test of efficiency in force, then you would have discipline amongst the members of the crew; and through paying some attention to the lifeboats, and some attention to the handling of the boats, the men would know that they had duties imposed upon them, and they would have recognised more than they did a sense of their responsibility.

I could not say anything in justification of the conduct of the Witness Symons, who refused to go back with this boat No. 1, which had only five passengers in it, when he heard the cries of the drowning. But I think the few examples, and they were few, in the case of the "Titanic," of failure to recognise his duty by any member of the crew, would not have occurred if there had been discipline amongst them, and if they had had the training which Captain Young and Captain Clarke think is desirable.

I think I may pass from this branch of the case, my Lord, and I will come to the remaining and the last point that I am to discuss, and that is the Enquiry suggested by Question 26 as to the way in which the Board of Trade have carried out the duties entrusted to them under the Merchant Shipping Act. This Enquiry is very important, and I think its importance is greater in the light of the recommendations that may be made as to the future, than in condemning members of the Board of Trade or the Board of Trade as a whole, so far as the past is concerned.

I feel it is the duty imposed, I think, to some extent by your Lordship on me and on my friend, Mr. Edwards, to be accusers of the Board of Trade, and that the Board of Trade Court, if not accusation, at all events, a searching examination into their methods, in this Enquiry; and this is the feature of the Enquiry which distinguishes this from any ordinary Enquiry held under the Section of the Merchant Shipping Act under which your Lordship is now acting.

In the first place, the Board of Trade, and not its Advisory Committee, and not any outside body, is charged with the duty of making Rules and Regulations with reference to life-saving

appliances and securing the safety of persons who travel at sea.

The Commissioner: Well, you say that, but surely you do not suggest that the Board of Trade ought not to take skilled advice on the subject?

Mr. Scanlan: No, my Lord; I wanted to guard myself against getting into such a position. But your Lordship warned me that if I enquired into the composition of the Board of Trade, I was in some danger of stumbling on an old joke. That may be, but still the composition of the Board of Trade is a matter which should be above joking, and, I think if your Lordship looks to the failure of the Board of Trade in making efficient regulations under this Section 427, it suggests that there is great need for reform at the Board of Trade. What are the life-saving appliances at the present time? They are according to the Rules which came into force in 1890. We have had the history of those Rules as to life-saving appliances in very great detail, but I think it very easy to analyse this history and to pick out the salient points. In 1890 there was provision for ships of 9,000 tons and upwards, and here is the fact which stares one in the face in reviewing the conduct of the Board of Trade since 1890, that the only additional provision for lifeboats and life-saving appliances made since 1890 is the amendment made in 1894. Now see the importance of it.

The Commissioner: That is about 10,000 ton ships?

Mr. Scanlan: Yes. What is that difference? In 1890 the maximum provision for lifeboat accommodation was 5,250 cubic feet; that was, of course, with the three-fourths addition. But that need not disturb the very slight calculation which I am going to make here. Under the new provision, the provision in 1894, they provided for 250 additional cubic feet. Now, what does that mean? It means accommodation for 25 people, or accommodation, if you take the three-fourths additional for, I think, 41.

The Commissioner: Where do you get the three-fourths additional?

Mr. Scanlan: The addition of 250, three-fourths.

The Commissioner: Yes, but what is the Rule or provision with regard to three-fourths' addition?

Mr. Scanlan: The Rule is contained on page 6 under D. With the three-fourths additional, the Board of Trade provided in the biggest ship for only forty-three people. It comes to this, therefore, that since 1890 although the tonnage of ships has gone up from 9,000 to over 46,000 gross tonnage -

The Commissioner: Have you taken the trouble to look at the list of boats exceeding 10,000 tons built since 1894?

Mr. Scanlan: I have gone into that question, my Lord, to some extent.

The Commissioner: If you look, you will probably be astonished to see how few they are.

Mr. Scanlan: I see about 1894 you had the "Lucania."

The Commissioner: Oh, you can find some, and you can find them, I think, going up to 26,000 tons, but I do not think you get them above that.

Mr. Scanlan: In 1901 there were additions, 20,000 tons, and the "Baltic" in 1904. Then you had the "Lusitania" and the "Mauretania," getting up to 30,000 tons, and during the last couple of years you have had ships like the "Olympic."

The Commissioner: I think for a considerable time after the Rules of 1894 were promulgated by the Board of Trade, there were not any large number of vessels above 10,000 tons.

Mr. Scanlan: They had at all events in 1894 the "Lucania," which was built then, that is practically 13,000 tons - 12,952. There has been no addition from 1890 down to the present day.

The Commissioner: Except the one.

Mr. Scanlan: Except this one, which is only a provision for 43 people, that is, the biggest ship now has only to provide by the Board of Trade Rules for 43 more people than the biggest ship,

which was a comparatively small ship, was required to provide in 1894.

The Commissioner: Of course it does not follow from that fact that any great mischief has arisen. It is perfectly obvious that if there had been an alteration by the Board of Trade, it would not have provided for anything like the number of lives carried in these big steamers.

Mr. Scanlan: Yes, my Lord.

The Commissioner: We know that for good reasons or bad reasons, up to the present time it has not been the practice to carry lifeboats to accommodate everybody on board.

Mr. Scanlan: No, my Lord.

The Commissioner: Neither in the British Mercantile Marine nor in the German nor any other. We know that, and therefore if the Board of Trade had extended its Rules, as I daresay they ought to have done, they nevertheless would not have extended them to such an extent as you suggest now they ought to be extended.

Mr. Scanlan: Quite, my Lord.

The Commissioner: And I do not suppose they would have been blamed for not doing it.

Mr. Scanlan: If I may put my point shortly, it is this: That there is surely a failure to recognise growing needs in this body charged with making those regulations in failing to cope with the advance in ships' construction and in resting content in 1911 and 1912 with provisions that might have been thought suitable in 1890.

The Commissioner: You are so fair, that I scarcely like to say what I am going to say now.

Mr. Scanlan: Do, my Lord.

The Commissioner: I do not think you have put it quite fairly, and for this reason. The Board of Trade knew full well as we know, as you know and all of us know, that whatever the Board of Trade Rules were, the shipowners did provide what they considered at all events an ample supply of lifeboats accommodation.

Mr. Scanlan: And that is one of my quarrels with the Board of Trade, my Lord.

The Commissioner: Let me see your quarrel? The Board of Trade know that the thing is being done properly, and then you blame them for not making a Rule.

Mr. Scanlan: No, my Lord. The Board of Trade know that so meagre and insufficient are their own Rules that shipowners voluntarily make provision in excess of those Rules, and this very fact should have convinced them that their Rules needed revision. That is the point.

The Commissioner: But they do not need revision if there is no occasion for a Rule.

Mr. Scanlan: If one could conceive that shipowners did spontaneously make adequate provision, then the thing would have been all right in spite of the Board of Trade, but it is not the fact that shipowners made adequate provision. What I maintain is that shipowners made inadequate provision, and further that, though their provision was inadequate, it was not so inadequate as the provision required by the Board of Trade, and consequently in so far as keeping a look-out and keeping abreast of the times is concerned, the Board of Trade is much more culpable than the shipowners.

The Commissioner: To tell you the truth, Mr. Scanlan, I do not believe any shipowner ever looked at these Rules. I do not believe they ever looked at them. They simply said, "Here is a ship, how many lifeboats ought she to have?" and as they knew perfectly well that the number they were going to supply would far exceed anything that the Board of Trade ever contemplated, they went on.

Mr. Scanlan: I think they knew that the Board of Trade were not likely to contemplate anything in the way of an increase, and as your Lordship said, when one witness was in the box, they were hoping that the Board of Trade would do nothing, and certainly they were not disappointed in that hope. I wish to treat this seriously, my Lord. With regard to the lifeboats altogether between the Board of Trade and the shipowners, lifeboats are quite a neglected

department in ships, and the reason I suspect is this, that there is no money in lifeboats. Every other department of a ship has seen improvements.

The Commissioner: I do not agree with you there.

Mr. Scanlan: Very well, my Lord.

The Commissioner: And I will tell you why. There is nothing so detrimental to the business of a shipowner, a passenger carrying shipowner, as a loss. It does his business an enormous amount of harm, and he incurs the greatest money loss of all. I am talking of the money loss. And therefore you must not say they neglect these provisions out of parsimony. They do not.

Mr. Scanlan: I may say a shipowner does not get an increase in his freight or in his passage money in proportion to the adequacy of the lifeboat provision.

The Commissioner: I do not agree with you there either. Everything that adds to the expense of saving the ship increases the cost of the passenger's ticket.

Mr. Scanlan: It is the case, although there is a certain excess of provision over the requirements of the Board of Trade, that relatively to the total number of passengers carried, there is a most marked disparity between the provision made and the provision that would be necessary if a catastrophe occurred.

The Commissioner: Yes, that is quite true, but you will not overlook the fact that shipowners have been struggling for a very long time past to make a ship its own lifeboat.

Mr. Scanlan: Yes, my Lord, I was coming to that.

The Commissioner: Their great object is, and their great object ought to be, to make a ship so safe that lifeboats are not necessary?

Mr. Scanlan: Yes, my Lord.

The Commissioner: That ought to be the great object.

Mr. Scanlan: I think my friend Sir Robert Finlay recalled a poet who sang of the "oarless sea" - I remember coming on that passage in reading the evidence yesterday - and that undoubtedly must have been the dream of shipowners. Well, it is a dream, my Lord. Unless you are dealing with "painted ships upon a painted ocean," I think it is necessary to consider the two things.

Besides if the owners have been making their ships less sinkable, increasing their flotability, why could they not at the same time contemporaneously have gone on increasing the excellence of their ships by providing better lifeboat accommodation and life-saving apparatus? And that they have not done, and that the Board of Trade have not done. I want to bring this thing home to the Board of Trade, my Lord. We are told by Sir Walter Howell that after 1894 the only time that the conscience of the Board of Trade was pricked was in 1904, and your Lordship asked him - I think this is quite fair to him: I am getting through this part of the case as quickly as I can - what did he do then, and this is what he did: He consulted his Professional Adviser, that was Sir Alfred Chalmers, and then we had to wait till Sir Alfred Chalmers came to find out why nothing was done, and we certainly got an explanation from him. I think he is the personification of the Board of Trade in a more direct sense than any of the other Witnesses. You know what he said, my Lord?

The Commissioner: Well, you tell me.

Mr. Scanlan: He was asked, "Why did not you increase the scale of lifeboat accommodation?" and he says, "I did not think it was necessary in 1894."

The Commissioner: Do you mean 1894 or 1904?

Mr. Scanlan: 1904; and then he is taken a step further, and he is reminded that since then the "Titanic" has gone down, and he is asked even now in the light of this calamity, would he increase the lifeboat accommodation?

The Commissioner: I think you asked him that question.

Mr. Scanlan: Well, some of us did.

The Commissioner: And you asked him in an irritating way.

Mr. Scanlan: Some people who are less irritating than I was - and I am sure if I have been unwittingly irritating, Sir Alfred Chalmers and other gentlemen from the Board of Trade will overlook it. But it is not through irritation that a man who occupied the responsible position of head of the Board of Trade would say that his deliberate conviction, even after the "Titanic" was lost, is that the boat scale of 1894 is still to be regarded as sufficient.

The Commissioner: You must not dwell too much upon the "Titanic," because do not forget that she only utilised two-thirds of her boat accommodation.

Mr. Scanlan: I have given you the best explanation I can.

The Commissioner: Yes, and it is not quite an explanation that I understand so far. I do not want you to go back on it.

Mr. Scanlan: Your Lordship will at all events be spared that. Still, after the "Titanic" disaster great preparations are being made at the present time, and naturally what has affected other countries must affect even more intimately this country, to which the "Titanic" belonged. I do not say that it is any reflection that it is only now that great exertions are being made. But if this was the disposition of the principal man in the Board of Trade, I think it becomes easy to understand how it is that we have not had drastic alterations in the provision for life-saving appliances.

I must say that the successor to Sir Alfred Chalmers, Captain Young, appears to me, if I may respectfully say so -

The Commissioner: My recollection is that he did not agree with all that Sir Alfred Chalmers did.

Mr. Scanlan: No, my Lord; it occurred to me that his views were not so conservative, and that he was inclined to advance.

The Commissioner: And, therefore, you are entitled to be a little more hopeful now.

Mr. Scanlan: Yes, because he is a bit more liberal. But if your Lordship reads the references of the Board of Trade to their principal Surveyors, when they were asking for information, you will find this conservative instinct shown. At page 18 and page 22 of this paper which your Lordship has seen, which was given to us at the last sitting, you will see them.

The Commissioner: What is it called?

Mr. Scanlan: It is "Memorandum on the Statutory Requirements as to Life-Saving Appliances." It has a history, my Lord. At page 18 the Board of Trade are writing a confidential letter to their principal officers in London, Liverpool, and Glasgow for advice and guidance as to life-saving appliances, and here I find them saying: "It is not intended that the boat capacity on vessels included in the extension should *necessarily* increase in a regular proportion according to the increase in tonnage."

The Commissioner: You will observe that the word "necessarily" is in italics.

Mr. Scanlan: Yes, my Lord, I do not think the Board of Trade should be blamed less or more on that account.

The Commissioner: No, but it gives a meaning to the sentence.

Mr. Scanlan: At page 22, in the reference to the Advisory Committee they say, "It appears to the Board that the number of boats and the boat capacity need not necessarily increase in a regular proportion according to the increase in tonnage, and that due regard should be paid to what is reasonable and practicable in passenger steamers exceeding 10,000 tons." They evidently did not expect any alarming increase in the boatage provisions.

The Commissioner: You do not want an alarming increase, do you?

Mr. Scanlan: No, I want a considerable increase.

The Commissioner: Yes, but not alarming.

Mr. Scanlan: No, that I agree, my Lord. Now I want to call your Lordship's attention to this important fact. The Board of Trade asked advice, and they got it, but they did not act upon it. The Board of Trade asked the advice of their principal officers and each officer has given a scale. The first is Captain Young. I will only give one figure from each scale. Captain Young, at page 14, for a vessel of 45,000 to 50,000 tons would have provided for 19,075 cubic feet of lifeboats. That is accommodation for 1,907 persons - probably more, because the divisor of ten is applicable to some boats and the divisor of eight to others, but at least 1,907 persons. Then Mr. Park, on page 16, would have provided for 16,625, that is for 1,662 persons. Then there is Mr. Harris, on page 17, who would have provided for 16,975 cubic feet - 1,697 persons.

Then, my Lord - and this is very significant - you have the advice from the Principal Ship Surveyor at the Board of Trade, the man who is at their elbow, and from whom they could have got advice at any moment.

The Commissioner: That is Mr. Archer.

Mr. Scanlan: Yes, who gave his evidence here and what he recommended is a provision of 24,937 cubic feet. Your Lordship will see that if they had taken the advice of Mr. Archer, their Principal Ship Surveyor - they got all those reports early in 1911, I think in February - they would have provided in the case of the "Titanic" for 2,493 persons. But take any of the Surveyors; if they had taken any of this advice asked for, they would have had a very considerable increase in lifeboat accommodation. Take their present requirements according to their own scale of 5,500 and add on the three quarters and you get 9,500 - provision for 950 people. Almost the lowest figure from any of their advisers would have been close on double that.

Then, my Lord, they had the Advisory Committee. I cannot venture to offer any compliments to the Advisory Committee, although they included two of my own clients. This great matter occupied their attention for two forenoons. They made a recommendation which you will see on page 24, and if the Advisory Committee's recommendation had been adopted, you would have had 8,300 cubic feet, to which of course the three quarters would have been added. This would have given you 14,525 cubic feet, and that is accommodation for more than 1,452 people. And they had this in July, 1911. Contrast even that figure, the provision for 1,452 people, with their requirements of 950 -

The Commissioner: Do not keep telling me about that; I know it so well.

Mr. Scanlan: It is altogether a painful subject.

The Commissioner: No, but it is not very relevant in my opinion.

Mr. Scanlan: I am sorry if your Lordship thinks so. Here is my submission on those points, my Lord. If either the advice of the Advisory Committee or the advice of their own officers had been taken and acted upon, the "Titanic" would not have been allowed to proceed on her voyage with accommodation for just over 1,100 people, but she would have had considerably more. Therefore, Sir Norman Hill was right to this extent when he stated that if the provisions of the Advisory Committee had been carried out, there would have been at least fifty percent of addition to the life-saving appliances. I do not see any justification for this.

One justification was offered to your Lordship, and it was this: "Oh, in the interval after getting this report, we were considering the question of boats." This is the suggestion made by Captain Young. You will remember at the close of his evidence he made a little speech or explanation in which he took the whole blame for the Department on himself. But in one part of his evidence the only explanation he gave was "I was considering the question of boats - that there should be some different proportion between the depth and the breadth of lifeboats."

Your Lordship asked him: Had he any fault to find with the lifeboats provided by Harland and Wolff, and did those come into question at all? And he answered, "No, those did not come into

question.”

Then why should those be a means of delaying the provision of life-saving appliances, seeing that the Board of Trade were clearing at Belfast and at Southampton one of the biggest passenger ships ever launched, and ever cleared by the Board of Trade? I am afraid, my Lord, that this requires more justification than has been suggested on behalf of the Board of Trade in the course of this Enquiry.

Well now, in a general way we are told, “Oh, when we considered this matter we always thought of suitability, we always thought of watertight compartments and watertight bulkheads.” I will say very little about that, but I must make this observation. We have it in evidence, and it is the fact, that the only statutory provision with reference to bulkheads is that contained in Rule 12 on page 16 of these Rules under the Life-Saving Appliances Act. To my mind a very material distinction exists between this statutory provision and Instructions to the Surveyors in reference to bulkheads, which, of course, is not statutory, and which is constantly being departed from, and which was departed from repeatedly in the case of the “Titanic.” Nothing is laid down hard-and-fast, and if the builders of a ship can satisfy the Superintending Officer that although what they are doing is not just exactly what the Instructions recommend, still it is as good, it is allowed to pass. But this is the one and only statutory provision with regard to watertight bulkheads. And what do we find in the case of the “Titanic” so far as this one statutory provision is concerned? We find that it was not complied with in the case of the “Titanic.” And if your Lordship will look at the Report and recommendation of the Principal Ship Surveyor, Mr. Archer, you will see he refers to this at page 17.

The Commissioner: In how many ships is it complied with?

Mr. Scanlan: The number is given here in Sir Walter Howell’s evidence. I think he said 150, or some big number, had applied, and the number which had complied with the requirements and had qualified for exemption was considerably smaller.

The Commissioner: About four a year, I think.

Mr. Scanlan: Five a year, it used to be, and now it comes down to four a year.

The Commissioner: Sixty-nine, I am told.

Mr. Scanlan: That is the figure I had in mind, my Lord. Here is what Mr. Archer says about this Rule in his Report at page 17 of that paper to which I referred, your Lordship: “Owing, no doubt, to the very small reduction of life-saving appliances at present sanctioned by this Rule, none of the large vessels recently constructed have complied with the recommendations of the Bulkhead Committee, although they are thought to be most reasonable in the case of vessels which have boat capacity for only a proportion of the persons carried.” He is the Principal Ship Surveyor.

The Board of Trade have two standards of watertight bulkheads; one is a fixed standard, and the other is not. One is a higher standard, that is the one referred to in Rule 12, the other is a lower standard.

The Commissioner: Where is that standard to be found?

Mr. Scanlan: It is No. 16, on page 8 of the “Regulations and Suggestions as to the Survey.” Your Lordship has been frequently referred to this provision. It is the provision which deals with the four watertight compartments. There is no justification for having two standards of sufficiency of watertight bulkheads. To comply with the lower standard will give you a certificate of clearance, and will allow you to carry passengers and emigrants. But then there is a higher standard, and if you comply with it, it will allow you to take your ship away with a smaller number of lifeboats.

The Commissioner: That is a question of policy.

Mr. Scanlan: That is true.

The Commissioner: Whether it is good policy or not I do not propose to say, but the policy is this: Make your ship a safer ship, more likely to float than it would otherwise be, and then we will not require you to provide such great lifeboat accommodation. It is apparently to encourage them to make their ships unsinkable.

Mr. Scanlan: What kind of inducement is this to shipowners and shipbuilders to make the ships unsinkable? They get a certificate of clearance if they conform to the lower standard, which is no standard at all, but if they conform to the higher standard then what happens? Instead of carrying 9,500 cubic feet of lifeboat accommodation, they can carry 7,000 odd. I do not see, my Lord, that it is reasonable or justifiable to set up those two standards. There should be a standard of safety and stability and seaworthiness, and it should be the higher standard, and the higher standard should be insisted upon before a ship is cleared and passed by the Surveyors and the authorities of the Board of Trade. That, in a word, is the submission I want to make on this point.

But there is something I should add. This Rule 12, the only statutory Rule, has been regarded for a long time as an obsolete Rule. This suggestion is put by the learned Attorney-General to Sir Walter Howell: "Is it an obsolete Rule?" and he admits it is an obsolete Rule. If the justification for not ordering sufficient lifeboats is "We looked after the safety of ships and their passengers in another way; we made good Rules as to watertight bulkheads," then I am forced to make this answer: It cannot be said that the Board of Trade have made such provision. They have been content with this one statutory provision made in 1890, because, I take it, from the evidence, that it was in operation before Sir Edward Harland's Committee made its Report. And it is now obsolete; it has been obsolete for many years. How does that justify the conduct of the Board of Trade in failing to provide lifeboats for all? They have not renewed that provision; they have not revised it or reviewed it; they have allowed the standard for the sufficiency of bulkheads to become obsolete, and, side by side with that, they have also failed to make adequate provision for life-saving appliances.

Your Lordship has had your attention directed to what was done in foreign countries. Take the United States. I had an opportunity of referring your Lordship to the present provisions in the United States. I think they are reasonable, and I am going to ask your Lordship to recommend them as the result of this Enquiry to the Board of Trade, that is, to provide lifeboats, or life-saving apparatus, for all persons carried on board those ships, passengers and crew.

The Commissioner: I suppose we are not to do that if we are satisfied that by doing it a greater danger will be created than will be averted.

Mr. Scanlan: I sincerely hope your Lordship will not find it necessary to take that view.

The Commissioner: I can contemplate what Sir Norman Hill told us, that you may get the ship into such a condition of congestion with lifeboats as to make it more dangerous than if there were no lifeboats at all.

Mr. Scanlan: I am very indisposed to take the view of Sir Norman Hill, who, for all that he has said about being an expert, is merely a lawyer.

The Commissioner: What do you say? Merely a lawyer?

Mr. Scanlan: Insofar as the requisite knowledge to guide your Lordship in these matters is concerned, I ask your Lordship not to be, shall I say, led by lawyers in advising you as to what is practicable and safe to carry in the way of lifeboat accommodation. I would much rather impress upon your Lordship the view of Mr. Wilding, or the view of Mr. Sanderson, or the views of any of the other real experts we have had, especially the views of Mr. Carlisle, than the view given by Sir Norman Hill. What does Sir Norman Hill know in comparison with Mr. Wilding about the way in which the boat deck space on a ship like the "Titanic" could be utilised? Mr. Wilding said, "There is nothing in the engineering sense impracticable in putting on the boat deck of a ship like the 'Titanic' sufficient lifeboats for all carried - even for 3,500." I got the same

statement from Mr. Archer, of the Board of Trade, and you have had a chorus of real experts whose testimony is all to that effect, and in the face of such evidence as that I should hope your Lordship would not weaken the stringency of the provisions to be recommended on account of what may be said by this distinguished solicitor, who is also an expert when he goes to the Board of Trade.

I was directing your Lordship's attention to the provisions of other countries, and this is the last thing I have to say. Before the disaster took place, your Lordship will see on page 38 of this Memorandum the statutory requirements of America. For a ship of the size of the "Titanic" you will see that they provide 24,345 cubic feet. That is in the last column. That is what the United States had provided before; and you see how logical is the arrangement in that Table. There is a graduated increase in proportion to tonnage, and, of course, if tonnage is to be recognised as the basis for providing lifeboats, then the number of lifeboats and their extent would go on progressively with the tonnage, and that is what they have been doing in the United States.

Then the German requirements show 42,656 cubic feet.

The Commissioner: I have forgotten the exact tonnage of the "Titanic": was it more than 46,500 or less?

Mr. Scanlan: It was 46,328.

The Commissioner: It is under 46,500, so we must take from 45,000 to 46,500.

Mr. Scanlan: Yes.

The Commissioner: 45,942 to 49,476 tons, the quantity to be provided is 21,328 cubic feet; is not that right?

Mr. Scanlan: I think that is part of it. You also have another 21,328. I think that refers to boats of another description, and then you get the sum of the two, namely, 42,636.

The Commissioner: The total number of passengers and crew provided for would be 4,265; is that right?

Mr. Scanlan: Yes.

The Commissioner: Then in Germany there is an exemption for efficient bulkheads.

Mr. Scanlan: Yes.

The Commissioner: They seem to recognise the same principle that the Board of Trade recognise by Rule 12.

Mr. Scanlan: I do not know that we are in a position with the evidence given here to say exactly what they do.

The Commissioner: No, not exactly.

Mr. Scanlan: What is important on this is this consideration; the shipping of this country is greater than that of those other countries and so far as lifeboat accommodation is concerned, we have been lamentably behind, and therefore I say, even on a comparison with other countries, the Board of Trade stands condemned for negligence in exercising its duty under the Merchant Shipping Acts.

And now additional provisions are being made, and will be made, and I submit that what should be asked and insisted on is adequate lifeboat accommodation, whether in boats or rafts, and life-saving apparatus for every person carried. I say it is possible to do it, and from the evidence of the Board of Trade, we may take it that shipowners have themselves since the loss of the "Titanic," recognised this, because they have offered to the Board of Trade to provide their ships with lifeboats for all on board.

The Commissioner: Have you contemplated this, that if the number taken away from the "Titanic" in the lifeboats is to be taken, if the amount of the lifeboat capacity utilised, is to be taken, as what can be utilised in circumstances such as happened on board the "Titanic," you would require a very much larger lifeboat accommodation than would accommodate the number

of persons on board. Do you follow what I mean?

Mr. Scanlan: I follow it, my Lord. I do not see that it can be any justification for the disparity between the boat capacity which the "Titanic" had and the number of people actually saved. I am afraid that is to be attributed to lack of discipline.

The Commissioner: If it is not to be attributed to lack of discipline, if in the hurry of two or three hours you cannot fill your lifeboats, if you cannot do that, then I do not know what you are to do. If they did their best to fill the boats, then the "Titanic" had more boat accommodation than she needed.

Mr. Scanlan: I fail to see how she can be said to have had more boat accommodation than she needed; she was sinking, and she needed boats for everybody.

The Commissioner: You do not follow what I mean. If they did all that could be done to get the people into lifeboats - of course, you say they did not, and I understand that argument very well - but if they did then the truth is she had more accommodation than she needed.

Mr. Scanlan: I am afraid that the failure to load those boats to their full capacity must be attributed to the ignorance of the officers and crew, and the want of discipline.

The Commissioner: I have heard you on that point, and there is a good deal to be said for it.

Mr. Scanlan: And if there follows from this Enquiry not only a provision for lifeboats for all on such a ship as this, but for sufficient crew to man them, and sufficient boat drills with a test of efficiency, I am sure that such a thing could not be repeated; I mean that you could not have the amount of ignorance and indiscipline which characterised this catastrophe. That is my submission to your Lordship on this point.

I am told that this is the proper time to mention the question of costs.

The Commissioner: That is always a very important question, but you need not do more than mention it now. I shall deal with the question of costs when the whole thing finishes, and then I shall deal with all the question of costs together.

Mr. Scanlan: Very well, my Lord.

The Commissioner: I thank you very much for the help you have given me; it has been valuable.

(Adjourned to Monday next at 11 o'clock.)

In the Wreck Commissioners' Court,
SCOTTISH HALL,
BUCKINGHAM GATE,

Monday, 24th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

TWENTY-NINTH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared

as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)
 MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Mr. Roche: My Lord, my friend Mr. Edwards does not desire to address your Lordship at this moment, and with your Lordship's permission I will now make the few remarks which I desire to make.

The Commissioner: If you please.

Mr. Roche: I represent the Marine Engineers' Association, an association consisting of a large number of certificated engineers. A large number of their members unfortunately were drowned in this casualty. Your Lordship knows also that all the engineers in this case were drowned, and there is a question your Lordship will see which at any rate raises this matter, namely, the latter part of Question 21. The first part relates to the passengers; the latter part says: "What was the number of the crew, discriminating their ratings and sex, that were saved? What is the proportion which each of these numbers bears to the corresponding total number on board immediately before the casualty? What reason is there for the disproportion, if any?"

With regard to the engineers, unfortunately the answer of fact is simply that 100 percent were drowned. I shall have a word or two, and that is the main point on which I wish to address your Lordship, as to whether any answer is possible or any recommendation is possible in connection with the last sentence: "What reason is there for the disproportion, if any?" But before I deal with that, which is the main point I wish to deal with, it is fairly obvious that in this state of circumstances, joined with the fact, which has, unfortunately, become almost common knowledge, that the disproportion of the loss of engineers in these cases is not uncommon - indeed, is rather the Rule than the exception - it is obvious, I say, that although all persons that go down to the sea in ships are interested in the safety of ships, probably the engineers, having regard to this state of facts are as much, if not more, interested than anyone else. That, my Lord, shall be my excuse for saying a very few words on one or two other parts of the case to which those who instruct me - who, of course, are versed in these matters - have given their best consideration and as to which they have certain conclusions or ideas which they desire to submit to your Lordship.

The first matter I shall deal with is the question of speed. I took the opportunity when Mr. Sanderson was in the box to ask him a few questions, and drew a very clear distinction between what was negligent at the time and what will be proper after this event. I know that is a distinction which is very present to your Lordship's mind. It is perfectly true to say that what is being done now either in regard to boats, or speed, or track, or anything else, is no evidence at all that what was done before was negligent, but it may be evidence of considerable weight as to what is possible now, and as to what is proper now.

With regard to this question of speed, the most obvious truism is that, if possible, you want to keep your ships out of collision. In the circumstances which prevailed in this case, although there is a great body of evidence with regard to the usual practice of navigators which might, and may, render it very difficult for your Lordship - even if it is desirable - to say that anyone was negligent, yet I desire to submit that in such circumstances a reduction of speed from that which was employed upon this occasion is desirable.

I thought the question of the turning circle was material, and your Lordship has had that put before you. I have not seen the plans, but they are here, and I understand from Mr. Wilding the effect is this - that he has got the turning circle at what is roughly 22 knots; he has a turning circle at what is, broadly speaking, 11 knots - that is half the speed - more than half the speed of this vessel - and he tells me, and I have no doubt it is accurate, that whereas in 37 seconds you

turn two points at the higher speed, in 74 seconds at the lower speed you will not turn very much more than the two points; that is to say, the turning circle is about the same at the two speeds, but that at the slower speed it takes double as long as at the other. Therefore, you do not by decreasing your speed affect very much your power of averting that which it is your object to avert by your action. I accept that and start with that.

But the proposition I desire to put before your Lordship is this, that nevertheless the reduction of speed is important, nay, essential for two reasons: in the first place, what you have to rely on under those circumstances is mainly the reversing of your engines, and at the slower speed you give your reversed engines a chance; at the higher speed in the distance at which this object was seen and at which such objects may be seen in future, your reversed engines have little or no chance at all. In the first place, therefore, you give double the opportunity to your reversed engines. For example, supposing your Lordship found this object was seen at rather over a quarter of a mile; that happens to coincide with the distance in which this ship could alter two points at the speed she was going, that is, a distance of about 1,200 or 1,300 feet, Mr. Wilding said. Now, in that distance, 1,200 feet, or a quarter of a mile to travel, it is obvious that at the full speed the reversed engines, by the time the matter is communicated to the bridge, will not have any very great effect; but, still, in this case, in spite of that fact, whether by the reversing of the engines or by the pulling up consequent on the collision, this vessel was pulled up within some not very great distance of the berg, because it was seen and described to your Lordship after the event as being within sight and observation. That shows, I submit to your Lordship, that if the speed is half and the time, therefore, is doubled, although the distance at which the object is seen *ex hypothesi* will not be greater - it will be a quarter of a mile or whatever the distance is - the time which it takes to cover that distance, instead of being 37 seconds, is 74 seconds, or a minute and a quarter. In that time the reversed engines (your Lordship will be advised about this) will have a very much greater opportunity of doing their work and bringing the ship up.

The Commissioner: Would the reversing of the engines when the vessel was going at 11 knots enable them to steer it as quickly as if they were going at the greater speed?

Mr. Roche: I have not had an opportunity of considering this minutely, but I understand that the result is the same under all conditions, only it takes double the time. Your Lordship will be advised about that. But I suppose if you reverse one engine and keep the other ahead the conditions would be the same as if the speed were greater; it would be proportionately the same, only it would take double as long. We have no evidence to the contrary, and I do not know that the reduction of the speed would cause any difference in the steering of the ship or would cause the reversing to have any other influence at the slower speed than it would have at the higher speed. I do not know of any such evidence, and I do not know of any reason why it should be so.

The Commissioner: I suppose the vessel would answer her helm quicker if she was going at the higher speed.

Mr. Roche: That is the proposition which I started upon - she would answer much quicker: she would take double the time at the lower speed according to the relative speeds I am taking, and, therefore, she would alter just as much in the 74 seconds at the slower speed as she would in the 37 seconds at the higher speed. It might be a little bit more; your Lordship will be advised about that, but I am assuming against my argument that her helm would not alter her bearing and position - her heading - any more in the 74 seconds with the slower speed than it would in the 37 seconds with the higher speed. I say the conditions as regards the alteration with regard to the object would be identical, but the advantage of giving the opportunity to her reversed engines would be exactly double.

The Commissioner: Would the result be any more than this, that the impact would not be nearly so great?

Mr. Roche: I was coming to that. In the first place you should have no impact at all; and the second point I was coming to is that the impact would in any case be very much less. As your Lordship knows, it is a mechanical proposition: the force of the impact expressed in terms of mechanical energy is the product of the speed multiplied by the weight. Supposing this vessel, at 22 knots, which we are assuming is the higher speed, and the 11 knots at the half speed, ran without any alteration against this berg, at the 22 knots force the impact would be exactly double the force of the impact at the 11 knots; in one case it would be 50,000 tons, or whatever it was, multiplied by the 22, and in the other case the 50,000 tons multiplied by the 11.

But it goes further than that, because it is so much easier to check the way when you have 11 knots to start from than it is when you have 22 knots as the initial speed. That is why I called attention to the reversing of the engines at first. Instead of a reduction, say, from 22 knots to 15, which might be effected by the reversing at the higher speed, you might very well have, and I submit you would have (it is a matter your Lordship will be advised about) a reduction from 11 knots to only two or three knots if you have the lower speed at which you start the reversing of your engines. What the result of that would have been in this case is almost incalculable and it is difficult to say. But if, as we believe and are told, the fatality of these wounds was that they extended so far aft, then if the initial velocity had been less owing to the reversing of the engines and the natural checking which comes from the actual shock itself, the great probability is that the aftermost wounds of the ship would never have been inflicted at all, because the ship would never have arrived in contact with the iceberg at that point. That, I think, illustrates and brings home the point I want to make as to the very great importance in the light of events as we now know them, of some precautions being taken to very much reduce the speed when the circumstances are at all similar with regard to the vicinity of ice to the circumstances which prevailed in this case.

I only wanted to say one word about the lookout. I ventured to suggest to Mr. Lightoller - and I see Sir Ernest Shackleton adopted the same view, in his evidence to your Lordship - that doubling look-outs was not very advantageous; that it might only result in dividing the responsibility, and the more men you have looking out at any one time the less may any one man look-out. I also ventured to suggest to Mr. Lightoller - and Sir Ernest Shackleton rather seems to take the same view - that where you get men looking out for this sort of object you may find a very great eye strain. Of course, looking for lights which present themselves to the vision automatically is a very different operation from peering into the gloom to pick up some unlighted object, and if an alteration is to be made in the matter of lookouts, those who instruct me desire to submit to your Lordship the consideration whether more frequent relief under these circumstances of lookouts is not an object which is more desirable. That is all I desire to say about the matter before the collision.

I desire, then, to say a word or two about the question of boats. If your vessel is in collision the next important thing, it is admitted on all hands, must be to keep her afloat if you can. That matter has been referred to a Committee, and one cannot but express the hope that the resources of engineering and shipbuilding science are not exhausted, and that they can come to some conclusions which will enable these very large vessels to be kept afloat for a longer time than the "Titanic" was kept afloat, even if they do not keep them afloat altogether. That is, of course, without saying one word as to the efficiency of the structure of the "Titanic," in the light of engineering and shipbuilding science as it was known at the time she was built. We do not desire to say one word and could not say one word against the perfection of her building and equipment at the time when she was built.

But the question of boats, I submit, stands on rather a different footing. If you cannot keep your vessel afloat you must have efficient boats, and one cannot overlook the fact that even if the

vessel can be kept afloat there may be circumstances, such as fire, which may arise on board the ship which will render the use of boats not only expedient, but absolutely necessary. With regard to that we do desire to submit to your Lordship that an equipment of boats of this proportion that prevailed on the "Titanic" to the number actually carried is not sufficient. Whether it was proper in the past I desire to say very little. It is obvious that the shipowners, from what Mr. Sanderson said - it occurred in Mr. Sanderson's evidence and in Mr. Ismay's evidence in New York in a passage that was read, and in Captain Bartlett's, the superintendent, evidence - did rely very much on the Board of Trade, plus the fact that they exceeded the Board of Trade Regulations. They all answered to that effect. We only desire to submit with regard to that that if you have a low official standard you will automatically tend to lower the actual standard, and that it is better that the Board of Trade should have no standard at all than so low a standard.

The Commissioner: Did Mr. Ismay or Mr. Sanderson say that they relied upon the Board of Trade scale?

Mr. Roche: Yes, my Lord.

The Commissioner: In point of fact, they did not.

Mr. Roche: Not that they limited themselves to it, but Mr. Sanderson said this at page 482. That page also contains Mr. Ismay's answer in New York to the question which was put to him. When I say they relied on it, I do not mean that they limited themselves to it, but they took it as their starting-point.

The Commissioner: I wish to see what they said.

Mr. Roche: It begins at Question 19377. My friend Mr. Scanlan is examining Mr. Sanderson. He said: "I would like to direct your attention to the evidence given on this point by Mr. Ismay in the American Enquiry. It is right I should say that this was not put to Mr. Ismay here in the witness-box, but it is from the Official Report of the evidence. If your Lordship thinks it right, I will suggest to you the question I propose to put. (*The Attorney-General.*) What are you reading from? (*Mr. Scanlan.*) I am reading from the Report of Tuesday, the 30th April. (*The Commissioner.*) What is the question? (*Mr. Scanlan.*) Mr. Ismay is asked here, 'How does it happen that the "Titanic" had but 20 lifeboats?' (*Sir Robert Finlay.*) What page are you referring to? (*Mr. Scanlan.*) Page 925. "How does it happen that the "Titanic" had but 20 lifeboats, including lifeboats, emergency boats, and collapsible boats? (*Mr. Ismay.*) That was a matter for the builders, Sir, and I presume that they were fulfilling all the requirements of the Board of Trade." (*The Commissioner.*) That is quite right. (*Mr. Scanlan.*) That is what I put to you, Mr. Sanderson? - (A.) I think I have answered very much on the same lines. (Q.) That it was left, in the first instance, to them? - (A.) Yes; that it was left, in the first instance, to them. They would submit a profile plan of the ship showing the boating arrangement to us, and they would undoubtedly say that it complied with the Board of Trade requirements, and as the result of this conversation which I am giving, referring to the additional boats with which she was supplied were put on, but as to what we said or what Lord Pirrie said on that particular occasion, I cannot say." Captain Bartlett, the marine superintendent, said substantially the same thing.

The Commissioner: Let me see that.

Mr. Roche: It is at page 563, an answer to Question 21622. Apparently the Witness had been asked matters which were not in his proof, and there was a little discussion about his proof. His proof was handed up to your Lordship. Your Lordship will see about 12 lines down, this is the passage which occurs in his proof. Your Lordship says: "I will read it: 'With regard to the number of boats on the "Titanic" we are guided to a large extent by the Board of Trade requirements, but, in fact, provide a larger boat capacity than the Rules call for.'" That is my reason for saying that the Board of Trade scale is the foundation. The good shipowner may exceed it and may take pride in doing so, but the probability is he will not largely exceed it, and,

therefore, if you have a low Board of Trade scale it will have a very depressing effect on the amount and extent to which boats will be provided. I could not help being struck by a matter which has been very much in your Lordship's mind in the course of this Enquiry: What is the good of having a larger number of boats, assuming they are possible, if they cannot be got away? With regard to the possibility of putting them on board, of course, the evidence of what the German Lines have done and what the "Olympic" has done with regard to the possibility of providing the boats is very potent and forcible evidence, and I cannot improve upon it by talking about it. But I could not help observing that what was very much in your Lordship's mind was, what is the good of having more boats if you cannot get them away from the ship, if time does not allow and circumstances do not allow your getting away more than were got away on this occasion or even as many as on this occasion.

I want to submit a consideration to your Lordship with regard to that, which may sound a paradox, but, nevertheless, I think it is true, and that is this, that it was the very deficiency of boats, the very disparity between the number and the number of people that had to go into them that caused the delay in this case, and that is bound to cause a delay. That the delay was not a delay in mechanically lowering the boats in most instances is clear - there were one or two instances in which falls caught, and so forth - but in the majority of cases the boats seem to have gone perfectly smoothly into the water, and your Lordship will be advised as to how much time is necessary to take off the covers of the boats and to actually lower them into the water. I think your Lordship will find that it is comparatively short. The delay that took place was a natural delay, because of the difficulty of selecting your passengers and getting them into the boats in a selected condition - a difficulty which is naturally obvious when you are trying to get wives away from husbands.

The Commissioner: If there had been a sufficient number of boats to accommodate all the passengers, do you suggest that the order would not have been given: "Women and children first"?

Mr. Roche: My Lord, not to the same extent. There might have been [an] attempt at selection, but probably not for this reason. At the time when they started putting the people into the boats, at any rate; they did not think, apparently, that the disaster was very imminent. They did not put anyone in for half an hour. Mr. Lightoller says he did not get the order to clear away the boats for some half an hour afterwards. I think in that state of mind and in that condition of things they would have let people go in a natural order; at any rate, they would have let families go together. As to unaccompanied women, there might have been a desire to put them into the boats first, but after that, at all events, the more normal process would have been going forward of the families going together, the women being attended and assisted by their friends, those whom they knew, and there would not have been the great difficulty of the stewards having to go down two or three times. Your Lordship had evidence particularly of the third class stewards having to go down two or three times, with the boats waiting, trying to urge people into the boats, and, on the other hand, keeping back other people who were anxious to go. You got all the conditions which were unfavourable to a speedy filling of the boats and none of the conditions which are favourable to a speedy filling of the boats.

I should be sorry if it were thought that anything I was saying was intended to reflect on the propriety of the order which was given in this case of "Women and children first." One is glad to think it was given and that it was adopted and followed, and even glad to think, out of respect for human nature, that it probably led to many of these boats going away half filled, because men would not go into them when they knew that the standing order was "Women and children first." That is a reason, I submit, which accounts not merely for the delay in sending away the boats, but for the boats being only partly filled.

The Commissioner: I have difficulty in accepting that. I cannot understand why a boat should be sent away half full.

Mr. Roche: If a boat had been waiting for some time, and they desired to get another boat out, it is of course, easy to lower it down and trust to it being filled from elsewhere. That the people who actually lowered away thought that boat was going to leave the ship's side empty one very much doubts, but they thought it had been waiting there long enough and that some had better get into it from ladders down below.

The Commissioner: I can understand that. I can understand the boats being filled only half full or a third full if there was an idea that the boat might be filled later on. That I can well understand.

Mr. Roche: There is ample evidence to substantiate this proposition.

The Commissioner: There is some evidence.

Mr. Roche: That at all times there were men about the decks there does not seem to be any doubt, and that the boats were not filled because the women and children were not available.

The Commissioner: I think that is true; that seems to be a fact.

Mr. Roche: It would have been an excuse for the boats having left the ship half filled, but I say the reason they were not filled at the ship's rail was because the women and children were not ready; and it does account for the boats not being filled then and the disproportion of boats to the number of people accounts for the slowness with which they were lowered.

With regard to the mechanical lowering of the boats your Lordship will not forget that in many cases there is evidence that the boat was lowered very quickly. One starboard boat was away, Mr. Boxhall said, almost before he expected it, while he was on the bridge letting off rockets. Other falls and davits lowered their own wooden boats and one, if not two, collapsibles, I think your Lordship will find. I think your Lordship will be advised and will be of opinion, having read the evidence, that mechanically a considerably larger number of boats could have been got out of this ship at the time in question had they been available, but that that delay was a personal and a human delay.

The Commissioner: What time did the last boat leave the vessel?

Mr. Roche: The last boat left the vessel about half an hour before the ship sank.

The Commissioner: The steamer was still in such a position as to have enabled them to lower more boats if more boats had been there?

Mr. Roche: Except the collapsibles.

The Commissioner: There was one collapsible boat, I know, but I am thinking rather of the boats under davits. The ship was still in a condition to have launched or lowered from the davits boats if they had been there to launch?

Mr. Roche: Particularly is that the case, my Lord, on the starboard side. The evidence with regard to that is this: Two men, Scott and Dillon, come from the afterpart of the ship, from the engine room, comparatively late in the proceedings, half or three-quarters of an hour before the ship sank. All the boats were gone from the starboard side; all the wooden boats were lowered from the port side, but one of the men - I think it was Scott - got into a boat down the falls.

The Commissioner: According to the recommendations which had been made to the Board of Trade before this accident happened, it was contemplated that a much larger, or, at any rate, a larger supply of boats would be right.

Mr. Roche: Yes, my Lord, it was, and I might, without unduly criticising the Board of Trade, say this - and it is the only thing I desire to say about it - that Captain Young represented the reasons on behalf of the Board of Trade for their non-acceptance of the recommendations, of the Advisory Committee, for example.

The Commissioner: What was his reason?

Mr. Roche: His reason was broadly this: He was the gentleman who, rightly or wrongly - I am not for a moment saying it was wrongly - thought there was some defect now-a-days in the construction of a large number of the boats - that they were made deep in order to get the requisite capacity instead of being broad and long, and that the depth was a fictitious capacity and did not assist at all. But he said this, apparently: "I have no complaint with the boats of a ship of the 'Titanic' class." He apparently had in mind quite a different kind of ship and quite a different kind of shipowner. He said: "Because I could not get my way with regard to this capacity and could not get my requirements in that matter within the recommendations of the Advisory Committee, which had rejected my recommendations on this other head or had not passed them at the moment, we would not have them at all; until they took the whole we would not have a half." But as the halves were not complements of one another, and related to entirely different matters, it is difficult to see the logical justification for that position. That is all I desire to say with regard to the boats.

My Lord, the last thing I desire to say is with regard to the question of the loss of the engineers. They were all lost, and it is one of the misfortunes of this case, the loss of life is so tremendous that it is idle to complain of any particular loss of life. But, of course, it is one of the misfortunes of the case, not only that such highly competent and skilled engineers were lost, but it is a misfortune to the Court that none of them are here to tell us, as they could, no doubt, a good deal of the operation of the pumps, bulkheads, and other matters which have not and cannot be finally cleared up. What I want to say about them is really again with a view to the future. There is, as your Lordship knows, this disproportion in this case of loss among the engineering staff. It is a disproportion which has prevailed before, and is too commonly found. It is one of the noblest traditions of the engineering profession on board ship that in case of accident the Rule is, "All hands below." Those who instruct me have no desire to weaken the force or effect of that tradition. But the finer the tradition is, the more closely it is observed, the more need is there that the interests of those who carry on the tradition should be safeguarded from the deck, and that they should be given an opportunity, when things are hopeless, of coming on deck and taking their chance with others, of the boat accommodation which one hopes in future will be available. In this case, unfortunately, if they had come, although they might have had some of the empty places in the boats, they would have been excluding others, and therefore it is more with a view to the future than the past that I am addressing these observations to your Lordship.

Now the fact of this case is this: practically speaking, there is no evidence of any engineers being on deck at all after the calamity. There is the evidence of Scott, who speaks, first of all, in answer to the learned Attorney-General about seeing all the engineers on deck when he came on deck, but that was after all the boats were gone. Scott was saved by going into the water and being picked up. That was after all the boats had gone, but it appeared, in answer to myself, that all he was speaking about was some eight engineers - he did not know their names except one - who came from his section, which is the turbine.

The Commissioner: What page is Scott's evidence?

Mr. Roche: Pages 124 and 125. In answer to the Attorney-General, at Question 5685, he said when he came and was looking over at the boats, one or two were alongside, but they were all lowered: "All the engineers and firemen and all that." At page 125, Question 5711, I asked him: "How many of them did you see? - (A.) I should say there were about eight of them." Whether he meant eight engineers and firemen or not, I do not know.

The Commissioner: He is speaking of engineers, I think, and not of firemen: "(Q.) Which of the engineers did you see? Can you tell me their names? - (A.) Mr. Farquharson. I do not know the names of the others. (Q.) How many of them did you see? - (A.) I should say there were about eight of them."

Mr. Roche: It is a small matter, and those came on deck after the boats were gone. There may have been a general order, I know not, in this case for the engineers to come on deck, but, of course, there were no boats for them, and, obviously, if it were given, it was too late.

The Commissioner: They had nothing to trust to but their own swimming and the lifebelts.

Mr. Roche: That is so. I think the truth is this. Mr. Sanderson, one of the Managing Directors, at page 486, Question 19475, said to me: "I think the engineers on the 'Titanic' were fully alive to the danger in which they stood, and that if they did not come on deck it was due to a magnificent conception of their duty." That is a tribute to the engineers which is as just as it is generous, and there is evidence, as Mr. Sanderson pointed out, of their having sent up the firemen in time from the forward part of the ship and having remained there themselves.

All I want and desire is this, that in future cases where there may be, we hope, a sufficiency of boats, there shall be a Rule, not written to this effect. If your Lordship's answer to this question in your Report, which will be widely and universally read, your Lordship would call attention to the paramount necessity of the obligation on those in charge of the deck of seeing in time, before it is too late, before all the boats are gone, that those in charge of the engine room shall have their chance and opportunity of coming on deck, then that is all we desire. The engineers are asking not that they should have an opportunity of neglecting their duty or of weakening the force or the effect of this tradition, but there does come a time when all has been done that can be done, when they should have an opportunity of a fair and equal chance of life. And they are asking your Lordship, if only by a sentence in this Report and in answer to this question, to call attention to the paramount duty and necessity of those in charge of the deck paying heed in that matter to the interests of the engineers.

The Commissioner: I am very much obliged to you, Mr. Roche. You have taken a very short time and said a very great deal that is useful.

Mr. Holmes: My Lord, in addressing you on behalf of the Imperial Merchant Service Guild and the officers of the "Titanic" and the relatives of the deceased officers, with the exception of the Master, I hope that I shall be able by my brevity to maintain the character for considerateness that you were good enough to give me last week.

So far as the general character of the officers is concerned, I think your Lordship and the Court will be satisfied that it is of the very highest nature. They were men in whom their employers, through long experience, had placed every confidence; they were men, as Captain Bartlett described them, the pick of the service; with the exception of two of them, they all held extra masters' certificates, which is the highest rank to which they can attain in their profession, and I shall ask you, on the evidence as a whole, to come to the conclusion that they behaved themselves in an emergency of a terrible nature, an emergency whose nature they must have realised far more than the other people on board, in a manner worthy of the best traditions of the British Mercantile Marine and of the pluck and resourcefulness of British seamen.

The Attorney-General, in his opening said, and the questions bear it out, that there is no question, at all events, so far as the surviving officers are concerned, which would call upon your Lordship to deal with any certificates in this case; but there have been some suggestions made - not serious ones, but which I think are capable of perfectly good explanation, to the detriment of the officers.

Now the first one is in connection with the lowering of the boats, which we have already heard something about this morning. It is quite true that a large number of the boats were lowered without their full complement of passengers, and there are, I think, three explanations, any one of which alone is sufficient to justify the course that was adopted; but all three taken together are an ample justification. The first one was that given by Mr. Lightoller, that he thought there was a danger of the boats buckling. According to the evidence of the constructors and builders that

turns out to have been a mistaken apprehension on his part, but I do submit that it was a perfectly natural mistake for anyone to make. You have boats 30 feet long suspended by falls from the extreme ends, with a heavy weight of 60 to 65 people, and the certainty is that none of those officers had ever before had to lower a boat full of people, and I do not suppose there are a dozen officers in the merchant service who have ever had practical experience of lowering a boat from a ship's side full of people. There is, further, ample evidence that a large number of people refused to go into the boats. And not only is there the case of wives who refused to leave their husbands, but, at all events, one-third class steward who informed us that he had conducted large numbers on to the deck said that, as he came up with the parties, there were large numbers returning, some of them, I think he said, even going back to their bunks.

The Commissioner: Just give me that reference.

Mr. Holmes: It is at page 209, Question 9924. It starts with a repetition of the previous question: "(Q.) Pass the women and children up to the boat deck? - (A.) Yes, those that were willing to go to the boat deck were shown the way. Some were not willing to go to the boat deck, and stayed behind. Some of them went to the boat deck, and found it rather cold, and saw the boats being lowered away, and thought themselves more secure on the ship, and consequently returned to their cabin."

The Commissioner: That, I expect, refers to women.

Mr. Holmes: "(Q.) You say they thought themselves more secure on the ship. Did you hear any of them say so. - (A.) Yes, I heard two or three say they preferred to remain on the ship than be tossed about on the water like a cockleshell."

The Commissioner: Very well.

Mr. Holmes: To counteract that it has been suggested that the passengers should all have been informed that within a very short time the ship was going to the bottom. I suggest to your Lordship that is a consideration which is almost ridiculous. There would inevitably have been a panic of the most terrible nature. The probability is that not one of those boats would have been lowered into the water at all and there would have been people falling overboard or the boats might have been capsized before ever they reached the water. As it is, we have had Mr. Lowe's evidence that he had to fire his revolver on one occasion to keep the people back from the boat, and one other man did say that there were people hanging on to the falls, which made it desirable to get the boats out in a hurry.

The third justification for the lowering of the boats without their full complement was the anxiety to get them waterborne and to fill up afterwards from the gangway doors. That has been referred to by Mr. Scanlan in his address, and I will just refer again to one question in Mr. Lightoller's evidence, Question 14230, at page 323. Mr. Scanlan asked him: "But it did occur to both of you? - (A.) It came to both our minds, and naturally anyone familiar with the ship, any seaman, anyone attached to the ship, would know at once that was the best means of putting the people into the boat - by the gangway doors." Again, on page 332, at Question 14491, he said, in answer to your Lordship: "(*The Commissioner.*) There are two or three other matters about the boats I should like to ask a question on. (*To the Witness.*) I want to know whether you knew that those boats were not intended to be lowered full of people. Did you know that? - (A.) We have no instructions to that effect, my Lord, but I knew that it was not practicable to lower them full of people. (Q.) Had you any reason to suppose that they were weaker than they should have been? - (A.) No. I have not had much experience with these Englehardt collapsible boats. (Q.) I am not talking about collapsible boats merely, but the lifeboats? - (A.) I should not think they were capable of being lowered full of people. They may be. I have never seen them full of people, but if they are only supposed to carry 65 people, afloat, it hardly seems feasible that they would carry 65 people when suspended at each end. It does not seem seamanlike to fill a boat

chock full of people when it is only suspended at each end. It is to guard principally against accidents in lowering. That must be taken into consideration a very great deal - the fact that you have to lower a boat from a great height and get her safely into the water. It is of more importance to get the boat into the water than it is to actually fill her at the boat deck, because it is no use filling her if you are going to lose those people before you get her down; it is far better to save a few and safely. (*Mr. Scanlan.*) Do you think you could have filled the boat still more in the water? - (A.) Undoubtedly.(Q.) If your organisation had been complete? - (A.) I do not see the organisation would have prevented the ship sinking. (Q.) I know it would not? - (A.) It was that that prevented us putting the people in." Then there is a remark by your Lordship. "What occurs to me about that, Mr. Scanlan, is this, that the order was, and I suppose quite a proper order, that women and children were to go first. Now it appears to me that you might have great difficulty indeed in putting the women and children down a rope ladder hanging from these gangway doors. That might be a very difficult thing to do."

The Commissioner: In point of fact, not a single person was put into the boats from the gangway doors.

Mr. Holmes: I am coming to that, my Lord, in a moment. The plan adopted was that all the women in sight on every occasion were got into the boats, and then the boats were lowered away. That is borne out to a great extent by the boat list. If you look at the numbers of passengers in the boats which were not full, they were practically all women. In a few cases there are two or three, or, I think, as many as half a dozen male passengers, in those boats which were not full. The intention was to get the men in through the gangway doors. Orders were given to that effect, and the men who received the orders presumably went away to carry them out, but they never came back to report. And in point of fact, there was no time for the officers to go from the boat deck to the gangway doors to complete the work which they intended the boats to do. Mr. Lightoller himself had not finished the getting away of the collapsible boats before he was absolutely washed into the water himself, and ran a very near risk of drowning.

Boat No. 1, which had only 12 people in it, perhaps calls for a little more particular comment, and the explanation of that, I think, is found in Mr. Lowe's evidence at page 368, Question 15896.

The Commissioner: That has been explained, you know. That boat was directed to stand by the ship.

Mr. Holmes: Yes, my Lord.

The Commissioner: Apparently it was not contemplated that it would go away with only 12 people in it.

Mr. Holmes: No, my Lord. Perhaps I may refer your Lordship to two sentences: "I do not know how many there were. I took everybody that was there: that is all I know." Then at Question 15900: "(Q.) You did not, for instance, send over to the port side to find if there were any women or children? - (A.) No, because I wanted to get the boats away. I did not have any time to waste. (Q.) And you did not send down to any of the lower decks? - (A.) There was nobody on the next deck. I stopped the boat there and asked them to look. (Q.) Or on any of the lower decks? - (A.) I do not know about that. I stopped the lowering of the boat at A deck, and told the men to have a look there, and they saw nobody." And then he gave the order to stand by the ship. That is all I have to submit to your Lordship on the question of the boats not being properly filled with their proper complement.

Further, I cannot call it a charge, but a suggestion was made that the officers ought to have known the capacity of these boats as far as the number of persons they would carry. Mr. Scanlan raised that point on Friday in his address, but it does not seem to me to be a very serious one. A boat may by a computation on a scale be said to be sufficient for a certain number of people, but

it does not necessarily follow that it will hold that number of persons, and in any case it is impossible at a time of crisis of this kind for one officer at a boat 30 feet long being lowered in as great a hurry as possible to count every person that gets into that boat. Even when the boats were in the water, the officers have told us that they had difficulty in finding out exactly the number of their passengers; they counted heads as long as they could, but they were so crowded together in some cases that it was impossible to get any accurate number.

The Commissioner: And in truth they were thinking about other matters.

Mr. Holmes: And they were thinking about other matters. On that I think I might refer to Rule No. 3 of these Life-Saving Appliances Rules which provides for the capacity of these boats. It arrives at the holding capacity by dividing the cubic capacity by 10 in the case of boats of the A section and by 8 in the case of B section. You have heard the evidence of Captain Young and of Captain Clarke as to the tests which have been made with boats for finding out whether that divisor 10 or 8 was the proper one. I should like to remind your Lordship of a report that was received by Captain Young from the people to whom he entrusted this work of making experiments. He said at page 644: "The first report was received from the London Principal Officer on August 25th, and related to two boats that had been tested - (A.) A section A boat, calculated accommodation for 66 passengers. This boat, when fully loaded, was overcrowded and top-heavy, and could not have gone outside the dock gate. It would have been well loaded with 10 men less." That is one of the first experiments, my Lord. "(b) A section D boat of similar dimensions, to carry 82 persons. The test showed that even if such a number could have been put into the boat it would have been unsafe."

The Commissioner: Who is it making that report?

Mr. Holmes: Captain Clarke.

The Commissioner: It is not Captain Clarke who signs the letter.

Mr. Holmes: I think Captain Young was reading from a document when he gave his evidence.

The Commissioner: I want to know whose letter it was he was reading from. Is not it Captain Young's own letter?

The Attorney-General: I have not the passage here, but my impression is this was what was referred to as the memorandum of the report of Captain Young, which was made before the letter of the 3rd of April appointing the reference.

Mr. Holmes: I am obliged.

The Commissioner: And Captain Young is the gentleman who thinks the form of the lifeboats is not at present satisfactory?

The Attorney-General: Yes, I said "appointing the reference," but I did not mean that I was speaking of the letter of 1912, not of the letter of 1911 - directed on the 4th April and written on the 16th April.

The Commissioner: Am I not right in saying that it is Captain Young who thought the form of the lifeboats was a matter that ought to be enquired into?

The Attorney-General: Certainly, my Lord.

The Commissioner: And he is practically saying the same thing in his letter.

Mr. Holmes: This is the result of practical tests which he has made for the Board of Trade.

The Commissioner: Yes, he says, "I have had one of the boats tested. I find that it is very crowded with sixty" - or whatever the number is - "and that it is tender."

Mr. Holmes: Then we had Captain Clarke, who gave evidence himself, and on page 640 he referred to this matter in answer to questions which I put to him, and also in answer to your Lordship. Your Lordship will recollect he was a little reluctant to say that the present Board of Trade Regulations and the present system was not quite as it should be, but when your Lordship pressed him he said this. Your Lordship asked: "Do you think the method employed at present is

right?" and he said, "No."

The Commissioner: Who was it said they were right notwithstanding this experience?

Mr. Holmes: Sir Alfred Chalmers suggested that everything was correct.

The Commissioner: He has retired, I think?

Mr. Holmes: Yes, my Lord. Then at Question 24147 Captain Clarke is asked: "Is it your idea that the divisor should be 12? - (A.) Instead of 10, yes. (Q.) And that, you say, is the idea which the Board of Trade are considering adopting? - (A.) Yes, I based that on this, that the Board have given very much attention to the question of these lifeboats long before the 'Titanic' disaster, and I formed that opinion. (Q.) That is why I ask you. - (A.) The Board have gone into this question very fully - long before the 'Titanic' disaster. (Q.) And worked out upon that computation, the boats would be considered fit to hold less people than now? - (A.) Undoubtedly, and probably that will be made law." Perhaps if your Lordship can see your way to add a recommendation it would make that "probably" into a certainty.

I think the only other suggestion which has been made against the officers is that they did not know their own boats. I must admit that they did not, because they have said so in their evidence, but it is absolutely immaterial.

The Commissioner: It is a small matter.

Mr. Holmes: Yes, my Lord; and I submit that it is absolutely immaterial, because it is impossible for an officer to remain at his own boat. You can conceive a state of circumstances in which the six boats to which the six officers were allotted would be the six boats first ready to be got into the water, and then the rest of the passengers would be left to their own resources. All these matters are matters in which the officers had to exercise a discretion, I submit, and I ask your Lordship to say in your finding that they exercised their discretion wisely.

I know that in the case of deceased officers your Lordship will err very much on the side of leniency, but it is much more important, if I may say so, to the surviving officers that their characters, which have hitherto been without any blemish whatever, should not be tarnished with any suggestion that they did anything in the course of this disaster which reflects upon their character as officers of the British mercantile marine. So much for the general conduct of the officers in this disaster.

There are one or two other matters relating more to the deceased officers which will undoubtedly have to be dealt with by the White Star Line insofar as they affect the question of suggested negligence, and I do not propose to say a word to your Lordship about that, because it is better to leave it to be dealt with by the proper parties.

I next want to direct your Lordship's attention to Question 4: "Was the 'Titanic' sufficiently and efficiently officered and manned? Were the watches of the officers and crew usual and proper?" I am afraid that the watches of the officers were usual, but I am going to suggest to your Lordship that they were not proper. You will remember what the system was: The Chief Officer, the First Officer and Second Officer - those first three officers - were on the three-watch system; that is to say, four hours on watch and eight hours off duty; the other five officers were on the two-watch system - four hours on and four hours off continuously. That does not mean that they got four hours' sleep. It is four hours from the time that they are first entitled to leave the bridge to the time at which they have to be back ready to take up their duties on watch; and it is not fair either to the officers or to the travelling public that they should be expected to perform the duties they have to perform with such short stretches of sleep. It was admitted in examination, I think by Captain Bartlett, that those officers might be called upon at any time to make abstruse calculations, they may have to take bearings and do other things which require the very clearest mind possible, at the bidding of the officer in charge of the watch. I do, therefore, suggest that your Lordship should answer this question as far as regards the propriety of the

watches of the junior officers, in the negative. Captain Bartlett, of course, is the Marine Superintendent of the White Star Line, and perhaps he has reached such a height in his profession that he has forgotten the days when he was a junior officer.

The Commissioner: Any way, he survived them.

Mr. Holmes: He survived them. But he refused to admit even that they would be better equipped in any way for their duties if they had longer stretches of sleep. I do not make this request to your Lordship, as your Lordship has rather suggested when other similar suggestions have been made throughout the Enquiry, in order that a few more members of the Imperial Merchant Service Guild may obtain berths on ships. If I may say so, the Imperial Merchant Service Guild have no difficulty in obtaining berths for all their members whenever they want them.

While on this point, there is a point connected with it under the twenty-sixth question dealing with the Merchant Shipping Act, 1894, Section 92, and that is the standard which is laid down by the present law for the number of officers and engineers required for our ships. It is a most important point, because it is obviously - and Sir Walter Howell admitted it at once - an improper thing that a ship like the "Titanic" should be allowed to go to sea with a complement of two officers in addition to the Captain. That is all that is required by this Section. Of course, it is not the complement that is provided by responsible shipowners; but there is a minimum laid down by that Section, and if there is to be any scale at all, I submit that it must be a proper one.

The Commissioner: What is the Section?

Mr. Holmes: Section 92, Sub-section (1)(c). Sir Walter Howell admitted that at once, and with the same breath he said he would hesitate to say that it was wise to legislate, because he objects to lay down a minimum, finding that the minimum is generally adopted as the maximum. He seemed to forget that the minimum is already laid down by the Section, and what I am suggesting is that the minimum should be increased or that there shall be a number of minima, a scale, if I may say so, in a similar way to the scale for boat accommodation, rising with the tonnage and size of the ship. It is certainly of no use having any regulation upon the point at all unless the regulation is complete.

I next want to deal quite shortly with the question of survey of the ships. The Board of Trade is in the habit of appointing an Engineer Surveyor to be an engineer and ship Surveyor; that is to say, he does the whole of the surveying of a ship both from the point of view of the engines, the hull and the equipments. In the case of the "Titanic" it was Mr. Carruthers who did that. I have not a word of complaint to make against Mr. Carruthers as an engineer. The complaint I am making is that the Board of Trade system is to put the wrong man to do the work, or to put a man to do work for which he is not really by his training qualified. The appointment is made by the Assistant Secretary, Sir Walter Howell, and he said that he relies, before making the appointment, on the fact that the applicant has satisfied the Principal Ship Surveyor, Mr. Archer, of his capabilities. Mr. Archer, when asked, admitted that he puts them through no test whatever as nautical men. They have an examination as engineers. They have six months' training, for a probationary period, he said, as shipwrights, which would seem to me to be very insufficient. All he could tell us was that they accompanied a senior officer in his work.

The Attorney-General: I am sorry to intervene, but I am very anxious to know what it is we have to deal with. I have found a little difficulty in following my friend's argument on the last two points and its bearing on the Enquiry before you. Of course, if it was a general Enquiry into the administration by the Board of Trade under the Merchant Shipping Acts. I agree it would be relevant, and, as to what amending Statutes would be necessary, it would be relevant, but, so far as I have understood the evidence, it is not suggested that by reason of either of the two points, upon which my friend is now relying, there was any loss of life or that there was any increased

risk to the vessel, and if your Lordship would bear in mind Question 26, it is limited to the Merchant Shipping Acts and the administration of the Acts and the Rules, so far as the consideration thereof is material to this casualty. The difficulty I find in dealing with it is that I thought that was the view your Lordship took at an earlier stage. My friend's last two points are opening up very much wider considerations, which would necessitate, or at least certainly would have led to, some further evidence to explain what was done. I thought what we were doing here was merely enquiring into the administration of the Acts so far as they related to this casualty. I am anxious to know. I do not want to stop anything which your Lordship thinks ought properly to be enquired into or dealt with by you, but I am anxious to know how far we are to go with this, and whether we are to enquire, or whether your Lordship proposes to deal in answer to that question, with all the matters that are raised relative to the administration by the Board of Trade of these Acts.

Mr. Holmes: My Lord, I do not suggest for one moment that there was any loss of life through any failure in the survey by the Board of Trade Surveyors.

The Attorney-General: That is the difficulty, you see.

Mr. Holmes: In making the remarks, I was exercising what I considered to be my right of commenting upon the evidence which has been clearly brought out in cross-examination, and in answer to questions put by me - questions which were allowed by your Lordship, and in connection with which in one or two cases, I think, your Lordship even assisted me by putting further questions.

The Commissioner: I am afraid you must not rely too much on my having allowed the questions to be put.

The Attorney-General: I am not suggesting that the questions would not be quite useful, but not on this Enquiry.

The Commissioner: Mr. Holmes, you suggest that two officers in addition to the Captain are not enough.

Mr. Holmes: Yes.

The Commissioner: How does that matter arise under Question 26?

The Attorney-General: That is what I do not follow.

Mr. Holmes: I did not understand that this was the question the learned Attorney-General was objecting to; I thought it was on the question of the survey.

The Attorney-General: Both.

The Commissioner: He said this and the last one or two. How does that come within the object of our Enquiry?

Mr. Holmes: I am afraid I cannot say it is particularly connected with the "Titanic" except so far as these Survey Reports have been put in, which contain, my Lord -

The Commissioner: I know; it may be an important thing to consider these points, but I do not think it is for us to consider them or to make recommendations about them.

Mr. Holmes: May I refer, my Lord, to both the Report of the Survey of an Emigrant Ship and the Declaration for the Passengers' Certificate which were made by Mr. Carruthers. In each of these cases there is a Table. It contains a list of masters and officers, and the only names that appear upon that are the master, the first mate, the second mate, the first engineer and the second engineer, and then it contains a statement that the certificates of the masters, mates, and engineers are such as are required.

The Commissioner: You are not directing yourself to the objection the Attorney-General put nor to what I was asking you. Question 26 empowers us to make any recommendations or suggestions that we may think fit, having regard to the circumstances of the casualty, with a view to promoting the safety of vessels and persons at sea. Now, I do not think, you know, that the

appointment of Mr. Carruthers has got anything to do with the circumstances of the casualty and I doubt very much whether the fact that there are only two officers, in addition to the Captain, has anything to do with the circumstances of the casualty. It may be a very desirable thing to enquire into, but I can imagine thousands of questions which it might be desirable to enquire into.

Mr. Holmes: I rather understood that this Enquiry was not to be limited merely to the nature of an inquest on a few persons who are dead, which can do no one any good whatever, but to try to do something to prevent accidents of a similar nature in the future, and I can conceive very few questions -

The Commissioner: You know these two questions, Mr. Holmes, that you have been dealing with for the last few minutes appear to me not to have any reference to the casualty at all, but to be material to your Society.

Mr. Holmes: Not to my Society, my Lord, alone by a long way - it is the whole mercantile marine.

Mr. Roche: At the same time it is fair to tell your Lordship that my Society takes an entirely different view to my learned friends, not unnaturally.

The Commissioner: I am quite sure you do, and I can imagine other people taking that view also. I do not think, Mr. Holmes, we ought to enter into these matters.

Mr. Holmes: Very well, my Lord. Then a point upon which Mr. Roche has touched slightly this morning, and which I think your Lordship will have to take into consideration very carefully, if there is not to be a recommendation for boats for all, is the question of fire on board ship, and the regulations which are at present in existence upon that point.

The Commissioner: I have had very little evidence about fire. I do not know what your suggestions amount to or why we should do anything. There was that fire, for instance, that Mr. Edwards took so much interest in.

Mr. Holmes: Nothing to do with that, my Lord, but if you are not to recommend that there shall be sufficient boat accommodation on every ship for all persons, then the regulations for fire appliances should be more stringent, more carefully carried out and surveyed.

The Commissioner: I really have heard no evidence as to fire appliances. I know nothing about them.

Mr. Holmes: With all respect, my Lord, I asked Mr. Archer all about the provisions.

The Commissioner: Do you think you have brought the subject of fire appliances on board these big ships to our notice with such particularity that we are able to deal with it? As far as I am concerned, I am not.

Mr. Holmes: I took him through all the provisions of the Merchant Shipping Act and the Instructions to the Surveyors. It may have escaped your Lordship's memory.

The Commissioner: Do you, Mr. Attorney, expect us to deal with the fire appliances?

The Attorney-General: No, my Lord, not with fire appliances, but I understood my friend's questions to be directed to this, that the circumstance of the possibility of a fire would be taken into your Lordship's consideration as one of the elements in determining the boat accommodation that should be provided.

The Commissioner: That I can understand.

Mr. Holmes: That is my point.

The Commissioner: I rather understood we were really invited to enquire into the sufficiency of the appliances for a steamship fire.

The Attorney-General: We could not do that; we have not the evidence.

Mr. Holmes: No, but I do suggest that you should recommend that there should be further and more stringent provision made for the supply of fire extinguishing appliances to ships unless

they have -

The Commissioner: I cannot do that; I have not heard sufficient evidence.

The Attorney-General: No.

The Commissioner: Nor until this morning have I realised that we were expected to deal with the supply of appliances for extinguishing fires.

Sir Robert Finlay: I think, my Lord, there has been no suggestion that everything that was wanted was not there on board the "Titanic."

Mr. Holmes: I am not suggesting for one moment that there was anything wrong with the fire appliances on the "Titanic."

The Commissioner: Then, if you are not, you are travelling outside matters which have anything to do with this casualty. I think you must leave the fire appliances.

Mr. Holmes: Then, my Lord, the last point which I wish to mention - I think this is one your Lordship will allow me to proceed upon quite shortly - is the provision in these life-saving appliances Rules that only four of the boats supplied to a ship should be properly equipped with the various equipments. No one was able to explain it properly, except that Mr. Archer said he thought it was probably in the minds of the persons who framed the Rule that the boats would all keep together and that, therefore, if four of them were fully equipped that would be sufficient. I submit to your Lordship that is quite insufficient, and that your Lordship should recommend that not only four but the whole, at all events, of the lifeboats - I would not say necessarily all of the collapsible boats - supplied to the ship should be properly equipped with all necessary appliances.

The Commissioner: I do not know where you could put them in the collapsible boats.

Mr. Holmes: That is why I do not suggest the Rule should be extended to any collapsible boat.

Those are all the points I want to bring to your Lordship's notice except, in conclusion, to say that I have been asked by the representatives of the deceased officers to thank your Lordship and His Majesty's Government and the representatives of the White Star Line for the expression of sympathy with which they opened this case.

The Commissioner: I am very glad to hear you say that, Mr. Holmes.

Mr. Holmes: And, finally, I wish to associate myself with Mr. Scanlan's application for costs in this case, and to remind your Lordship that, at the time when my application for leave to appear was granted, you did state that you thought the Imperial Merchant Service Guild ought to be represented.

The Attorney-General: I take it your Lordship will deal with all matters of costs afterwards.

The Commissioner: I shall deal with all questions of costs afterwards.

Mr. Harbinson: If it please your Lordship, at the suggestion of my friend Mr. Edwards, who will probably propose to deal with the various topics that the other speakers overlook, when he comes afterwards, I venture now to address a few observations to your Lordship.

The Commissioner: I take exception to that observation. I do not think any of them have overlooked anything.

Mr. Harbinson: Well, for the observations I overlook.

The Commissioner: No, no, no, you will certainly overlook nothing.

Mr. Harbinson: And the subjects we fail to deal with; but I hope, my Lord, in addressing your Lordship, I shall not rival the exploits of an advocate who recently addressed a Court for three weeks, and at the end of that period applied for an adjournment in order that he might resuscitate his failing energies, and that he might the better continue his oratorical efforts when the Court met again.

The Attorney-General: May we know where this was?

Mr. Harbinson: I think it was in Italy.

The Commissioner: In Viterbo, or some place like that.

Mr. Harbinson: I think it was, my Lord; I remember reading it quite recently. While I am endeavouring to curtail myself as much as possible, and I probably will be consulting the wishes of all in that regard, at the same time there are a few statements that I should like to make to your Lordship.

The first proposition, my Lord, that I desire to submit is that this calamitous accident, this disaster, was not the outcome of an inevitable accident. By "inevitable accident," my Lord, I mean an accident which could not possibly have been prevented by the exercise of ordinary care, caution or skill, and my suggestion to your Lordship will be (and of course I shall endeavour in what I say to make, as far as I can avoid it, no reflections upon anyone) that if proper and seamanlike care had been exercised this very deplorable disaster could have been avoided.

Now, my Lord, on this question of "inevitable accident," would your Lordship allow me to refer you to "Bevan, on Negligence," page 879?

The Commissioner: I do not think you need do that; it is a most respectable work, but I do not want it. Put it away, Mr. Harbinson.

Mr. Harbinson: I have it here, my Lord, if your Lordship desires to refer to it, but, of course, I accept the suggestion that your Lordship makes. My point is this, that after the warnings were received by the Captain of the "Titanic," no special precautions were taken to cope with the contingency of ice in his track. Now it will not be necessary for me to refer to any authority to establish the proposition that negligence is of the same quality while steaming on the Atlantic Ocean or driving on the Thames Embankment, if life is lost as the result of excessive speed or negligent conduct, my point being, my Lord, that it is the same practically whether at sea or on land. There is no difference in the quality of the act. Could it be seriously suggested, my Lord, that if, to give you an illustration, the driver of a motor-car were warned when driving along the road that some obstruction was on the road, for instance, that a flock of cattle were on the road, if he were warned of this, could it be seriously argued that he fulfilled his duty by taking, say, the other side of the road from the side upon which he was told the cattle were encamped and going on at full speed in the hope that he might be able to detect this obstruction before he came up with it?

The Commissioner: Do let us get back to the "Titanic."

Mr. Harbinson: Why I want to give this illustration is this: It is said that the Captain of the "Titanic" did slightly alter his course, and I think, my Lord, he went slightly further Southward than had been the custom of navigation in that track. But there is no -

The Commissioner: Do you make any point of that, Sir Robert Finlay - that there was a slight alteration of the course?

Sir Robert Finlay: Well, my Lord, I say this: The Captain made that alteration. Of course, he is not here to state the precise reason which led him to make it. I say it was a proper alteration to make, and we are not, of course, in a position fully to judge of all the motives which actuated him in making it.

The Commissioner: You do not follow me. Are you going to say that it was a precaution taken by the Captain in consequence of the telegrams which he had received about ice?

Sir Robert Finlay: In all probability, my Lord, I think it was.

The Commissioner: Very well. Now, Mr. Harbinson.

Mr. Harbinson: I thank your Lordship. If I may I would like, with your Lordship's permission, to adhere to the illustration I gave; it is merely to illustrate -

The Commissioner: Are you coming back to the Embankment now?

Mr. Harbinson: No, my Lord, but I wish to compare the illustration I give of the cattle browsing, or encamped on the road, with the ice. The Captain must have known that ice -

The Commissioner: I do not follow this.

Mr. Harbinson: I wish to make it quite clear. When the Captain of the "Titanic" was informed that there was ice in the track he must have known that ice was an object that would drift with the current and might, therefore, move slightly down, even so as to be on the track that he had altered to, that is to say, that it would not remain stationary. That is an element or feature that I think should have entered into his calculation. That would have been an act of ordinary prudent calculation in a captain who had been many years at sea. In the same way, if the driver of a motor-car were told that there was an obstruction, say, any living obstruction, on the road, he would not be adequately discharging his duty in taking the other side of the road from that upon which he was told the obstruction was located because he should calculate that the obstruction might naturally change from one side of the road to the other. And therefore, my contention, with great respect, my Lord, is this: that the only method by which such a contingency could be adequately coped with was by reducing speed. In this case speed as your Lordship knows, was not reduced. The Captain relied, or his officers relied on their natural powers of perceiving obstacles at a distance. But, my Lord, what is the result? The disaster to the "Titanic" shows that they failed to do that. They failed, and as the result of that failure, my Lord, the world has been shocked by the calamitous nature of the event. Therefore, my contention is this - I respectfully press it on your Lordship - that when the warnings about ice were conveyed to the Captain and to the officers of the "Titanic," knowing the nature of ice, knowing, my Lord, as it is in evidence that that the sea did gradually subside to a flat calm, and that, therefore, as the result of the atmospheric conditions it would be more difficult to detect ice because, my Lord, not only would they be unable to hear the wash of the water against the berg, but also they would probably be unable to detect the white foam that would be caused by the water breaking against the berg - those facts should have been present to their minds and as a result of that, as a special result of the peculiar atmospheric conditions which prevailed, special precautions should have been taken. The most marked precaution that should have been taken was the reduction of speed. My learned friends have suggested, some of them, that an additional man should have been placed at the bow and I think that suggestion is substantiated by the evidence of Sir Ernest Shackleton, who unquestionably adheres to the view that the nearer a look-out man can come to the waterline the more effective are his services likely to be. Nothing like that was done. No special precautions were taken. So far as we know, the Captain communicated with nobody beyond giving the Marconigram to Mr. Bruce Ismay and afterwards getting it and giving it to the officers for the chart room.

Now, my Lord, what was the object of the Captain in taking the Marconigram with reference to the "Baltic" to Mr. Bruce Ismay? I ventured, as your Lordship may see, in the cross-examination of Mr. Ismay, to suggest to him that it was on the part of the Captain an attempt to invite from Mr. Ismay an expression of opinion as regards the speed the vessel was maintaining. Your Lordship may remember that it came out in Mr. Ismay's evidence that prior to the "Titanic" leaving Queenstown he had a discussion with Mr. Bell, the Chief Engineer, on this question of speed, that that discussion with Mr. Bell took place without the Captain's knowledge, the Captain was not present, and that at that discussion with Mr. Bell it was arranged that the speed of the vessel was to be gradually increased, and, my Lord, the expression was used, "We were to run her at her full speed on the following Monday," the day after the Sunday upon which this great disaster occurred. "We were to run her at her full speed on the following Monday"! The vessel gradually forging her way across the Atlantic did increase her speed. Mr. Ismay stated that at no time during the passage did he attempt to interfere with the Captain, that he had no conversation with the Captain, that he was never on the bridge with the Captain and never in the Captain's room. Now those being the relations which prevailed between Mr. Ismay and the

Captain. I again put it to your Lordship, was it not a very extraordinary circumstance that on this particular Sunday afternoon, when the Captain received this Marconigram about ice, he should go and search out for Mr. Ismay and hand him the message. I take it, my Lord, and I ask your Lordship to agree with me, that this was a very special precaution on the part of the Captain. Mr. Ismay says there was no discussion between them; I am loth, of course - it would be very regrettable if I were obliged to say, as I fear I am obliged to say - that that seems, at any rate to my mind, somewhat improbable, because I can hardly believe that it is consistent with the conduct of the Captain, after seeking him out and taking this Marconigram to him, that this Marconigram should merely be handed to Mr. Ismay, casually taken by him, glanced at, and put in his pocket, and that no conversation at all should take place with regard to its contents as between him and the Captain. My suggestion to your Lordship is that Captain Smith of the "Titanic" did feel, after the warnings about ice, that the situation was becoming dangerous, that the owner, the Managing Director, the Chairman of the International Mercantile Marine, the chief, the directing spirit of the Oceanic Navigation Company was on board, and I say, even considering the relations that do prevail in these ships between owners and Captain, it was impossible that Mr. Ismay, on board this new ship making her trial trip, should not imperceptibly exercise some influence on the Captain. My contention to your Lordship is that his very presence on that boat, the "Titanic," had an effect on the navigation of the ship, even although he never said a single word; that under the circumstances, as Mr. Ismay was there for the purpose, as he said, of seeing how the vessel ran for the purpose of discovering defects, that as Mr. Andrews was there representing the builders, Messrs. Harland and Wolff, as this was the trial trip of the largest vessel in the world, going from England, from these kingdoms to America - they were all on the alert, and that undoubtedly the presence of Mr. Ismay exercised considerable influence on the navigation. That is my contention.

Now, my Lord, that being the condition, I suggest that the speed at which the "Titanic" was going was excessive, and that if, after the warning had been given, special precautions had been taken and a diminution of speed had been ordered, in all probability the vessel would never have gone to the bottom. Now, whether it is navigating on the Atlantic Ocean or travelling in London on any highway, what is the rate that should guide those who are in command either of vessels or vehicles? It is this I respectfully submit to your Lordship's better judgment: that the speed should be such that they should have either the ship or the motor-car, or whatever it is, under such control as to avoid an object after being seen. And, as the result proves, my Lord, the "Titanic" was unable to avoid this object after it was notified from the crow's-nest, because, I believe I am right in saying that that was the place where the notification came from first, I do not think there is any evidence, so far as I can remember, that it was seen on the bridge until the notification was received from the crow's-nest.

The Commissioner: There is some evidence: I do not know that there is very much, but there is some evidence. Lightoller, I think, says that, in his opinion, the helm had been starboarded before the message came from the crow's-nest.

Mr. Harbinson: Yes, my Lord.

The Commissioner: And he says that leads him to think that they saw the iceberg from the bridge before the crow's-nest announced it, however, that is the whole of it.

Mr. Harbinson: Your Lordship is quite correct; Mr. Lightoller did say that, but except that isolated expression of opinion, with which there did not seem to be any very general agreement, I think there was no other. Of course, as your Lordship sees, assuming that they did see it from the bridge at the same time that it was notified from the crow's-nest, any interval of time that could have taken place must necessarily have been very short, considering how soon the collision occurred after the ice was notified.

Now if this vessel, the "Titanic," had been going at a reduced speed the argument I wish to reinforce is the argument which has been addressed to your Lordship on that particular point by my friend, Mr. Roche, this morning, and that is that, assuming that she had been reduced to half her speed and that she had been only able to turn two points in the distance she had traversed from the place where the object was seen, at the same time she would have been able to have the more effectually reversed her engines, brought the fact of the reversal into play, and thereby in that regard the impact would not have been so great as it was. Now a number of Captains were called to say what the practice is with regard to navigating the Atlantic, and Mr. Pritchard, the ex-Captain of the "Mauretania," which he says steams 26 knots an hour (that was the only one of the captains whose vessel did exceed the speed of the "Titanic") said his practice was to do exactly what was done in the case of the "Titanic." With regard to the others, there was Captain Young, of the "City of Rome," who said that his was a 17-knot vessel; Captain Stewart, of the "Empress of Britain," 18 knots; Captain Ranson, of the "Baltic," 16; and, as your Lordship will remember, there was Captain Apfeld, of the Red Star Line, who said, if I recollect aright, that his vessel's speed was something like 18 knots an hour. Now all these vessels, with the single exception of the "Mauretania" - and this is a consideration I would like to impress on your Lordship - are considerably slower than the "Titanic." Therefore, they do not incur the same risk by navigating in that way (that would be my submission) for that reason, that they are the better able, even assuming that their helm answers slower and that they can only turn the same number of points in the distance that intervenes between the place the object is seen and the object, to bring their ship to a standstill.

Now, that is the situation. Why, on this particular occasion, was there not a conference of the officers called after ice had been notified? If that is not the usual practice on these ships for the captain to discuss with the officers, why were not some special instructions given considering that a very special message with regard to icebergs and field ice had been received? I would like to make one suggestion to your Lordship, and it is this, that the matter, in all its gravity, did not seem to come home to the officers, and I wish to illustrate Mr. Lightoller as the officer to whom I refer, and that therefore it probably did not come home with sufficient force to Captain Smith. Now Mr. Lightoller told me - I think he also told your Lordship - that he had made a calculation as to the time he expected the "Titanic" would be in the vicinity of ice, and it will be within your Lordship's recollection that he said half-past 9 was the time he expected the ship to reach the ice. Mr. Moody, the Sixth Officer, had also made a calculation with reference to the time this vessel should reach ice, and the time he indicated was 11 o'clock, a difference of an hour and a-half in the calculations of these two officers. My Lord, that seems a pretty considerable margin. To my mind, at any rate, it would seem a difference in calculation which would call for some further Enquiry in view of the repeated warnings the "Titanic" had received. But yet, as illustrating my point, that the gravity of the situation, after the warnings that had been given to them had not been realised with sufficient force, Mr. Lightoller allowed Mr. Murdoch to come on at 10 o'clock when Mr. Murdoch relieved Mr. Lightoller, and he never mentioned the question of the difference of their calculations. I wish to make no reflection on Mr. Lightoller's capacity or his general conduct, but at the same time I think it my duty to mention this matter to your Lordship that to my mind that was a matter which should unquestionably have been brought to Mr. Murdoch's attention. That difference in calculation as to the time when they might expect to reach ice was of vital importance, considering the speed at which the "Titanic" was travelling, and yet not one single word about that was said to Murdoch when he relieved Lightoller at 10 o'clock. My Lord, is that consistent with careful seamanship? Is it consistent with careful seamanship that when two officers make a calculation with regard to the time a vessel speeding at, roughly, 22 knots an hour, will be in the vicinity of ice, and there is an hour and half

difference, and not one single word of it is mentioned to the senior officer when he comes on watch? I quote that as an illustration of the sort - I hope I am not using too strong a word if I say - of slackness that prevailed amongst the officers in regard to the warnings that they had received, and also in regard to this question of ice, considering the speed at which the vessel was then going.

My Lord, those being my contentions, I desire to make the submission to your Lordship that the disaster to the "Titanic" was not the result of inevitable accident, and if it was not the result of inevitable accident, blame must attach to some one. My Lord, blame is at the root of negligence, blame must attach to someone, and my suggestion is that the vessel was not navigated with an adequate amount of care consistent with the warnings that had been received, and that blame undoubtedly attaches to those who were in charge of the navigation of the vessel. I would respectfully, as I say again, press on your Lordship that your Lordship should find that she was not navigated with proper care, that there was a breach of the duty to take care, which Lord Herschell has defined as constituting negligence, and that the breach of the duty to take care in this instance was to take adequate care to protect and preserve the lives of those who were on board; that that breach of the duty to take care amounts to negligence, and my respectful submission to your Lordship is that there was negligence in the navigation of the "Titanic."

Now, my Lord, that question of negligence touches on the Questions, submitted by the learned Attorney-General to the Court, 9, 10, 12, 13, and 14. These Questions 9, 10, 12, 13, and 14 relate to ice and speed, and they bear directly upon the question of negligence. Now, my Lord, having dealt with that aspect of the question, I wish more briefly to refer to portions of Questions 21 and 24 - the latter portion only of Question 21. "What is the proportion which each of these numbers" (that is, the numbers of the different classes) "bears to the corresponding total on board immediately before the casualty? What reason is there for the disproportion, if any?" and Question 24, "What was the cause of the loss of the 'Titanic' and of the loss of life which thereby ensued or occurred? Was the construction of the vessel and its arrangements such as to make it difficult for any class of passenger or any portion of the crew to take full advantage of the existing provisions for safety?"

Now, there has been a huge volume of evidence given, and I do not desire to range over it at large. A brilliant writer, my Lord, has invented, or constructed, a somewhat unorthodox paradox, that the best way to meet a temptation is to yield to it. Like many paradoxes, my Lord, I fear that is only half a truth, and I am much too orthodox in morals to practice it on this occasion, and, therefore, I shall confine myself to the questions that more immediately concern me. Now might I refer your Lordship to the Certificate for Clearance? I am here specially representing, as your Lordship knows, all the third class passengers. I represent, I am glad to say, not only my own countrymen but also the English third class passengers, and thereby, I hope, symbolise in some way that community of interests and sentiment which we all hope in the near future will be established between the two countries. There were 710 third class passengers carried, and out of that number, my Lord, 176 were saved. Now, there were 113 (Your Lordship asked for this, and perhaps I may be allowed to repeat it) Irish passengers taken on at Queenstown, and of that number 57 were males and 56 females. Out of the 57 males, my Lord, 7 were saved, 12 percent; and out of the 56 females 33 were saved, making 59 percent. Now, might I refer your Lordship to the Table in the evidence, which you will get at page 479, and just compare that with the percentages as given in the Table. Of the first class passengers the percentage saved (I need not trouble with the numbers) was men 34 percent, women 97 percent, and children 100 percent. Of the second class, men 8 percent, women 84 percent, and children 100 percent. Of the third class, men 12 percent., women 55 percent., and children 30 percent. The disproportion, as your Lordship sees, is very considerable. Now, my Lord, of the Irish, a constituent element of the

third class, of men there were 12 percent. saved, exactly the same as the percentage of the whole of the third class passengers; women, 59 percent, and there is no figure furnished to me as regards the children.

The Attorney-General: They are all under the males and females.

Mr. Harbinson: I thank you, Mr. Attorney-General; I did not know. Through a question I put to Sir Walter Howell, when he was in the witness chair, asking the number with reference to third class emigrants, I merely quote this to show your Lordship the importance of the class - I have no reason to believe your Lordship would dispute it, but I thought it proper to put the question, and with great courtesy Sir Walter Howell has furnished me with the returns for the last ten years. I do not propose to read that because it would take too long, but may I mention that I have added up the numbers and I find that the number of third class Irish passengers who have gone to North America for the last ten years from 1902 to 1911 is 294,359, and that the number of British passengers who have gone to North America during the same period is 1,369,260. Those figures show, my Lord, that the proportion of Irish passengers who have crossed the North Atlantic to North America in that 10 years bears to the proportion of the total number of third class passengers who have gone from Great Britain the relation of between one-fourth and one-fifth. Between one-fourth and one-fifth of the whole number who have crossed to North America in that time, steerage passengers, have come from Ireland. If your Lordship cares to see this table you can have it afterwards for the purpose of verification.

The Commissioner: I am listening to it.

Mr. Harbinson: I quote that, my Lord, to reinforce two facts; first, the number of Irish passengers who have travelled, and in whom, as your Lordship knows, I am specially interested, and also the number of British passengers who have crossed by steamers plying on the North Atlantic for the last ten years. It amounts to over a million and a half, and must furnish a considerable portion of the revenue of the various shipping companies. Therefore, as I respectfully suggest to your Lordship, this is to a large extent an inarticulate class, not people who are very well educated, not people who belong to that rank of life where they can look after themselves, nor people who are accustomed to travel; in Ireland certainly, and to a large extent in England, I think, people who come from rural divisions, and who probably have seen a ship for the first time. These are people not accustomed to the ways of travelling, and, therefore, my respectful submission to your Lordship is that these are people who in times of danger and emergency require special attention and special protection. They would be unaccustomed, my Lord, to the many passages, the many ways of communication which would lead from the third class quarters on the "Titanic" to the boat deck. They would never have been on the boat deck, because what is the evidence? The evidence of Captain Clarke, on page 679, is that when he made the inspection at Southampton before the "Titanic" sailed the emergency doors were locked and the barriers were fastened. He made that inspection, as he says, at 8 o'clock in the morning of the day upon which the "Titanic" sailed.

Then there was Hart, the Steward, whose evidence your Lordship will find at page 214. I wish to deal, if I may say so, with this matter with absolute fairness, concealing nothing, and giving the evidence that bears on the matter regardless of whether it bears out the view which I shall put before your Lordship or not. At page 214 Hart told the Court that provision was made for having the third class passengers directed to the boat deck. At Question 10213 he was asked - I asked him, as a matter of fact: "(Q.) You have told us that you saw a number of stewards placed at various portions to direct the third class passengers how they were to go? - (A.) Yes. (Q.) About how many stewards were so placed? - (A.) I passed about five or six on the starboard side. (Q.) Who else besides you, then, were bringing the people from their berths - rousing them and bringing them up to the boat deck? How many others? - (A.) almost eight. A portion of the third

class stewards were room stewards, of whom I am the only survivor. (Q.) I understood that there were only eight third class stewards in the aft portion altogether? - (A.) To look after them. (Q.) Who were stationed at various places to direct the third class passengers the way they were to go? - (A.) Not of that eight. (Q.) There were five? - (A.) Five others. (Q.) What class stewards were they? - (A.) I could not tell you. Stewards were placed all round the ship. (Q.) Do you know who placed them there? - (A.) I cannot tell you. (Q.) Do you know the stewards by sight who were placed to direct the third class passengers? - (A.) No. (Q.) But you say they were not third class stewards? - (A.) They were not third class stewards. (Q.) Did you see the emergency door open? - (A.) I saw it open. The swing door to the second class, you mean? (Q.) Yes? - (A.) Yes. (Q.) Do you know at what time it was opened? - (A.) Yes, I can tell you. It was open at half-past 12. (Q.) Would it be right" (and, my Lord, this question I was obliged to put because of a number of statements that had been made in the papers. I put this question, although, of course, I was not a position to adduce any evidence to substantiate it, but, if I may say so, my position sometimes in some of the questions I put resembles that of a navigator trying to steer between Scylla and Charybdis; I did not want to put some of the questions, but there were some questions I was obliged to put and I put this question in that way) "if anyone said that a number of sailors were keeping back the third class passengers from reaching the boat deck? - (A.) Would it be right to do so? (Q.) Would it be right if any one said so? - (A.) I do not say that it would be right. (Q.) I asked you would it be right if anyone said so? - (A.) I would not like to say it would be right. (*The Commissioner.*) Would it be true? - (A.) I should not think so." Then I say: "It is not what you think. Did you see any sailors keeping back the third class passengers from reaching the boat deck? (*The Commissioner.*) Did you see anyone keeping the third class passengers back so as to prevent them getting to the boat deck?" and he says, "No, my Lord."

Now, my Lord, I wish to say distinctly that no evidence has been given in the course of this case that would substantiate a charge that any attempt was made to keep back the third class passengers. There is not an atom or a tittle of evidence upon which any such allegation could be based, and I do not for one moment say the third class passengers were deliberately kept back or were kept back at all in the sense that any effort was made to prevent them reaching the boat deck. I desire further, my Lord, to say that there is no evidence that when they did reach the boat deck there was any discrimination practised either by the officers or the sailors in putting them into the boats. It would be wrong of me to say so, because there is no evidence which would bear me out in saying so, and I think it only fair that in speaking on behalf of the third class passengers I should make that observation to your Lordship. But, my Lord, how do we account for the disproportion in the saved as between the third class and the other classes? My Lord, I regret to say I cannot accept the statements made by Hart as being in all respects absolutely accurate. If I may put it colloquially, my Lord, my suggestion would be that the picture has been somewhat touched up, because in the evidence given by several witnesses, and in answer to questions which I put to quite a number who came into the witness-box, there was not one of them who could say that they had heard any instructions given to stewards to go and take their places and direct these third class passengers to the boat deck. Hart says they were there, that the emergency door was opened, but he is the only third class steward called, and we have only got his uncorroborated evidence to rely upon. Now, my Lord, is this account which he gives consistent in all respects with the number of third class passengers who have been drowned. I questioned him further to this effect: Question 10255, "According to you, all the women and children, from the aft part of the boat who were taken up and who wanted to escape could have done so?" and he says, "I do not doubt that for a moment." True it is that in another portion of his evidence he said that some of them who did go to the boat deck returned again, but in Question 10200 he said: "It was only a small number who refused to leave," that is to say, who

refused to leave their cabins. He says, "It was only a small number who refused to leave."

Now, my submission to your Lordship is this, that if there had been a proper organisation of the stewards in the third class quarters, if a proper warning had been given to the third class passengers, if they had been told that the position of the "Titanic" was dangerous and that the ship was doomed, my submission to your Lordship is that if they had been told that, and, further, told that the "Carpathia" was coming to their rescue, a circumstance they could have been informed of, then I say it is highly improbable that any of them would have refused, even in small numbers, to have left the sinking ship.

Now, my Lord, the question has been raised - I raised it, and my friend Mr. Holmes said it was rather ridiculous, but, of course, that is a matter of opinion - of a general alarm. True it is, my Lord, that if a general alarm were sounded it is possible it might give rise to panic - I admit that at once - but, my Lord, on the other hand, there is also the view to be considered that it is only fair that people who are on a ship that is doomed should in some way be apprised of the serious condition of the circumstances in which they are placed, and it is therefore a matter I would respectfully suggest to your Lordship for consideration and for the consideration of your Lordship's skilled advisers, as to whether or not it would be desirable in case of danger, fire, or wreck, that some kind of general alarm should be sounded. That is a matter I would leave to your Lordship and to your Lordship's skilled advisers, but I merely suggest that it is a matter which is worthy of serious consideration. I do think on this occasion, as appears from the evidence of Boxhall and Bride that the passengers on the "Titanic" could have been informed by the officers that the "Carpathia" was coming to their assistance. There is no doubt that that was known to those on board of the "Titanic," because if your Lordship refers to the evidence of the Fourth Officer, Boxhall, on page 361, Question 15610, I asked him, (Q.) "Did you hear the Captain say anything to anybody about the ship being doomed?" and he says, "The Captain did remark something to me in the earlier part of the evening after the order had been given to clear the boats. I encountered him when reporting something to him and he was enquiring about the men going on with the work, and I said, 'Yes, they are carrying on all right.' I said, 'Is it really serious?' He said, 'Mr. Andrews tells me he gives her from an hour to an hour and a half to live.' That must have been some little time afterwards. Evidently Mr. Andrews had been down." Therefore, my Lord, the Captain a very short time after the collision, at any rate some time after the collision, knew that the "Titanic" was not going to survive.

Now, my Lord, in reference to the knowledge of the "Carpathia," it will be found from Bride, whose evidence on that subject appears at page 393, Question 16795. I asked him, "Do you remember how long it was after the collision when you learned that the 'Carpathia' was coming to your assistance? - (A.) The 'Carpathia' was the second boat to answer our call. (Q.) Can you remember how long it was after the collision? - (A.) No, I could not tell you; it was within a very short space of time after we sent out our first distress signal."

The Commissioner: When was that?

Mr. Harbinson: That would be, my Lord, about half an hour after the collision, as far as my recollection serves me, and he says it was shortly after they sent out their first distress signal.

The Attorney-General: I think 12.25 was the first C.Q.D message.

Mr. Harbinson: That would be three-quarters of an hour. I asked him, at Question 16797, "And you took the message that the 'Carpathia' was coming, to the Captain?" And his answer was "Yes."

My Lord, I think with that knowledge in the possession of the Captain, if there had been conveyed to the passengers the seriousness of their situation and the fact that assistance was near at hand, at any rate was on its way, the lifeboats would have been properly filled and a greater number saved. I think such information ought to have been given, and especially to these third

class passengers, who, as your Lordship knows, were in a different position, both as regards environment and as regards previous experience of the sea, from the cabin passengers.

The Attorney-General: May we get that time right? 12.15 is the message to the "Mount Temple," receive from the "Titanic," and 12.25 is the message from the "Titanic" to the "Carpathia," which the "Carpathia" received.

Sir Robert Finlay: My Lord, I would submit that the four following questions and answers ought to have been read. I think my friend stopped at Question 16797 on page 393?

Mr. Harbinson: Yes.

Sir Robert Finlay: Question 16798 and the following questions are these: - "(Q.) Now do you know if the Captain communicated the substance of your message to any of the officers or to the crew? - (A.) I passed the word myself as I went to find the Captain. (Q.) To whom did you pass it? - (A.) To anybody I happened to come close to. (Q.) Did you pass it to any of the officers? - (A.) Not to my knowledge. (Q.) But you gave it out that the 'Carpathia' was coming to your assistance? - (A.) Yes."

Mr. Harbinson: Yes, that is quite right, Sir Robert. My submission is that the Captain had the knowledge, and that the knowledge should have been communicated. That is my respectful submission. Now, my Lord, there is a question which has been dealt with, and I do not wish to take up any time dealing with it in detail, and that is regarding the despatch of these lifeboats not adequately filled. The fact remains. But might I refer just to one piece of evidence in connection with that, and that is to the evidence of Fifth Officer Lowe at page 368, Question 15906? "(Q.) Is it not the function of lifeboats on a steamer, as far as possible, to take away the full complement of passengers? - (A.) Yes, but I was going on the idea that the gangway doors were going to be opened and to take people from there. (Q.) And that was why you lowered the boats from the boat deck when they were not altogether full? - (A.) Certainly; we were not going to load a boat with its floating capacity from the davits. (Q.) What grounds or evidence had you for the opinion you formed that there was going to be additional people put in the lifeboats from the gangways? - (A.) I really forget now. I must have overheard it. (Q.) Do you remember whom you overheard saying it? - (A.) I do not. (Q.) Did you hear any instructions given for those gangways to be opened?" and he said, "Had I any instructions?" and then I repeat, "Did you hear any instructions given?" and his answer is, "No, but as I say, I overheard a conversation somewhere referring to the gangway doors being opened, and that the boatswain and a crowd of men had gone down there."

The Attorney-General: Had been sent there.

Mr. Harbinson: (Q.) With reference to these boats that were lowered on your side, at which you assisted, did you, after they had been lowered, have any means of communicating with those on board in order to have them filled up through the gangways?" and his answer is "Yes; I told them to haul off from the ship's side, but to remain within hail. That is what I told each of them, with the exception of the boat that Mr. Pitman went in." Then I go on, "What I want to get at is this."

Now, my Lord, it is clear there was some confusion with regard to these gangway doors. Whether it was the intention that the boats should be partially filled on the boat deck and afterwards completely filled when they were lowered to the gangway doors is a matter, I think, that is a point of speculation, but that there was some discussion about the opening of the gangway doors, as Lowe says, I think there can be no reasonable doubt, and that that might account for the boats being to some extent lowered inadequately filled from the boat deck. But what I want to suggest is this, that the fact that those boats were lowered unfilled, or improperly filled, that the fact that there was some discussion or some thought that they might subsequently take on additional passengers from the gangway doors, which was never done, shows there was

confusion and a lack of proper system and administration amongst the officers and those in control of the boat at this time when it was being filled. True it is, and I think it fair to say, that this was a new ship, and that the officers had only been on it for a very short time, a few days at the most. True it is also that the sailors and firemen who principally manned the boats were also new to it, but still I think under a proper system of organisation and administration sufficient time had elapsed from the time they joined the "Titanic" to have accustomed them to their duties if an emergency arose. But, my Lord, it is clear that the possibility of danger arising had not occurred to their minds, and nothing was done, and the result was a certain amount of confusion - not chaos, I do not go so far as to say that - but there was a certain amount of confusion and misunderstanding, with the result that only roughly 700 people were saved in the lifeboats when there was lifeboat capacity and accommodation for between 1,100 and 1,200. It would have been quite possible for these boats, when they lowered to have concentrated on boats that were improperly filled or inadequately filled, to have transferred their passengers and come back and taken on additional passengers. That could easily have been done - concentration in some boats while others came back and got further passengers. There was time to do that, but, my Lord, it was not done, and that, I respectfully suggest to your Lordship, is an omission which undoubtedly resulted in the loss of a few hundred lives that possibly might have been saved if the boats had been filled to their full carrying capacity. As regards the manning of the boats, I wish to say nothing beyond this; that it is a curious coincidence and bears out the contention I have been respectfully submitting to your Lordship that in No. 1 boat, about which I am to offer no criticism beyond saying this, there was a crew of seven to man it and only five passengers, but in No. 12 boat there were over 40 passengers and only a crew of two. I respectfully commend that to your Lordship's consideration, and I think, if I may say so, it justifies me in saying that on this occasion in connection with the manning the administration was not all that it might have been.

As regards other subjects which I touched on in the course of this Enquiry, it will be for your Lordship and your Lordship's skilled advisers, to consider the whole question of the launching of lifeboats from davits 70 feet high. I did make the suggestion that some consideration might be given to the question of whether or not the boats might be lowered from the stern or from a slip further down the side of the boat, and, if I might make a suggestion to your Lordship in the presence of the Attorney-General, it would be this, that in this committee that is considering the question of bulkheads, the relation of boats to bulkheads, it might be not undesirable that within the scope of its discussions it might include the question also of the proper launching of boats and the proper positions and the importance, at any rate, of the safe manner in which boats could be launched.

With regard to a suggestion that I made, my Lord, it will also be a matter for your Lordship to consider, and that is as far as possible this question of the continuous service of crews on board these liners that ply across the Atlantic. I do not think it requires argument that if men who are accustomed to work on a boat, familiar with the vessel, with its various passages and ramifications, are employed continuously on that vessel, they will be more serviceable, better accustomed to their positions and better fitted to discharge their duties in times of danger and emergency; and if any system could be devised - I do not suggest a system of compulsion, but if it could be accomplished by inducement, by the offer of benefits - I do not wish to say that additional burdens should be thrown on the shipping companies - but if arrangements could be devised by employing them as shore gangs whereby these crews could be employed more continuously on Atlantic-going vessels, it might tend to safer navigation and to more dispatch in the matter of life-saving in case of danger.

Now, my Lord, here is one other question that I should like to touch upon, and that is the question of the Board of Trade.

The Commissioner: The Board of Trade? Do you propose to deal with that?

Mr. Harbinson: I do not propose to deal with the Board of Trade with regard to bulkheads at all; I leave that absolutely to my learned friend who will follow; in fact, my Lord, I think it is probably better for me practically not to touch on the Board of Trade beyond saying this, that the learned Attorney-General has a big task, I think before him when he comes to vindicate the Board of Trade because, if I may say so, I think to seek to defend the Board of Trade is like defending the indefensible. Its position is serious. It wakes up in 1894, and it makes Rules with reference to vessels up to 10,000 tons, and then, my Lord, it goes to sleep and it does nothing. There is nothing done, no steps taken to extend the scale, although vessels are built between 1894 and 1910 which leap up in tonnage from 10,000 to between 40,000 and 50,000 tons. Nothing is done, my Lord, in that time to deal with the extension of the boat scale; nothing is done to frame regulations with regard to speed -

The Commissioner: You are trenching on Mr. Edwards' speech.

Mr. Harbinson: I should be very loth to do that.

Mr. Clement Edwards: Shortening my task, my Lord.

Mr. Harbinson: I do not wish to entrench on the ground which Mr. Edwards is going to cover, but I think, my Lord, he is to cover it so fully that anything I say will not detract in the slightest from the multifariousness of the topics which he proposes to deal with. May I only say this? I did take a point with reference to the dent in the "Olympic." I think that matter is rather serious. It was described by Mr. Wilding as a dent, but the information I had was that it was something more serious, although I accept his description, of course. I say that, of course, pointed and should have pointed to the necessity of a double skin, but my learned friend, Mr. Edwards, will deal with that, and probably he will also bear in mind when he is dealing with it that this slight damage to the "Olympic" did occur, and that an argument can be based upon it. Now, with reference to that, I think I have said all I wish to say. I wish to say that the Board of Trade has got many eyes and many ears, but it does not seem to have any brains.

Mr. Clement Edwards: I do not know what there is for me to say after that, my Lord.

The Commissioner: I think your speech is being quite spoilt.

Mr. Harbinson: And although it gets information from all sides it does not seem to be able to digest it, to assimilate it, or to apply it; and if, as the result of this awful tragedy the Board of Trade could be modernised, and made, as it were, the reflex of the living, throbbing and palpitating life of this country, then I should think, at all events, appalling, world-wide as this calamity has been, my Lord, it will have borne some fruit.

(After a short adjournment.)

The Commissioner: Mr. Laing, you appear, I believe, for Messrs. Harland and Wolff.

Mr. Laing: Yes, my Lord.

The Commissioner: I want to tell you that we should like to hear you upon the question of the bulkhead between No. 5 and No. 4 boiler rooms.

Mr. Laing: If your Lordship pleases.

The Commissioner: It is suggested that if that bulkhead had been carried up to C deck, even if the water got into No. 4 boiler room, over the top of the bulkhead between 4 and 5, the ship would have been afloat much longer. Supposing you were to have a bulkhead going up to C deck, then the vessel would have been much longer afloat, unless it be true that No. 4 boiler room was holed to such an extent that the water came in in quantities which the pumps could not cope with. Do I make myself clear?

Mr. Laing: Yes, my Lord, I think I understand what your Lordship means.

The Commissioner: It is suggested, you know, that if the bulkhead between 4 and 5 had been carried up to C deck, and it be true to say that No. 4 boiler room was not holed to such an extent that the pumps could not cope with the water which came in, then the boat would have floated for a considerably longer time.

Mr. Laing: I follow that, and I will look up the evidence with regard to that.

The Commissioner: Now, Mr. Edwards.

Mr. Clement Edwards: May it please your Lordship: What I am going to say in the main will be said not only on behalf of my own clients, but, accepting your Lordship's suggestion, also on behalf of the Seafarers' Union, represented by Mr. Lewis; the Stewards' Union, represented by Mr. Cotter; and the Shipwrights' Society, represented by Mr. Pringle. I am instructed to say on behalf of these and also on behalf of my clients that we join with those who have expressed their appreciation of the sympathy which His Majesty's Government has tendered to the sufferers in this terrible catastrophe, and also the sympathy which has been extended by the owners of the "Titanic"; and also - particularly those of us who are appearing here - desire to express to your Lordship (whatever ultimately may be your Lordship's views does not for this purpose matter) our very highest appreciation of the very great and profound patience which you have manifested in a very difficult Enquiry, very laborious, and presenting many trying circumstances.

Now, I should like in the next place to remove any possible alarm that might have been conveyed to your Lordship's mind by the perfectly unauthorised programme of my intentions tendered to your Lordship by my friend Mr. Harbinson. I have no sort of intention to travel over a single inch of the ground which I think can possibly be avoided, and your Lordship has by certain intimations already enabled me very much to cut short anything that I should have had to say; that is to say, a good deal of my cross-examination was directed to the construction and efficacy of bulkheads of different kinds, transverse and longitudinal, and also to the question of the advantages or otherwise of watertight decks, and also to what I may call the interrelation between boat accommodation and the sinkability of the ship as affected by the question of bulkheads. Your Lordship on all these three points has already indicated a certain line which is this, that in the opinion of your Lordship the Committee which has already been set up should devote attention to these problems, so that so far as each one of those questions is concerned as affecting the future I do not propose to trespass in the least degree upon your Lordship's time by discussing them. Of course, I have to touch on each one of them in relation to the actual accident to the "Titanic," and also in relation to what I may call the relative responsibility of owners, builders and Board of Trade in regard to each one, and that of course will constitute the main part of the remarks which I have to address to your Lordship.

There are certain other matters; for instance, there is the question of boat accommodation and manning and equipment, and I may say at once that except for certain particular remarks which I may desire especially to address to your Lordship on behalf of my friends Mr. Lewis and Mr. Cotter, I at once freely and fully adopt the suggestions made to your Lordship by Mr. Scanlan, and I shall, therefore, not attempt anything like a detailed discussion of those.

Then, of course, there are a number of questions which, of necessity, the learned Attorney-General must go into quite fully, and, if I may say so, with respect, the evidence is almost so unanimous upon the point that I do not think there is likely to be much disparity of view and submission between what I might call the view put by the learned Attorney-General and the view which I should desire to submit to your Lordship; and upon this question again I do not propose taking up any time. So that what I have to say narrows down, if I may say so, to the question of construction in relation to the avoidance or the mitigation of the calamity, and to certain particular incidents upon which I feel that a certain amount of responsibility rests upon my shoulders owing to a particular line that I took in cross-examination.

Now, the first point upon which I desire to address some observations to your Lordship is the question as to the immediate cause of the calamity and whether the look-out was deficient or not. I think the evidence points inevitably to the conclusion that there was some negligence in the matter of navigation; that is to say, under the special circumstances which have been given in evidence here there was an excessive speed. In connection with that a very important question will arise as to the responsibility of persons other than the late lamented Captain. We have had put in the sailing directions and regulations of the International Marine Company, which governs not only the navigation of the White Star but also governs the navigation of the Dominion Line and also the Atlantic Transport Line. Now those regulations are important in relation to what precisely happened to the "Titanic" in so far as this is concerned, that while there are no specific regulations as to what a Captain is to do so far as ice is concerned other than in what one may call the Canadian ice regions, those regulations do lay down quite conclusively that if a certain conditions of things exist, and because a certain condition of things is likely to exist, there is to be the exercise of the greatest possible care and caution and particular care and caution in slowing down and avoidance in those regions.

Now, if there had been in the case of the navigation of the "Titanic" no warning, if there had been no indication then, if I may say so, I think that the evidence which has been called by the learned Attorney-General, the evidence of captains, and other evidence called by him at the request of those appearing for the White Star Company, would be of very great importance - *very* great importance; but when you have a condition of things indicated by the "Baltic" Marconigram, which is descriptive by its wording, of precisely that state of things against which the captains are warned by this very company in navigating in the Canadian ice-field, I suggest that there is this responsibility placed upon those navigating the ship that, having had shown to them that there is present a condition of things equivalent to that for which regulations exist elsewhere; they must manifest precisely the same degree of care and caution and avoidance. That, I submit, is so?

Now, in connection with this arises a very grave personal question as to how far any independence of mind and judgment of Captain Smith, of course, the responsible person, may have been affected by the presence and attitude of the managing director of the company on board his ship. On that aspect of the question I want to state two or three preliminary points. We have had it in evidence from Mr. Ismay that he did discuss with Mr. Bell, the Chief Engineer, at Queenstown, the question of the speed; we have it further in his evidence that the Captain, so far as Mr. Ismay was aware, knew nothing at all about that interview. We have that at Queenstown, and at Queenstown there is a decision arrived at between Mr. Ismay, on his own evidence, and the Chief Engineer, that is to say taking his own rendering, that on the Monday and Tuesday, all being well according to the matter of weather, they are so to put up the revolutions as to attain to the maximum of 78. Now Mr. Ismay has this knowledge at Queenstown when the ship leaves; Mr. Ismay has this knowledge right away through on to the Sunday. Now Mr. Ismay was asked an exceedingly important and valuable question on page 454, by Mr. Holmes. It is Question 18873.

The Attorney-General: There are two questions before that.

Mr. Edwards: Perhaps there are two or three earlier questions which I should read?

The Attorney-General: Yes, I think so.

Mr. Edwards: He was examined by Mr. Holmes, and at the bottom of page 453, Question 18869, he is asked: "(Q.) You have told us at the conversation between you and the Chief Engineer the Captain was not present? - (A.) He was not. (Q.) And that you had no conversation with him during the voyage about speed? - (A.) Absolutely none. (Q.) Then will you tell us how it was he was to become aware of your decision to increase the speed on the Tuesday? - (A.) I

think the Engineer would probably have spoken to him. (Q.) Did you make any arrangement with the Engineer about that? - (A.) I did not. (Q.) Then, as far as you know, the Captain was not aware that you were going to make this increase in speed? - (A.) No."

I suggest that shows that Mr. Ismay was taking upon himself a very tremendous responsibility. He has denied any conversation having taken place as between himself and the Captain, so that the extent, if any, to which his attitude may have affected the mind of the Captain we do not know; but certain it is that for the purpose of the future in this connection it is in the highest degree important that no person in the position of what I may call commercial supremacy should be allowed under any circumstances to discuss except through the responsible head of the ship, the Captain, any question of speed or navigation at all.

Sir Robert Finlay: I think in this connection the last answers given by Mr. Ismay to me at page 460 should be read. They begin at Question 19000: "(Q.) Now I think there is only one other matter I want you to tell me about. You were asked about a conversation with Mr. Bell that took place at Queenstown? - (A.) Yes. (Q.) And it was suggested, if I followed the questions, that you had given some orders to Mr. Bell as to the speed? - (A.) No, I had given no orders. (Q.) Will you just repeat exactly what took place between you and Mr. Bell? - (A.) Mr. Bell came into my room, and I spoke to him with regard to the coal which he had on board the ship. I also said that there was no chance of the ship arriving in New York on the Tuesday; that we had very much better make up our minds to arrive there on the Wednesday morning and be off the lightship at 5 o'clock, and if the weather was fine and right in every respect on the Monday or Tuesday we then could take a run out of the ship. (Q.) Was that all? - (A.) That is all. (Q.) Did you ever contemplate that being done without communication with the Captain? (A.) Certainly not."

The Commissioner: I suppose that the speed on the Monday could not have been increased or the number of revolutions increased without the Captain knowing of it.

Mr. Edwards: Oh, yes, my Lord; I do not suggest that the revolutions could have been increased without the officer in charge of the bridge at a given time knowing it, but it is quite clear that you could increase the speed without the knowledge of the Captain, at all events for a period.

The Commissioner: Of course I know that; but what I mean is there could be no real increase of the speed without the Captain becoming speedily aware of it. I do not know that what I am saying depreciates at all from the point of your observation, with which I am certainly disposed to agree, that there ought to be absolutely no interference, direct or indirect, by what I call a stranger to the navigation, as Mr. Ismay undoubtedly from my point of view was. He was a stranger to the navigation of the ship, or ought to have been.

Mr. Edwards: If that is your Lordship's view there is no need for me to pursue that aspect of the question further. That is quite sufficient for my purpose.

In that connection, however, there is another matter that arises, and that is this. A Marconigram - as things have turned out the most vital Marconigram - comes to the "Titanic" from the "Baltic." Mr. Ismay, in reply to questions by myself, admitted that he was sufficiently familiar with the Rules of navigation and sufficiently familiar with the practice with regard to Marconigrams to say this: that whenever a Marconigram came to a ship affecting the navigation, the right course to adopt was to have it posted in the chart room.

The Commissioner: Give me the reference to that. I have no doubt it is so, but I should like to have the reference.

Mr. Edwards: It is on page 452, Question 18828: "(Q.) Now I will come to the question of the 'Baltic' telegram. Did you, before that particular Sunday, know what was the practice with regard to Marconigrams received by the officers on the ship relating to the navigation of the ship? Did you know what it was the practice to do with those Marconigrams as soon as they had

been received? - (A.) I believe the practice was to put them up in the chart room for the officers. (Q.) Did you know that on Sunday, April the 14th? - (A.) Yes. (Q.) Was not the Marconigram from the 'Baltic' essentially a message affecting navigation? - (A.) Yes. (Q.) Then will you say why, under those circumstances, with that knowledge, you put that Marconigram into your pocket? - (A.) Because it was given to me, as I believe now just before lunchtime, and I went down and had it in my pocket." So that it is perfectly clear that when that Marconigram was handed to Mr. Ismay he was in full possession of the knowledge that a Marconigram of that character had to be posted up in the chart room. Now why was the Marconigram given to him at all? He admits there was no other Marconigram shown to him on this journey on the "Titanic." I suggest that in view of his own evidence there is only one conclusion, and that is that the Captain was anxious that whatever was done should be done upon the responsibility of Mr. Ismay. Well, my Lord -

The Commissioner: I mean by shaking my head that he could not accomplish such a thing.

Mr. Edwards: That may be.

The Commissioner: The Captain could not shift his responsibility.

Mr. Edwards: That may be, my Lord. I at once recognise that whatever pressure may have been put upon him by his owner, he had got charge of that vessel and could not in any way get rid of his legal liability before he got into port.

The Commissioner: Nor his responsibility.

Mr. Edwards: Nor am I suggesting it was an effective thing, but I am leading up to something else. What I am suggesting is this. I may put it in a way which will be a little less objectionable perhaps to the precision with which necessarily your Lordship is looking at the matter, and it is this, that the fact of the Captain handing this Marconigram almost as soon as it came to the Managing Director of the Company, showed conclusively the very special and peculiar position which Mr. Ismay occupied upon that ship, and that he was not treated by the Captain in any way as an ordinary or casual passenger. That is further shown by the very fact that as soon as Mr. Ismay came out of his room after the impact the first thing he did, on his own evidence, was to go straight to the bridge. Of course, your Lordship is sufficiently familiar with the Rules of these liners to know that that is not a place to which on a great liner a passenger is admitted. But what I am coming back to is this: I asked Mr. Ismay why he put that Marconigram in his pocket, and there are two or three questions to which I want to call your Lordship's attention. I asked Mr. Ismay at Question 18832, on page 452, "and you suggest that you put it in your pocket simply in a fit of absentmindedness? - (A.) Yes, entirely. (Q.) And had it occurred to you when you were talking to Mrs. Ryerson that you had absentmindedly put this message into your pocket? - (A.) It had not. (Q.) It had not occurred to you? - (A.) No. (Q.) And you still retained it in your pocket until it was asked for by Captain Smith late in the evening? - (A.) Ten minutes past seven, I think it was, he asked me for it. (Q.) That is to say, it had been in your possession for something like five hours. - (A.) Yes, I should think so. (Q.) And you seriously say it was put into your pocket in a fit of absentmindedness and retained for five hours? - (A.) Yes."

Now, my Lord, when your Lordship remembers on the evidence how rare a thing it is for ice to be seen down on this main track and even then only in the form of icebergs, a colossal ship like the "Titanic" going out on her first voyage to be suddenly warned that right in her track there are not only icebergs, but field ice, great masses of field ice, to suggest that the Marconigram of the "Baltic" was so unimportant that Mr. Ismay could really and truthfully put that Marconigram in his pocket and retain it in his pocket for a period of five hours in mere absentmindedness, is to suggest that your Lordship must be exceedingly credulous. I suggest that it was nothing of the sort, but that Mr. Ismay was anxious that there should be a record - I am not suggesting by that anything improper - but that he was hoping for a record first passage for this great ship. One

knows what the stress of competition is and how valuable from the point of view of commercial success, as we know from what is said in the papers an advertisement of that kind is; and I again suggest not that he could do it lawfully or legally, but that at all events in order that the onus - the responsibility - should be with Mr. Ismay and not with the Captain, was the purpose for which the Captain handed that message to him. If the matter had no importance for all those hours, it could have had no very special importance that evening; but yet we know that at 7 o'clock, on Mr. Ismay's own showing, it was the Captain, and the Captain himself, who asked for the return of that Marconigram, and it was not volunteered by Mr. Ismay to the Captain.

That brings me to the question upon which that distinction, if there be a distinction drawn, has to be drawn between what may be called negligence which is culpable and that degree of negligence which amounts to an error of judgment. It is a painful thing to have to do, but one must not forget the character of the catastrophe, even when one considers the memories of individuals, and I submit -

The Commissioner: That observation was made by Mr. Scanlan, and for my own part I protest against dividing the question in this case with reference to the terrible nature of the calamity. The magnitude of the disaster has really in truth no bearing upon the question of negligence, and I am sure you will agree with me in that.

Mr. Edwards: Quite, my Lord; I mean it has been rather put that there should be a very special and tender regard, and quite rightly, for the memory of a dead man, who possibly might have been in fault; but, on the other side, there are considerations which I am suggesting. Those considerations, if I may say so, wipe each other out, and, therefore, what your Lordship has to consider is quite rigidly and quite formally the question of whether there was in the light of all the circumstances negligent navigation, and to come to your decision entirely regardless of personal feeling on one side or the other.

Now, what I was going to say with regard to this is this: The "Baltic" Marconigram does not merely say that there are icebergs, but it says that there are great masses of field ice. The Marconigram makes it perfectly clear that that ice is going to be met with in a few hours in the direct course of the "Titanic." It is further worked out that they are going to reach it, one officer says something after eleven, but by correction by another officer, something after nine o'clock.

The Commissioner: You are not quite right, I think, there. You are referring now, I think, to the statement that is supposed to have been made by Mr. Moody.

Mr. Edwards: Yes, my Lord.

The Commissioner: And the only evidence we have of that is Lightoller's evidence.

Mr. Edwards: Yes.

The Commissioner: And Lightoller's evidence upon that point is, in my opinion, not at all satisfactory. I have been examining it very carefully, and it seems to contain contradictions and statements which it is very difficult to reconcile with what we know to have been the facts. I am not disposed to place very much reliance, or to attach much importance, to the fact that Moody is stated to have calculated that they would get into the ice region at eleven. It is not right. If he was acting upon the "Caronia" Marconigram eleven o'clock would not be right; 9.30 would be right, as I understand.

Mr. Edwards: Yes.

The Commissioner: And Lightoller, when he gave his evidence about it, is not, in my opinion, very satisfactory.

Mr. Edwards: Whether there was a dual calculation, and whether there was one correct and the other incorrect, based on the "Caronia," or the "Baltic" is immaterial to the main point I was making, which is this, that there was contained in the "Baltic" message a sufficient warning as to the character of the ice that was to be met with.

The Commissioner: Do you mean the "Baltic" or the "Caronia"?

Mr. Edwards: I mean from the "Baltic," my Lord. By a correct calculation it was quite clear that that ice was to be met with in the track which the "Titanic" was pursuing, and that it was to be met with at a point and at a time which the officers could accurately calculate from the speed which she was then making from the point where they knew her to be. The other point is really a sort of backwash of very little importance to the main stream of the contention.

I do not want to labour this point because this must constitute one of the very main points upon which the learned Attorney-General will have to address your Lordship; but I do submit, in view of the particular character of the ice indicated that at least that caution ought to have been manifested in the navigation of that ship which this Company has imposed upon its commanders when they meet with ice of a similar character in a district where it is much more frequently met with; and that in practically ignoring that special warning, and by proceeding at an unabated pace, those responsible for the navigation of the ship, whether it be at that moment the Captain, or Mr. Murdoch, are guilty of reprehensible negligence.

Now I pass from that point to the next question to which I must address some few words, and that is the circumstances which transpired immediately after the impact. I think that your Lordship will have no difficulty in finding, on the evidence as given, that an iceberg was struck, that an iceberg did rip and jag the ship, either in a wholesale way, or, as was rather suggested by Mr. Wilding, in a detached and, if I may say so, a speckled kind of way. Three or four very important questions arise on this. If the main portion of the evidence which has been given is to be relied upon, then it is pretty clear that the "Titanic," when she went down, went down very gradually, and that the evidence which has been given about her going down head first and practically perpendicularly is not true. If she went down as was suggested, the more gradually she sloped it is perfectly clear the wider the area occupied by water; that is to say, if you had had a sufficient amount of water in the very fore-part of the ship to sink her, then she would have tilted up and gone down as some of the witnesses have described. So that it is pretty clear on the evidence that, as the sinking was gradual, there must have been water coming in a good way aft.

That will raise and has raised one or two very serious questions which your Lordship and your special technical advisers will have to decide, namely, as to whether there was any fault in the construction of the ship; whether there was any negligence in utilising the mechanical precautions in the ship for averting a disaster of this kind; whether the bulkheads did serve their purpose even as far as they were intended; whether this, therefore, was a much greater catastrophe than was anticipated in the putting in of those particular bulkheads; whether the speed with which she sank was in any way facilitated by the refusal of the builders to adopt a certain suggestion and recommendation by the Marine Department of the Board of Trade; and whether the Marine Department of the Board of Trade were right in yielding to the objection of the builders in respect of those particular precautionary measures.

First of all, as the evidence stands, it is fairly clear, I think, that the brunt of the collision was on the starboard shoulder close to the spiral staircase. It is also perfectly clear that there was some mischief either in the immediate vicinity of the spiral staircase or in the vicinity of the firemen's passage. It is perfectly clear that in Boiler Section 6 there was a very great deal of mischief; it is also clear that there was some, but slight mischief, in the starboard bunker of Boiler Section 5. So far as the positive evidence goes that is practically all there is to indicate the extent of the mischief. But there is also certain circumstantial evidence, quite reliable, I think, that there was mischief in both No. 1 hold and in No. 2 hold. We have a statement reported to have been made by the carpenter as to the one hold, and you have the evidence, I think it was of Dillon, who saw the tarpaulin over the other hold bellying as if the water was rushing in and forcing the air against the top. We have also certain evidence, and I think perfectly reliable

evidence, that for an hour and forty minutes after the accident had happened the watertight doors were opened; immediately after they had been closed they were opened and were left open for an hour and forty minutes from the engine room through to No. 1 Boiler Section through to No. 2 Boiler Section, through to No. 3 Boiler Section and through to No. 4 Boiler Section.

The Commissioner: I do not want to interrupt you unduly, but if you can give me the references to the evidence it will assist me. If you find it inconvenient do not stop.

Mr. Edwards: It is the evidence of Dillon, my Lord, at page 101 - my examination of Dillon. I asked him, at Question 3913, "From the time that the ship struck until you came back from No. 4 Boiler Section, what time elapsed? - (A.) About an hour and forty minutes. (Q.) At that time some water was coming through in No. 4 Boiler Section? - (A.) Yes. (Q.) As you came back was there any water at all coming in at No. 3 or No. 2, or not? - (A.) No. (Q.) From the time that you left the engine room until you started back from No. 4 Boiler Section what time elapsed? - (A.) From the time I left the engine room till the time I came back from No. 4 Section what time elapsed? (Q.) Yes? - (A.) An hour and ten minutes. (Q.) Did you report to anybody in the engine room that you had seen water coming through in No. 4 Boiler Section? - (A.) No. (Q.) Did anyone report, to your knowledge? - (A.) No, all the engineers were working there. (*The Commissioner.*) Do you mean by that that they all knew it? - (A.) Yes. (*Mr. Edwards.*) Did you hear any orders given, before you left, to reclose the watertight doors? - (A.) No." So that there is that evidence as it stands that for an hour and forty minutes after the accident the watertight doors aft of Nos. 4 and 5 bulkhead were open.

Then you have the evidence of Barrett. I am sure your Lordship will recognise that I am getting warm again. You will find his evidence on page 57.

The Commissioner: What part of the evidence do you want to refer to?

Mr. Edwards: I think it was in the re-examination by the learned Attorney-General.

The Attorney-General: If you tell me what it is I can find it.

Mr. Edwards: I want the passage where he described how he escaped from No. 5 hold.

The Commissioner: It is not in your re-examination, Mr. Attorney, because that is quite short.

Sir Robert Finlay: Barrett was recalled at page 66.

The Commissioner: Is it Question 2038, Mr. Edwards?

Mr. Edwards: Would your Lordship mind reading it; I have not it at the moment.

The Commissioner: I will. He describes how Shepherd broke his leg, you remember.

Mr. Edwards: Yes, it was some time subsequent to that.

The Commissioner: "(Q.) 2032. He broke his leg? - (A.) Yes. (Q.) What did you do with him? - (A.) We lifted him up and carried him into the pump room, me and Mr. Harvey. (Q.) Is that the pump room in No. 5? - (A.) Yes. (Q.) At this time, in this No. 5, was it easy to see? - (A.) No, all the water which had been thrown on the furnaces when they were pulled out was making the stokehold thick with steam. (Q.) And then you attended to Mr. Shepherd as best you could. Did you stay there after that? - (A.) Just about a quarter of an hour after that. (Q.) And during that quarter of an hour did No. 5 keep free from water? - (A.) Yes. (Q.) Then tell us what happened at the end of a quarter of an hour? - (A.) A rush of water came through the pass - the forward end. (Q.) You say the forward end of the pass. What is the pass? - (A.) It is a space between the boilers where we walk through. (Q.) There are boilers on either side of it? - (A.) Yes. (Q.) From which direction did this water come? - (A.) From the forward end. (Q.) And this pass that you walk through, is that at the same level as the plates? - (A.) Yes. (Q.) The same level as where you were standing? - (A.) Yes. (Q.) Supposing that the bulkhead which is the fore end of No. 5 had given way, would water come through it and through this pass? - (A.) Yes. (Q.) Do you know yourself where it was the water came from, whether it had got through the bulkhead or not? - (A.) I did not stop to look." I do not know whether that is what you wanted.

Mr. Edwards: That is part of the passage, my Lord; and a little further on your Lordship asked him at the top of page 60, in the second column: "It could not come over the top of the bulkhead, I suppose? (*The Solicitor-General.*) I was going to ask him. He could tell from his feet, of course, whether the ship had shown any tendency to tip, because that gives one some guide. (*To the Witness.*) Can you tell us up to this time, was the ship lying on an even keel? - (A.) No, she was sloping down by the head. (Q.) You felt that she was down by the head? - (A.) Yes. (Q.) Had you noticed that already? - (A.) Yes. (Q.) And had it been getting worse? - (A.) Yes." Then Question 2056 is "and you say it got worse. Now can you give me any idea whether the water came from over the top of the bulkhead or through it? - (A.) I do not see how it could come over the top. (Q.) You do not think it did come over the top? - (A.) No. (Q.) Now, when it came through this pass between the boilers, did it come with a rush? - (A.) Yes. (*The Commissioner.*) I suppose he means by that as if something had given way. (*The Solicitor-General.*) Do you hear my Lord's question? He is asking whether, when you said that, you got the impression that something had given way? - (A.) That was my idea. (*The Commissioner.*) Something that had been holding the water back gave way? - (A.) That is my idea, my Lord."

The Commissioner: Then my attention is drawn to page 67, Question 2103: "Then you got this wall, nine feet or thereabouts. I want you to tell us, was the water coming through all parts of that or through some part of it only? - (A.) Which wall do you mean? (Q.) The water is coming through the skin of the ship into the bunker? - (A.) Yes. (Q.) And the bunker is about nine feet along the side of the ship. Now, I want to know, was the water coming in at this level right across the bunker or only in part of it? - (A.) Water was coming in about two feet abaft the watertight bulkhead. (Q.) Do you mean that it was coming in from the watertight bulkhead and for two feet back? - (A.) No, only from the ship's side. The watertight bulkhead was not damaged. (Q.) Was it coming in at one point, or was it coming in for two feet? - (A.) I could not estimate exactly how large the hole was."

Sir Robert Finlay: I think this was discussed in the course of the evidence, and the conclusion reached, I thought, finally was that the water was coming in through the side of the ship, and what gave way was the side of the bunker, which was another thing altogether, and then there was the rush of water. I thought we had settled all that.

The Attorney-General: Mr. Edwards, I think, gave out that it was the bulkhead that gave way.

Mr. Edwards: The side of the bunker in that case would correspond with the bulkhead?

Sir Robert Finlay: No.

The Attorney-General: No, not there.

The Commissioner: I daresay you are right about this, Sir Robert, but unfortunately these things escape my memory a little. What is suggested to me, Mr. Edwards, is this, that the water got into number 5 boiler room at the bottom of the strong watertight bulkhead, separating 6 and 5 - I mean of course through the ship's side - but at the point where the watertight bulkhead separates 6 from 5.

Sir Robert Finlay: A little abaft that point, my Lord.

The Commissioner: A little abaft, that is to say it had not come into number 6 but it came into number 5, but just abaft of the bulkhead separating 5 and 6.

Mr. Edwards: Does your Lordship mean that particular wound did not go into number 6 because your Lordship will remember that in number 6 it came with a great rush.

The Commissioner: I am talking about the particular wound in number 5.

Mr. Edwards: Yes, my Lord.

The Commissioner: That particular wound was just abaft of the bulkhead separating 5 from 6, and it let water into a space which had a bulkhead a little further aft which was not watertight and in which there was a door which had been shut, and it is suggested that the water getting into

that small space bounded by a strong watertight bulkhead on the forward side of it, and by a bulkhead which was not watertight and had a door on it on the after side of it - it is suggested that the water would break through the weakest side, that is to say, the bulkhead which was not watertight and which had a door in it. Does that agree with your view, Sir Robert?

Sir Robert Finlay: Yes, my Lord.

The Attorney-General: Yes, my Lord, I understood that was what the evidence was. I thought we had agreed at a certain stage that that was the effect of it after a good deal of discussion.

Mr. Edwards: For present purposes it does not very much matter. I shall have to say something when I come to deal with the question of surveying; but it appears to be common ground that something gave way and caused the water to come with a rush, and alternatively that was the side of the bunker under the pressure of water which had come through the wound in number 5 about 2 feet abaft the 5 and 6 bulkhead, or the great pressure of the water in number 6 by pouring in there had caused the forward end of section 5 of the bulkhead to give way. Those are the alternatives, and so long as your Lordship and your advisers know that -

Sir Robert Finlay: There is no alternative at all. The evidence is quite clear. I submit that the water did not come through owing to the bulkhead giving way, but came through the side of the vessel.

Mr. Edwards: With very great respect I do not think that Sir Robert can point to a single passage which makes that clear. It may be an inference which he draws. Barrett, of course, simply says he did not stop to look; he got up out of it. There it is, my Lord, I have drawn attention to it. In either event, it will raise the question as to whether if it be the bulkhead, they should not have been stronger; if it be the side of the bunker, serving as a sort of inner skin, whether that should not be stronger. It is a matter which your Lordship will have to consider if I may say so with respect, with your assessors.

Now the next question which comes is again a matter which may have to be considered both collectively and also alternatively, and that is the question as to whether, what I may call the later water mischief - I am coming to the engine room - was due in the first place, or entirely, to water coming over the bulkheads, especially 5 and 6 bulkheads; and whether, in the second place, when the water came over in that way, it did mischief and irreparable mischief in the engine room and sections 1, 2 and 3 before the automatic float for the watertight door had operated; or whether again (there is no definite evidence) the bulkhead between sections 4 and 5 gave way. The further question is whether, though the automatic float may have operated all right, the water came over the bulkhead and came across the working alleyway, and down. Very strong views were taken as to the efficacy of this automatic float which your Lordship had an opportunity of seeing upon the "Olympic." If your Lordship will take your mind back you will remember the watertight doorways between -

The Commissioner: If the automatic door remained open, that is to say if it did not work so as to close, the ship would have remained afloat longer, would it not?

Mr. Edwards: That, of course, my Lord, is my suggestion, but I do not want to have it put, if I may say so, quite upon me to assert that positively. I did not really wish to carry it further than this, with an eye on the future. After very careful consideration, the point is how far the automatic float, which is supposed to operate the closing of the door, on the theory that water may gradually rise from the bottom of the ship, how far that particular operation may be retarded by a great rush of water on a level above the float through a straight passage through the watertight doors on a level with the engine room. That was rather the point. Your Lordship may perhaps remember I directed certain questions of my examination of Mr. Wilding to show that whilst water coming up, on the principle of the working of the ball-tap, underneath this hollow float might raise it, a huge rush of water across the top might retard it. That is while the level

below the engine room floor might get full up to a sufficient level to operate the watertight door, you might have insufficient water in each one of the subsequent sections. That was the point. Mr. Wilding to begin with strongly combated that view, but he finally agreed that there might be some effect. This of course is essentially a technical question, and a technical question of vital importance to the future question as to how far bulkheads should be solid bulkheads, and how far there should be watertight doors, and, if there should be watertight doors how far they may or may not be automatically operated. It is not a question which I feel at all competent to discuss in all its bearings, but it is a matter which I do suggest - it has been rather impressed upon me by my clients - is one of very great importance. It is sufficient for my purpose if it is one of the matters upon which your Lordship will carefully consult your technical advisers. In this connection this question arises. There has been really no definite evidence upon it, but I would ask your Lordship to have it in mind in any special recommendations that your Lordship may make to the Bulkhead Committee. The whole effective argument in the case of this "Titanic" that has been put forward for leaving those watertight doors open was to get through certain additional pumping pipes. A very important question I suggest arises here which your Lordship might consider if I may say so with respect with your technical advisers, that the whole of the pumping arrangements instead of working horizontally along the bottom of the ship might be worked over the tops of the bulkheads. It is a point which has been suggested and I do not want to pursue it any further.

Now comes the question: Supposing the bulkheads had been taken higher, supposing there had been a watertight deck at least up to which the other bulkhead went; supposing that the firemen's passage and the spiral staircase had been trunked, supposing all these things had been done, would there have been a substantial delay in the sinking of the "Titanic." Secondly, if all these things had been done would it have been probable that the "Titanic" would not have sunk at all even assuming all the mischiefs that were done. These questions are not asked idly or speculatively. Every one of these questions I have put is raised as part and parcel of the negotiations - I would rather use that term - between the Marine Department of the Board of Trade and Messrs. Harland and Wolff, and also arise in the instructions to the Surveyors and that report of the Bulkhead Committee, by which they say that Surveyors are guided in their decision. I have asked those questions. There is a certain amount of evidence upon them. Mr. Archer gave definite evidence, and I think perhaps it would be convenient if, having asked the questions, I just left the answers until I come to deal with the evidence of these particular officers. I think it will save a good deal of time, if I may say so. Mr. Archer, your Lordship will remember, took a strong view with regard to the question. It raises also the whole question of the policy and conduct of the Marine Department in regard to the construction of the "Titanic." I will leave it and return to it in connection with the Board of Trade.

Then, my Lord, another point arises. Immediately after the accident what communications were set up with other ships?

The Commissioner: What is the evidence as to what the effect would be if there had been in the "Titanic" a continuous watertight deck?

Mr. Edwards: The evidence, my Lord, is that of Mr. Archer.

The Commissioner: Will you refer me to it?

Mr. Edwards: It is on page 691, my Lord. This matter is so important that perhaps your Lordship would not mind turning to page 690. There was a good deal of discussion as to it. Why I was suggesting that the things should be taken together is this: Your Lordship will see on page 689 at Question 24373 I start discussing with Mr. Archer the question of the watertight deck as contained in the report of the Bulkheads Committee. Then I travel on the same matter right away through to page 691, Question 24424. "(Q.) Now, in the light of the 'Titanic' experience, do you

think that a very great advantage might be obtained from the point of view of greater safety, in having a watertight deck? - (A.) Yes, I do. (Q.) Now, the relative sinkability of a ship which has had its side opened to the sea depends, does it not, upon the height to which water may be allowed to come in the so-called watertight compartment? That is to say, if you have two watertight compartments filled - that is, to the height of the waterline - still the 'Titanic' might have floated? - (A.) Yes. (Q.) Now supposing you had had a watertight deck below the waterline here, the chances are that three or four of the compartments might have been filled, and still she would have floated? - (A.) That is so."

The Attorney-General: The difficulty I feel in dealing with this point is, as your Lordship will remember, that this discussion arose as to whether you could properly have a watertight deck in these ships, and it was felt that it was a very difficult question. Your Lordship points out that you thought this was one of those questions which ought to be taken into consideration by the Advisory Committee dealing with bulkheads, and there it was left. Your Lordship indicated to my friend, Mr. Edwards, that that was what you supposed was all he wanted, and my friend, Mr. Edwards, says Yes. That is at page 692.

Mr. Edwards: I think we were a little at cross-purposes. What I was suggesting was, looking into the future, so far as the value of watertight decks is concerned, it was a matter that should be left open.

The Attorney-General: That is quite right.

Mr. Edwards: But specifically I say here at once that according to my view the Marine Department of the Board of Trade ought to have insisted upon a watertight deck, and inasmuch as they did not do so they were guilty of negligence.

The Attorney-General: That is a very extraordinary proposition for me to have to deal with after what took place. I thought that was the precise point which was left.

The Commissioner: I understood Mr. Edwards to say that he raised the question of the advantage of a watertight deck, and that was to be a subject of the reference to the Committee, but that with respect to the "Titanic" in particular he says that there ought to have been a watertight deck and that the absence of the watertight deck contributed towards the disaster.

The Attorney-General: How can you decide that unless you come to a conclusion whether or not it is an advantage to have a watertight deck. If your Lordship will look at the bottom of page 691 you will see what I mean. I agree my friend raised it and raised it very specifically, but I thought the point was left at this, that he had shown that it was an important matter and that is was one which ought to be considered by the Committee because obviously there are many considerations to be taken into account before you come to the conclusion that there must be a watertight deck, and that there was negligence of anybody in not advising it or in not having it. That was the point we did not go into. Your Lordship took the point yourself.

The Commissioner: I think so. I am referring now, Mr. Edwards, to what I said, which appears on page 691. I am addressing the Attorney-General: "The gentlemen who advise me on this matter seem to think that the Committee which is to take into consideration these matters should among other things consider the desirability of having watertight decks either above or below the waterline." That comes immediately after you had been putting questions to Mr. Archer as to the advisability of having a watertight deck in the "Titanic."

Mr. Edwards: Well, my Lord, if your Lordship will kindly look you will find that after I had put my specific question to which Mr. Archer gave me an answer he went on then to speak of certain theoretical objections and I was taking him upon those theoretical objections and, of course, beginning to discuss the whole question, when your Lordship intervened and suggested that this was a matter of such importance that it ought to be dealt with by the Committee. But I say that I had no intention at all of leaving to a Bulkhead Committee, which is not entirely out of

the wood over this question themselves, the question of whether there ought or ought not to have been in the "Titanic" a watertight deck.

The Commissioner: I do not see what the Bulkhead Committee have got to do with the matter. What do you mean by saying they are not out of the wood.

Mr. Edwards: They are the people that you have suggested should consider this question.

The Commissioner: They are.

The Attorney-General: They have been just appointed.

The Commissioner: They are, but I do not know they are in anyway pledged to any particular view.

The Attorney-General: They have only just been appointed for this purpose.

Mr. Edwards: I misunderstood. It was not a continuing Committee, but a new Committee I understand?

The Attorney-General: Yes.

Mr. Edwards: I misunderstood.

The Commissioner: Are you thinking of Sir Edward Harland's Committee.

Mr. Edwards: I was thinking of the Committee which did discuss this question of bulkheads last year. I mean Sir Norman Hill's Committee.

The Attorney-General: They had nothing to do with it; they only said it ought to be taken into account.

Mr. Edwards: I at once say that what I said is withdrawn; it does not touch this point. But what I was satisfied should be dealt with by that Committee was the theoretical question of the advantage or otherwise of the watertight deck in ships. I did not intend nor do I intend being satisfied with leaving to the Committee the question whether in the "Titanic" there ought or ought not to have been a watertight deck.

The Attorney-General: That is a position I really do not understand. I was going to read three or four questions which took place on it if your Lordship will look at what happened. My friend is drawing a distinction now between whether or not it is advisable to have watertight decks, and then agrees that that is to be left to the Bulkhead Committee. That arose upon Mr. Archer pointing out some balancing considerations, and its being obvious from what was taking place that it is not such an easy thing to say. You must have a watertight deck. And that does not end it, there are so many other considerations to take into account. Then your Lordship said this was one of those matters which ought to be left to the Bulkhead Committee, because, obviously it would take months to enquire into properly. If you read on, three or four observations that are made here, I cannot understand how we are to deal with this now. We never asked another question about it; it was left. Let me read what took place.

Mr. Edwards: Do you mind reading the three questions before.

The Attorney-General: I agree; I will with pleasure, because I think it makes it so plain. Do you mean 24429.

Mr. Edwards: Take 24426.

The Attorney-General: We have read that. Then he is asked to explain why.

Mr. Edwards: Do you mind reading the end of 24426.

The Attorney-General: I thought we had read it. I will read it again.

The Commissioner: Forgive me, you stopped reading the answer, "That is so"; but this is Mr. Archer going on - "Might I be allowed to point out the great objection to taking a deck below the waterline. If the damage had occurred not below the deck, but above the deck, there would be a danger in many vessels that they would capsize."

The Attorney-General: Yes, and then he says, "Would you explain why? - (A.) Because, if I may put it in a rough and ready way, you have admitted water above this deck, and you have a

space in which there is no water, but a space filled with air, and there would be a big air bubble, which tends to turn the ship over. (Q.) There might be a possibility of getting a little top-heavy? - (A.) Yes, if you get a deck below the waterline. (Q.) But that could be easily relieved, could it not, by a valve arrangement to let the water through. If that were the particular danger, you might get some compensation by having an opening in the floor? - (A.) In the deck, do you mean? (Q.) Yes? - (A.) Then your deck would be no use. (Q.) I am suggesting that it might be used under all circumstances except the particular one of danger which you point out? - (A.) Yes, if you can avoid that danger of a ship capsizing, the watertight deck below the line is useful." Then I remember there was a little discussion between your Lordship and those skilled gentlemen who are assisting you, and then your Lordship said, "Mr. Attorney, the gentlemen who advise me on this matter seem to think that the Committee which is to take into consideration these matters, should among other things consider the desirability of having watertight decks either above or below the waterline. I do not know whether you or Sir Robert Finlay would suggest that that is not a desirable thing to be submitted. (*The Attorney-General.*) I think it would be quite right that it should be suggested for their consideration. It was occurring to me during my friend's examination, but I did not attempt to ask your Lordship's view about it. It would be obviously impossible to decide upon this question without a mass of evidence which we have not called. (*The Commissioner.*) Oh, yes. (*The Attorney-General.*) But it occurred to me that might be the right course. (*The Commissioner.*) That is probably all you want at present, Mr. Edwards? (*Mr. Edwards.*) Yes. (*The Commissioner.*) I said long ago we cannot sit here - I should have to sit for months, or years, possibly - to decide a question of this kind; but the gentlemen who are with me are of opinion that the question of watertight decks either above or below the waterline is a matter that requires examination and consideration. That probably is all that you would ask, Mr. Edwards? (*Mr. Edwards.*) Yes. (*Sir Robert Finlay.*) I quite agree with what the Attorney-General has said. Of course there are a great many balancing considerations which need to be taken into account. (*The Commissioner.*) Yes. (*Sir Robert Finlay.*) That is without in the slightest degree prejudging the question, which is undoubtedly one which deserves consideration. What the result may be of course will appear later." Then my friend Mr. Edwards says: "That intimation is quite sufficient for my purpose. I shall not attempt to pursue it" There the matter stopped, and there has never been another question asked about it.

Mr. Edwards: Might I say, my Lord, that in precisely the same position stands the question of the height and strength of the bulkheads which I was pursuing when your Lordship intimated on a suggestion of mine that probably the Bulkhead Committee might take the matter into consideration; and in precisely the same position stands the question which I was also pursuing as to what I may call the interrelation between the boat accommodation and the sinkability of the ship. That again on my suggestion was conveyed by your Lordship to the Attorney-General as a matter to be considered by the Committee.

The Attorney-General: Yes, that is quite right.

Mr. Edwards: But because those matters in their theoretical aspect and with regard to the future are to be considered by the Committee, does that mean that your Lordship is not to express a view in this Enquiry as to the character of the bulkheads here? Does that mean that in your Lordship's view this Enquiry is not to determine the question as to whether there were or were not sufficient boats? I submit that the two things are totally different.

The Attorney-General: That is quite a different thing.

The Commissioner: Nobody suggested that. But let me ask you, did you put these questions with reference to watertight decks and their effect or a deck and its effect to Mr. Wilding?

Mr. Edwards: With regard to a watertight deck. Not then, but subsequently; because if your Lordship will remember it was not until Mr. Archer was in the box and while he was under

examination that we got produced from the Board of Trade the correspondence which transpired. Mr. Wilding was asked by me as to certain correspondence, and he said he did not remember; and when Mr. Archer was in the box we got the correspondence, and as I shall show later on that was one of the reasons why I desired to deal with the whole question in relation to the conduct of the Marine Department of the Board of Trade. This very question of a watertight deck is raised in the correspondence between the builders and the Marine Department of the Board of Trade. There it is a question of a partial watertight deck.

The Commissioner: Do let us see where we are. Are you not wanting to suggest that this ship was an unseaworthy ship because she had not a watertight deck? Is not that what you want to suggest?

Mr. Edwards: Yes, my Lord, that is so.

The Commissioner: You seem to hesitate about it.

Mr. Edwards: Because I did not want to be drawn further afield than I think is necessary for the purpose. What I would rather put is this, that under normal conditions of navigation she might have stood things, but she was not seaworthy for the purpose of going straight through ice. I would rather put it in this way that the Marine Department of the Board of Trade did in the first place submit certain requirements to Messrs. Harland and Wolff for this and the sister ship the "Olympic," and what I am going to say is this that if the Marine Department of the Board of Trade had insisted on those requirements the probabilities are that the "Titanic" would be afloat today. I do not know whether your Lordship has seen the correspondence.

The Commissioner: No I have not seen it; I think you took it.

Mr. Edwards: Well, it has been printed, my Lord.

The Commissioner: You appropriated it.

Mr. Edwards: It has been printed and I thought your Lordship had been supplied with copies by the Board of Trade.

The Commissioner: Well, they had some mercy upon me. But I want to understand what your contention is. If your contention is not that this was an unseaworthy ship, then I do not know what your contention is.

Mr. Edwards: Very well, my Lord. This is Question 2 put to this Enquiry: "Before leaving Queenstown on or about 11th April last, did the 'Titanic' comply with the requirements of the Merchant Shipping Acts, 1894-1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of 'passenger steamers' the 'emigrant ships'?" The answer which I am going to ask your Lordship in your judgment to return to the question is "No."

The Commissioner: Well now, why?

Mr. Edwards: Because I shall be able to show your Lordship that the loadline was higher than was required by what has been called Table C; I shall be able to show from the correspondence that the Marine Department of the Board of Trade permitted the bulkhead which their regulations require to come to a certain deck, to only come up to a deck, one below, and I shall be able, I think, to satisfy your Lordship that according to their own showing these ought to have been in this ship on the recommendations of the Harland Committee on bulkheads, which they take as their guide, a watertight deck running throughout. Those are the three propositions.

The Commissioner: The last is the one you are on at present.

Mr. Edwards: Yes.

The Commissioner: Now which is the Rule of the Board of Trade which requires a watertight deck?

Mr. Edwards: Your Lordship will remember that the Assistant-Secretary, Sir Walter Howell, and Captain Young and Mr. Archer all said that the standard by which they were guided in deciding whether there should be an efficient watertight system was the report of the Harland

Committee.

The Commissioner: That is not a Rule or regulation of the Board of Trade.

Mr. Edwards: The officials themselves said that that report was, in the matter of bulkheads, as to scantlings and as to watertightness, the sole standard by which they were guided.

The Commissioner: Well, I do not know yet whether they did or did not say so, but I am upon Question 2, and that is the question you say I ought to answer in the negative upon the ground that the builders of the "Titanic" did not supply a watertight deck. Now the question being "before leaving Queenstown did the vessel comply with the requirements of the Merchant Shipping Acts and the Rules and Regulations made thereunder?" - I ask you to tell me what is the Rule or the regulation made under the Merchant Shipping Acts which the builders of the "Titanic" did not comply with? How can I say, "No," unless you are able to point out to me the specific Rule or regulation and say they did not do that?

Mr. Edwards: Very well, my Lord. Your Lordship will remember that I directed a great number of questions to ascertaining whether when the Surveyors were deciding upon the seaworthiness of a ship they had any standard or test by which to determine whether a ship was seaworthy or not.

The Commissioner: I remember.

Mr. Edwards: And your Lordship will remember - I can give you the references - that Sir Walter Howell, the Assistant Secretary, Captain Young, the present Technical Adviser, and Mr. Archer, the special Shipwright Surveyor, all said that the standard by which they were guided was that as laid down by the Bulkhead Committee's report, and the other standard was Lloyd's requirement.

The Commissioner: But neither of those is a Rule or regulation of the Board of Trade.

Mr. Edwards: If that be so, then here is a perfectly amazing position, that the Marine Department of the Board of Trade, the sole body responsible for determining whether ships are seaworthy or not, have no Rule and no regulation, and they have been entirely wrong all these years in treating the report of the Bulkhead Committee as a Rule for ascertaining what the scantling should be, and ascertaining what should be done as to watertight bulkheads. That is the position.

The Commissioner: Do let us stick to the one thing - watertight decks. Now I want to see that I appreciate what you are saying. What you say as I understand is this, that they profess to be guided in their surveys of these vessels by Sir Edward Harland's recommendations when he was Chairman of the Bulkheads Committee, and that they have not done it in this case. Is not that what you mean?

Mr. Edwards: Yes, but it is something a little more than that; that they profess that this report has been adopted by them as the guide and standard. If they have not that as the guide and standard, then there is no guide and standard, and every Surveyor in every port does just as he likes in the matter of bulkheads.

The Commissioner: That is not quite the way to put it, I think. The better way to put it would be, "does what he thinks as a skilled man is right with reference to the particular ship that he is surveying," that is my amendment; but now will you turn if you please to the recommendations of the Harland Committee, and point out to me (I remember something of them and the expression "watertight decks"), where in that report watertight decks are insisted upon.

Mr. Edwards: Yes, my Lord.

The Commissioner: Just read it to me.

Mr. Edwards: Amongst other things which this Committee were asked by the minute of the 7th March, 1890, to consider was "as to the manner in which ships shall be subdivided, so that they may float in moderate weather with any two compartments in free connection with the sea; and

what Rule there should be as to the proportion of freeboard of the watertight deck next above, to which such bulkheads are attached, as shall be sufficient to enable the ship so to float." That is the request from the Board of Trade to which the Committee returned this answer: "Vessels may be considered able to float in moderate weather with any two adjoining compartments in free communication with the sea, if fitted with efficient transversed watertight bulkheads, so spaced that when two such compartments are laid open to the sea the uppermost watertight deck to which all the bulkheads extend and which we will call the bulkhead deck, is not brought nearer to the water surface than would be indicated by a line drawn round the side at a distance amidships of 3/100ths of the depth at side at that place below the bulkhead deck, and gradually approaching it towards the ends, where it may be 3/200ths of the same depth below it. This line we may call the margin-of-safety line."

The Commissioner: Now what did Mr. Archer say with reference to that? I think he was examined on it.

Mr. Laing: It is page 690, my Lord, Question 24381.

Mr. Edwards: Will your Lordship turn to page 689, Question 24368, "Yes, my Lord, it sat pursuant to a Minute of March, 1890. (*To the Witness.*) (Q.) Had you anything to do with the drawing up of Circular 1401? - (A.) Yes. (Q.) Are you responsible for its draftsmanship? - (A.) For its draftsmanship, yes. (Q.) Apart from Messrs. Harland and Wolff, has any discussion arisen with any firm of shipbuilders and yourself as to the precise meaning of this Rule? - (A.) I cannot recollect that any discussion has arisen as to the meaning of it. (Q.) I will come to the discussion you had upon it with Messrs. Harland and Wolff in a moment or two; but take that circular in conjunction with Rule 16. What were those Rules based upon? Were they based upon the Report of the Bulkheads' Committee of 1891? - (A.) No. (Q.) When you were asked to decide whether there is an efficient and watertight system of bulkheads in a ship to what do you refer? What is your standard? What is your test of efficiency? - (A.) I am not asked whether there is an efficient system. The question is not put to me. (Q.) By Rule 16 there is to be an efficient and watertight engine room and stokehold bulkhead, as well as a collision watertight bulkhead? - (A.) Yes. (Q.) What is your test of efficiency? Or, I will put it in this way; have you any standard by which to test the efficiency of a watertight bulkhead? - (A.) We have two standards; we have the standard laid down by the Committee of 1891, and the standard in Lloyd's Rules. (Q.) You do then sometimes refer to the Report of 1891? - (A.) Yes. (Q.) Is it not the fact that in that Report of 1891, part of the test of an efficient watertight system was that there should be watertight decks? - (A.) In the Bulkheads Committee of 1891? (Q.) Yes? - (A.) If there is any requirement in the Report of the Bulkheads Committee that there ought to be watertight decks, it has escaped my memory; there may be such a thing. (*The Commissioner.*) Read it to us, Mr. Edwards. (*Mr. Edwards.*) The Committee were asked by the Minute, My Lord, to report: 'As to the manner'" - then I read it.

The Commissioner: Go to the end of your question - "Do you know if in any of the ships it was insisted upon that they should have a watertight bulkhead deck? - (A.) Not watertight in the sense of resisting pressure from below." That is from the sea. "Leave out the question of watertight in regard to pressure, but watertight in the sense of water not being able to percolate. (*The Commissioner.*) To flow over. (*Mr. Edwards.*) That is so, my Lord; yes, to flow over. (*The Witness.*) No, we do not." And, therefore, whatever he said it is clear they did not adopt the Harland Committee's Report so far as it relates to watertight decks. What is suggested to me is that the expression "watertight deck" contained in the submission to the Harland Committee is not a watertight deck in the sense in which you have a watertight deck in a man-of-war but watertight in this sense that it will resist seas that may break over it, on the top of it. It will be battened down, if it has hatches in it so that seas breaking upon the top of it will not go into the

space below.

The Attorney-General: That is what Mr. Archer said in the questions that follow.

Mr. Edwards: In reply to your Lordship Mr. Archer, in the following questions, gave that as his explanation of what he understood by a watertight deck.

The Commissioner: If he is right, and so far as I know that is the only evidence we have on the subject, they had no unwritten Rule or regulation that a vessel like the "Titanic" should be provided with a continuous watertight deck in the strict sense of the word "watertight," and in fact Mr. Archer says that he had forgotten altogether that in the Harland Report the expression "watertight deck" was used at all. He says so.

Mr. Edwards: That is so, my Lord. But this is part of the case. Here you have got a report by which those officials profess to be bound, and if they have taken a certain view - I am not surprised after the evidence we have had, if I may say so, from one or two of them, that they think that Report does not mean what the man in the street would understand by it - up to this time, though that report was published more than 20 years ago, I can quite understand that you have not the condition of things in practice.

The Commissioner: Having regard to what the gentlemen at the side of me tell me I cannot help thinking that the expression "watertight deck" used in the submission to the Harland Committee and used also in the Report of the Harland Committee does not mean a watertight deck such as you are talking of.

Mr. Edwards: May I ask your Lordship on that point to keep your mind open until I come to deal with the correspondence which passed between the Marine Department and Messrs. Harland and Wolff.

The Commissioner: Very well, certainly I will.

Mr. Edwards: Because they certainly did use the phrase there "watertight deck."

The Commissioner: At all events, Mr. Archer says that it only meant a deck which was capable of resisting water from above. That is what I understand him to say, and it has always been treated so.

The Attorney-General: There is one answer further than that, my Lord. On the same page you are reading there are several questions about it. He was asked "Are there any ships with watertight decks," because he had said it was not practicable, and he says "I do not know of any that are absolutely watertight."

The Commissioner: A continuous watertight deck?

The Attorney-General: No, only in certain parts.

The Commissioner: With the exception of the "Mauretania," and possibly of the sister ship the "Lusitania," are there any British merchant steamers that are built with watertight decks fore and aft?

The Attorney-General: Not certainly according to Mr. Archer's evidence. He says he did not know of any; and then the "Mauretania" and "Lusitania" were put to him.

The Commissioner: What do you understand by a weather deck, Mr. Edwards?

Mr. Edwards: I understand by a weather deck precisely what you have given as a description of a watertight deck.

The Commissioner: You mean Mr. Archer's description?

Mr. Edwards: Yes.

The Commissioner: That is to say a deck that is to resist water from above?

Mr. Edwards: The wash of the sea, yes.

The Commissioner: Is there on any British steamer, except, perhaps, the "Mauretania" and the "Lusitania," any watertight deck other than that weather deck that you are talking of?

Mr. Edwards: I am not sure that there is. When we come to deal with the Rules your Lordship

will see that in most cases that particular deck is the deck which the regulations stipulate shall be the deck up to which the bulkheads come.

The Commissioner: That is another matter. The bulkheads form what may be called the wall of the watertight compartment; the deck which you are speaking of forms the ceiling. What I am suggesting to you is this, that the ceiling is not watertight except in this sense, that it is intended to keep out water from above. I do not know, you know; I am rather asking you.

Mr. Edwards: I think there was evidence.

The Commissioner: If you are right in saying that this ship was not a seaworthy ship when she put to sea by reason of not having a watertight deck, why all the policies of insurance upon her are void.

Sir Robert Finlay: And upon all other ships, my Lord.

The Commissioner: And upon every other ship afloat. There is not a good policy of marine insurance on them, because the warranty of seaworthiness is absolute.

Mr. Edwards: Well, my Lord, of course I cannot help what may be the consequence.

The Commissioner: Oh, no, you do not mind the consequences, I daresay.

Mr. Edwards: That is a great testimony to my indiscretion, my Lord. But if the Marine Department of the Board of Trade have placed this interpretation upon it, it is not at all surprising that there should be the condition of things which your Lordship suggests.

The Commissioner: You know, I may tell you that one of my colleagues has drafted the terms of submission to the present Bulkhead Committee, which I think covers the point that you are upon, but of course it has no special reference to the "Titanic"; it is a general question: "The desirability of adopting a deck or decks at a convenient distance or distances from the waterline, made watertight throughout part or the whole of the vessel's length." That question it appears to me will cover the matter which you are upon for the future, but I agree with you it will have nothing to do with the particular question so far as it affects the past, and the "Titanic" of the past.

Mr. Edwards: I do not know whether your colleague when he says "watertight deck" there means a watertight deck or only a deck up to which the bulkheads go. But just this one point, my Lord. If your Lordship will look carefully at No. 1 paragraph of the Committee's Report, if the suggestion of Mr. Archer as to interpretation is correct then this report is reduced to this absurdity, that when you say watertight bulkhead you mean a watertight bulkhead which is watertight, but when you say "watertight deck" you mean a deck which is not watertight.

The Commissioner: Which is watertight, but only in a limited sense.

Mr. Edwards: Well, it is watertight on the top side, my Lord.

The Commissioner: That is true; and when it is a ceiling you know as a Rule you only want it watertight on the top side; you do not want it watertight underneath.

Mr. Edwards: If you are living in a flat you can imagine a condition of things where you are bothered by your neighbour above you pouring water through; he can annoy you by filling his room with water and letting it down.

The Commissioner: I do not know what the customs are of people who live in flats, but I do not think they fill their rooms with water as a rule.

Mr. Edwards: I can imagine watertight bulkheads being of great advantage then.

The Commissioner: I think, Mr. Edwards, on the whole, you must leave this question of the watertight deck where it is; that is to say you must abandon the question so far as it relates to the past and to the "Titanic," and you must be satisfied with it forming the subject of a recommendation to the Committee.

Mr. Edwards: That, if I may say so with respect, is subject to my dealing with what is raised in the correspondence.

The Commissioner: It is subject, as I said just now, to your showing anything when we come to the correspondence to lead me to take a different view. I shall keep my mind open upon it.

Now what would you like me to do. Would you like me to rise now or sit to hear you out.

Mr. Edwards: Frankly, I do not think I can finish now at a convenient time.

The Commissioner: Very well, then I think under those circumstances we will rise.

Sir Robert Finlay: I have heard from my friend Mr. Dunlop, who is going to address your Lordship with regard to the "Californian," that it would suit him better if I followed Mr. Edwards and that he should speak later. There can be no objection to that of course.

The Commissioner: None at all. Mr. Dunlop's case has nothing to do with you.

Sir Robert Finlay: No; so I propose, subject to your Lordship's approval, to address the Court tomorrow as soon as Mr. Edwards has finished.

The Commissioner: Very well. My colleague, Mr. Chaston cannot be here tomorrow, but it makes no difference I think.

Sir Robert Finlay: I think we have agreed there is no objection to be taken on that score.

(Adjourned to tomorrow, at 10.30 o'clock.)

In the Wreck Commissioners' Court,
SCOTTISH HALL,
BUCKINGHAM GATE,

Tuesday, 25th June, 1912

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

THIRTIETH DAY.

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers.
(Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s.
"Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W.
Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff.
(Admitted on application.)

Mr. Edwards: May it please your Lordship; yesterday I was speaking of the scheme of observations which I had intended to address to your Lordship, and although I have already, in consequence of your Lordship's intervention, dealt to some extent with the Board of Trade in regard to watertight decks, I have not dealt with the Board of Trade in regard to other matters. But there are two things which I think it will be well to get rid of entirely, and then to return to deal fully with the Board of Trade, as I had intended, as that will involve the questions of recommendations and the future.

One point I was coming to immediately yesterday, but which I do not propose to deal with very fully, is the matter of the "Californian." As the case has now presented itself I shall submit that there is really no substantial element of doubt that the lights which were unquestionably seen from the deck of the "Californian" were the lights of the "Titanic," and that the explanation of the Captain of the "Californian." Captain Lord, that he thought possibly they might have been private signals cannot be treated otherwise than the merest idle excuse. There is not a particle of justification in his evidence for his suggestion that they might possibly have been private signals. Your Lordship will perhaps bear in mind in this connection that a question was asked, I think by myself, of Mr. Sanderson, as to whether the International Mercantile Marine Company controlling the Leyland line did issue to the Leyland line a copy of these Sailing Instructions. In these Sailing Instructions on page 23, there are these particulars given as to distress signals: "The following signals numbered 1, 2 and 3 when used or displayed together or separately shall be deemed to be signals of distress at night (1) a gun fired at intervals of about a minute. (2) Flames on the ship as from a burning tar barrel, oil barrel, etc. (3) Rockets or shells of any colour or description fired one at a time at short intervals."

The Commissioner: I will tell you what I think the "Californian" will attempt to say that having regard to the bearings these lights cannot have been the lights of the "Titanic." I expect you are not prepared to deal with that.

Mr. Edwards: Yes, my Lord, I was, but it is perfectly clear that the learned Attorney-General must deal pretty fully with the matter. But what I was coming to was this, and it was rather from that point of view, that so far as the question may arise as to whether those were the signals of distress of the "Titanic" in fact, or whether they were the signals of distress of another ship, so far as the personal conduct of the responsible Captain of the "Californian" is concerned, his conduct, I shall submit, is equally reprehensible.

The Commissioner: I think, you know, he is going to say, or it will be said on his behalf, rather, that these signals were not distress signals at all, necessarily; that they were ship's signals.

Mr. Edwards: That, of course, my Lord, is what he has already endeavoured to say in evidence; but I think, in face of the two main facts, the first that the Officer Groves, in reply to your Lordship, did say in specific terms that in the light of all the facts he had not the slightest doubt that the signals which were seen were the signals of the "Titanic."

The Commissioner: I do not want to stop you, but I think the onus of proof in this matter is upon the "Californian." I think for myself - I do not speak with absolute certainty for my

colleagues - that it will be for the "Californian" to satisfy us that those were not the signals of the "Titanic"; whether they will succeed I cannot say, but I think you may leave it.

Mr. Edwards: Then I will not carry the matter further with regard to that. Then there is the question upon which I feel a certain degree of special personal responsibility, and that is the evidence as to the conduct of those in boat No. 1. Having examined on a certain line, I feel it is only due to the Court that I should in the fewest possible words indicate to the Court what in the four corners of that which is relevant I believe to be the effect of the evidence with regard to that boat. As your Lordship will remember, it is No. 1 boat, that in which the skipper was a man named Symons. There were seven of the crew, and there were five passengers, Sir Cosmo Duff-Gordon, Lady Duff-Gordon, Miss Francatelli and two others. Now the broad facts with regard to that particular boat are these, that she was not in any way undermanned, and that she had accommodation for some 28 more passengers than, in fact, she carried. The real responsibility, at all events the primary responsibility, so far as this Enquiry is concerned, will necessarily be that of the member of the crew who was in charge of that boat, and any conduct that there may have been, however reprehensible, however abhorrent we might think it, will not be relevant except in so far as it may have been done in order to affect, or may have affected, the mind and the judgment and the conduct of the man responsible for the conduct of the boat. As the evidence stands, the position is this: - Here was a boat a little away from the ship, not so far away but what the cries of those who were struggling in the water could be heard; that they were in fact heard; that Hendrickson said -

The Commissioner: Before you go to what happened in the boat, is not there some evidence that the boat was to stand by the ship?

The Attorney-General: Yes.

The Commissioner: That is to say evidence of what happened on board the "Titanic" before that boat cleared from the ship?

Mr. Edwards: That is so.

The Commissioner: Just remind me of that.

Mr. Edwards: Yes, my Lord.

The Attorney-General: It is Question 11488. It is the orders not to go far from the ship, but to stand by.

The Commissioner: That is what I meant.

The Attorney-General: It is page 257.

The Commissioner: How you carry the numbers of these questions in your head passes my comprehension.

The Attorney-General: I do not profess to carry the numbers in my head, my Lord. I happen to have it before me. I worked it out this morning. "My orders were to pull away from the ship not too far, and to stand by if I was called back."

The Commissioner: That is what I want.

Mr. Edwards: That is in Symons' evidence, my Lord.

The Commissioner: Now you can pass on from that and go on to what you were saying. The boat leaves the ship with instructions to stand by near the ship.

Mr. Edwards: That of itself imposes quite explicitly upon Symons, the skipper, the duty of standing by. The next point is that there is the fullest possible knowledge conveyed to those in the boat when the "Titanic" sinks, that there are a large number of people struggling in the water. The evidence then passes to what Hendrickson says, that he suggested that they should return, and not that Hendrickson said it, but that somebody suggested it is corroborated by two of the witnesses. Then the evidence passes to a statement that some one of the ladies, identified by one of the witnesses as Lady Duff-Gordon, appealed that they should not, as they might be swamped.

So far as that particular matter for the moment is concerned, I do not propose passing any comment at all upon what might have been said under the circumstances of horror there by a woman. But we then pass from that point to this, that Sir Cosmo Duff-Gordon - he denies it - approved of his wife's opposition.

We then pass to the main fact that there was no attempt to go back. Whether what Sir Cosmo Duff-Gordon says is true or not, your Lordship will bear in mind that it did represent his mental attitude at that time. Whether he gave utterance to it in words that they should not go back or not, it did represent his mental attitude as given in evidence in answer to a question that I myself put to him. What he says is this: He denies that he said anything of that sort, but he says he was so absorbed in his attentions to his wife that he could not think of anything. When I put it to him whether he could not think of going back to help these struggling people, he said, "No," that did not cross his mind; but within 20 minutes or half-an-hour of the "Titanic" going down, and while, therefore, as we have from independent evidence, the screams of the drowning could be heard, we have it on Sir Cosmo Duff-Gordon's own admission that he did say to the men that he would give them £5 a piece to replace their kit.

It is an unpleasant task, but what I am going to say, and to say quite fearlessly, is this: That a state of mind which, while within the hearing of the screams of the drowning, could think and express so material a matter as the giving of money to replace the kit, is a state of mind which must have contemplated the position in which those drowning people were; it is a state of mind which must have contemplated the fact that there were vacant places in the boat: it is a state of mind which must have contemplated the possibility of rescuing some of those drowning, and it is a state of mind which must have contemplated the dangers admittedly incidental to the operation. I am not going to say that there was a blunt, crude bargain of bribery, that there was a deal done with these men, "If you will not go back I will give you £5." Nothing of the sort. But what I am going to suggest is that the right and true inference to draw from all these circumstances is this, that that money was offered at that time, under those circumstances, to give such a sense of ascendancy, of importance, of supremacy, to Sir Cosmo Duff-Gordon in the boat, with the view, to which I say, on the evidence, he gave expression, that they should not go back as would weigh more with the men than if he had simply given it as a naked piece of advice and recommendation apart from that.

The Attorney-General: The order of events is quite wrong there, surely, is it not?

The Commissioner: I followed it, and I did not want to interrupt, but I would like you, Mr. Edwards, if it is convenient for you, to indicate to me the question and answer which justifies each one of your statements. I should like to examine you, but that is irregular. I should like to ask you a few questions; first, tell me when this boat was launched into the water - the time, if there is any evidence about it.

Mr. Edwards: That I can give your Lordship, I think.

The Commissioner: I daresay I can find it out myself.

Mr. Edwards: Your Lordship will find it, I think, on the last page of the boat list analysis.

The Commissioner: That is the boat list analysis which has been handed up to me, is it?

Mr. Edwards: Yes.

The Attorney-General: I do not think it gives the time, which was your Lordship's question. It gives the order, but not the time. Your Lordship will not find it there.

The Commissioner: It is not here, I see at once.

Mr. Edwards: It is in Officer Lowe's evidence, my Lord.

The Commissioner: I want to know the time.

The Attorney-General: I can tell your Lordship and my friend, because we have looked into it.

The Commissioner: I am told it is in Lowe's evidence.

The Attorney-General: Yes; about 10 minutes to a quarter past one, as far as I can fix the time. I have looked into it, and that is about it. You cannot be precise.

The Commissioner: Can you give me any passage in the evidence which supports that statement?

The Attorney-General: Yes, I can. It will require a little looking into.

The Commissioner: I am told it is in Lowe's evidence.

The Attorney-General: Yes, I think Lowe gave it. It is very difficult to make out the times of the boats.

Mr. Edwards: I think you will find it on page 367. He gives the order in which those boats went off.

The Attorney-General: Yes, but he does not give the time; it is a little later that he gives the time.

Mr. Edwards: Question 15818.

The Attorney-General: That is the order; my Lord wants the time.

The Commissioner: At Question 15793 he is asked about the time he did something, and he said "I have not the remotest idea of the time right throughout."

The Attorney-General: My impression is he says nothing about the time. He gives the order of the boats 7, 5, 3 and 1; that is the order in which the boats were lowered, but there is nothing about time. You have really to work it out from the evidence of other persons as to what time those boats were lowered. That is the only way you can get at it, and it is a complicated business, and, of course, it must be unreliable.

The Commissioner: Yes, it is unreliable, anyway.

The Attorney-General: Yes.

The Commissioner: But now let us assume for the moment that it can be shown that this boat was lowered at 1.15.

The Attorney-General: It was about that.

The Commissioner: Let us assume that; I do not know that it can be established, but let us begin with 1.15 as the time that the boat was lowered. Now, the ship went down an hour afterwards, 2.20 or thereabouts, and therefore they were in the boat for an hour. Is there any evidence to show what they were doing during that hour?

Mr. Edwards: There is some evidence that they were pulling and then resting on their oars. That is Hendrickson's evidence.

The Commissioner: Were they obeying the directions which had been given when the boat was lowered, that they were to stand by the ship?

Mr. Edwards: That will depend, I think, entirely upon whether they were pulling away, and not coming back, or whether they were moving backwards and forwards.

The Commissioner: My notion is they were just moving on their oars, not going any distance away, but keeping about the ship, because at 2.20 they were near enough to the ship to hear the cries of the people in the water. They did hear them.

The Attorney-General: That is right, my Lord; that is Hendrickson's evidence, certainly. I think it is everybody's, really.

The Commissioner: My recollection is that they heard the cries of the people in the water, and, therefore, wherever they had been in the meantime, at the time the "Titanic" went down they were near the ship.

Mr. Edwards: Yes.

The Commissioner: That is right?

Mr. Edwards: Yes.

The Commissioner: Now, here are some questions to Symons, which you will find at page 267

at Question 11500: "And did you see the 'Titanic' go down? - (A.) Yes, I watched her. (Q.) Now, just tell us about that? - (A.) After I left the ship I gave the order to pull away. We were pulling very hard; we were pulling very steady; a moderate pull. After I gave that order we pulled away, I should say, about 200 yards, and I told them to lay on their oars, and just a little while after that, after I saw that the ship was doomed, I gave the order to pull a little further, and so escape the suction." Now, if that evidence is true, it is true that at the time the ship was going down they were close to it, so close to it that Symons feared the effect of the suction; and, therefore, it seems to point to this, that the boat did keep near to the ship. Well, now then, where do you get your 20 minutes after 2.20, when the ship went down?

Mr. Edwards: That is in the evidence of Sir Cosmo Duff-Gordon, my Lord.

The Attorney-General: Question 12586 is the promise of money, on page 263.

The Commissioner: What I am upon is when the money was promised; I know it was promised.

Mr. Edwards: Yes, Question 12586. "(A.) There was a man sitting next to me, and of course in the dark I could see nothing of him. I never did see him, and I do not know yet who he was. I suppose it would be some time when they rested on their oars, 20 minutes or half-an-hour after the 'Titanic' had sunk, a man said to me: 'I suppose you have lost everything?' and so on. That is the time fixed; it is fixed by Sir Cosmo Duff-Gordon himself.

The Commissioner: That is sufficient; it is 20 minutes to half-an-hour.

Mr. Edwards: Yes, my Lord.

The Commissioner: As far as that witness remembers the matter; so that you get it now about a quarter to three in the morning.

Mr. Edwards: Yes. The learned Attorney-General suggested that I was not giving the matter quite in its correct sequence.

The Attorney-General: Yes.

Mr. Edwards: On this matter I am supremely anxious to be scrupulously careful.

The Attorney-General: I will tell my friend what I mean. I was saying it, my Lord, because Mr. Duke is not here, and in consequence of what your Lordship said the other day one has to be a little careful about these statements. If I follow my friend's argument, it was that this promise had been made and that this promise actuated the man Symons and the others in not going back; that the promise of money showed what was in the mind of Sir Cosmo Duff-Gordon; and although my friend did not say that it was a bribe, still he said it gave him an ascendancy - that was the expression used - a supremacy over the men. If that means anything, it means they did not go back when they heard the cries, because of the promise of money. My impression of the evidence, and I think it is borne out, is that they did not go back. That was the point I had in mind when I interrupted my friend. Before that they did not go back. That all happened before the promise of money at all. The promise of money was afterwards; that is, as I understand the order. That is the point between us. Of course, it is very important.

Mr. Edwards: You mean, from whatever cause, they might have gone back even before the lapse of the 20 minutes if there was any real intention on their part to go back.

The Attorney-General: Quite.

Mr. Edwards: So that with whatever object the promise may have been made, it could not, at all events, have operated as an inducement for them not to go back, at all events, in the first place?

The Attorney-General: That is what I mean.

The Commissioner: That certainly was the effect of Sir Cosmo's evidence.

Mr. Edwards: I still submit that the right inference to be drawn, as shown by the evidence of Officer Lowe, by the evidence of Joughin, the head baker, and by the evidence of others, is that

at the time, the 20 minutes or half-an-hour that is referred to in Sir Cosmo's evidence, a time at which it would have been perfectly useless to render service, the fact remains that there was no attempt on the part of this boat to go back. Whether the money had the actual effect of shaking the men's intention, or whether they had no intention, or, perhaps it is better to put it, whether Symons had no intention at any time of going back, or whether he was affected, is a matter which your Lordship will have to decide. I am not going to leave it there, because I am going to the evidence of Symons, which is essentially unsatisfactory. One cannot help recalling to your Lordship's mind the effect of the very severe examination by the learned Attorney-General, of Symons. He came into the box; he gave utterance to expressions about being master of the situation, his sole discretion, and so on, and then it turned out that each one of these phrases had been derived from somebody who saw him on behalf of the relatives of Sir Cosmo Duff-Gordon. I suggest that you can put aside entirely for that reason the evidence of Symons, and treat the whole question upon the basis of the evidence of the other people. Now, there it is: I submit, notwithstanding what has been suggested by the learned Attorney-General, that the right inference is this, that with a view of securing - I use the term advisedly - an ascendancy over the mind of Symons and the others, at this given moment this monetary offer was made.

I was interrupted when I was saying that if he was in such a state of mind as, surrounded by all those circumstances of horror and suffering, he could suggest some ministration to the later material wants of the sailors by offering them £5 a piece, he was in a state of mind where he must have been able to, and did, contemplate all the circumstances, especially the circumstance of possible danger that there might have been in the operation.

There is another side, and that is this: that if, with ladies in the boat, he himself thought there was grave danger in going back, why was there no attempt made to go to other boats which were in the vicinity, to get rid of the ladies, and then to utilise that boat and go back? So much for that part. Here is the fact upon which your Lordship will have to determine - that there were 28 vacant places in that boat, and no single person in that boat had a right, I submit, to save his life at the expense of those vacant places. I ought, perhaps, to put it that no one of them had the right, the moral right I mean, to save their own life merely by avoiding the possible risk that was involved in utilising those 28 vacant places. I am going to ask your Lordship to say that the conduct of Symons is to be condemned; I am going to ask your Lordship to say at least that, under the circumstances such as were present in and around this boat, it is most reprehensible conduct that there should have been any offer of gift in cash or kind which is calculated to influence the minds of the men and seduce them from a sense of their duty, whether it was in fact done with that intention or not.

The next circumstance with which I feel there is a special obligation upon me to deal - again because of the line I took in examination - is in regard to the personal incident of Mr. Ismay after the ship had been struck. Yesterday I was submitting a series of facts upon the evidence, going to show that Mr. Ismay did not occupy the position of an ordinary passenger. That evidence to which I called attention yesterday is still further supplemented by the evidence in regard to what Mr. Ismay did immediately after the accident. On his own showing, and on the evidence of others, the position is this, that he did take upon himself to assist in getting women and children into the boats.

Mr. Ismay has given an account of what happened, and of his state of mind. He says that when he left he knew that the "Titanic" was doomed; he says that when he left he knew that there were hundreds of people upon the ship; he says that he did not know, in fact, whether there were women and children left; he says that when he got into the boat there were no persons on the boat deck, at least on his side of the boat deck. He is asked whether he made any attempt to see if there were other people either on the other side of the deck or down below. He says personally

that he did not. He was asked whether he gave instructions to others, and he said, "No."

Now, if the question did not involve large matters of principle of grave import, the question, so far as this Enquiry is concerned, as to whether one life should be saved at the expense of another would be immaterial. But I do submit that a gentleman occupying the position which Mr. Ismay occupied, the Managing Director of this Company, a gentleman who had taken upon himself the duty of assisting at the boats in regard to women and children, had certain special and further duties. I submit, in the first place, that he had no more right to save his life at the expense of any single person aboard that ship than the Captain would have had. I go further and I say this, and say it emphatically, that he did not discharge his duty at that particular moment, at that particular critical time, by merely taking a cursory glance round the starboard side of the boat deck to see if there was any person upon it. He was one of the few persons at that moment who had been placed in possession of the positive knowledge that the ship was doomed, and I say, and say emphatically, occupying his great official position, that his duty was to make both by himself, and as he had taken the duty of looking after women and children, to see that someone else too, made a search elsewhere than in the immediate vicinity of that deck, to see if there were women and children who had not been found and brought up.

The Commissioner: My recollection is that according to his evidence he jumped into the boat as it was being lowered.

The Attorney-General: Yes.

Mr. Edwards: That is so, my Lord. Of course, according to the other evidence, to which I myself called Mr. Ismay's attention, it was that he had got into the boat first, and was himself helping the women and children into it. But for the purpose of the principle which I am now submitting, I say that it matters not whether he had got into the boat at an early stage to help the women and children in, or whether he jumped in at that moment. I say that his duty was to have gone and searched and helped to find some of those women and children who, in fact, he knew were left on the ship when it went down.

The Commissioner: You are talking, of course, of a moral duty.

Mr. Edwards: Yes, my Lord.

The Commissioner: You cannot be talking about any legal duty.

Mr. Edwards: No, my Lord. He was not an officer of the ship; he was not a member of the crew; he stands, of course, in a special category by himself. If the matter began and ended with Mr. Ismay's conduct, it might be left where it was, but if we are to have managing directors, or other persons commercially responsible for these liners, going aboard ship and taking upon themselves certain functions there, it ought to be clearly laid down that they do it, taking upon themselves further and special moral obligations and duties to the passengers than are possessed by one passenger to another passenger.

I should not have attempted to have gone back to this matter, but should have left it where it was in the evidence, if it had not been that at the time I was examining Mr. Ismay, your Lordship said that what I had put to him was rather a matter for observation when I came to address your Lordship, than it was for a question; and I felt that I could not, either in duty to the Court or to myself, leave the matter without putting frankly in the form of an observation, as I have done, what I had put to Mr. Ismay in the form of a question.

The Commissioner: Now, before you leave it, will you tell me to what part of this Enquiry the moral duty and the discharge of the moral duty of Mr. Ismay is relevant. I am not at all disposed to enter into the consideration of moral duty and the discharge of moral duty in connection with this Enquiry unless I see that such consideration is relevant to it.

Mr. Edwards: Put in that form, it brings it down to this: You are asked in this Enquiry about the relative proportions of the different classes who have been saved. I think it is Question 20:

"What was the number of (a) passengers, (b) crew taken away in each boat on leaving the vessel? How was this number made up, having regard to: 1. Sex. 2. Class. 3. Rating? How many were children and how many adults? Did each boat carry its full load, and, if not, why not?" Then 21 is "How many persons on board the 'Titanic' at the time of the casualty were ultimately rescued, and by what means? How many lost their lives? Of those rescued, how many have since died? What was the number of passengers, distinguishing between men and women and adults and children, of the first, second and third classes respectively who were saved? What was the number of the crew, discriminating their ratings and sex, that were saved? What is the proportion which each of these numbers bears to the corresponding total number on board immediately before the casualty? What reason is there for the disproportion, if any?"

The only one relevant to this would be, and, of course, very technically, that your Lordship could say that a passenger might have taken a place in the boat occupied by Mr. Ismay; a woman might have been found to take the place in the boat occupied by him; one of the 53 children might have been found to take the place in the boat occupied by him if he had recognised his special position and gone in search of them. I am not saying whether your Lordship should say that or not, but, at all events, that would make the questions perfectly relevant.

The Commissioner: I do not agree with you at present. It might be argued that there was a moral duty upon other men on board to take care that a woman took precedence of him in the boats, and I might, if I sat here to enquire into such questions, have to enquire into the discharge by every male passenger of that moral duty. I do not think I can deal with moral duties.

Mr. Edwards: I should not have mentioned it, my Lord, if you had not asked me in what way I thought the matter could be made relevant. If your Lordship had not said when I was questioning Mr. Ismay (I may have been irrelevant then) that it was a matter which ought to be addressed by way of observation to your Lordship, rather than as a question, I frankly should not have returned to it at this stage of the proceedings. Whatever view is to be taken as to personal conduct in relation to the particular duty cast upon your Lordship in this Enquiry, the matter is of comparatively trivial importance.

Now I return to the question of the Board of Trade. I do not know whether your Lordship has these before you, but there are two bundles of correspondence which have been printed by the Board of Trade. Unfortunately, they have not been printed quite in the order in which they should; they are not quite in order of date, and there are certain letters omitted, copies of which have been given to me in typewritten form. I do not know that I need trouble your Lordship to read all these letters.

The Commissioner: Have I them, Mr. Attorney?

The Attorney-General: No, my Lord, nor have I; I have just asked for them.

Mr. Edwards: May I say at once, my Lord, that I regard them as of great importance?

The Attorney-General: I am told your Lordship has the correspondence.

The Commissioner: One of my colleagues apparently has some correspondence - Professor Biles has it - headed, "The Collision Bulkhead of the s.s. 'Olympic.'"

The Attorney-General: Yes; the other is "The Assignment of Freeboard."

Mr. Edwards: The other is "The Assignment of Freeboard." Part of the letters in each bundle refer partly to the bulkhead and partly to the freeboard, and they are not in strict order. There are four important letters missing from the print of which I have been supplied with typewritten copies.

The Commissioner: Well, I have not got them.

Mr. Edwards: May I say at once that I regard these letters as of the very highest importance in this Enquiry, and it is upon these letters that I base my statement with regard to the Marine Department of the Board of Trade, that if they had insisted upon their requirements there might

have been quite a different story told in regard to the fate of the "Titanic."

The Commissioner: But before you deal with their omission to insist upon their requirements, you must show me your authority for saying that they were entitled to make their requirements.

Mr. Edwards: I am obliged to your Lordship for that; I am coming to it immediately. But before I reach that will your Lordship for a moment kindly look at Question No. 2, which your Lordship is asked to decide?

The Commissioner: Yes.

Mr. Edwards: The learned Attorney-General did suggest that if either of the Counsel representing the different interests in this case thought there should be some addition to or modification of a question, it might, perhaps, be carried out. Now, in Question 2 you are asked to decide this: "Before leaving Queenstown on or about 11th April last, did the 'Titanic' comply with the requirements of the Merchant Shipping Acts, 1894-1906, and the rules and regulations made thereunder with regard to the safety and otherwise of 'passenger steamers' and 'emigrant ships'?" I would respectfully suggest that a further question be asked: "Or did they comply with the requirements of the Marine Department of the Board of Trade?"

The Attorney-General: My friend is in error about this. You cannot alter the Questions after some of the speeches have been made. I called your Lordship's attention originally to how the matter stood. This is done according to Statute and Rules and Regulations prescribing procedure and what happens is that the Questions are formulated by the Board of Trade, and at the end of the case, as I have pointed out quite recently, it is the province of the Board of Trade to add anything to or to amend the Questions. And I did then amend two Questions, and I said that I would consider any suggested amendment which was put forward by my friends, but that was the time to do it. It is quite contrary to the practice, and so far as I know I doubt very much if it could be done when speeches have been made.

The Commissioner: I should like to know exactly from Mr. Edwards what he wants done.

Mr. Edwards: May I just explain this? I said yesterday that your answer to this Question must be, "No." If you return the answer "No" to this Question, that is, both a reflection upon the builders and also the owners and also the Marine Department of the Board of Trade. Now, the position is this, that the builders did comply with the requirements of the Marine Department of the Board of Trade ultimately; and if there is, as I submit there is, ground for adverse and seriously adverse criticism it is not upon the builders in this respect; it is not upon the owners in this respect, but it is upon the officials of the Marine Department of the Board of Trade, who did not insist upon the builders and owners complying with their requirements.

The Commissioner: But can you show me what law there is which entitles the Board of Trade to insist? It is no use insisting if you cannot insist. Now what is the regulation, or law, or section of an Act of Parliament which empowers the Board of Trade to insist on things being done; what are the things that they ought to have insisted upon and could insist upon, and how were they omitted to be done? Now, begin at the first: where is the power given to the Board of Trade to insist?

Mr. Edwards: If your Lordship will look at Section 724.

The Commissioner: The Act of 1894, is it?

Mr. Edwards: Yes, my Lord.

The Commissioner: Read it to me.

Mr. Edwards: "(1) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a Surveyor of Ships) may be appointed either as a shipwright surveyor or as an engineer surveyor or as both. (2) The Board of Trade may also appoint a Surveyor-General of Ships for

the United Kingdom."

The Commissioner: Do not read things at large unless you know what is in them. There is nothing in this Section which has any relevancy to it at all.

Mr. Edwards: With respect, my Lord -

The Commissioner: Tell me which words.

Mr. Edwards: I have not finished. I have only dealt with the personnel, and now I come to the duties.

The Commissioner: What has personnel got to do with it?

Mr. Edwards: Everything, my Lord, in this case.

The Commissioner: Then you do not require to refer to anything else, if this has got everything to do with it.

Mr. Edwards: "The Board of Trade may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made."

The Commissioner: Well?

Mr. Edwards: You have pursuant to that, the Regulations issued by the Board of Trade for the survey of the hull, equipment and machinery of steamships; and on page 8, section 16 of those Regulations you have a provision made as to circumstances under which declarations are to be made: "An efficient and watertight engine room and stokehold bulkhead, as well as a collision watertight bulkhead, and an after-watertight compartment, to enclose the stern tube in each screw-shaft, should be fitted in all sea-going steamers, both new and old, and in the absence of any of these the case must be specially referred to the Board of Trade before a declaration is given. As regards other bulkheads, although a thorough subdivision of the ship is desirable, the surveyors should not for the present refuse to grant a declaration because these are not fitted." Below that you have paragraphs (3) and (4), which have been deleted, and there is substituted for those paragraphs the provision in Circular 1401.

The Commissioner: Where is that to be found?

Mr. Edwards: It should be inserted in your copy.

The Commissioner: I have it now.

Mr. Edwards: Circular 1401 is: "Instructions to Surveyors, dated February, 1907. Amendment to Clause 16 of the Regulations and Suggestions as to the survey of the hull, equipment and machinery of passenger steamers. Delete third and fourth paragraphs," and so on: "In all sea-going steamers coming under survey for passenger certificate for the first time, the following requirements regarding the height of the bulkheads should be complied with. The collision bulkhead is in all cases to extend to the upper deck." This is, I think, sufficient to show what is required of the surveyors of the Board of Trade. May I say at once that if your Lordship's view be that nothing of this kind is actually enforceable -

The Commissioner: How do you mean "enforceable"?

Mr. Edwards: I mean enforceable by the Board of Trade. I am addressing myself to the quite specific point which your Lordship was putting to me as to how I show that any of the requirements of the Board of Trade could be insisted upon, and I was seeking to do that by, first of all, referring your Lordship to that section of the Merchant Shipping Act, 1894, which clothes the Board of Trade with certain powers, and I was then seeking to show that, pursuant to those powers with which that section clothes the Board of Trade, the Board of Trade had issued a certain Regulation, and now particularly I was calling attention to that Regulation.

The Commissioner: But it is not Section 724 which authorises the Board of Trade to issue directions.

Mr. Edwards: Yes, my Lord, Regulations - sub-section (3).

The Commissioner: They may appoint surveyors; they may alter their remuneration; they may

make regulations as to the performance of their duties, "and in particular as to the manner in which surveys of passenger steamers are to be made." Now, where are the regulations?

Mr. Edwards: In the document to which I have called your Lordship's attention. If your Lordship will look at that buff-coloured document, it is called "Regulations and suggestions as to the survey of the hull, equipment and machinery of steamships carrying passengers."

The Commissioner: Can you tell me what the expression "suggestions" means, because I am quite at a loss to understand? "Regulations" I understand; what are "suggestions"?

Mr. Edwards: That I do not know, my Lord.

The Commissioner: It occurs to me - I do not know whether I am right - that Regulations are something different from suggestions.

The Attorney-General: Yes, certainly.

The Commissioner: The one, perhaps, must be complied with, and the other need not necessarily be complied with.

The Attorney-General: Quite.

Mr. Edwards: May I suggest that the meaning is this: the Merchant Shipping Act requires certain Regulations to be made; those Regulations are made, but it is left very much at large as to what particular degree or standard should be insisted upon under a Regulation on a given occasion, and therefore the Board of Trade deem it necessary, so much being left to the discretion of the Surveyor, to offer him suggestions as to how he shall, and the method by which he shall, arrive at a given conclusion to say what the Regulation in the particular case shall be.

The Commissioner: Leaving him to exercise his judgment, I suppose?

Mr. Edwards: Yes, my Lord.

The Commissioner: Otherwise it would be a Regulation, and he would have no option about the matter at all.

Mr. Edwards: Yes, my Lord, that is so.

The Commissioner: I think so.

Mr. Edwards: Now the particular document to which I have referred is not in the category of a suggestion; that is in the category of a Regulation.

The Commissioner: Why do you say so?

Mr. Edwards: I was going to tell your Lordship. If you will look at the second page of Circular 1401, the last paragraph of it says that "the above Regulations regarding the height of the bulkheads," and so on.

The Commissioner: Yes, it is headed, you know, "Amendment to Clause 16 of the Regulations and Suggestions." That is the way it is headed.

Mr. Edwards: I know, my Lord.

The Commissioner: And Clause 16 comes among a great many clauses which are also headed "Regulations and Suggestions."

Mr. Edwards: Yes, my Lord, I quite recognise that, if I may say so with respect. If your Lordship will now look at the second page of that book your Lordship will see that the very first clause says -

The Commissioner: These Regulations and Suggestions?

Mr. Edwards: Yes; "are issued by the Board of Trade under the provisions of the Merchant Shipping Act, for the assistance and guidance of their officers in surveying passenger vessels."

The Commissioner: Yes.

Mr. Edwards: It seems to me, if I may say so with respect, that the position stands rather in this way. Either you can, from these documents, ascertain what were the Regulations pursuant to the Act with which the builders ought to have complied, and regulations which the officials of the Marine Department ought to have insisted upon, in which case you would be able to measure the

extent to which they either did or did not comply with their duty; or your Lordship will have to say that these Regulations and suggestions are so inextricably mixed up that it is impossible to tell that which is a Regulation which must be enforced and that which is a suggestion which is merely put in for the guidance of officials. Now, if these things are only put in for the guidance of the officials, they are no more binding than, as your Lordship suggested yesterday, was the case of the standards laid down by the Bulkheads Committee; and we are face to face with this perfectly amazing position that in the matter of shipbuilding in this country, where the responsibility for a declaration of safety is placed upon the Board of Trade, there are no definite and ascertainable Regulations with which there must be compliance as a *sine qua non* for a ship getting its declaration of clearance.

The Commissioner: Do you suggest that in every detail there is to be a Regulation which must be complied with?

Mr. Edwards: I am not going to say that.

The Commissioner: That nothing is to be left to the discretion of the Surveyor?

Mr. Edwards: No, my Lord, the Surveyors who have come into the box have told your Lordship - that was the position to which, if your Lordship will remember, I was originally calling attention - that there were no detailed Regulations in existence in the Board of Trade in the same way as Rules and Regulations were laid down, to take a case in point, by a classification society like Lloyd's. And then it was put by one witness after another called from the Board of Trade that they had those Regulations, they had Table C, they had in the matter of bulkheads the standard laid down by the Bulkheads Committee by which they were guided. I think it might be quite convenient here at this stage if this point were cleared up.

The Commissioner: Now, be specific; what point?

Mr. Edwards: The point as to whether these documents to which I am referring are in your Lordship's view in the nature of Regulations which it was the duty of the officials of the Marine Department to enforce.

The Commissioner: Very well. Now, that seems to me a point of some substance. Whether I am entitled to enquire into it under the questions as they are formulated, I do not know, but I am going to ask the Attorney-General.

The Attorney-General: Oh, yes, certainly.

The Commissioner: Mr. Attorney, do you say - I want you to be careful about it - that these Regulations are Regulations imposed upon the shipbuilder or shipowner, with which he must comply before he is entitled to apply for his certificate; or are they Regulations supposed to be imposed upon the surveyors of the Board of Trade to guide them in the exercise of their discretion as to issuing a certificate?

The Attorney-General: My view is that they are the second alternative which your Lordship puts.

The Commissioner: That is my view.

The Attorney-General: If you look at (1) it is shown so.

The Commissioner: So I think. The shipowner or shipbuilder who is coming to ask for his certificate has nothing to do with this.

The Attorney-General: Nothing whatever, but the surveyor who is going down gets these for his assistance and guidance.

The Commissioner: What I understand Mr. Edwards to say is this - listen to me, Mr. Edwards, and tell me if it is right, that the surveyor, having received those Regulations and Suggestions which were to guide him in determining whether the certificate was to be given or not, has not paid attention to them, has disregarded them. That is the point, I understand.

Mr. Edwards: That is what I say happened.

The Commissioner: Now, does that matter come within the purview of those questions submitted to us?

The Attorney-General: Oh, yes.

The Commissioner: This question is "Before leaving Queenstown on or about the 11th April last did the 'Titanic' comply with the requirements of the Merchant Shipping Acts; 1894-1906, and the rules and regulations made thereunder with regard to the safety," and so on.

The Attorney-General: I do not see, myself, any difficulty in that. Of course, I differ entirely from what my friend has said with regard to it, but I see no difficulty. If your Lordship asks me if I think that comes within the questions put in this Enquiry, I should think it comes within No. 26.

The Commissioner: Yes.

The Attorney-General: It was intended by that question to open up for your Lordship's consideration and for your report in so far as you thought fit, the administration of the Acts by the Board of Trade, and also of the Rules and Regulations under the Acts; and it is purposely put in the widest possible form. I do not think it requires amendment; I think 26 does what is necessary.

The Commissioner: These are certainly Rules and Regulations made under the Merchant Shipping Act, 1894; they purport to be so, and I should regard them as such.

The Attorney-General: Certainly.

The Commissioner: Now, Mr. Edwards.

Mr. Edwards: That does not quite get us out of the wood, if I may say so.

The Attorney-General: He puts us into it.

Mr. Edwards: You have to decide whether the "Titanic" did comply, not only with the requirements of the Act which is put into a category by itself, but also with the Rules and Regulations of the Board of Trade. If there are no such things as Rules and Regulations which were enforceable it does seem to me that that is quite a redundant question. I think it is necessary, before your Lordship can answer that question, to ask a further question as to what are the Regulations with which she ought to have complied.

The Commissioner: Who ought to have complied?

Mr. Edwards: The "Titanic."

The Attorney-General: The builders or the owners?

Mr. Edwards: I am taking it in the form of the question.

The Commissioner: The difficulty at present is this, that the Rules and Regulations which you are referring me to are Rules and Regulations which have to be observed by the surveyors, not by the owners or builders. The owner or builder goes to the surveyor and says: "There is my ship: now survey it in whatever way you please. You may follow the Rules and Regulations and suggestions given to you by the Board of Trade. I am not concerned with that. You survey my ship, and then, if you feel that you ought to give me a certificate, give it to me." That is all that the shipowner or the shipbuilder has to do.

Mr. Edwards: Very well, my Lord.

The Commissioner: And then your complaint would seem to resolve itself into this, that the officers of the Board of Trade have not done their duty.

Mr. Edwards: Quite; but it is a question in the one case: Had they to comply with certain Rules and Regulations before they issued their certificate? If yes, have they done so? If no, guilty of gross negligence and perhaps something more.

The Commissioner: What do you mean by "gross" negligence? Is it anything different from negligence?

Mr. Edwards: Only in degree, of course.

Sir Robert Finlay: I believe that all the Rules for the surveyors were in fact complied with.

The Commissioner: We will come to that next. At present I want to know what the meaning of these Rules is. Then the next question will be, have they been complied with? Now Mr. Edwards, perhaps you might go on to deal with the next question, which is: Have they been complied with?

Mr. Edwards: It is just because of this very difficulty, that you can construe these Rules and Regulations either as a standard by which the official or surveyor of the Board of Trade is to be bound in issuing his certificate, or as Rules and Regulations with which the builders must comply, that I do suggest that Question No. 2 is not quite sufficient for the purpose, and that there ought to be a further question. And that is this: "Did the 'Titanic' before leaving Queenstown comply with the Board of Trade Surveyor's requirements?" In the one case, if you say "No, she did not comply with the Rules and Regulations," that is a condemnation of the builder. If on the other hand you say, "Yes, she did comply with the requirements of the Surveyor," then that frees the builder, and your Lordship will have to consider, under Question 26, the conduct of the Board of Trade, with a view to recommendations for the future.

The Commissioner: Now will you tell me, if you can, what was the requirement of the Board of Trade - requirement, you know, that is to say, something they are entitled to insist upon - which was not complied with.

Mr. Edwards: Yes, my Lord, the requirement which was not complied with was the watertighting of the fore end of the ship; that is to say, the area of deck at the fore end, and also the requirement of the Board of Trade as to the height of the loadline, and also as to the height to which the bulkhead should come.

The Commissioner: Now, let me take those down. Give them to me again. What is the first?

Mr. Edwards: The first is as to the watertighting of the deck at the fore end of the ship.

The Commissioner: Are you sure that is how you want to express it?

Mr. Edwards: Yes, my Lord.

The Commissioner: "Watertighting of the deck at the fore end of the ship." What is the next?

Mr. Edwards: Then the height to which the bulkheads were carried.

The Attorney-General: Will you tell us when you say "the bulkheads," do you mean all, or which?

The Commissioner: Which particular bulkheads, or all?

Mr. Edwards: If your Lordship uses the term "requirements" as something that they can compel, then it is a case of the collision bulkhead and the first bulkhead abaft the collision bulkhead. If, however, you use the term "requirements" as I was using it, as what was asked for, in the first place, by the surveyor of the Board of Trade, then I say all bulkheads.

The Commissioner: We will say "height of all bulkheads," and that will cover everything. What is the next?

Mr. Edwards: The next is the height of the loadline disc, and that, of course, is to be treated, as I will show your Lordship in a moment or two, in relation to the height of the bulkheads.

The Commissioner: Yes. Now, is there anything else?

Mr. Edwards: No, my Lord.

The Commissioner: Very well. Now, will you take the watertighting of the deck at the fore end of the ship, and tell me what the requirement is of the Board of Trade with respect to that?

Mr. Edwards: Before I proceed with this, may I get quite clearly from your Lordship exactly how I am to understand the position with regard to the Rules and Regulations, because if your Lordship takes one view then I shall address myself quite shortly; if, on the other hand, your Lordship takes another view, then I have to establish my point.

The Commissioner: At present, the view I take of these Rules and Regulations which you have put in or referred to, and Circular 1401, is that they are Rules and Regulations binding upon the

surveyors of the Board of Trade, and upon no one else.

Mr. Edwards: And that the surveyor of the Board of Trade would have no right to issue a declaration of seaworthiness unless there were a compliance with those Rules and Regulations. Is that so, my Lord?

The Commissioner: Yes, that is so; but do not be too quick; you must remember this, that a great deal is left to the discretion of the surveyor, and if he honestly exercises his discretion he has done all that the Rules and Regulations require him to do in that respect.

Mr. Edwards: That seems to me, probably much more largely than your Lordship is aware of, to qualify the first part of your statement.

The Commissioner: You may make a rule of this kind: "You, the surveyor, are to go and inspect, and having inspected, you are to exercise your discretion." Now, that is a rule and a regulation, but it does not bind him to do any particular thing. It simply binds him to exercise honestly his discretion with respect to the matter that comes before him.

Mr. Edwards: Then, may I say that really contradicts the first part of what your Lordship said, in the light of the particular facts here. May I say that if these Rules and Regulations were designed merely to guide the surveyor, and he might exercise a personal discretion as to the application of those Rules and Regulations, then I feel that that may have been done here, and I should not feel competent to argue, with my lack of technical knowledge, nor do I think the Court would care about it, whether that discretion had been wrongly exercised. If, on the other hand, we are to take these Rules and Regulations as binding upon the surveyor, that is quite a different thing, because every departure from those Rules and Regulations by the surveyor would be in the nature of a dereliction of duty. If your Lordship takes the first view, I will say at once that I should leave the matter entirely with your Lordship as to the personal conduct of the officers of the Board of Trade; I should ask your Lordship to look at the correspondence, and I should address my remarks to the much broader question as to whether, under all the circumstances, it is wise to leave Rules and Regulations rather in the form of non-binding guides and suggestions to the surveyors.

The Attorney-General: There is one part of Rule 16 to which I think your Lordship's attention should be directed, more especially having regard to the evidence of the surveyors in this case. If you look at Rule 16, to which Circular 1401 is an amendment, you will see that in the absence of any specific regulation the matter is referred to the Board of Trade before a declaration is given.

The Commissioner: I know that; that is the end of the amended Rule.

The Attorney-General: But it comes also at the beginning of 16, dealing with the three bulkheads, in respect of which they can make requirements which must be carried out. "A stokehold bulkhead, as well as a collision watertight bulkhead and an after watertight compartment, to enclose the stern tube in each screw shaft, should be fitted in all sea-going steamers, both new and old, and in the absence of any of these the case must be specially referred to the Board of Trade before a declaration is given." Then comes the end, where equally they have to refer to the Board of Trade. I call your Lordship's attention to that, because your Lordship may not remember exactly what took place with regard to the evidence. Mr. Carruthers was examined upon this, and he explained in detail what he did and what took place in London about it. It was referred to London; that was the point of it.

The Commissioner: Now let me, Mr. Edwards, refer you to Rule 16, that part of it which has not been altered: "An efficient and watertight engine room should be fitted in all seagoing steamers." Do you suggest that that question of efficiency is not to be left to the man who surveys, or do you suggest that there ought to be Rules and Regulations the observance of which should alone constitute efficiency?

Mr. Edwards: What I am suggesting, my Lord, is this, that certainly there should be a definite

fixed standard of efficiency, which should be binding upon every surveyor of the Board of Trade.

The Commissioner: Just let us test that. Does rivetting constitute any part of the construction of a watertight engine room?

Mr. Edwards: Certainly, my Lord.

The Commissioner: It does?

Mr. Edwards: Certainly, my Lord.

The Commissioner: Is there to be a Rule and Regulation which says how many blows each rivet is to receive?

Mr. Edwards: No, my Lord.

The Commissioner: He is to exercise his discretion, then?

Mr. Edwards: May I answer the specific question by telling your Lordship exactly what is done? If your Lordship will turn to the report of the Bulkheads Committee and turn to the tables at the end, and if your Lordship will also turn (I think Professor Biles has a copy of it) to Lloyd's Rules and Regulations, you will there see in those two volumes the rules and regulations laid down for rivetting.

The Commissioner: Will you read to me one of those rules, so that I may gather how this efficiency is to be regulated by rules.

Mr. Edwards: Yes, my Lord. If your Lordship will allow me to complete. If your Lordship will turn to the evidence of Sir Walter Howell given in reply to the Attorney-General, you will find that he says that the standard by which the surveyors are guided in ascertaining what is efficient are these things to which I have referred.

The Commissioner: Refer to one of them; read it to me so that I may understand it. I want to know what the Rules are that regulate efficient rivetting. Can anyone tell me where those Rules are?

Mr. Edwards: Yes, my Lord. I think Professor Biles has a copy of them, and if he will turn to Section 25, on pages 41 and 42, he will see what I am referring to.

The Commissioner: Are there any Rules or Regulations which regulate the hammering in of the rivets?

Mr. Edwards: No, my Lord.

The Commissioner: Then who is to judge whether that work has been properly done?

Mr. Edwards: Your Lordship is asked two specific questions, and I think it would perhaps have been better if your Lordship had looked at them.

The Commissioner: I am told by the Professor who sits on my left that there are no such Rules, and I do not see how there can be.

Mr. Edwards: Not as to hammering, my Lord.

The Commissioner: I am told that hammering is a most important part of rivetting.

Mr. Edwards: There are certain tests - tests when they are forged - as to the character of the rivets; there are certain tests as to the kind of rivet holes; there are certain tests as to the flanges of rivets.

The Commissioner: Are there any Rules or Regulations as to the hammering of them in?

Mr. Edwards: No, my Lord.

The Commissioner: Do you agree that the hammering of them in is a very important part of the work?

Mr. Edwards: Of course, hammering in is always important.

The Commissioner: Then you must leave something to the discretion of the surveyor.

Mr. Edwards: Quite. May I say this, my Lord, that inasmuch as what the Marine Department of the Board of Trade consider, and have in this Enquiry officially admitted, that they are for, is

for the purpose of testing efficiency guided by a combination of rules - those contained in Lloyd's Rules and Regulations, and those contained in the appendix of the Report of the Bulkheads Committee - at least, it would be advisable to see that these Rules and Regulations, or rules and regulations of a similar character down at least as low in detail as these go, might be made part and parcel of the Regulations of the Board of Trade, so that in every case when trouble comes we may know exactly to what there shall be reference for the purpose of judging and testing the conduct of the different interests that may be affected. That is all I say, my Lord.

The Commissioner: Very well. Now, let us pass on, and tell me in what respect they neglected the Rules and Regulations as described by you. What is it that they failed to do?

Mr. Edwards: Again, my Lord, I have not yet had, with respect, from your Lordship a ruling as to whether I am to treat -

The Commissioner: I am not going to make a ruling for shortening your speech. You must deal with it as though I ruled in your favour. Tell me in what respect they failed.

Mr. Edwards: I will do that, my Lord. The view that I take with regard to these Rules and Regulations is that compliance with them must be taken as a *sine qua non* for the issue by the -

The Commissioner: You have said that already. I want you to tell me now which rules it was that they did not comply with.

Mr. Edwards: I will ask your Lordship to look at this Rule 16. The only important point for this purpose at the moment is the paragraph in Circular 1401: "The collision bulkhead is in all cases to extend to the upper deck. If an iron or steel watertight deck or flat is fitted below the upper deck at the after-end of the vessel, and forms the top of the after watertight compartment, the aftermost bulkhead may terminate at the said watertight deck or flat, but if no such watertight deck or flat is fitted, the aftermost bulkhead should extend to the upper deck. When the loadline disc of the vessel is placed at least as low as is required by Table C of the Freeboard Tables for Awning-deck Vessels the remaining bulkheads may terminate at the deck next below the upper deck, but when the disc of vessels other than those of the awning-deck type is placed higher than required by Table C, all the bulkheads should extend watertight to the upper deck. In interpreting the above Rule, in the case of vessels of the shelter deck type" - and the "Titanic" was held by the Board of Trade, as was given in evidence by two of the surveyors, to have a deck of the shelter deck type - "the deck next below the shelter deck may be regarded as the upper deck, and accordingly the collision bulkhead, as well as the other bulkheads, may terminate at the deck next below the shelter deck, provided the Surveyor is satisfied that the deck in question would not, owing to a deficiency of sheer or for any other reason, be brought dangerously near the water surface in the event of the collision compartment being holed."

The Commissioner: That clearly leaves it to the discretion of the Surveyor.

Mr. Edwards: With a variation. That is not a discretion that gets rid of the height of the bulkhead in relation to Table C.

The Commissioner: I am talking now of what you have just been reading: "Provided the Surveyor is satisfied."

Mr. Edwards: Very well, my Lord, that is to say that if the Surveyor were satisfied, the bulkhead could, in this case, terminate at deck D; that is to say the shelter deck here will be deck C, and the upper deck will be deck D, and there is a discretion within the Surveyor anyhow so far as down to deck D is concerned. But there is no discretion in the Rule in the Surveyor as to a watertight bulkhead coming as low as the deck under the upper deck - that will be, in this case, deck E. The only circumstances under which bulkheads may cease at deck E will be in that case where the loadline disc is placed lower than is required by Table C of the Freeboard Tables.

The Commissioner: Do tell me, if you can, what was the fault of this ship?

Mr. Edwards: What I say, my Lord, is this: First of all, your Lordship will see by that that the

height of the bulkhead is to be determined by the loadline disc. The fact, in the case of the "Titanic" is that her bulkheads were completed eighteen months before the Board of Trade awarded or assigned her a loadline disc; so that instead of your having - as I shall submit on the figures in a moment - these bulkheads going right through to deck D - you had some of them terminating at deck E, and the importance of that your Lordship has already recognised by suggesting that Sir Robert Finlay -

The Commissioner: Are we getting back to this - that the "Titanic" was an unseaworthy ship?

Mr. Edwards: Quite, my Lord.

The Commissioner: And that all the policies of insurance on her are void, just as I said yesterday - you cannot help that, of course - and as it was pointed out to me, every ship afloat of this kind is insured by such policies.

Mr. Edwards: I quite recognise that, and that is one of the reasons why I have asked your Lordship to say that if these rules and regulations are a mere guide which may be applied at the discretion of the surveyors, then the technical experts may say that there was an error of judgment.

The Commissioner: I wonder, if an action were brought upon one of these policies of insurance and the underwriters were to set up this as a defense for not paying, what a jury would say. I can tell you, you know what a jury would say; I know very well.

Mr. Edwards: What I suggest is this, that when it went - as it is to be hoped under the circumstances it would go - to the highest tribunal of the land, what would be said would be -

The Commissioner: I can tell you what the House of Lords would say - I know perfectly well what they would say.

Mr. Edwards: I must not ask for a tip, my Lord; but I do seriously suggest on that point that the whole thing will turn upon whether these are binding regulations under the Merchant Shipping Act with which there must have been some compliance, or whether they were a mere guide upon which the surveyor is to exercise his discretion.

The Commissioner: May I sum up what your contention is, as I understand it. You say, if they are mere guides to the surveyors, then the shipowners are not affected.

Mr. Edwards: Quite.

The Commissioner: But if they are requirements in the sense of imposing an obligation upon shipowners, the shipowners are affected.

Mr. Edwards: That is so, my Lord.

The Commissioner: And then you say, as I understand, if they are mere guides left to the surveyors, they ought not to be mere guides; they ought to be turned into binding rules and regulations. I think you said that.

Mr. Edwards: Yes, my Lord. I did not say necessarily these particular things, but you ought to do away with that category of thing called a mere guide or suggestion and make regulations containing whatever the technical experts decide ought to be the proper thing. Before I go to the correspondence I do want to emphasise that point that, according to this rule, the height of your bulkheads should be fixed according to what has been decided to be the loadline. In the case of the "Titanic," the bulkheads were finished and the ship was launched before there was any decision arrived at as to bulkheads.

The Commissioner: As to the loadline.

Mr. Edwards: Any decision arrived at as to the loadline, and that is borne out by the correspondence. The second point is this, that even when the loadline disc was fixed, it was fixed at such a point that under this rule the "Titanic" was not permitted to have bulkheads below D deck, that is the upper deck; in other words, that she was not, on the line fixed for the loadline disc, entitled to any abatement by this rule. My Lord, you have to refer now to a thing which is

very complicated and very technical. Will your Lordship look at the correspondence? This is a matter which I suggest (I am going to submit my points upon it) will have to be quite carefully worked out and checked with regard to one factor. It is not a factor which, under any circumstances, is sufficient to vitiate my submission as to the loadline disc being fixed so low as not to justify any abatement in the height of the bulkhead, but it is a factor which may modify to some extent, and it is a factor with regard to which the materials are not in my possession to enable me to check the factor. If your Lordship will look at the rule, you will see, "when the loadline disc of the vessel is placed at least as low as is required by Table C of the freeboard tables," and so on. Your Lordship has, I think, the "Instructions to Surveyors as to Loadline."

The Commissioner: Is that another pamphlet? I do not think we have this. (*A copy was handed to his Lordship.*) Now I have a copy.

Mr. Edwards: Before you look in detail at that, will your Lordship please look at page 2 of the printed correspondence, headed, "The Collision Bulkhead of the s.s. 'Olympic.'" There is a letter there dated 30th April, from Mr. Archer, as follows: -

"Sir, - The Surveyor's Report requesting instructions regarding the collision bulkhead of this vessel is forwarded.

"The Board's Regulations (Circular 1401) require that the collision bulkhead is in all cases to extend to the upper deck, but there is a provision that in vessels of the shelter deck type the deck next below the shelter deck may be regarded as the upper deck, subject to the sheer being sufficient. A shelter deck steamer (page 44 of freeboard tables) may for this purpose be defined as one having a greater freeboard, measured from the second deck, than required by Table C, and having all openings in the second deck battened down as on a weather deck. The Surveyor reports that the freeboard of this vessel, measured from the so-called 'upper' deck, will be about 10 feet 9 inches, but the freeboard required by Table C is about 11 feet 2 inches, as shown in detail on the attached sheet. The sheer will also be somewhat less than the standard, and there will be a large number of openings in the 'upper' deck. As the deck marked 'upper' will be nearer the water than the main or second deck of an awning deck vessel, it cannot be regarded as the 'upper' deck within the meaning of the circular. The surveyors should, I think, be instructed to inform the builders that the collision bulkhead must be carried up to the deck marked 'saloon deck,' and that no part of the bulkhead below this deck should be nearer the stern than 1/20 of the vessel's length as required by the circular referred to.

"It may be observed that in the event of the upper part of the bulkhead, where marked in red, being damaged by collision there would be some danger of water entering the space above the 'upper' deck, unless the weather conditions were unusually favourable, whence it would pass below down the open stairways."

Just below that you will see a table which gives the particulars. There is the draft of 34 feet 9 inches and freeboard to upper deck 10 feet 9 inches, making a total of 45 feet 6 inches. But the moulded depth is only 45 feet, because you take off 6 inches for the thickness of the deck, from which you measure, and also for the keel. Then you come to the moulded depth of 'upper' deck, 45 feet; then you assume a coefficient of 74 freeboard, Table A. = 13 feet, from which you deduct 3 feet 2 inches - I will show you why that is in a moment, my Lord - giving a total of 9 feet 10 inches with a length correction of 2 feet 1 inch, or a total of freeboard by Table C of 11 feet 11 inches for winter. You knock off 9 inches for summer. Summer, as your Lordship knows, extends from April to September, and as this ship was not sailing until April, it was summer. I am giving the freeboard required for summer of 11 feet 2 inches. The Surveyor reports that at the draft 34 feet 9 inches, the freeboard to upper deck will be 10 feet 9 inches, so that the freeboard to upper deck, less than Table C, is 5 inches. That is how the matter stood, my Lord. Then what happened was -

The Commissioner: You have not finished, you know. Is the remainder immaterial?

Mr. Edwards: No. You will see, if you look just below, that there was some difference in the measurements of the sheer, and Mr. Archer says that it is not material. It is not at all events material for the point which I now desire to make to your Lordship. Your Lordship will have to look at the whole of the correspondence directly.

Now may I ask your Lordship to jump the correspondence and go to, I think it is, the letter of the 20th June, on page 5?

The Commissioner: To whom is it addressed?

Mr. Edwards: It is from Harland and Wolff, and apparently it is addressed to the Assistant Secretary, Marine Department.

The Commissioner: Of what - the Board of Trade?

Mr. Edwards: Yes, my Lord.

The Commissioner: I wish the Minutes said to whom it is addressed.

Mr. Edwards: It was apparently sent to Mr. Carruthers.

The Commissioner: It begins "Dear Sirs" - in the plural.

Mr. Edwards: Yes, but that was the usual form of addressing the Board of Trade Surveyors at Belfast. If you look at the top of that page you will see another letter addressed, "Messrs. The Board of Trade Surveyors, Belfast."

The Commissioner: Is this to the Board of Trade surveyors at Belfast?

Mr. Edwards: Yes my Lord. If you will look at the letter you will see it says: "With reference to your letter of the 14th instant, as mentioned in our letter of the 3rd instant, we have been considering the question of the load draught of the above vessel, and as it seems probable that several difficulties may be overcome by our doing so, we are prepared to accept a freeboard slightly greater than Table C, say, about 1 inch greater, which will, we estimate, make the load draught about 34 feet 6 inches. The displacement corresponding to this is about 52,000 tons, and the tons per inch 143," and so on. Your Lordship probably has not the letter - it is one of the typewritten letters - but there is a letter dated the 17th May, 1911, of which the Board of Trade have handed me a copy. I can refer you to the same point in Mr. Archer's evidence, where he says that finally they were allowed a load draught of 34 feet 7 inches. Here you will see in the Board of Trade letter which I have read they give a load draught of 34 feet 9 inches. Harland and Wolff suggest an amendment which will give a load draught of 34 feet 6 inches, and finally they were given 34 feet 7 inches. If 34 feet 9 inches load draught gives a deficient freeboard, as is shown in the letter of the 30th April, of 5 inches, then a load draught of 34 feet 7 inches will give a deficiency of freeboard of 3 inches. But there was some mistake in the measurements. Now what I have to take your Lordship to is this. I have got to take your Lordship to Table C and show what in fact for this vessel ought to be the freeboard allowed. Has your Lordship Table C before you?

The Commissioner: I have it before me. Can you tell me, Mr. Edwards, for my guidance, what a coefficient of fineness is?

Mr. Edwards: If your Lordship will turn to -

The Commissioner: I want to know can you tell me?

Mr. Edwards: It is a certain allowance made for the ascertained buoyancy of the ship. That was the factor to which I was alluding. Messrs. Harland and Wolff contended in this case that it ought to have been a coefficient of fineness of .72, and the Board of Trade contended, as you will see by the letter, that there ought to have been a coefficient of fineness allowed of .74. Apparently there are not in this correspondence the figures which would determine what that coefficient of fineness should be - .72 or .74; and that was the point that I was rather putting would have to be worked out, if I may say so with respect, by one of your technical advisers. The difference on the

total is not sufficient to upset what I am contending as to the deficiency of the loadline requirements. Now, my Lord, if you will look at page 75 of this Table C you will find certain measurements given there giving what should be the height of freeboard amidships, that is to say, "measured from top of main deck at side," varying according to the moulded depth, and the total length given in that table, if your Lordship will look at the fifth column, is, total length 408 feet, and total moulded depth 34 feet. If you will look at the last column your Lordship will see that for steamers above 34 feet moulded depth you have to deduct the following amount from the freeboards given in Table A to obtain the freeboard for Table C. Now your Lordship has to turn back, if you will, to Table A, on page 59; and if your Lordship will look at the sixth column it there gives the moulded depth of 45 feet. We know that the moulded depth of the "Titanic" was 45 feet, so that you have to take the freeboard in that column, if the allowance for the coefficient of fineness be .72, of 12 feet 10 inches, less the deduction found on page 75 of Table C; and if .74, then 13 feet, less the deduction provided on page 75. Having done that, you then have to turn back to Table C, and you will there find, fairly well down the page in the first column, a correction in inches which has to be made for a change of 10 feet in the length. You will therefore have to multiply by a figure which is given in the following column of .8. If you multiply the difference between the figure of 540 feet on page 59 and the total length of the "Titanic" by .8, you get at certain figures. I submit, my Lord, that if those figures are taken they will show that for this ship the required freeboard to the upper deck was 11 feet 1 inch; and that if you take the actual freeboard allowed in this ship it is a fraction under 11 feet. So that there will be the difference between that fraction under 11 feet and 11 feet 1 inch deficiency in freeboard.

The Commissioner: It is a deficiency of 1 inch and how much?

Mr. Edwards: It is a deficiency of 1 inch on 11 feet, my Lord.

The Commissioner: No, it is a deficiency of 1 inch and a fraction of an inch.

Mr. Edwards: Yes, my Lord.

The Commissioner: Well, how much is it? Is it 1 3/4 inches, or 1 7/8 inches, or what?

Mr. Edwards: It is .6 or .06 of an inch.

The Commissioner: .06 is very different from .6.

Mr. Edwards: The reason, my Lord, is this. If you take the coefficient as contended by the Board of Trade as .74, then it is a deficiency of about 2 inches. If you take the coefficient of .72 as urged by Harland and Wolff, then it is a deficiency of 1.06 inches.

The Commissioner: 1.06 inches.

Mr. Edwards: That is so, my Lord. Perhaps your Lordship would ask, so as to enable Prof. Biles or one of your technical advisers to get the thing worked out, for the necessary materials from Messrs. Harland and Wolff - or perhaps the Board of Trade have them - upon which to determine whether the coefficient should be .72 or whether it should be .74.

The Commissioner: Does it make any difference for the purpose of your point whether it is .72 or .74? In either case, according to you, there was a mistake.

Mr. Edwards: In either case there was.

The Commissioner: Does it matter whether you take .72 or .74?

Mr. Edwards: Except that it becomes a little more -

The Commissioner: You aggravate it a little?

Mr. Edwards: Yes, I do not object to that word, my Lord. So much, my Lord, for that point.

Now I am going to direct your Lordship's attention to the correspondence. This correspondence is not, as I told your Lordship, quite in consecutive order, and there are four letters here which your Lordship has not got. What I am going to do, my Lord, is to give you broadly the contents of the letters, and then ask your Lordship to direct that the letters be put in the proper order, so

that your Lordship can look at them. I shall not take up the time of the Court in reading them. In these letters which are printed your Lordship will find that in the first place the Board of Trade surveyors did ask Messrs. Harland and Wolff to do a number of things. They asked that they should take the collision bulkhead fair up to the deck.

The Commissioner: To what deck?

Mr. Edwards: To the saloon deck, my Lord.

The Commissioner: What is it called - what letter?

Mr. Laing: D.

The Commissioner: Did not they take it up to D?

Mr. Edwards: Not fair, my Lord.

The Commissioner: What do you mean by "fair"?

Mr. Edwards: Instead of going straight up they stepped it 12 feet forward.

The Commissioner: Is there any reason why they should not?

Mr. Edwards: Except the view which, I think, you will find held by experts, that a bulkhead which is stepped has not the same resisting strength as a bulkhead that goes fair up. That is the first point.

Then, my Lord, I would call your Lordship's attention to two letters. On page 6 of the Collision Bulkhead correspondence there is a letter of the 20th July from Mr. Carruthers, the surveyor, to Messrs. Harland and Wolff: "With reference to my conversation with your Mr. Andrews regarding the collision bulkhead of this vessel, as you still object to extend the bulkhead on frame 134 up to the saloon deck, I have to suggest as an alternative that a bulkhead should be fitted between the upper and saloon decks at the after-end of the crew space - say, on frame No. 111, this bulkhead and also the upper deck between frames No. 111 and 134 being made practically watertight. The stairways leading to the lower crew space would require to be trunked up to the saloon deck and fitted with steel doors practically watertight, and any other openings in the upper deck, between frames No. 111 and No. 134 similarly trunked up." To which on the 21st July, 1910, Messrs. Harland and Wolff replied: "We are in receipt of your letter of 20th inst., for which we are obliged, and if it will finally satisfy the Board regarding this matter we see no objection, as you suggest, to making the present steel bulkhead, at the after-end of the crew space between the upper and saloon decks, on frame No. 111, watertight, which will serve the same purpose as if the collision bulkhead No. 134 had been carried straight up to the saloon deck instead of being cranked forward about 12 feet on to frame No. 140 as at present. We cannot, however, consider or see what material advantage could possibly be gained by trunking up between the upper and saloon decks the stairways, hatch, and other openings, and making the upper deck watertight forward of frame 112, as if the vessel were damaged forward of this watertight bulkhead, only No. 1 hold and the firemen's passage could become flooded, while the sketch we submitted to you some time ago shows that especially the forward bulkheads of these vessels, so arranged that there is a large margin of safety with any two compartments flooded." Then, apparently, the Board took the view of Messrs. Harland and Wolff up to a certain point, because you see a Minute of the Board appended: "The builders might be informed that the Board are pleased to note that a bulkhead will be fitted on frame 111 between the upper and saloon decks, but they still consider it desirable for the hatchway and spiral stairways to be trunked up to the saloon decks and made practically watertight. If, however, the builders are still unwilling to do this, they should submit a copy of their calculation of the trim of the vessel when the fore compartment is open to the sea, and the No. 1 compartment and firemen's passage are full of water up to the waterline." Now, my Lord, there is only one other letter to which I want to refer.

Mr. Laing: They did supply the figures, you know, and the Board of Trade approved of them.

You will find at the bottom of page 8 they approved of them.

Mr. Edwards: I was going to say that generally. It is only fair to the builders to say, if your Lordship will look at page 9 of the correspondence, that this appears: "Noted. This vessel is now completed and all the requirements of the Board contained in this Minute have been satisfactorily carried out."

Mr. Laing: I would rather you read the one at the bottom of page 8.

Mr. Edwards: "With reference to yours of the 10th August enclosing calculation of trim of vessel with No. 1 hold, firemen's passage and forepeak flooded, I have to inform you that this is considered satisfactory, and that the openings in the upper deck leading to the firemen's passage and to No. 1 hold will not now be required to be trunked up watertight to the saloon deck." You remember, perhaps, my Lord, that Mr. Archer, who had made this recommendation, gave certain evidence, and he stated in reply to a question of mine that he thought, in the light of the "Titanic" disaster, it would have been very much better if these requirements at that time had been insisted upon. This is not against the builders at all.

Mr. Laing: I think that is a misconception, if I may say so.

Mr. Edwards: I do not know that I need call special attention to it. All these letters go to the one point, that in the first place the Board of Trade surveyors do appear to have anticipated the thing, and do appear to have made certain recommendations which, after a discussion with London, and after a discussion with the builders, one by one, they appear to have abandoned.

What I was just going to allude to was this, and it comes to the final point as to the rules and regulations of the Board of Trade. I desire to reiterate what I put in reply to your Lordship's question that the view - I think the right view - is that there should be by the Board of Trade rules and regulations of a binding character; that those rules and regulations should go fairly low down in the gradation of detail; and that there should be standards definite and enforceable by which the surveyors in each locality are to be guided. As to what particular rules and regulations there should be, that is not a matter with which one can entirely deal with here, of course. As to the nature and character of bulkheads, that has gone to a committee; as to whether there should or should not be watertight decks, that has gone to a committee; as to what I may call the interrelation between the sinkability of the ship and the boat accommodation that has gone to a committee. But there are a certain number of things which are still left open, and here I have to say one or two words particularly on behalf of my friends who are not addressing your Lordship. I am asked, on behalf of Mr. Cotter, to emphasise that the Board of Trade should insist upon an efficient boat drill, in which every member of the crew of a ship may take part. I am also asked, on his behalf, to emphasise the need for there being rules and regulations which shall be insisted upon as to bulkhead door drill. He also desires to commend to your Lordship the recommendation of one or two of the witnesses, that there should be lifebuoys, with acetylene lamp attachments, so that any persons unfortunate enough to be thrown into the sea in a catastrophe of this kind may be seen, and he also asks very specially - it probably will be a matter that your Lordship will rather urge should be considered by the Boat Committee - that attention should be given to the rigid need for the consideration of the method of lowering and raising boats. He also asks me to say - and in this I join with him, although it was very well put by my friend Mr. Scanlan - that in the light of the "Titanic" disaster, and in view of the fact that as yet the unsinkable ship has not been designed, there should be a drastic alteration in the Regulations of the Board of Trade with regard to boat accommodation. Those are also points which I am asked to urge on behalf of Mr. Lewis.

I am not going to take up your Lordship's time on the question of the relative unsinkability of the ship, but your Lordship will remember that when Sir Norman Hill was in the box he produced certain Minutes of Proceedings of a certain Committee. I have had an opportunity of

looking through those Minutes, and I am quite sure, bearing in mind that they were the utterances of skilled men, that they will weigh with your Lordship. I am not going to ask your Lordship to trouble to go through all the Minutes, but I would ask your Lordship, particularly to refer to the following pages: 34, 37, 38, 43, 52, 55, 56, 58, 59, and 63. What those Minutes broadly show is this, that at present there is no design that has yet been evolved of a ship that makes her even practically unsinkable, and that, therefore, in the ordinary course of things the possibility must be contemplated of disasters in future; that your Lordship must therefore consider the question of to what extent there should be boat accommodation. Your Lordship will, I hope, in your finding, give as the result of this Enquiry certain suggestions more specific than have yet been made to the Committee as to the considerations to which they should direct their minds in considering an increase in the boat accommodation.

There is only one other point, my Lord, and I have finished, and that is this. Apart altogether from the particular Rules and Regulations of the Board of Trade; apart altogether from the question as to whether these so-called Rules and Regulations are suggestions as a guide, and not Rules to bind - I shall submit to your Lordship, in connection with the final question which your Lordship has to decide, that there has been disclosed in these proceedings an extraordinary state of affairs as to the general outlook on the part of the Marine Department of the Board of Trade in regard to these matters. When one remembers that Sir Alfred Chalmers has been the responsible technical adviser for so many years, and when Sir Alfred Chalmers declares that to him no single Rule or Regulation of the Board of Trade should be altered, when Sir Alfred Chalmers tells your Lordship that the "Titanic" disaster has no lesson for the Board of Trade, one is, by a lightning flash, given an amazing revelation as to the character and personnel of this Department.

The Commissioner: Sir Alfred Chalmers is no longer an official of the Board of Trade.

Mr. Edwards: That is true, my Lord, but Sir Alfred Chalmers was the responsible technical adviser at the time that the "Titanic" was being designed. And I ought to say that it was gratifying, it was encouraging, it was relieving that his successor is a man of a totally different view, and I hope that as the result of this Enquiry something may be done.

Now, my Lord, again I desire to thank you for the perfectly amazing patience that you have manifested in a difficult Enquiry. It has not been an easy task for any of us; it has been a sad task; it has been in many parts an unpleasant task, because of the seeking to find those, if any, on whom blame should be attached. It has been the most appalling calamity of its kind in the world's history; but if as the result of this Enquiry, guided by your Lordship's great skill, by your Lordship's profound patience, and by the skilled advice of your advisers - if as the result of this great calamity something is done to make travelling by sea safer; something is done by better equipment, by increased use of system of wireless telegraphy, to diminish the toll of the loss of life at sea, then those fifteen hundred people who have gone to the bottom of the Atlantic will not have died in vain.

The Commissioner: Thank you, Mr. Edwards.

Sir Robert Finlay: My Lord, it is now my duty to address the Court on behalf of the White Star Line, and in speaking on behalf of the White Star Line I may say, as I have already intimated, that those who represent Captain Smith have put themselves in my hands; and I desire to say, in the first instance, a very few words with regard to Captain Smith. I stated that it was the desire of myself, as representing those to whom he was dearest, that no technical difficulty should stand in the way of a complete examination into the circumstances connected with this great disaster. We desire that these circumstances should be thoroughly probed, and I shall ask the Court when that examination is complete to say that no blame of any sort or kind attaches to Captain Smith, or to those who were associated with him in the navigation of this vessel. No immunity is asked for on behalf of Captain Smith because he is dead. He died on the deck, as many an English captain has

died, and as many an English captain will die. But his conduct must be investigated, and I trust that the result of that investigation will be that his character as a skilful commander comes out absolutely untarnished. At the same time I must say this, that I think we might have been spared some of the attacks that have been made upon Captain Smith by Mr. Harbinson and by Mr. Edwards. Your Lordship will recollect the nature of the observations which formed the staple of some considerable portion of both their speeches, to the effect that Captain Smith had been influenced by one who was but a passenger on board the vessel; had deferred to his opinion and had wished to throw the responsibility for the Captain's course of action upon him. May I remind your Lordship of the way in which the position of a Captain with regard to any person on board, be he director or be he owner, was defined in terms not unlike those used by your Lordship. I refer to Captain Rostron's evidence. The passage will be found at page 745 of the transcript, at the top of the page. I say to Captain Rostron: "You gave evidence in America? - (A.) Yes. (Q.) May I put one passage to you? You were asked this by Senator Smith. I am reading to you from the evidence in America. 'Captain, is it customary to take orders from a director or a general officer of the company aboard? - (A.) No, Sir. (Q.) From whom do you take orders? - (A.) From no one. (Q.) Aboard ship? - (A.) At sea, immediately I leave port until I arrive at port, the Captain is in absolute control, and takes orders from no one. I have never known it in our company or any other big company when a director or managing owner would issue orders on that ship. It matters not who comes on board that ship, they are either passengers or crew. (Q.) There is no official status and no authority whatever with them? That is correct? - (A.) That is correct. (Q.) Did you know Captain Smith? - (A.) Yes. (Q.) He was a very experienced officer, I think? - (A.) Yes, very. (Q.) Of very high standing? - (A.) Very high indeed." My Lord, it is suggested by Mr. Harbinson and by Mr. Edwards with regard to this officer of great eminence, who died on the deck, that he was guilty of a departure from all the traditions of the Service; that he deferred to the opinion of one, the chairman of the company, who happened to be on board: that he wished to devolve the responsibility upon him; and that he was guilty of abdicating the duty which was incumbent upon him. I do not desire to read at length what was said, but I may refer to page 779 of the Notes of yesterday's Proceedings, setting out Mr. Harbinson's speech on this matter. I may summarise his remarks in this way. He suggested that Mr. Ismay's mere presence on board affected the navigation of the ship. He said it. He said that the Captain, when he handed that telegram from the "Baltic" with regard to the ice to Mr. Ismay, he handed it to him to invite his opinion, and he finally said that he did not accept as true Mr. Ismay's statement that he had no conversation with the Captain upon it.

Then, my Lord, Mr. Edwards said this - I will refer to the page, the imputation is so serious. Your Lordship will find this at page 785, in the second column, at the end of the fourth paragraph from the top: "I suggest that in view of his own evidence" - that is Mr. Ismay's evidence - "there is only one conclusion, and that is that the Captain was anxious that whatever was done should be done upon the responsibility of Mr. Ismay. Well, my Lord - (*The Commissioner.*) I mean by shaking my head that he could not accomplish such a thing. (*Mr. Clement Edwards.*) That may be. (*The Commissioner.*) The Captain could not shift his responsibility. (*Mr. Clement Edwards.*) That may be, my Lord. I at once recognise that whatever pressure may have been put upon him by the owner, he had got charge of that vessel and could not in any way get rid of his legal liability before he got into port. (*The Commissioner.*) Nor his responsibility. (*Mr. Clement Edwards.*) Nor am I suggesting it was an effective thing, but I am leading up to something else." Then at the bottom of that column, at the last line but one on page 785, Mr. Edwards returned to the charge: "I suggest that it was nothing of the sort, but that Mr. Ismay was anxious that there should be a record - I am not suggesting by that anything improper - but that he was hoping for a record first passage for this great ship. One knows what the stress

of competition is, and how valuable from the point of view of commercial success, as we know from what is said in the papers, an advertisement of that kind is; and I again suggest, not that he could do it lawfully or legally, but that at all events in order that the onus - the responsibility - should be with Mr. Ismay and not with the Captain was the purpose for which the Captain handed that message to him."

I say, my Lord, that is a most unworthy suggestion. It is a suggestion that never ought to have been made. It imputes to a man who has died in the discharge of his duty, who is of the highest standing, the highest capacity, that he departed from all the rules by which his profession is guided. It is a suggestion for which there is not a tittle of evidence; and, more than that, it rests on an assumption which is directly negatived by the evidence. It is put that Mr. Ismay was anxious - and that the Captain lent himself to it - that there should be a record passage. If the evidence had been looked at before such a cruel insinuation was thrown out it would have been found that the reverse is the case. Your Lordship has in mind - because I know it was a point to which your Lordship at once called attention - the evidence given by Mr. Sanderson. It occurs at two pages, and by putting them together you get the result - pages 476 and 498. When those two passages are compared, it is obvious that this was not intended to be a record passage nor anything of the kind. In fact, I think I may appeal to your Lordship, and to the experienced gentlemen who sit beside you, as to whether it would be a usual thing to attempt to have what is called a record passage on the first trip of any vessel. Anyhow, that was not attempted, and was not intended with regard to the "Titanic." At page 476 Mr. Sanderson gives the figures with regard to the "Olympic," at Question 19281: "No doubt the White Star keeps a record showing what is the best done by the White Star, and we shall see how this matter stands? - (A.) I can give it to you. The fastest passage the "Olympic" has ever made from Queenstown to New York is 5 days, 7 hours, 29 minutes." And then at Question 19284: "From New York to Plymouth, her fastest passage is 5 days, 14 hours, 32 minutes." There you have got the "Olympic." Then, at page 498, your Lordship had cleared up the question of what the duration of the voyage of the "Titanic" would have been if it had been followed out as was contemplated, arriving on the Wednesday morning. It is Question 19788 - this is still in Mr. Sanderson's evidence - and the Attorney-General is speaking: "Supposing she had left Queenstown at 2.30 on the 11th April and had arrived in New York on the Wednesday morning at 5 o'clock her passage would have taken, allowing, of course, for the voyage westward, five days, 19 hours, and 30 minutes? (*Sir Robert Finlay.*) Arriving on Wednesday morning. (*The Attorney-General.*) Allowing for her arrival at 5 o'clock on Wednesday morning. The record, I think, that was given yesterday of the 'Olympic' from Queenstown was 5 days, 17 hours and 29 minutes." That is a mistake that was corrected three lines further down. (*The Commissioner.*) So that the 'Titanic' would have taken about two hours longer? (*The Attorney-General.*) Yes, if she had arrived at 5 o'clock on Wednesday morning. (*The Witness.*) I think the difference was more than that, my Lord. I think the 'Olympic's' time was 5 days, 7 hours - not 17 hours. (*Mr. Maurice Hill.*) It was 7 hours, my Lord. You will find it on page 476 of the notes. (*The Commissioner.*) What is it, Mr. Hill? (*Mr. Maurice Hill.*) Five days, 7 hours, 29 minutes. (*The Attorney-General.*) Is that right? - (A.) Yes, 5 days, 7 hours, and 29 minutes is correct. (*The Commissioner.*) Then it is a difference of 12 hours? - (A.) Yes, 12 hours." Under those circumstances, my Lord, is it not a little too bad that there should have been laid this foundation for an attack upon the memory of Captain Smith - that they were bent upon making a record passage in the "Titanic," when it is perfectly obvious they were bent on doing nothing of the kind. It was contemplated that they should not attempt to arrive on the Tuesday evening, but that they should only get in on the Wednesday morning, as it would be more convenient in other respects. So that the whole of the foundation upon which this monstrous charge has been based is not only unsupported, but it is destroyed by the evidence

itself. It is further destroyed by the conversation to which I shall have occasion to refer again when I deal with Mr. Ismay's evidence in detail, and from his point of view - the conversation between Mr. Ismay and Mr. Bell at Queenstown. I venture to say, my Lord, that this suggestion ought never to have been put forward - that the Captain handed this telegram from the "Baltic" about the ice to Mr. Ismay to get his opinion, to be told by him what was to be done, or because he was anxious to devolve the responsibility upon him. I say there is no evidence of it whatever. Your Lordship was told that the disaster was one of unparalleled magnitude. That the disaster is unparalleled in its magnitude is no excuse for throwing such aspersions upon the memory of a dead man.

(After a short adjournment.)

Sir Robert Finlay: My Lord, there is one other point of a preliminary nature on which I must say a few words, and that arises out of the observations made by Mr. Edwards with reference to Mr. Ismay's getting into this boat and leaving the vessel. Your Lordship asked what was the duty on which Mr. Edwards was insisting, and as far as I understood his position it was this. He said Mr. Ismay had no right to save his life at the expense of any other life.

The Commissioner: No moral right.

Sir Robert Finlay: No moral right. Mr. Ismay did not save his life at the expense of any other life. If Mr. Edwards had taken the trouble to look at the evidence he would have seen how unfounded was the charge he was levying against the living Mr. Ismay as against the dead Captain Smith. If your Lordship would look at three pages 443, 453 and 464 your Lordship will see that there is not the slightest ground for the suggestion that any other life would have been saved if Mr. Ismay had not got into that boat. The only result would have been that the boat would have gone away with a place empty, no other person would have got into it, and no other life would have been saved. It is on page 443, beginning at Question 18555, "But, except the collapsibles, had every boat been lowered? - (A.) Every wooden boat was away. (Q.) All the eight on that side? - (A.) Yes. (Q.) Did you see how many passengers were put into this collapsible? - (A.) No, I did not see at the time. (Q.) Did she appear to be full? - (A.) She was very fairly full. (Q.) Would you tell us what happened after you got the women and children in? - (A.) After all the women and children were in and after all the people that were on deck had got in, I got into the boat as she was being lowered away." Your Lordship called attention to that passage, which I have no doubt you had in your memory while Mr. Edwards was speaking. He did not get into the boat till she was being lowered away. Then on page 453, at Question 18866, your Lordship put to Mr. Edwards this: "(Q.) Your point, Mr. Edwards, as I understand, is this: That, having regard to his position, it was his duty to remain upon that ship until she went to the bottom. That is your point? (*Mr. Clement Edwards.*) Yes, and inasmuch - (*The Commissioner.*) That is your point? (*Mr. Clement Edwards.*) Frankly, that is so. I do not flinch from it a little bit. But I want to get it from this witness, inasmuch as he took upon himself to give certain directions at a certain time, why he did not discharge the responsibility even after that, having regard to other persons or passengers? - (A.) There were no more passengers to get into that boat. The boat was actually being lowered away. (Q.) That is your answer? - (A.) Yes." Then at page 464, Question 19058, the Attorney-General says: "The object of these questions I am putting to you, Mr. Ismay, is to draw your attention to this, that, at any rate, when the last boat left the 'Titanic' you must have known that a number of passengers and crew were still on board the vessel? - (A.) I did. (Q.) And you have told us that you did not see any on the deck? - (A.) I did not. (Q.) At least, I think you limited that to passengers; I am not sure you were asked about the crew? - (A.) There were no passengers on deck. (Q.) And you said also that you did not see any as the boat

was lowered? - (A.) I did not. (Q.) I am not sure whether you said it in answer to the Court, or whether it is only in the statement I have got from you, but at any rate that was your view; as the boat was lowered and you passed the decks you did not see any passengers on the decks? - (A.) I did not." Now, Mr. Edwards said that Mr. Ismay's plain duty was to have gone away looking for passengers. The boat was being lowered. Mr. Ismay might have gone and looked for passengers; he could not have brought any passenger in time to have occupied the place in that boat, for the boat was actually being lowered; it was not till that moment that he stepped in.

Then the question comes to be this: was it Mr. Ismay's duty to remain there, although by doing so he could save no other life, although by doing so he could have done no good to any human being? My Lord, if Mr. Ismay had felt impelled to commit a suicide of that kind, the same kindly critics who are now attacking him would have said that he went to the bottom because he did not dare to face the Enquiry that he knew must follow. I submit to your Lordship that there is no observation of an unfavourable nature to be made from any point of view upon Mr. Ismay's conduct. There was not upon him that duty which the Captain always feels to go down with the ship if there still remains anyone else on board. Mr. Ismay did all he could in the way of helping the women and children. It was only when the boat was actually being lowered and when that place would have gone away empty that he got into it. I submit to your Lordship that Mr. Ismay violated no duty; he violated no point of honour - I will put it as high as that - and that if he had thrown away his life in the manner now suggested it would have been said by those who are now attacking him that he did it because he was conscious that he could not face the Enquiry into the loss of this vessel.

My Lord, I pass from these preliminary matters, and I am glad to do so, and I shall now direct the attention of the Court to the evidence taken under two heads, the first relating to the navigation of the vessel in view of the announcements which had been made with regard to ice; the second relating to the number of boats provided, the use that was made of those boats, and generally the way in which things were managed after the collision had taken place, and it was known that the vessel was in danger.

Now the first of those points depends of course to a great extent upon the question of the ice warnings, and I wish to bring home to the Court the fact that there were only three ice warnings which reached the officers of the "Titanic"; there was the ice warning from the "Caronia," there was the ice warning from the "Baltic," and there was the first message from the "Californian." The second message from the "Californian" was never transmitted. The answer was, "Keep out; I am busy with Cape Race." The message from the "Mesaba" was never taken to the bridge, in all probability for the same reason, and the message from the "Amerika," which was one sent merely for transmission to Cape Race, was laid aside with the others to be transmitted, and was never, according to the evidence, handed to any one of the officers.

Now the three messages we have to deal with are the "Caronia," the "Baltic," and the first message of the "Californian." I would ask your Lordship to look at this chart, which is on a very much enlarged scale. It is divided into 20 miles squares, and is drawn on a scale of quarter inch to the mile. It sets out in a pictorial way what the state of things, as shown by these messages, was (*handing in the same.*) Your Lordship sees there the interval between longitude 49 and longitude 51, at latitude 42 N., which represents the region where, according to the "Caronia," message, bergs, growlers and field ice were to be found on the 12th April. There is a line indicating the position. Of course, that line does not mean that the whole of that was occupied by a solid barrier of bergs and field ice; only that the message of the "Caronia" showed that there was a good deal of ice in various forms between these two degrees of longitude, and in or about latitude 42 N. Then your Lordship will observe the spot where the ice reported by the "Baltic" is; it is a report of bergs and field ice in 41.51 N. latitude, 49.52 W., as reported by the Greek

steamer, the "Athenai"; and lastly, your Lordship will observe the ice reported by the "Californian," three bergs, five miles to the South of the position of the "Californian." The position taken for the "Californian" there is 42.5 N., as the Captain gave it. The message states 42.3 N. as being its position, so there would be two miles difference - I do not think, for my purpose, it makes any difference - and the message was that the three bergs were five miles to the South of the position of the "Californian" in 42.5 or 42.3 N. and 49.9 W.

That is a picture of what had been brought to the mind of the Captain of the "Titanic," and of the officers. Would your Lordship now kindly look at the message sent by the "Caronia," which was the first in the order of date. It was sent at 9 on the morning of the 14th April, the Sunday - I am taking "Titanic" time throughout for convenience.

The Commissioner: Ship's time?

Sir Robert Finlay: Yes, 9 a.m. on Sunday, the 14th April. The message your Lordship will find set out at page 374 of the evidence. It is Question 16099. It is addressed to "Captain, 'Titanic,' Westbound steamers report bergs, growlers, and field ice in 42 degrees N. from 49 to 51 W., April 12, Compliments, Barr." Now, the important points to be noticed about that telegram are that it reports bergs, growlers, and field ice in that locality; and, secondly, that it is a report of ice in these various forms having been seen in that locality on the 12th April. That your Lordship will find, I think, is very important, that Westbound steamers reported ice in that locality on April 12th, that is to say, at least 48 hours' before the time when the collision took place, and in all probability a good deal more. I mean a good many hours more, but at least a minimum of 48 hours. When the "Titanic" got that message, that is to say, at 9 in the morning of Sunday, the 14th April, she was in longitude 43.50 W. and 43.35 N. That does not appear in that large chart, because there really was not room to go so far back and so far up.

The way we get that is this: We know that she turned the corner, that is the corner that she took further to the South, at 5.50. We reckoned back from that at 22 knots, and that brings us to that position.

The Commissioner: Which position?

Sir Robert Finlay: The position I have given, 43.50 W., 43.35 N. It is marked on this chart which I have before me, if I may show it to your Lordship. (*Handing same to the Commissioner.*) Then if your Lordship will also observe at the same time as that smaller chart is before you the position of the "Titanic" when the "Baltic's" message was received, reckoning in the same way back from the corner where she turned at 5.50, you get the "Titanic" at the time she received the "Baltic's" message at 45.40 W., 42.35 N. She was a little further to the Southward, and of course a good deal further to the West.

The Attorney-General: Have you the Titanic's time?

Sir Robert Finlay: Yes, the "Titanic's" time was 1.42. Now, my Lord, the message sent from the "Baltic" is set out at page 377, Question 16176. It will, of course, also be in the collection of the various Marconigrams which has been printed for the convenience of the Court.

The Attorney-General: It is not in the proces-verbaux, it is in "received and sent messages."

Sir Robert Finlay: I almost think it might be more convenient to take it from the shorthand notes.

The Commissioner: Perhaps it is.

Sir Robert Finlay: "Captain Smith, 'Titanic.' Have had moderate variable winds and clear fine weather since leaving. Greek steamer 'Athenai' reports passing icebergs and large quantities of field ice today in latitude 41.51 N., longitude 49.52 W. Last night we spoke German oil-tank steamer 'Deutschland,' Stettin to Philadelphia, not under control, short of coal, lat. 40.42 N., long. 55.11 W. Wishes to be reported to New York and other steamers. Wish you and 'Titanic' all success. - Commander." That is the message sent by the "Baltic." The third message is the

message sent by the "Californian"; that was sent a good deal later. The "Caronia" message reporting ice two days before, on the 12th April, was sent, as I said, at 9 a.m. on the Sunday. The "Baltic" message was sent at 1.42 in the afternoon, and the "Californian" message, the first message from them, which was given to the officers was at half-past 7 or 7.25 - it is variously given - on the Sunday. It was a message sent to the "Antillian" and overheard by the Marconi operator on board the "Titanic." That message your Lordship will find at page 201, Question 8943: "To Captain, 'Antillian,' 6.30 p.m. apparent time, ship; latitude 42.3 N., longitude 49.9 W. Three large bergs five miles to Southward of us. Regards. Lord." As I said, Captain Lord, in his evidence, gave the latitude as 42.5 N., but the telegram puts it at 42.3 N. I do not think for my purpose it makes any difference. It would make two miles difference, of course. The "Titanic" at the time she got that message at 7.30 p.m. would be in 48.12 W., 41.52 N. With regard to the "Caronia" message and the "Baltic" message the receipt is admitted by the officers and admitted on all hands. With regard to the first message from the "Californian," no officer has spoken of it, but Bride, the Operator, says he did take it on to the bridge, and, of course, there is no contradiction; so that it may be taken that message was received on the bridge. Bride, your Lordship may recollect by mistake - some confusion I should think with the New York time - put it at 5.30; it really was 7.30 or 7.25. Bride did say 5.30, but that must be a mistake. On the evidence, it stands that Bride gave it to someone, we do not know to whom, some officer on the bridge, at 7.25 or 7.30.

The Commissioner: I think Bride says it is the only telegram that he had any recollection of.

The Attorney-General: Yes.

Sir Robert Finlay: With regard to all the other messages, that from the "Mesaba," which warned about that great oblong which your Lordship remembers is drawn on a chart which was handed up by my friend the Attorney-General, showing the great oblong which was first delineated by the Solicitor-General in the course of the case -

The Commissioner: Do you suggest, Mr. Attorney, that I ought to take into consideration any other telegram than the three which Sir Robert Finlay has referred to.

The Attorney-General: No, my Lord, we cannot carry them further than they have been carried. They got to the Marconi room, but this is as far as we can take them.

The Commissioner: My view at present is that we ought not to fix the ship with knowledge of any telegram except those three. I do not think we ought to do it.

The Attorney-General: I assented to that.

The Commissioner: I only ask you because, if you are going to say that we ought to take into consideration others, I think you had better let us know.

The Attorney-General: I assented to that view some days ago when your Lordship put it.

The Commissioner: You did.

The Attorney-General: Yes; I am not departing from it. I said we could not take it any further, and I was not going to attempt to prove any more.

The Commissioner: Then I do not think you need trouble about this, Sir Robert.

Sir Robert Finlay: I was only going to say this: I think I may put it higher than that it is not proved; I submit it is proved that we did not get them.

The Commissioner: But that does not matter, because I am going to proceed on the assumption that you only had the three.

Sir Robert Finlay: May I be allowed to make only one observation - I am quite satisfied with what your Lordship has said - and it is this, that the reason why we did not get them is this: the message from the "Mesaba" and the second message from the "Californian" came to the operator when he was busy with Cape Race.

The Commissioner: That is, no doubt, the explanation to my mind at present - that he was busy

with private telegrams, and he did not think those were of any significance, and he put them aside.

Sir Robert Finlay: I do not know whether the system might be amended, but it is quite obvious that if the operator is busy with private telegrams, which are paid for in addition to the lump rate which covers ship's messages, of course he is naturally and properly enough, from the point of view of his company, anxious to get on with that branch of his business, and puts aside the others.

The Attorney-General: Oh, no; I do not know whether my friend bears in mind the evidence which has been given, and I thought it was beyond question that that is just what he must not do; all other messages have to be put aside for navigation messages.

The Commissioner: The rule, no doubt, is, as I remember it, that telegrams affecting the navigation of the ship are to be given precedence of all. That is the rule.

The Attorney-General: Yes.

The Commissioner: But whether Phillips attended to the rule is another matter.

Sir Robert Finlay: Your Lordship recollects, with regard to one message from the "Californian," that the answer was: "Keep out; I am busy with Cape Race." That was the message with regard to ice.

The Attorney-General: The question as to whether Phillips did it or did not is a matter which is very difficult to inquire into further; but my friend's observation was directed to the general system. Your Lordship will remember that we went into it with great care, and I produced the rule and showed exactly what the precedence is, beginning with the distress message first, and then navigation messages, and proceeding then to Government messages, or, rather, Government messages before navigation, and then going on to the private messages.

Sir Robert Finlay: Yes.

The Attorney-General: It was very clearly stated.

Sir Robert Finlay: I am not in conflict with the Attorney-General at all about that. What I am upon is the desirability of the rules being more rigidly observed.

The Commissioner: That may be. If I come to the conclusion that Phillips did not follow his directions I may have to say something about it; but unless I am very well satisfied that he neglected his duty I shall not say anything.

Sir Robert Finlay: It is only fair to remember that Phillips is dead, and we have not his account. But what is established is this, that these messages did not reach the bridge, and the only observation I want to make is this, that it is a very great calamity that these messages, particularly the "Mesaba" message, did not reach the bridge. The "Mesaba" message was, as Mr. Lightoller said when his attention was called to it, one of a very startling nature, and the whole of this calamity might have been averted, and in all probability would have been averted, if that "Mesaba" message, which arrived very late, not very long before the collision, about 11 o'clock I think, had been taken down and taken to the Captain or to the officer in charge on the bridge. But that was not done. The same thing applies to the "Amerika" message. The "Amerika" message was received much earlier in the day; it was received between one and two, but it was received only for transmission to the Hydrographic Department via Cape Race. It is quite clear that what happened to the "Amerika" message was this: it was put aside to be dealt with along with the mass of Marconigrams that were to be sent off as soon as they got in touch with Cape Race, which happened at 8.30, and from 8.30 onwards down to the time of the collision the press of work in dealing with Cape Race, private messages to Cape Race and messages from Cape Race, was very great, and kept the operator very busy indeed.

What I do suggest is that while I agree with the Attorney-General that the rules are excellent, attention might be called to the vital necessity of the Marconi operator always postponing any

business in which he may happen to be engaged for a matter of that kind. I only refer, by way of illustration, to what happened to the witness, Bride. Your Lordship recollects that a message arrived to the "Titanic" about ice. He was busy with his accounts, and he went on with his accounts. Then twenty minutes afterwards he heard that same message being repeated to another vessel, and he took it down and handed it over. He says, and it may be the case, that if he had not overheard it being sent to another vessel he would have asked the vessel that sent it to repeat the message. That may be, but at the same time I think that it is a point which requires emphasising, that as soon as the Marconi operator gets a message, whether it is intended for another ship primarily, or whether it is directed to the ship on which he is, postponing everything else if it relates to ice, or a derelict, or anything of that kind, he should communicate with the officer in charge on the bridge or with the Captain himself.

The Attorney-General: I only wish to say this. I quite follow my friend's suggestions with regard to that, but he has made certain observations, and although he may not mean them to cast a reflection upon Phillips, I cannot help thinking they do, and if that is intended we ought to have had an indication at a very early stage in this matter. When we discussed the "Mesaba" your Lordship indicated that you could not see at present that that message had got to the bridge; I agreed that upon the evidence that was the position and there was no means of proving it. And, therefore, in your Lordship's view, that message was to be left out. I remember quite well, when I handed up this document to your Lordship, which had been compiled, giving the five telegrams which had been received with regard to ice, I pointed out specifically that I was not going to deal with the "Mesaba" because of what had been said. I treated that as out of the case altogether, and, so far I have understood hitherto, that it has been since we adopted that view.

The Commissioner: I do not understand Sir Robert Finlay to say more than this: the "Mesaba's" message did arrive; it does not, as far as the evidence goes, appear to have been delivered on the bridge, and if it was not delivered on the bridge - there is always an "if" - then it is desirable that the attention of the men in the Marconi room should be directed to the importance of it.

The Attorney-General: I should not have objected and should not object to anything which was stated which would indicate that it was not taken to the bridge, and my friend is entitled to suggest to your Lordship that you should say, if you think it right in view of the evidence which has been given, that special attention should be given to navigation messages. The point I am upon is that upon the evidence which is all we have to deal with, those special directions are given. My friend's observations which he has just made certainly indicate this, as I follow him, that if that message had been delivered it would have made, according to the argument he put before you, or might have made a very important difference. If he is going to say that, I am equally entitled to say, and shall say - I give this notice of it at once in consequence of what my friend has said - that I cannot leave it where he left it, or rather where your Lordship left it when you asked me the question, and I left it out of the case. After what my friend has said, I cannot leave it there. It seems to cast a serious reflection, upon the man who received it. The suggestion is that he was not carrying out his duty, which was to give the navigation message to the bridge, and my friend says if that is the case it was important that there should be special directions given.

The Commissioner: It has nothing to do with the Enquiry.

The Attorney-General: I agree; but I do object to this being said after my saying in answer to your Lordship that I treated this as being a message which had not been received at all, and it was ruled out of the case, and nothing further was done. I object to my friend making these observations which, however much he may disclaim the intention do carry with them a reflection upon the person in charge.

The Commissioner: They are observations which have nothing to do with the Enquiry.

The Attorney-General: I agree, but if they are made it makes it necessary for me to reply to them.

The Commissioner: Here are three messages which are admitted to be received. What Sir Robert Finlay has to do, in my opinion, is to satisfy me, if he can, that in face of those three messages this ship was justified in going at 22 knots an hour.

Sir Robert Finlay: I accept that absolutely.

The Commissioner: That is the real point. Let us leave out the "Mesaba" altogether.

Sir Robert Finlay: Be it so, my Lord. Now, the first observation I wish to make is this, that ice in the sea is not fixed. A good many observations have been made in some quarters as if, when you had notice of an iceberg being at a particular point, you were to proceed as if the berg were moored in that quarter and change your course if you were heading there. Of course, an iceberg is not fixed. Captain Rostron dealt very effectively with that point. He said, of course you do not change your course even in the case, as I gathered he intended, if you are heading for that spot where the berg is reported; of course you do not change your course, because the iceberg is itself moving. It is exactly like two vehicles crossing one another. One is heading for the spot where the other is, but both are moving, and the vehicle that is heading for the other continues on its course; it passes over the spot where the other vehicle was, but where, owing to its motion, it is no longer. It would be absurd to proceed on the idea that when an iceberg is reported as being at a particular spot you are to take it as if it were going to remain there. An iceberg drifts in a manner which I shall deal with presently. With regard to field ice it is somewhat different. Field ice does not drift to the same extent, and its direction in this locality would not be quite the same.

Your Lordship has observed that this Marconigram related to bergs and to field ice. Now the drift of icebergs in this locality it is impossible to ascertain with entire accuracy but what we do know is this: You are in the region of the Gulf Stream. The Gulf Stream runs there in a direction to the north of east, and it runs at the rate of something like 2 or 3 knots. That is stated in the volume of the "United States Pilot," which has been so often referred to, at page 11. It is of course, rather rough; various rates are given; I will not read the whole passage. The direction, as appears on the chart, of the Gulf Stream, is to the north of east, roughly E.N.E. Now that would take field ice in that locality in an easterly or slightly north-easterly direction. With icebergs it is different, because, under the Gulf Stream, you have the Labrador Current running in a southerly direction. The Gulf Stream is, I suppose, some 50 or 60 fathoms deep, and underneath that you have the cold Labrador Current running. May I again refer your Lordship to the "United States Pilot," Part I., at page 12, and page 34. They say the Labrador Current is "very irregular in its action, but attains at times a velocity of from 20 to 30 miles a day; vessels therefore find no difficulty in working to the westward when anywhere northward of the Gulf Stream; and vessels crossing the Gulf Stream should be on the look-out for it."

Then at page 34 you have this passage with regard to ice: "These icebergs are sometimes over 200 feet in height, and of considerable extent; they have been seen as far south as latitude 39 deg. N., to obtain which position they must have crossed the Gulf Stream, impelled by the cold Arctic Current underrunning the warm waters of the Gulf Stream. That this should happen is not to be wondered at when it is considered that the specific gravity of fresh water ice, of which these bergs are composed, is about seven-eighths that of sea water; so that however vast the berg may appear to the eye of the observer, he can in reality only see one-eighth of its bulk, the remaining seven-eighths being submerged and subject to the deep water currents of the ocean. The track of an iceberg is indeed directed mainly by current, so small a portion of its surface being exposed to the action of the winds that its course is but slightly retarded or deflected by moderate breezes." The wind at this time, what wind there was, had been, I think the evidence is, from the south-west; then it dropped in the afternoon of the Sunday. Any effect the wind had had

would be to move it in a north-easterly direction; but that would be a negligible quantity, because the motion of the berg, as of field ice, is really determined by the currents. This berg, your Lordship remembers from the evidence, was some 60 or 70 feet high. If you take seven times that you get a good deal over 400 feet under water, which would take it down to the influence of the cold southerly stream.

The Attorney-General: A little higher than that.

Sir Robert Finlay: My friend says that the iceberg was higher than that.

The Commissioner: The iceberg was higher because we know something fell on the deck; but I do not quite follow you when you say that a part of the iceberg would be seven times deeper in the water than the part which stood up above the water.

Sir Robert Finlay: Yes.

The Commissioner: That does not at all follow.

Sir Robert Finlay: The bulk under water is seven times the bulk above water.

The Commissioner: Yes, but that is quite a different thing.

Sir Robert Finlay: It may be different; but one cannot enter into a very nice calculation. Where you have a berg which is larger, say 80 feet or 90 feet -

The Attorney-General: Eighty feet.

Sir Robert Finlay: I will take it at 80 feet - above the water. You have seven times that bulk below, and the chances are overwhelming that that reaches down to the Labrador Current and is operated upon in the manner suggested.

The Commissioner: What depth is the Labrador Current?

Sir Robert Finlay: I suppose about 50 fathoms - that is 300 feet.

The Commissioner: That is a very great depth, you know.

Sir Robert Finlay: But the bulk below water being seven times that above water, unless there is some great abnormality of shape, you get the lower part of the iceberg in the Labrador Current.

The Commissioner: That may be so; that is all you can say.

Sir Robert Finlay: I do not desire to be dogmatic about it, but one thing which is perfectly plain is that it either is or it is not. If it is, the iceberg will be taken by the Labrador Current in a Southerly direction, and making allowance for the influence exerted by the Gulf Stream on the upper part of the submerged portion, it will go in a South-Easterly direction. The Labrador Current will take it South, and the Gulf Stream would tend to take it East-North-East roughly; the resultant would be the course of the berg. If the berg does not reach below the Gulf Stream then it will go East-North-East with the Gulf Stream. And with regard to the field ice, that of course does not reach down to the cold Labrador Current, which is running Southward. Any drift of the field ice depends entirely upon the Gulf Stream, and its direction will be - I am speaking, of course, very roughly - East-North-East.

It is very difficult for us to endeavour to reproduce what passed through Captain Smith's mind when he got the information of which he was in possession, but I think he may undoubtedly have come to this conclusion, that it was desirable to hold on as did 10 miles further South than his regular track before turning the corner, and for this reason. If, as was probable, the bergs which had been reported were under the influence of the Labrador Current they would be going in a Southerly direction - South by East - and they would be going at a rate which would certainly take them well to the South of the altered course which he took.

The Commissioner: Do you object to my interrupting you?

Sir Robert Finlay: I am much obliged.

The Commissioner: It seems to me that the fact that he had three icebergs - I am speaking of icebergs at present - notified to him, not only ought to have been conveyed to his mind that there were those three, but also that there might be many others.

Sir Robert Finlay: There might be, yes.

The Commissioner: I should like you to deal with that - if it is a fair inference from the Marconigram, that there may be others.

Sir Robert Finlay: There may be others.

The Commissioner: Coming down South.

Sir Robert Finlay: Yes.

The Commissioner: Coming across his course.

Sir Robert Finlay: Yes, my Lord.

The Commissioner: How, then, do you justify what he did?

Sir Robert Finlay: Does your Lordship mean in the matter of speed?

The Commissioner: Yes, I do, indeed.

Sir Robert Finlay: I justify it, my Lord, in this way, and I will deal with that point at once. I was going to take up two other points first, but I will go at once to that.

The Commissioner: Do not let me interrupt you.

Sir Robert Finlay: I prefer doing it for this reason; it is the crucial point in the case. A great deal of evidence has been directed to it, and the evidence is absolutely overwhelming that no one in the Atlantic trade lowers speed in consequence of ice being reported.

The Commissioner: I am disposed to agree with you about that; but then I have to find out the cause of this disaster, and I have to say what, in my opinion, it was. Now the cause of the disaster, the effective cause of this disaster it appears to me - I suggest to you, at all events - was her going at this great speed when there was in fact an iceberg in the way. If the speed had been one-half or less than one-half the probability is that this catastrophe would have been averted.

Sir Robert Finlay: It might or might not, my Lord.

The Commissioner: It might or might not, and I distinguish - I shall be very glad if I can continue to distinguish - between what may be called an error of the Captain's judgment and negligence. But whether it be negligence or error of judgment does not affect the question what was the cause, the effective cause of the accident.

Sir Robert Finlay: Before I proceed to deal with the evidence about speed, let me call your Lordship's attention to what a very near thing it was here. I am going to deal with the look-out by and by - I am taking it out of the order I proposed, but I think your Lordship's order is, perhaps, better. When the iceberg was reported they starboarded. If they had not starboarded, if they had run right on there would have been a great shock, and one, probably two, compartments near the bows would have been stove in, and all those who were in the berths in that part of the ship would have been killed, but the ship would not have sunk.

The Commissioner: That is Mr. Wilding's suggestion.

Sir Robert Finlay: Yes, and I think that it is borne out by all the probabilities, because though there would have been a tremendous shock, it is impossible to suppose that you would have had the extensive opening made along the side of the vessel which was made under the circumstances that took place. Now suppose the officer on the bridge had held on his course and an Enquiry had taken place, what would have been said of any man who, under such circumstances, had held on his course and gone full tilt at the iceberg? The severest censure the Court could have pronounced would have been visited upon him.

The Commissioner: He would not have done that. He would have stopped and reversed, but still gone stem on.

Sir Robert Finlay: Stopped and reversed and gone stem on, but the stopping and reversing would not have had time to produce an effect such as to prevent the consequences which Mr. Wilding described here.

The Commissioner: No.

Sir Robert Finlay: So that, my Lord, it stands in this way: if he had done that you would have had a number of people killed; you would have had great damage to the forward part of the vessel; but the passengers and crew, at all events with the exception, perhaps, of some of the third class passengers forward, would have escaped with their lives and without any serious inconvenience. That is what would have happened. But it was not an error of judgment to starboard: it was the right thing to do.

The Commissioner: I am not sure, but I do not think it matters. If Mr. Wilding is right that that vessel would never have sunk at all, and that you would have, at most, killed a couple of hundred people if you had gone straight stem on to the ice, if he is right about that, then it was a foolish or a wrong thing to starboard and so damage the ship that she could not float and 1,300 people were killed.

Sir Robert Finlay: Surely, if there ever was a case of being wise after the event it is illustrated by that proposition.

The Commissioner: I quite agree, and nobody in his senses, in my opinion, could blame the man who starboarded the helm. It might be a much better thing, as Mr. Wilding says, to have gone stem on, but nobody would blame the man who starboarded his helm.

Sir Robert Finlay: On the contrary, he would have deservedly incurred the most severe blame if he had not starboarded.

The Commissioner: I am not sure. How can you say that, if you once admit the statement that by going stem on he would have preserved the lives of 1,300 people?

Sir Robert Finlay: For this reason, my Lord: You must look at things as they are, as they present themselves to the minds of those on the bridge at the time.

The Commissioner: Of course you must; but how you can say that he would have been blamed if it be the fact that by going stem on he would have saved 1,300 lives that were subsequently lost?

Sir Robert Finlay: Not 1,300.

The Commissioner: Whatever the number was.

Sir Robert Finlay: Say 20 or 30.

The Commissioner: Twenty or 30 what?

Sir Robert Finlay: I beg your Lordship's pardon. I thought you were referring to the number of lives that would have been lost by going stem on.

The Commissioner: Oh, no. If this man, Murdoch, had gone straight stem on to this berg, if Mr. Wilding is right, the result would have been that 1,300 lives which were lost would have been saved.

Sir Robert Finlay: Yes; but no one would have known what the result of starboarding would have been, and any Court would have said that Mr. Murdoch was guilty of the grossest possible negligence in not trying to avoid that berg. What happened was this: One must work it out by seeing how the thing presents itself to those who have to deal with it.

The Commissioner: Nobody could blame Mr. Murdoch for trying to avoid the berg; all I say is, and all I mean is that, if Mr. Wilding is right, then starboarding the helm was not a wise thing to do.

Sir Robert Finlay: Your Lordship will forgive me; as it turned out, a great many lives were lost, but no one could have foreseen that.

The Commissioner: No.

Sir Robert Finlay: What one has to apply one's mind to is this: Suppose Mr. Murdoch had held straight on, only stopping and reversing, what would any Court have said about his conduct? He could not then have brought home to the mind of the Court that if he had starboarded he would have been caught by this point of ice which would have ripped up his side like a sardine knife.

He would have been told: "You are guilty of the grossest possible negligence; if you had starboarded, you would in all probability have avoided that berg."

The Commissioner: But in point of fact, he did not avoid it by starboarding.

Sir Robert Finlay: I know he did not.

The Commissioner: What it did was to rip up the whole side of the ship.

Sir Robert Finlay: We are upon the question of whether he did the right thing, and I say, not only could he not be blamed, as your Lordship has said, for starboarding, but he would have deserved the severest blame if he had not starboarded. One cannot judge of the thing by the light of after events. What happened was this. By starboarding, as one of the look-out men said to the other, it appeared as if it were a near shave. They avoided the body of the berg, but there was this projecting spike which caught the starboard bow under the water, ripped up the vessel for some six watertight compartments, so that the vessel ultimately sank. That was an extraordinary accident, a very extraordinary accident, and all the circumstances are circumstances that I daresay never happened in the history of the world before and may never happen again.

The Commissioner: But you know we are getting away from the point to which I wanted to direct your attention. With the knowledge that there was a possibility of finding icebergs right in the track, how is the speed of 22 knots an hour justified? That is the point.

Sir Robert Finlay: I am coming back to that, if I have made clear my position that not only could he not be blamed for starboarding, but he would be deserving of the severest blame if he had not. I very confidently submit that to the judgment of the Court when this question comes to be considered, but I will go on at once now to the question of speed.

The Commissioner: I do not think the starboarding has anything to do with it at present. What I mean is that that speed ought not to have been on the ship in the face of those Marconigrams.

Sir Robert Finlay: With great deference I submit, when the evidence is looked at, the Court cannot come to that conclusion. Can it be said that Captain Smith was guilty of negligence by doing that which had been done by every vessel in this trade for a long series of years? I will call attention presently to the evidence on the point, because I think the effect of the evidence must a little have faded from your Lordship's mind, having regard to what your Lordship said a few minutes ago. But before calling attention to the evidence as to the uniform practice, I desire to call attention to the fact that it had worked well and given admirable results in practice, and I will test that by taking three sets of tables coming from perfectly different quarters. Will your Lordship take first the table produced by the Board of Trade? Your Lordship will find it at page 580, Question 22142. These are the statistics produced by the Board of Trade, and they show that from 1892 to 1901 three and a quarter million passengers were carried across the Atlantic, that system of keeping full speed, though ice is reported, being maintained all the time. During that time only 73 were lost. From 1902 to 1911 six million passengers were carried across the Atlantic, that is Question 22148 on the same page, but out of those six millions only nine were lost. I very much doubt whether, if the practice of slowing down had been adopted, the loss would not have been very much greater, for a reason I will give presently. The second set of statistics are those of the White Star Line for 11 years. It is on pages 496 and 497. The first number I am giving is excluding the "Titanic": 2,179,594 passengers had been carried by the White Star Line during those 11 years. There had been only two deaths from collision. It does not appear it was by icebergs; in fact, I do not think it was, it was by ships. There were only two deaths. How can it be said that there was something wrong with a system which yields such a result as that? Every one of these vessels had been keeping up speed after ice was reported, and yet I gather the Attorney-General is going to ask the Court to find negligence on the part of the Captain of the "Titanic" for doing what every Captain during all that time had done.

The Commissioner: I do not think it is necessary for him to ask that; he may ask it, but I do not

think it necessary.

Sir Robert Finlay: If he asks it I certainly hope he will not get it. I submit he cannot. I do not know what line my friend is going to take about this.

The Commissioner: What he is going to ask is what was the cause of this accident.

Sir Robert Finlay: Was there blame?

The Commissioner: He might ask that as well, but the real question is, What was the cause of the accident, the effective cause?

The Attorney-General: I think it is right, my Lord, that my friend should know the argument I am going to address to your Lordship. As I said a little earlier in the Enquiry, I shall submit to your Lordship certain considerations, upon which I should ask you to come to the conclusion that there was negligent navigation of the vessel in going at this pace under the circumstances. I think it is right my friend should know. Of course, it is no part of my case to do more than to put these considerations before the Court, and the Court will judge whether that is so or not. It is not a question whether I succeed in establishing it or not, but I think it is right that the Court should have certain considerations before it in order to come to a conclusion upon them.

The Commissioner: Are you going to invite us to exclude from the calculation the question of whether there was an error of judgment?

The Attorney-General: Oh, no, certainly not. There are the two considerations. Your Lordship has put them. You may say it was an error of judgment which did not involve negligence.

The Commissioner: Yes.

The Attorney-General: There is something to be said upon that.

The Commissioner: But whether it be negligence or error of judgment does not affect the question of what was the cause of the disaster. The cause of the disaster was not negligence; the cause of the disaster was not error of judgment; the cause of the disaster was the collision with the iceberg.

The Attorney-General: That is what was occurring to me, my Lord, and therefore if you are going to find whether or not there was an error of judgment or negligent navigation, if you are going to find anything of that kind - and I submit that one must give consideration to it, because you have to determine what is to happen in the future, which is a very important matter, much more important even than the very disastrous calamity into which we are enquiring -

The Commissioner: What will happen in the future is a very different thing from what has happened in the past.

The Attorney-General: I know.

The Commissioner: Because in the future this calamity will always be known, and people must alter their conduct with reference to what they know.

The Attorney-General: I should be sorry to press it unduly; but your Lordship has had evidence in this case of the White Star Line that they think it is perfectly legitimate to do it, and, indeed, according to Mr. Ismay's evidence, assuming you have a clear night and the other conditions which of course, he assumed, it would be right to go as fast as you possibly can in order to get out of the region in case you might be overtaken by fog.

The Commissioner: I know, but we must judge about that.

The Attorney-General: I know, but that is one of the things I want to deal with when I come to address your Lordship, and I shall submit that it is quite a wrong view to take. I shall also submit to your Lordship that it does not decide it to say that a number of competing lines have done the same thing for a number of years. It does not decide it; I do not say it is not an element.

The Commissioner: I daresay Sir Robert Finlay is going to say what Mr. Bruce Ismay said, that it is the right thing still to do it.

The Attorney-General: Yes.

The Commissioner: That, in my opinion, is a very different thing from the question whether it was the right thing at the time.

The Attorney-General: I know there are different considerations which would apply; I quite agree.

Sir Robert Finlay: My Lord, with regard to what is to be done in the future, if any recommendation can be made which will render the passage across the Atlantic even safer and more completely immune from loss of life than it was previous to this great catastrophe, that will be a most beneficial result of the Enquiry. But I am concerned at present with the question whether the Captain was at fault. That is the question I am addressing myself to. I did not desire to enter, certainly not at the present time, into the question of the future, if your Lordship should make any recommendation on the subject; nor did I desire at the present time to deal with the question of whether any recommendation as to the future should be made. But what I am pressing most respectfully upon the Court with all the emphasis in my power is this, that it is perfectly impossible to find that Captain Smith was to blame when he did what everyone in the trade had done for years with such admirable results in the way of avoiding accident.

The statistics do not rest there because you have a third set from Sir Norman Hill. They are framed on a different principle. His statistics are at page 663, and they show that there had been 32,000 voyages across the Atlantic in 20 years; that in that time there had been 25 accidents, defining as an accident anything that involved either the loss of life or the loss of the ship, and that in those 25 accidents 68 passengers and 80 crew were lost. That was the total loss on 32,000 voyages. Surely by the light of experience, by the light of these figures, the three sets of statistics from different quarters, one sees that it is under all normal circumstances possible to see an iceberg in time to avoid it, and that this accident must have been the result, as I hope to satisfy the Court beyond all reasonable doubt, of an extraordinary combination of circumstances, and that there was not any fault of any kind on the part of Captain Smith. I submit there was not even an error of judgment. Negligence, I submit, is out of the question, and cannot be found in face of the evidence which I am going to call attention to with regard to the uniform practice. Error of judgment, I submit, there was none, because a man does not commit an error of judgment because he does something which in the result is followed by unfortunate consequences. A man may do the rashest possible thing, and the consequences may be most beneficial, but he is rash all the same; a man may do the wisest possible thing and the results may be disastrous, but he was wise all the same. One cannot judge by the result which happened in the particular case as to the wisdom or unwisdom of the course taken. My very respectful submission is that negligence there certainly was none, and that there was not even an error of judgment, but that Captain Smith acted rightly in following the usual course.

Now, my Lord, there is a very good reason indeed why they should not slow down when in the neighbourhood of icebergs, and it is this, that you are apt to have fog coming on when you are among icebergs, and if fog comes on when you are among icebergs it is a very dangerous thing indeed.

The Commissioner: But is it? If you are in a fog and you are conscious that there are icebergs about why cannot you stop?

Sir Robert Finlay: Of course you would have to stop.

The Commissioner: I have been told that they do go ahead as quickly as they can sometimes through a fog; that is, I suppose, for the purpose of getting through the fog and out of it?

Sir Robert Finlay: Your Lordship will recollect what Mr. Sanderson said with regard to that.

The Commissioner: I know; I remember it. He said some vicious person had stated it.

Sir Robert Finlay: There was an alternative, my Lord.

The Commissioner: Or foolish, was it?

Sir Robert Finlay: Or ignorant. But I am not quoting that for the sake of the epigrammatic form in which Mr. Sanderson put it; I am putting it merely as the statement of a person who knows if any one does what the practice of liners is under those circumstances. And Mr. Sanderson was only putting in very emphatic form a statement that, as a matter of fact, the ocean liners do not go full speed ahead through fog. Suppose you do become involved in a fog among icebergs, then you would have to stop altogether. I do not know then that would deliver you from all danger of accident; if you have these icebergs drifting about and coming grinding up against your vessel I do not know that you would be immune from damage even in that case.

The Commissioner: But they do not drive about.

Sir Robert Finlay: I did not say they drive; they drift about. I respectfully put it to your Lordship that what was said by Mr. Owen Jones, of the "Canada," on page 666, on this point is sound. It is Question 23708, where, after he had been dealing with the practice, he is asked: "(Q.) Where you have ice about, in your experience are you liable to have fogs? - (A.) Very liable. (Q.) Does that, in your judgment, afford any reason for the practice you have always pursued as to speed? - (A.) Yes, we always make what speed we can. (Q.) Just tell us, in your own way, what effect that fact has on your practice as to speed? - (A.) Well, we always try to get through the ice track as quickly as possible in clear weather. (Q.) If fog came on while you were there? - (A.) It would increase the danger very much. We have to slow down or stop." Under those circumstances, experience having shown that you can see an iceberg in time unless under such extraordinary circumstances as happened here, I put it to your Lordship that it is impossible to say there is any error of judgment in following the usual practice.

Now I propose to direct your Lordship's attention to the evidence with regard to the practice on this point. The first is the evidence of Mr. Lightoller at page 309, Question 13726: "(Q.) You have had great experience of the North Atlantic at all times of the year. Just tell me, when a liner is known to be approaching ice, is it or is it not in your experience usual to reduce speed? - (A.) I have never known speed to be reduced in any ship I have ever been in in the North Atlantic in clear weather, not on account of ice. (Q.) Assuming that the weather is clear? - (A.) Clear." Then on page 328 he is asked again about this at Question 14368: "(Q.) Do you know any reason for those boilers being off? - (A.) Merely that there was no wish for the ship to travel at any great speed. (Q.) There was no reason, I take it, why you should not go fast; but in view of the abnormal conditions, and of the fact that you were nearing ice at ten o'clock, was there not a very obvious reason for going slower? - (A.) Well, I can only quote you my experience throughout the last 24 years, that I have been crossing the Atlantic most of the time, that I have never seen the speed reduced. (Q.) You were asked by my Lord this forenoon how an unfortunate accident like this could have been prevented in what you describe as abnormal circumstances? - (A.) Yes. (Q.) Is it not quite clear that the most obvious way to avoid it is by slackening speed? - (A.) Not necessarily the most obvious. (Q.) Well, is it one way? - (A.) It is one way. Naturally if you stop the ship you will not collide with anything. (Q.) There is no reason why you might not slacken speed on this voyage; you were not running to any scheduled time? - (A.) No. (Q.) If you happened to be on the bridge in command yourself could you take it on your own responsibility to slacken speed, or would you require to communicate with the Captain? - (A.) Communicate with the Captain. (Q.) And the speed, therefore, could only be diminished by the Captain's orders? - (A.) No, I would not go so far as to say that the speed could only be diminished by that. Let me give you an instance. Suppose I had seen the smallest scrap of ice, supposing we had passed a little bit of the field ice that was knocking about on the other side of this pack ice, had I seen any indication of the vicinity, proof positive of the vicinity of ice, I should very probably have telegraphed myself at the same time that I sent word to the Commander."

The Commissioner: "Telegraphed" means he would have slackened speed?

Sir Robert Finlay: Yes.

The Commissioner: Let us consider. "Had I seen any indication of the vicinity of ice," and then he qualifies it by "proof positive of the vicinity of ice." "Had I seen any indication of the vicinity of ice I should very probably have telegraphed."

Sir Robert Finlay: I think one must take the earlier part of the sentence, my Lord: "Supposing I had seen the smallest scrap of ice, supposing we had passed a little bit of the field ice that was knocking about on the other side of this pack ice, had I seen any indication of the vicinity" - that is a little bit of the field ice that was knocking about - "I should very probably have telegraphed myself at the same time that I sent word to the Commander."

The Commissioner: Did not he have the most distinct information that ice was in the vicinity?

Sir Robert Finlay: But what Mr. Lightoller is referring to is ice of a totally different kind. He is talking about large bits of field ice knocking about. They would not be seen like an iceberg. He is talking of bits of field ice knocking about so that the vessel would come bumping up against them.

The Commissioner: Yes, but he is being asked about ice generally.

Sir Robert Finlay: His only qualification is, "Supposing we had passed a little bit of the field ice that was knocking about on the other side of this pack ice, had I seen any indication of the vicinity, proof positive of the vicinity of ice" -

The Commissioner: If he gets a telegram telling him he is going through an ice region in which he will be in the vicinity of ice he will not slacken speed, but if he sees a bit of ice in the water he will?

Sir Robert Finlay: No, my Lord, the two things are perfectly different. Where you have bits of ice in the water is one thing; icebergs is another. The bits of ice in the water cannot be seen as easily as an iceberg, and they are an indication that you are close to field ice. That is really dealing with a different thing, my Lord.

The Commissioner: Well, I do not know. Take the earliest of the three telegrams that referred to field ice.

Sir Robert Finlay: As well as to bergs.

The Commissioner: Yes, the "Caronia" and the "Baltic" both.

Sir Robert Finlay: Yes.

The Commissioner: Now, the "Caronia" telegram or the "Baltic" telegram came at 1.50.

Sir Robert Finlay: The "Baltic."

The Commissioner: Yes; that was the telegram which, upon calculation, indicated that they would get into the region of ice at 9.30.

Sir Robert Finlay: Get into the longitude where that was reported.

The Commissioner: Well, the "Caronia" would indicate that they would get into field ice at 9.30.

Sir Robert Finlay: No, my Lord, that they would get to the longitude where it had been reported, reported two days before.

The Commissioner: Yes, I know that; but what I mean is this: If he knew that it had been there, two days before if you like, is it not an indication that he might expect to find it there then?

Sir Robert Finlay: My Lord, that ice would most certainly, as I shall submit to your Lordship, have gone to the Southward of his track. I hope to satisfy your Lordship (I turn aside to deal with the question of speed) that it was not the "Caronia" ice, that it was not the "Baltic" ice and that it was not the ice dealt with in the first message of the "Californian" that this ship collided with. Because as regards the "Californian" ice and the "Baltic" ice, that was far to the Eastward of where the collision happened; it could not be that. As regards the "Caronia" ice, even allowing for a drift of only half a knot that ice must have got to the Southward of the track which the

vessel was pursuing. It must have been another berg of which no intimation had been given. All that he could do was to take the track which he thought best adapted to give a wide berth to the field ice, and a track which was not so far South as to get into contact with the "Baltic" and the "Caronia" ice which by that time would have gone, drifting away under the influence of the Labrador Current, to the Southward. If it did not reach the Labrador Current it would be going to the Eastward, so that he would be just as safe as regards icebergs as he would be as regards field ice. But that I shall return to, my Lord. I turned aside to deal with the question of speed.

The Commissioner: It is pointed out to me that the "Baltic" telegram indicated to the Captain that there was field ice South of the limit of field ice indicated by the route chart?

Sir Robert Finlay: Yes, my Lord.

The Commissioner: Have you the route chart? Let me explain to you the suggestion that is made. The "Baltic" telegram would convey to the Captain's mind that the field ice was to the Southward of the limit indicated on the chart for field ice.

Sir Robert Finlay: Yes, certainly.

The Commissioner: Very well. Now that would show apparently that the Gulf Stream was not bringing that ice to the East, but that the Labrador Current was bringing it down to the South.

Sir Robert Finlay: Your Lordship is referring to the field ice?

The Commissioner: Yes, I am referring to field ice. First of all, it was a singular thing and a thing which Captain Smith would have noticed, that the "Baltic" telegram indicated field ice at a point considerably South, some miles to the South of the limit of field ice as depicted upon the route chart; and if it was somewhat to the South it must have been brought, one would suppose, by what you call the Labrador Current.

Sir Robert Finlay: Not the field ice at that point, my Lord; it would be brought by the Labrador Current further North, but where the field ice which came down with the Labrador Current struck the Gulf Stream we do not know; and the Labrador Current may have brought down this field ice further to the West, and then being caught by the Gulf Stream it would move slowly in an Easterly direction until it got to the spot where the "Baltic" reported. Your Lordship sees the Labrador Current is on the surface further North.

The Commissioner: In answer to that observation it is said that we have the fact that the temperature fell something like 10 degrees, I think it was in two hours, and that would show that the force in operation was the Labrador Current and no other.

Sir Robert Finlay: Not necessarily, my Lord. Your Lordship is aware of the extreme difficulty of saying what the fall in temperature is due to. It is certain that it is no clear indication of the presence of ice. As was said by, I think, Sir Ernest Shackleton, if the temperature dropped suddenly when there is no wind at all he would consider that as putting him on guard against ice; but if it drops when there is wind, nothing of the kind.

The Commissioner: But there was no wind.

Sir Robert Finlay: There was till 3 o'clock.

The Commissioner: Yes.

Sir Robert Finlay: And the temperature began to drop on the Sunday, as your Lordship pointed out.

The Commissioner: Yes, but the great fall was on the Sunday afternoon and evening.

Sir Robert Finlay: But it had been falling.

The Commissioner: Yes, there had been a very marked change. I agree it had been falling, but there was a very serious change in the afternoon of Sunday.

Sir Robert Finlay: Let me point out how the observation which your Lordship made with regard to the "Baltic" field ice is met. The Labrador Current running in a Southerly direction is on the surface until it crosses the Gulf Stream. Then being much colder it goes under the Gulf

Stream. Till it has impinged on the Gulf Stream it is running on the surface, and it would bring that field ice to any point in the Gulf Stream. Then when the field ice got into the Gulf Stream it would be carried in an Easterly direction. That would account for its being found at the spot where the "Baltic" reported it. It does not follow that the field ice and the bergs have kept company all the way. The bergs, of course, going down, a great many of them, into the cold Labrador Current below the Gulf Stream, take a different direction, but the field ice is only susceptible to the Gulf Stream as soon as it has impinged upon it; but then it is first brought down by the Labrador Current.

The Commissioner: I have here the changes in the temperature of the water. At 7 o'clock it was 43°, at 7.35 it was 39°; at 9 o'clock it was 33°; and at 9.50 it was 32°.

Sir Robert Finlay: On the morning of Sunday?

The Commissioner: No, in the evening.

Sir Robert Finlay: Yes.

The Commissioner: And it is suggested to me that that is an indication that the vessel was in the Labrador Current. I may say also that it is also suggested to me that you are, perhaps right in saying that the Labrador Current when crossing the Gulf Stream descends and goes under the Gulf Stream.

Sir Robert Finlay: Yes, my Lord.

The Commissioner: Because it is colder water.

Sir Robert Finlay: There is no doubt about that, my Lord. If I may again refer to the passage on page 34 of Part I. of the "United States Pilot," the Admiralty directions. I think it is conclusive: "These icebergs are sometimes over 200 feet in height and of considerable extent; they have been seen as far south as latitude 39° N., to obtain which position they must have crossed the Gulf Stream impelled by the cold Arctic current underrunning the warm waters of the Gulf Stream. That this should happen is not to be wondered at when it is considered that the specific gravity of fresh water ice, of which these bergs are composed, is about seven-eighths that of sea water; so that however vast the berg may appear to the eye of the observer, he can in reality only see one-eighth of its bulk, the remaining seven-eighths being submerged and subject to the deep water currents of the ocean. The track of an iceberg is indeed directed mainly by current, so small a portion of its surface being exposed to the action of the winds that its course is but slightly retarded or deflected by moderate breezes."

The Commissioner: I must correct something that I said, Sir Robert; I made a mistake, I think, I gave you the temperatures from 7 to 9.50, but it is not clear that those were water temperatures; and if they were air temperatures their significance is not nearly so great as it would be if they were water temperatures.

Sir Robert Finlay: I am much obliged to your Lordship. May I recur to the answer given by Mr. Lightoller about his slackening speed if he saw bits of ice knocking about. That would indicate two things: first you could not see a comparatively small bit of ice as you could a great object like an iceberg so as to avoid it; and secondly, it would mean this, that he was very near field ice. He is not speaking at all of the propriety of slackening speed when an iceberg has been notified; on the contrary, he had said in the distinctest possible way in the passage which I first read that he would not do anything of the kind. May I go on, and I think his further evidence will show clearly what he meant. Perhaps I had better read some further passages at page 329 in this connection. He is asked about his instructions from the White Star Line at Question 14,378: "Is there anything mentioned in those instructions about what you should do when you are in a region in which ice has been reported? - (A.) There is nothing that refers particularly to ice." That is as distinguished from the Canadian trade, where your Lordship recollects the direction about field ice. Then Question 14385: "Now in your evidence in America you narrate a

conversation which took place between yourself and the Captain when he was on the bridge with you. Senator Smith asks you, 'Was anything else said?' and you say 'Yes; we spoke about the weather, the calmness of the sea, the clearness, about the time we should be getting up towards the vicinity of the ice, and how we should recognise it if we should see it, freshening up our minds as to the indications that ice gives of its proximity. We just conferred together generally for 22 minutes?' - (A.) That is right. (Q.) The principal thing you had been talking about was ice? - (A.) Naturally. (Q.) Did you decide then when you first saw the ice you would stop or slacken speed? - (A.) No. (Q.) Do you mean to say that the policy of the Captain and you was to go right ahead at 21 1/2 knots? - (A.) No; I do not mean to infer that. (Q.) Unless there was a haze? - (A.) No, not necessarily unless there was a haze. Had we come across ice, as I just said, in any degree, whether the Commander had been on the bridge or not, I should have acted on my own initiative. (Q.) You freshened your minds up as to the indications? - (A.) Quite so."

The Commissioner: Just stop there for a moment: "Had we come across ice, as I just said, in any degree, whether the Commander had been on the bridge or not, I should have acted on my own initiative." What does he mean? What would he have done?

Sir Robert Finlay: If he saw a berg head he would have ported or starboarded as the case might be, and if he got among loose ice -

The Commissioner: Do you think he means that?

Sir Robert Finlay: I do; he means to include that form of initiative. He also includes what I think your Lordship's mind is upon, slackening speed if he saw bits of ice knocking about; and for two reasons, first that you cannot avoid them as you can an iceberg, and secondly because it would indicate that you were in the immediate vicinity of field ice. I think it includes both cases.

The Commissioner: But at all events it does include the possibility of slackening speed.

Sir Robert Finlay: Oh yes, in the case to which he had referred in Question 14375. Then Question 14394: "Well, they ultimately discovered the ice you know, and the man on the bridge did not? - (A.) You say the man on the bridge did not. I may say I discussed that immediately on the 'Carpathia.' That is about the conversation on the 'Carpathia.'"

The Commissioner: But, stopping there for a moment, as to the man on the bridge - there was only one man there, Murdoch; the other one was in the chart house I think - I am not by any means sure that he did not see the ice just as soon as the men in the crow's-nest.

The Attorney-General: He did not see it before; he may have seen it as soon, I agree.

Sir Robert Finlay: It is very likely he did, because the command to starboard came very quickly indeed.

The Commissioner: Yes, indeed, you find in some evidence that it is suggested that the order to starboard was given before the gong.

The Attorney-General: That is only a suggestion.

The Commissioner: It is only a suggestion.

Sir Robert Finlay: Your Lordship may remember the expression is: "The wheel was put over, the head was beginning to go round while I was still at the telephone."

The Commissioner: Yes, I have not got my mind at the moment on the passage in the evidence.

The Attorney-General: 14394 is the question, I think.

Sir Robert Finlay: "I may say I discussed that immediately on the 'Carpathia' with the look-out men - not necessarily discussed it, but asked them questions whilst their minds were perfectly fresh, and the look-out man told me" - that is the look-out man of the "Titanic" - "told me that practically at the same moment he struck the bell he noticed that the ship's head commenced to swing, showing that the helm had been altered probably a few moments before he struck the bell, because the ship's head could not have commenced to swing."

The Commissioner: That is what I mean. The Attorney-General is quite right, and that seems to

indicate to me that possibly the man on the bridge had seen the ice even before he heard the bell.

Sir Robert Finlay: It may be, or simultaneously.

The Commissioner: We are perhaps a little off the point, but that also seems to indicate to me that there must have been something in the atmospheric conditions which prevented them seeing this berg until it was so close at hand that they could not avoid it.

Sir Robert Finlay: I am much obliged to your Lordship; and that is a point upon which I shall lay the greatest possible stress. I do not attempt to deal with it at the moment, only for the reason that it would take a little time.

The Commissioner: Then you will not forget that Captain Rostron told us about the uncertainty that he found during the time that he was making for the place of the disaster, in the detection of icebergs, seeing some at a considerable distance and not seeing others until they were close upon him.

Sir Robert Finlay: It was one iceberg you will remember that he particularly did not see till he was very close upon it.

The Commissioner: A quarter of a mile, I think.

Sir Robert Finlay: He was, of course, further south than the scene of the disaster when that took place. It really provokes a suspicion that the iceberg may have been the same iceberg which had been seen from the "Titanic." She had gone further south by that time. It is, of course, pure speculation, but it was so exceptional a thing that that iceberg was not seen under the special conditions with regard to the absence of surf; it was black; there was neither wind nor swell and therefore that iceberg was not seen as soon as it would have been. There is something very special about that. But that takes me to another head.

(Adjourned to To-morrow, at 10.30 o'clock.)

Wreck Commissioner's Court,

SCOTTISH HALL,

BUCKINGHAM GATE,

Wednesday, 26th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

THIRTY-FIRST DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. w. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Sir Robert Finlay: My Lord, I was calling attention yesterday to the evidence of the practice as to keeping speed although ice was reported, and I had begun by reading a portion of the evidence of Mr. Lightoller. I think I was reading at page 329 when the Court adjourned. I will complete reading the passage I was upon, and one other short passage in the evidence of Mr. Lightoller before I call attention, as shortly as possible, to the other evidence on this point. I read Question 14394 yesterday, and some discussion arose upon it with regard to the officer on the bridge having seen the iceberg at the same time apparently as the look-out men. Then Question 14395 is: "I take it then that your position is to justify the conduct of the Captain and those who were navigating the "Titanic" from 11 o'clock till the collision? - (A.) Yes. (Q.) In going ahead at 21 ½ knots, although you all knew that you were in the presence of ice? - (A.) Well, you hardly state it correctly when you say we knew we were in the presence of ice. We did not; we only had reports to go on. (Q.) You had no reason to disbelieve those reports? - (A.) On the contrary, we had, having so many years gone across and never seen ice though it is repeatedly reported. (Q.) I suggest to you it would have been a much safer thing to have believed the reports which you had from a number of sources as to the presence of ice than to have acted in disregard of the warnings you had received from other ships, and gone ahead at the rate of 21 ½ knots an hour until the collision occurred? - (A.) In the view of after events, of course, we form a totally different opinion. It would naturally have been safer, we can see now, not to have gone ahead at all." It is not correct to suggest, as that question does, that they disregarded the warnings of ice; on the contrary, the Captain gave strict injunctions to keep a careful look-out for ice. He followed the practice, which had been universally followed, of not slackening speed, but special caution was given to everyone to be on the look-out for ice, and the Captain, your Lordship will recollect, gave an injunction to the officer left in charge of the bridge that if there was the slightest haze coming on or anything of that kind, he should be called at once. He went into the chart room, close by.

The Commissioner: No precautions were taken with the exception of that direction to keep a careful look-out?

Sir Robert Finlay: Yes.

The Commissioner: There was nothing else done?

Sir Robert Finlay: Nothing else, I suggest, could be done in conformity with the ordinary practice.

The Commissioner: It has been said by some gentlemen who have been in the witness-box that it would be a proper thing to put a man - one, at all events - in the eyes of the ship.

Sir Robert Finlay: That suggestion has been made, my Lord, and I have a full note of the witnesses who dealt with that point, to which I propose calling your Lordship's attention. At the present moment I will merely say that in the cases where a man was put in the bows of a ship usually there was only one man in the crow's-nest. They said they doubled the look-out, but, the evidence here was that the crow's-nest was a better place in the "Titanic" for seeing from than the bows would have been.

The Commissioner: You will point out that evidence.

Sir Robert Finlay: If your Lordship pleases.

The Commissioner: The advantage of putting a man in the bows of the ship, as I understand, is this, that it brings him nearer to the object.

Sir Robert Finlay: A little nearer it does.

The Commissioner: And nearer to the waterline.

Sir Robert Finlay: I was going to say, the great advantage of having a man in the bows is where you have a boat where the stem is only 14 feet from the water, as in the "Nimrod," Sir Ernest Shackleton's boat. There, as he says, you see an iceberg much better if you are near the waterline, and you are there; but here the difference is only 30 feet. The stem, I suppose, is 60 feet above the water, and the crow's-nest is some 30 feet higher.

The Attorney-General: I thought 40 feet from the deck was the evidence.

Sir Robert Finlay: Not from the forecastle.

The Attorney-General: From the well deck, you mean.

Sir Robert Finlay: I think so. All I mean is that the great object of having a man on the stem ceases to exist when you have got a stem as high as it is necessarily in a vessel like the "Titanic." The conditions are absolutely different from those of the "Nimrod." In certain other cases, of course, they put a man on the stem, having one man in the crow's-nest. Of course, my Lord, it is a very vexed question whether it is better to have your two men together or only one man at each place. Your Lordship called attention at this point, I think, as the case was going on, and there is a good deal to be said either way. On the whole I submit that the balance inclines in favour of the practice of having two men, because they are a certain check on one another. They may talk but, on the other hand, if a man is by himself he may doze, and undoubtedly two pairs of eyes are better than one; and no man is likely to go to sleep if his fellow is there by his side, seeing what he is doing. I admit the point may be an arguable one, but my submission is that, on the whole, the practice on the "Titanic" was the sounder practice in having the two men together.

Then Question 14399: "And that is what, at all events, in the light of your present knowledge, good seamanship would have dictated? - (A.) Not necessarily good seamanship. (Q.) Extra good seamanship? - (A.) No, not seamanship at all. (Q.) In the light of the experience you have had it is what you would do now? - (A.) In the view of our reports we have had in other voyages, if I say in the light of good seamanship or extra good seamanship, we should have stopped, the thousands of ships that have crossed the Atlantic would likewise have stopped, and then you come to the end of your tether. (Q.) I do not say they would have stopped? - (A.) Well, or slowed down." I need not read further on that page. Then on page 330, and this is the last passage I propose to read from Mr. Lightoller's evidence at Question 14413 - I must read the answer immediately preceding, "I do not say I should bang on at all," that was the phrase in the question - "I do not approve of the term banging on. (Q.) I mean drive ahead? - (A.) That looks like carelessness, you know; it looks as if we would recklessly bang on and slap her into it regardless of anything. Undoubtedly we should not do that. (Q.) What I want to suggest to you is that it was recklessness, utter recklessness, in view of the conditions which you have described as abnormal, and in view of the knowledge you had from various sources that ice was in your immediate vicinity, to proceed at 21 ½ knots? - (A.) Then all I can say is that recklessness applies to practically every commander and every ship crossing the Atlantic Ocean. (Q.) I am not disputing that with you, but can you describe it yourself as other than recklessness? - (A.) Yes. (Q.) Is it careful navigation, in your view? - (A.) It is ordinary navigation which embodies careful navigation. (Q.) Is this your position, then; that even with the experience of the "Titanic" disaster, if you were coming within the near vicinity of a place which was reported to you to be abounding in ice, you would proceed with a ship like the "Titanic" at 21 ½ knots? - (A.) I do not say I should. (Q.) At nighttime, and at a time when the conditions were what you have described as very abnormal, surely you would not go on at 21 ½ knots? - (A.) The conditions were not

apparent to us in the first place; the conditions of an absolutely flat sea were not apparent to us till afterwards. Naturally I should take precautions against such an occurrence."

With regard to the question which is implied in what Mr. Scanlan said there as to what he would do in the future, may I say this, that of course by the light of this very great calamity it may be that your Lordship may see your way to making some recommendation with regard to the future. I feel sure, having regard to what has fallen from your Lordship, in the course of this case, that no such recommendation will at all trench upon what must always be, as your Lordship pointed out, the great security in cases of this kind, namely, the vigilance and judgment of the Commander of the ship. No rigid Rule can be laid down; but I am perfectly certain (and I think I speak not only for those whom I represent, but for everyone sailing the seas) that any recommendation which the Court may make with regard to the future will, of course, receive the most respectful and the most careful attention from those engaged in this traffic. What I am upon is this, that with all respect I say that it is impossible upon this evidence to say that there was any negligence on the part of those who were on board the "Titanic," and who were merely following that practice which had been followed by everyone engaged in the Atlantic trade for a long series of years, and followed, as the statistics show, with most excellent results in the way of absence of casualty.

Then Question 14419 is: "And what precautions would you take if you would not slow up or slow down? - (A.) I did not say I would not slow up. (Q.) Cannot you say whether you would or not? - (A.) No, I am afraid I could not say right here what I should do. I should take every precaution, whatever appealed to me. (Q.) I suggest to you, if you acted carefully and prudently, you would slow up, and that if you did not slow up you would be acting recklessly. You know you have described the conditions of abnormality as having been apparent at the time while you were on your watch. You have told my Lord that at great length; and in your conversations with the Captain did not you discuss that? You have said that you did not recognise that the sea was flat. I want to recall this to your mind." Then the Note is read to him first with regard to freezing - a conversation with the Commander on the bridge about the cold, and he says: "We then commenced to speak about the weather. He said, "There is not much wind." I said, "No, it is a flat calm, as a matter of fact." He repeated it; he said, "A flat calm." I said, "Yes, quite flat, there is no wind." I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course, my reason was obvious; he knew I meant the water ripples breaking on the base of the berg? - (A.) Yes. (Q.) Was not all that amply sufficient to let you and the Captain know that you were in circumstances of extreme danger? - (A.) No. (Q.) I do not think anything would convince you that it was dangerous that night? - (A.) I have been very much convinced that it was dangerous. (Q.) I mean that the conditions you have described were dangerous? - (A.) They proved to be. (Q.) What I want to suggest is that the conditions having been so dangerous, those in charge of the vessel were negligent in proceeding at that rate of speed? - (A.) No."

Now, the whole of those questions ignore the fact, which I shall show on the evidence existed, namely, this: that those on the bridge of the "Titanic" could not from that height know that there was this absence of swell which was the fatal feature in the tragedy. That there was no wind, they knew; that there was no swell, they did not know, because, as has been said, you cannot, looking down from that height, see that there is no swell, and it was only when the boats were lowered into the water that they saw that it was an oily sea, perfectly flat and no swell, a condition, which, as Sir Ernest Shackleton, I think, said, might never occur again.

The Commissioner: Do you draw a distinction between no wind and no swell?

Sir Robert Finlay: My Lord, the terms are not always used with perfect accuracy. Sometimes the term is used in one way and sometimes in another, but the idea I wish to convey is this, as

was explained, I think, by Mr. Lightoller, in answer to a question put by your Lordship, that although they knew there was an absence of wind, they did not and could not know that there was no swell. If there had been a swell there would have been the water breaking at the foot of the berg, though not to the same extent.

The Commissioner: Are you sure of that?

Sir Robert Finlay: So he says, my Lord. That is all the evidence.

The Commissioner: It occurs to me that a mere swell would not cause any breaking of water.

Sir Robert Finlay: The evidence is that it would.

The Commissioner: If the evidence states it I must be guided by the evidence.

Sir Robert Finlay: If your Lordship pleases.

The Commissioner: And by what my colleagues advise me. But what I mean is this; apparently in the conversation with the Captain, Lightoller pointed out that there was what he calls a perfectly flat calm.

Sir Robert Finlay: Yes.

The Commissioner: And then you want to say that is consistent with there having been a swell?

Sir Robert Finlay: Yes.

The Commissioner: That is my difficulty; is it consistent with a swell?

Sir Robert Finlay: I think your Lordship will find it is on looking at another part of Mr. Lightoller's evidence. I will turn aside now, if your Lordship thinks it desirable, to go into that.

The Commissioner: No, I would rather you went on.

Sir Robert Finlay: It is in the recollection of my friend, the Attorney-General, as well as my own, that Mr. Lightoller said distinctly that they could not from the deck see the absence of swell, and that if there had been a swell there would have been a breaking of the rollers at the bottom of the berg. On that point may I recall to your Lordship one passage in Sir Ernest Shackleton's evidence at page 720, Question 25063? The Attorney-General puts this question to Sir Ernest: "According to the evidence - I am only dealing with one part of it - perhaps the most striking part - during the afternoon on this particular occasion on 14th April of this year, the temperature was reported to be falling so much so that the Captain ordered the carpenter to see that the water in his tanks did not freeze. Would that be any indication to you? - (A.) If I knew what the mean temperature of that locality was for that month of the year, and there was a great variation, then I would certainly think there was some abnormal disturbance in the ice to the North. Of course, that particular night was an abnormal night at sea in being a flat calm; it is a thing that might never occur again. (Q.) That is what Mr. Lightoller says. You say apparently it is very rare to get such a flat calm as there was that night? - (A.) I only remember it once or twice in about 20 years' experience - the sea absolutely calm, without a swell, as it was recorded to have been."

The Commissioner: We know, or we have been told - whether it is true or not is another matter - that the water soon after the calamity was so smooth, with so little motion on it, that the boats which were lowered into it were not lifted sufficiently to disengage them from the tackles.

Sir Robert Finlay: Yes.

The Commissioner: That appears to me to support the view you are putting forward. It is suggested to me that the swell would not possibly affect the bottom of the berg, it would not lift it, because the bulk of the berg down below would not be affected by the swell.

Sir Robert Finlay: No, but what I do say is this: I think there is evidence in support of what I am saying, and I do not think there is any evidence to the contrary, that where you have a swell on a great body of ice like a berg the swell will break upon it just as it would upon a rock.

The Commissioner: There seems to be some difference of opinion amongst my colleagues about that.

Sir Robert Finlay: The evidence is all one way upon that point, and your Lordship sees the importance Sir Ernest Shackleton attached to it. What he says in the two answers I have just read is perfectly clear to show that in his opinion the absence of swell was a most important factor, and it can only have been in this way, that if there had been a swell you would have had the same thing happening -

The Commissioner: That must be what he means.

Sir Robert Finlay: There is a great deal of other evidence about it which I will call attention to presently.

The Commissioner: My attention has been drawn again to the evidence that Gill gave. Gill was on the "Californian," and he says at page 433, at the bottom (18179), "(Q.) While you were in your cabin did you hear the noise of ice? - (A.) Yes. (Q.) What kind of noise was it? - (A.) A grinding noise. (Q.) Grinding against your ship's side?" This is field ice, of course.

Sir Robert Finlay: Yes.

The Commissioner: "Yes; I was as close to the ship's side as I am to you; it kept me awake; I could not sleep for it. (Q.) Was it a noise of thick field ice? - (A.) No, just a grinding, rubbing noise."

Sir Robert Finlay: The "Californian" was at a distance which is variously estimated; it certainly was not nearer than seven miles.

The Commissioner: That may be, but it appears to me that if you had a swell seven miles away

Sir Robert Finlay: Oh, but that might take place without being a swell.

The Commissioner: There must be some motion.

Sir Robert Finlay: Any current, even a slight current.

The Attorney-General: In a current the ship and the ice would move together.

Sir Robert Finlay: The "Californian" is brought up by the ice; it is heading, if I recollect rightly, North-East, and you have got the ice somehow passing by the ship's side, rubbing against it and making this noise.

The Commissioner: It is suggested that the ship and the ice would move together, and that, therefore, you would have no rubbing.

Sir Robert Finlay: It is difficult to argue from an expression of that kind, because nothing was put to this witness about there being a swell there, and the evidence is precise and definite to the effect that when the boats got down to the water there was absolutely no swell.

The Commissioner: That is the evidence from the "Titanic."

Sir Robert Finlay: Yes.

The Commissioner: I was talking for the moment of the evidence of Gill from the "Californian."

Sir Robert Finlay: The difficulty about that is this: That point was never pressed on Gill. No question was put as to there being no swell. All he said was: "I was kept awake by the rubbing of the ice." That might perfectly well be the vessel swinging.

The Commissioner: But swinging consequent upon what?

Sir Robert Finlay: Most certainly she swung round. Your Lordship recollects how her position changed. You do not have a vessel where it is brought up in that way absolutely motionless; it cannot very well be, and the vessel and the lumps of ice do not move at exactly the same rate. I submit there is a fallacy latent in the idea that because the ice and the vessel move together there would not be that rubbing noise. They would not move at the same rate.

The Commissioner: I do not know that you are not right, but it appears to me that the difference in the way of the ship and the ice might produce that rubbing sound.

Sir Robert Finlay: I submit it would.

The Commissioner: One thing you point out is that it was not in the same position.

Sir Robert Finlay: It was not in the same position. Without pursuing any further the effect of Mr. Gill's evidence, I hope I have said enough to show the extreme danger of disregarding precise, positive and uncontradicted evidence as to the state of things where the "Titanic" was, and having recourse to any inferences from what -

The Commissioner: You understand that the evidence must be read with the experience of the gentlemen who advise me.

Sir Robert Finlay: Entirely, and I am very glad your Lordship has such expert assistance, and your Lordship has had considerable experience elsewhere, of course, in matters of this kind, and I am very glad that this evidence will be appreciated by minds that have gone through that previous experience.

Now, my Lord, I have finished reading all I wish to in this connection in Mr. Lightoller's evidence. I do not know what course your Lordship thinks it desirable for me to take with regard to the other evidence. There is a very large body of evidence. I understood your Lordship to say yesterday that there was a large body of evidence, and no contradiction that this had been the uniform practice in the Atlantic trade.

The Commissioner: Well, that is my impression of the evidence.

Sir Robert Finlay: Perhaps your Lordship, having regard to the enormous importance of the point, would think it well that I should just go through it.

The Commissioner: I would very much rather you did, Sir Robert.

Sir Robert Finlay: If your Lordship pleases. Then I will take every witness who deals with the point.

The next witness that I call attention to is Captain Lord. I took Mr. Lightoller first as being on the "Titanic." Now Captain Lord, the Captain of the "Californian," at page 157, Question 6701, was asked: "Later on did you have to stop on account of ice? - (A.) I had to stop and reverse engines. (Q.) Would you tell us what time it was? - (A.) 10.21 p.m.," and then he gives the latitude and longitude.

Then on page 163, at Question 7047: "(Q.) Why did you double the look-out? - (A.) Because we had passed bergs during the afternoon, and we had had a report of bergs from Eastbound steamers. (Q.) You had reported to the "Titanic" that you had passed ice at half-past 6 that day? - (A.) Yes. (Q.) You doubled the look-out. You had one man at the crow's-nest? - (A.) Yes, and one man right in the bows of the ship." Question 7056, I am reminded, is very important. It is in another connection, it is true, but in passing it I just call attention to it. "(Q.) Did you find it better for detecting ice to have a man right in the bows like that? - (A.) Well, I do not know. This is my first experience of field ice. I think I saw the ice myself before they did." I was about to pass it for the moment because it is in another connection and will come in again on the question of the look-out and having a man in the bows.

Then on page 164, at Question 7112: "(Q.) When you first had warning of the presence of ice, did you slow down? - (A.) No. (Q.) You did not slow down? - (A.) No. (Q.) Is it not usual to slow down in the presence of ice? - (A.) No, not in clear weather. (Q.) At what speed were you going? - (A.) Eleven knots. (Q.) But if you are in a haze is it usual to slow down? - (A.) In an ice district, yes." There you have the practice of Mr. Lord, submitted to you by Mr. Lord, and what he himself did in conformity with that practice. Although he knew that ice was about he did not slow down.

The Commissioner: You see, the reason they do not slow down in clear weather is this, that according to their experience they have always time to steer clear of an obstacle.

Sir Robert Finlay: Yes.

The Commissioner: That is their reason, but, then, that reason did not apply to this particular

night.

Sir Robert Finlay: Yes, but owing to circumstances which could not -

The Commissioner: Which were abnormal.

Sir Robert Finlay: Yes, that is really the whole point of the case; the case turns upon that.

The Commissioner: To my mind - I am speaking without any consultation with my colleagues - it is a truism to say that there should be no slowing down if the circumstances are such as to enable you without any doubt to avoid obstacles without slowing down.

Sir Robert Finlay: I entirely agree.

The Commissioner: The whole object of slowing down is to enable you to avoid the objects which are in your way, and if you can avoid the objects in your way without slowing down, you do not slow down; at least, I should think not.

Sir Robert Finlay: I entirely agree.

The Commissioner: It does not appear to me to matter in the least whether the ship is going 11 knots or 50 knots, if it be true that you could always avoid the obstacle. Of course, you must first assume that it is true that you can always avoid an obstacle; if you can, then the speed is of no consequence; but if you cannot, or if there is a danger of you not being able to avoid the obstacle, then it becomes most important to reduce the speed.

Sir Robert Finlay: Then, of course, comes the practical application of what your Lordship has mostly justly characterised as a truism. The experience of the Atlantic trade and the statistics show that you can in clear weather in all ordinary circumstances see a berg in time to avoid it. Here there were abnormal circumstances which, as has been said by several witnesses, might never occur again, or might not occur once in a hundred years, that led to the accident, and that alone. I say with some confidence that no one can take these three sets of statistics with regard to the absence of casualties, the very small number of deaths on passages across the Atlantic relatively to the enormous traffic when this system was being uniformly pursued of going right ahead in clear weather at the same speed - no one, I say, can look at those statistics and fail to see that they were perfectly justified, these men of experience in this particular branch of navigation, the North Atlantic, in their belief that in clear weather you could see the ice in time to avoid it. If that were not the case you could not have had such statistics as those which are before the Court.

The experience in this matter is worth any amount of theory about it. Here you have this uniform practice of 20 years and you have, I venture to say, an extraordinary absence of casualty. It is perfectly impossible that you could have had that low percentage of casualties if the system on which they were proceeding was not a sound one. And it was sound, because in clear weather you could see a berg in time to avoid it. That is my submission to your Lordship on that part of the case. The whole importance of the matter is when one comes to translate the general proposition, which your Lordship justly characterised as a truism, into practice. The practical question is, can you in clear weather see a berg in time to avoid it? And the answer I say is demonstrated, by the experience of 20 years, to be that you can; and the answer to the question, "How did the 'Titanic' not see it in time?" is supplied by the fact that the circumstances were extraordinary and abnormal, and such as may never occur again.

The Commissioner: You have not overlooked the fact that this was what you might call an abnormal ship. She was a very long ship, and a very big ship, and the circle in which she could turn was a large one.

Sir Robert Finlay: Yes, my Lord.

The Commissioner: It was not easy for that ship to turn a circle which would enable her to avoid anything in front of her.

Sir Robert Finlay: She was a big ship, undoubtedly.

The Commissioner: And that was a circumstance known to the Captain.

Sir Robert Finlay: But your Lordship recollects there were a great many other ships not very much less. I forget the lengths of the "Lusitania" and the "Mauretania," but they are not very far short. For all practical purposes I do not suppose there is much difference.

The Commissioner: I am told they were about 90 ft. shorter than the "Titanic."

Sir Robert Finlay: That does not make very much difference. Then your Lordship recollects the great big German liners. It is not as if this were a new departure altogether. This was a gradual growth; it had been going on. May I call your Lordship's attention to that Table which shows very well the history of the White Star Line; and, of course, it can be compared with the lengths of other vessels which are in evidence. It was handed in to the Court. I have it in the "Shipbuilder." My friend has a separate copy.

The Commissioner: Yes, I have that.

Sir Robert Finlay: I only refer to it in a casual way at this moment for the purpose of showing how the lengths went on gradually increasing. The diagram slopes up from the left-hand side, with variations, of course, getting longer and longer. You have the "Adriatic" and the "Baltic," and then finally you have the "Titanic" and the "Olympic." That growth was going on gradually, but side by side with that growth in the White Star Line was going on the growth in the other vessels. I quite appreciate the point, but I submit to your Lordship that there is nothing in the additional length of the "Titanic" to render it improper to adhere to the ordinary practice which had always been pursued in this matter.

The Commissioner: I should have thought that the great length of this ship might make a difference, whether considerable or not, I cannot say, in the difficulty of avoiding an object.

Sir Robert Finlay: My Lord, is not the answer with reference to any suggestion of negligence that may be made on that score supplied by the fact that there are other ships, which, for practical purposes, are as big, which have adhered to the same practice? It is a matter which I suggest cannot be imputed as negligence to any officer in charge of the vessel that he did not vary from the ordinary practice in a way which no other Commander in charge of vessels which were approximately the same length, not very much shorter, did.

The Commissioner: Well, I interrupted you. You were giving us a list of the witnesses who had spoken to the practice.

Sir Robert Finlay: Yes, my Lord. Your Lordship will understand I am really most grateful for these interruptions, because I am very glad to have my attention called to anything passing in the mind of the Court. I might pass over points which may turn out to be important unless I were indebted to your Lordship for intimations of this kind.

I was reading Mr. Lord's evidence at page 164, and I think I had read all that is material, and I need not read any more.

Then I pass to Mr. Moore, the Commander of the "Mount Temple." That is one of the Canadian Pacific boats. It is on page 208, at Question 9261: "(Q.) Have you instructions from your Company as to what to do when you meet ice? - (A.) We are not to enter field ice under any conditions. (Q.) Just tell us what your instructions are? - (A.) I have not got them here; they do not happen to be in these sailing orders, although I have them. Those instructions we usually get that we are not to enter field ice, no matter how light it may appear. (Q.) Not even in daylight? - (A.) At any time. We are not to enter field ice at any time, no matter how light it may appear. (Q.) When you got warning there was ice ahead, what precautions did you adopt? - (A.) I simply steered down. I went further down to the Southward. (Q.) Did you decrease your speed? - (A.) Not at all; it was daylight. (Q.) What is your highest speed? - (A.) About 11 knots."

The Commissioner: Then, of course, he does that which, if done in time, gets him out of the region of field ice.

Sir Robert Finlay: He went further to the Southward; he got only five miles to the South of the

berg. I will show your Lordship, when I deal with what Captain Smith did, that he went further to the Southward, and went to the Southward on a course which, so far as the information that had about ice was concerned there was every probability would be a perfectly safe one.

The Commissioner: We will come to that.

Sir Robert Finlay: Yes, I do not propose to turn aside at the moment to deal with that. Then at Question 9379 -

The Commissioner: Will you read 9316?

Sir Robert Finlay: Yes, my Lord: "Now would you consider it safe in the neighbourhood of an ice-field, provided your boat had the power, to go ahead at 21 knots an hour? - (A.) It would be most unwise to go that speed at nighttime." I think with that must be read Question 9407: "And when you say it is not wise to go at 21 ½ knots - I think your expression was in the neighbourhood of ice - did you mean field ice? - (A.) Field ice. (*The Commissioner.*) And you have never gone through field ice except when you went to the position where the "Titanic" was lost? - (A.) No; I do not pass any ice at all."

The Attorney-General: The original question is "in the neighbourhood of an ice-field."

Sir Robert Finlay: Yes; there might have been a slight ambiguity as to the meaning of the term "ice-field" in Question 9316, but that possible ambiguity is removed by Question 9407, which shows he was speaking of field ice.

The Commissioner: I understand Question 9316 to refer to field ice. An ice-field, I think, means field ice.

Sir Robert Finlay: So far as the field ice of which we had intimation was concerned we did not see anything of it, and we should not see anything of it.

The Commissioner: I do not think that is very important.

Sir Robert Finlay: What is important is that, having regard to the Easterly drift the field ice would have, so far as it had any drift at all - it would drift with the Gulf Stream - the course the Captain took was certain to avoid it, and, as a matter of fact, he did avoid it and avoided it effectually. Then at Question 9379, on page 210, my friend, Mr. Laing, puts this question to the Witness: "Have you had a long experience in the North Atlantic trade? - (A.) Twenty-seven years. (Q.) And do you run to Montreal in the summer and St. John's in the winter? - (A.) Yes. (Q.) Have you ever tried using binoculars for your look-out? - (A.) No. (Q.) Is that a new idea to you? - (A.) Yes, it is. (Q.) With regard to yourself, on this voyage did you get a Marconi notice that ice was about? - (A.) Yes. (Q.) Was it fine, clear weather? - (A.) Yes. (Q.) Did you keep your speed? - (A.) I did. (Q.) I suppose in time you saw ice? - (A.) I saw no ice at all until I went back to the "Titanic's" assistance."

The Commissioner: But I suppose when he says here that he kept his speed, he means in the daytime.

Sir Robert Finlay: I do not think so, my Lord - "fine, clear weather." All the witnesses say they all do so night or day so long as it is clear weather.

The Commissioner: His speed was only 11 knots.

Sir Robert Finlay: As your Lordship said just now, it does not make any difference in the principle really. Your Lordship will remember Sir Ernest Shackleton, whose boat, the "Nimrod," had an outside speed of 6 knots, used to slow down to 4 knots when he got among the ice which he had to navigate - navigation, of course, of a very different kind from what we have to deal with in the North Atlantic. I will not enlarge upon that, because I shall comment upon Sir Ernest Shackleton's evidence by and by.

Then the observation which I make upon Mr. Moore's evidence is this, that he speaks to the same practice as every other witness who knows the trade speaks to, and his observation about the danger of going at 21 ½ knots is confined to field ice. This gentleman was in the Canadian

trade.

Then Mr. Hayes of the "Adriatic," on page 569 -

The Commissioner: I think I am right in saying that the "Mount Temple" went to the Southward 26 miles?

Sir Robert Finlay: But Southward of the ice only 5 miles.

The Commissioner: But Southward of the course.

Sir Robert Finlay: I cannot at the moment give your Lordship the precise number of miles South of the course; he went five miles South of the Southernmost ice that had been reported to him.

The Commissioner: Yes, but is it right to say that he steered to a position 26 miles South of the ordinary track?

Sir Robert Finlay: I will have that worked out, my Lord; I cannot answer your Lordship at the moment.

The Commissioner: Was the "Mount Temple's" course the same as the "Titanic's"?

Sir Robert Finlay: No, I do not think so.

The Commissioner: I think not.

Sir Robert Finlay: No.

The Commissioner: And if it was not, I am in confusion about this.

Sir Robert Finlay: May I call attention to a passage in the evidence of this witness, which I think makes the matter clear? It is on page 207, near the beginning of Mr. Moore's evidence. At Question.9224 he says he was going West, "on our sixty-second voyage West." Then at Question 9226 he is asked, "On the 12th April did you receive a message from the "Corinthian," informing you that there was ice? - (A.) On the 13th April. (Q.) Where was that ice? - (A.) 42 deg. 15 min. N. and 49 deg. 48 min. W.; 41 deg. 25 min. N., 50 deg. 20 min. W."

The Commissioner: What does that mean?

Sir Robert Finlay: I suppose it is between these limits: "(Q.) In consequence of that information did you alter your course? - (A.) I did. (Q.) When you got that information what course were you on? - (A.) About S. 65 deg. W. (Q.) And in consequence of that information to what did you alter your course? - (A.) Just a little to the Southward of that, because I went straight down to 50 deg. W." That "52 deg." should certainly be "42 deg." Instead of going down to 52 deg." - that is 42 deg. - "and 47 deg. W., I went down to 50 deg. W. and 41 deg. 20 min. N."

Now, your Lordship sees what he did. He did not turn at the ordinary corner. Your Lordship recollects that on the chart the corner is marked. He did not turn there; he ran down to 50 deg. W. and 41 deg. 20 min. N.; that is to say, he took a course that took him 5 miles to the South of the ice that had been reported.

The Commissioner: Did that take him out of the ice-field as advised in the telegram; it took him clear?

Sir Robert Finlay: As advised in the telegram which he got from the "Corinthian." What he did, my Lord, was to continue his course, instead of turning at the corner. He continued his course until he got to a point 5 miles South of the most Southerly ice that had been reported to him. So that your Lordship sees how like his proceedings up to a certain point were to those of the "Titanic." He did not turn at the corner, he ran on, and he ran on until he got to a latitude which was 5 miles South of the most Southerly ice that had been reported to him; he went on at his ordinary speed, 11 knots.

The Commissioner: He did not steer clear of the ice-field that is advised to him. By the "ice-field" I mean the space over which the ice was.

Sir Robert Finlay: I hope to prove to demonstration that the "Titanic" did escape all the ice that

had been reported to her. She was struck by what must have been another berg.

The Commissioner: What I mean is the telegrams advised her of the existence of icebergs and field ice within a certain parallelogram.

Sir Robert Finlay: That telegram never got to the bridge; that is the "Mesaba" telegram.

The Commissioner: See if I have it right now. Did the course steered by the "Titanic" take her about five miles South of the nearest ice of which she had advice?

The Attorney-General: The "Mount Temple," I think your Lordship means.

The Commissioner: No, I am talking about the "Titanic" now.

Sir Robert Finlay: Yes, about that, my Lord.

The Commissioner: That is what I am told - four or five miles. I am taking the three telegrams.

Sir Robert Finlay: Yes, my Lord.

The Commissioner: And none other. She was South of all the ice.

Sir Robert Finlay: She was South of the position.

The Commissioner: Of all the ice referred to in these three telegrams?

Sir Robert Finlay: Yes.

The Commissioner: And the nearest ice referred to in these three telegrams was over four or five miles to the North.

Sir Robert Finlay: Certainly. I will deal in detail by-and-by with the course that the Captain took and his reasons for it, because, of course, one has to bear in mind that while the bergs are drifting and may be drifting Southward if they are so bulky as to get through the Gulf Stream down to the Labrador Current below, the field ice and any bergs which are not so bulky as to get down through the Gulf Stream to the Labrador Current will be drifting Eastward. And I shall show your Lordship, I hope, that the Captain had very good reasons for going just as far South as he did and not further. I hope to show beyond all doubt that the berg which struck the "Titanic" was not a portion of any ice which had been reported to him.

The Commissioner: You have gone away from the point to another point.

Sir Robert Finlay: But the points your Lordship puts are so important that I do not like to pass them by, but I want to clear them up as I go along.

The Commissioner: You are quite right.

Sir Robert Finlay: Now I have finished with Mr. Moore's evidence, and I pass on to the evidence of Mr. Hayes, of the "Adriatic," on page 569. He states his experience in the first column on that page, and at Question 21804 he is asked with regard to the matter upon which the Court is engaged. He is first asked about the look-out.

The Commissioner: Tell me, to begin with, what line this gentleman belongs to.

Sir Robert Finlay: The "Adriatic," the White Star Line. Then Question 21809 and the following questions are devoted to the look-out. I will not read them, because I shall have to deal with the look-out by itself. At Question 21814 he is asked: "Did you proceed at the same rate of speed? - (A.) At the same rate of speed. (Q.) You made no alteration? - (A.) No alteration. (Q.) Is that the practice in your line, so far as you know? - (A.) It is the practice all over the world, so far as I know - every ship that crosses the Atlantic. (Q.) To make no alteration in speed, notwithstanding that you may have been advised of the presence of ice? - (A.) Ice does not make any difference to speed in clear weather. You can always see ice then. (Q.) The experience of the "Titanic" shows you cannot always? - (A.) There were abnormal circumstances there which nobody has ever experienced before. (Q.) But you said you can always see it? - (A.) In clear weather, I am talking of. (Q.) Now I want to ask you, at night - supposing you are steaming at night, and it is reported that along the course you are following you will come into an ice-field, according to your view would you make any reduction in the rate of speed? - (A.) None, till I saw the ice. (Q.) None till you saw the ice? - (A.) No. (Q.) If you saw it too close it would be too

late? - (A.) But you would not see it too close in clear weather. (Q.) What? - (A.) You would not see it too close in clear weather. That is my experience. (Q.) Of course, I am only asking you according to that. Is this right then? Supposing the weather is clear, and a proper look-out is being kept, you would be able to see ice at sufficient distance to enable you to avoid it? - (A.) Certainly. (Q.) That is what you mean? - (A.) That is what I mean. (Q.) Whatever your rate of speed? - (A.) Whatever my rate of speed. (Q.) And supposing you have an iceberg which is 60 to 80 feet high from the sea level, how far off do you think you would see that on a clear night? - (A.) Six or seven miles, I should say. I have seen it 10 miles. (Q.) What is it that you see; what is it first calls your attention to the fact that there is an iceberg there? - (A.) You see a light there; the ice is light. (Q.) You mean light against the horizon? - (A.) It is like looking at that piece of paper on the wall; you can see the brightness." Then I think he pointed across to the plan of the "Titanic."

The Attorney-General: Yes.

Sir Robert Finlay: "Colour - something which attracts your attention? - (A.) The brightness of it attracts your attention. (Q.) And is that the way you distinguish it at night? - (A.) That is the way you distinguish it any time; you see the colour of it. It is differentiated from land in the daytime. (Q.) Have you ever been very close to an iceberg yourself? - (A.) Not in clear weather. I have steamed in between them. They have been scattered all over about the course on either bow, and I have gone on my course steering between them at nighttime. (Q.) I should assume that was in the daytime from what you tell me? - (A.) At nighttime, approaching Belle Isle. (*The Commissioner.*) Going full speed? - (A.) Going full speed."

The Commissioner: What was the speed of this man's ship?

Sir Robert Finlay: The Attorney-General asks the question, my Lord: "What is your full speed? - (A.) 18 knots; the "Laurentic" was 18 knots. (Q.) That was on the Canadian service? - (A.) Yes. (Q.) Of the White Star Line? - (A.) Of the White Star Line. (*The Commissioner.*) That is in the track North? - (A.) Yes, by Belle Isle. (*The Attorney-General.*) Where you would meet more ice and expect to meet more ice than on this track? - (A.) Yes. (Q.) Is that your invariable practice? - (A.) Everybody's invariable practice, as far as I know. (*The Commissioner.*) No, not everybody's, because we have had evidence about the Canadian Pacific boat, I think it was. (*Sir Robert Finlay.*) Not on this point, my Lord." That was cleared up. That related to the notice about field ice; they were not to enter field ice at any time. I endeavoured to summarise it at page 570 in the first column. "(*Sir Robert Finlay.*) I think it stops there - they are not to enter field ice - because it is given more in detail in our Rule, which was issued to vessels using that track, the Northern track, to Canada, and it was pointed out that even if there is a lane it may very likely be a lane which does not go very far. It is no use to enter the ice. (*The Attorney-General.*) It does not really stop there, it goes further. The next is: 'When you got warning there was ice ahead, what precautions did you adopt? - (A.) I simply steered down. I went down further to the Southward," and he says his highest speed was about 11 knots." That is referring to the evidence of Mr. Moore. (*Sir Robert Finlay.*) He is asked: 'Did you decrease your speed? - (A.) Not at all; it was daylight. (*The Attorney-General.*) He steered further to the Southward."

The Commissioner: If it had been night he would?

The Attorney-General: It is the qualification of the answer before. The Witness does say it was daytime.

Sir Robert Finlay: All the other evidence of the witnesses who deal with night say it makes no difference.

The Commissioner: But that answer plainly indicates a distinction in the man's mind.

Sir Robert Finlay: Not necessarily, my Lord. Very often a man saying -

The Commissioner: Well, it is a matter for observation, perhaps.

Sir Robert Finlay: He puts in a circumstance which is perfectly true, but he would have done the same, even if that circumstance had not existed. Then the Attorney-General in the second column on page 570 says: "Then he is asked if he makes any change in the look-out, and he says: "If we expect to see ice we always double the look-out." That is how it stands, I think. We shall have to consider later the evidence already given. (*To the Witness.*) I only want to get your view. Supposing you had had a report of field ice ahead, not of icebergs, would you still steam full speed ahead? - (A.) Till I saw that ice in clear weather, yes. (Q.) Even at night? - (A.) On a clear night." Your Lordship sees that deals with that point. "(Q.) What I do not quite understand is this: Where there was an iceberg of from 60 to 80 feet from the sea level, and it was not seen until within half a mile away, how do you account for that if it was a clear night? - (A.) I was not there on that night. (*The Commissioner.*) That is my difficulty. (*The Attorney-General.*) I agree. (*The Witness.*) There must have been some abnormal conditions which misled them. (*The Commissioner.*) Or there was a bad look-out. (*The Attorney-General.*) Either one or the other. (*The Witness.*) I do not think there was, my Lord. I have known the two men, and there is no carelessness. (*The Attorney-General.*) I am not going to ask you to say there was a bad look-out on another White Star Line boat; do not think that. - (A.) No, not against the men." I do not think the Attorney-General and the Witness were quite on the same point there. The Attorney-General's question was ironical, and the Witness was answering in all simplicity and good faith.

The Attorney-General: That is quite right.

Sir Robert Finlay: Therefore, I think I am entitled to claim the evidence of this witness as entirely bearing out the evidence I have already called attention to as to practice both by day and by night. Then Mr. Passow, who is a Captain in the American Line, at page 571, is the next witness. He has a British Master's certificate and has been in command as master for the last 28 years. He has been serving in the Inman Line and now in the American Line. Then at Question 21856 he is asked: "The Inman Line, as we know, has become an American line, and you passed on from the British company's service into the service of the American company? - (A.) Yes. (Q.) I think you have crossed the Atlantic some 700 times? - (A.) About that. I have never kept an accurate record, but about 700 times. (Q.) And at the present moment you are in command of the "St. Paul"? - (A.) Yes. (Q.) She is one of the American Inman Line boats? - (A.) Yes. (Q.) What speed boat is she? - (A.) About 20 knots. (Q.) I think I can shorten your evidence in this way: Have you heard the evidence of the last gentleman who was in the box? - (A.) Yes. (Q.) Did you hear the statements of fact that he spoke to? - (A.) Yes. (Q.) And the expressions of opinion that he uttered? - (A.) Quite so. (Q.) Do you agree or disagree with the statement of facts? - (A.) I agree with it. (Q.) With regard to the expression of opinions, do you agree or disagree? - (A.) Yes." That means he agrees with the expression of opinion.

Then, on the same page, I asked him, at Question 21872: "Do you see a great deal of ice on the tracks you follow? - (A.) On the Northern track we see a great deal. (Q.) You have had a very large experience of ice? - (A.) I have had a very large experience of ice. (Q.) I do not know whether your Lordship caught the last answer of the witness. He said that on that track, which he described as going 30 miles South of the Virgins, they saw a great deal of ice, including field ice. You have had a very large experience of ice? - (A.) Yes, a large experience of ice. (Q.) Did you ever slacken your speed for ice as long as the weather was quite clear? - (A.) Not as long as it was quite clear - no, not until we saw it. If it was field ice, of course we kept out of it if we could. We get into it sometimes. (Q.) Was that the same by night and by day? - (A.) The same by night and by day, as long as the weather was absolutely clear." Then he deals with the question of binoculars. Then at Question 21880 he is examined by the Attorney-General. "(Q.) I want to understand one thing. You said you never altered your speed because you could always depend upon seeing the ice in sufficient time? - (A.) As long as the weather is perfectly clear. (Q.) Has

the disaster to the "Titanic" caused you in any way to modify your view? - (A.) I do not think so. Of course, I was not there, and I did not see what they looked like. But I have never seen an iceberg of that size that you could not see on a perfectly clear night, and far enough off safely to clear it. I have seen a piece, quite a small piece, that you could see some distance off. (*The Commissioner.*) If you are right, and if this was - as we have been told by a great many witnesses it was - a perfectly clear night, how do you account for the collision? - (A.) I cannot account for it at all. They say it looked like a black iceberg, but I have never seen a black iceberg. I never saw anything but a white one, and that you can see on the darkest night. You can see field ice, too, on the darkest night in time enough for you to get out of the way of it. (Q.) We have had an explanation given of it by Mr. Lightoller. He said, that the sea was absolutely flat - there was not, as I understood him, even a swell - and that the consequence of that was that there was no surf of any kind round the base of the iceberg. By the base, I mean the margin on the waterline, and that, therefore, one of the best indications for the seeing of ice was absent. What do you think about that? - (A.) I think you would see the surf round it at a shorter distance than you would see the iceberg, if it was a large one. The ice has a phosphorescent appearance. (Q.) I should have thought, that, as a seaman, you would have had some sort of explanation to suggest? - (A.) I cannot think of anything, because they say the ice was dark blue, almost black. I never saw an iceberg like that in my life, and I have seen a good deal of ice too. (Q.) Does that lead you to infer that they are mistaken when they say it was black? - (A.) I would not like to say that, my Lord. I do not know, of course; I was not there, but I never saw an iceberg of that kind. (Q.) Have you ever seen a growler? - (A.) These low bergs? (Q.) Yes? - (A.) Very seldom. (Q.) What is the colour of a growler? - (A.) White. (Q.) The same as an iceberg? - (A.) The same as an iceberg, only a smaller one. That is what I understand by a growler - a low-lying berg. We always see those. (Q.) If there was any haze, I suppose it would be seen from the bridge? - (A.) The berg? (Q.) No. If there was any haze the haze would be seen? - (A.) Immediately. As soon as there is the slightest beard on the green light and we are in the ice region we slow down, because you cannot say how far you can see, but when it is absolutely clear we do not slow down for ice. (Q.) Of course, if there had been a haze you could have accounted for it? - (A.) Yes. (Q.) Would a bad look-out account for it? - (A.) Yes, but I do not believe there are bad look-outs on any Atlantic steamers. I do not believe that. (Q.) There were two men in this crow's-nest and there were two officers, I think, on the bridge. You do not suppose there could have been a bad look-out? - (A.) No, I should not think so. I never knew a bad look-out on these steamers, especially when you are in the ice region - not necessarily because ice was reported, but from longitude 41 to 51 we are always looking out for it. (Q.) If a haze comes on, is it the duty of the man in the crow's-nest to report it to the bridge? - (A.) No, Sir, it is not; we would know it quicker than he would, or just as quick, because we always see the little blur on the green light." It is what he has referred to as the "beard"; it is a familiar expression.

The Commissioner: Yes, I know what it means.

Sir Robert Finlay: "(Q.) It is the business of the man on the bridge to notice it? - (A.) Yes. (Q.) And to give directions accordingly? - (A.) Call the captain of the ship immediately. (*Further examined by Sir Robert Finlay.*) (Q.) May I suggest one question with regard to what the witness said as to what Mr. Lightoller said? You said that you thought that if there had been a swell the white of the waves breaking at the foot of the iceberg would not be seen further than the iceberg itself? - (A.) I do not think it would be seen as far, unless there was a sea on. Then you would see the breakers just like breakers breaking on the beach. (Q.) I am speaking only of an ordinary swell? - (A.) No, I should think you would see the berg first. (Q.) You are speaking of the icebergs of which you have experience - white icebergs? - (A.) Yes." Your Lordship remembers he said he had never seen a black iceberg. "(Q.) Suppose you had a black iceberg? - (A.) I would

not see it, I suppose. (Q.) Would the white of the waves, if there was a swell, be seen further under those circumstances? - (A.) Oh, yes, of course, according to the amount of sea. (Q.) You were speaking of the white icebergs with which you are familiar? - (A.) Quite so, yes."

The next witness is Mr. Owen Jones, of the "Canada." That is one of the vessels of the Dominion Line. It is at page 664, Question 23612: "Tell us what you did when you found yourself in the neighbourhood of the ice. That is what we want to know? - (A.) It was some hours later when we came to the ice. (Q.) Whenever it was, what did you do? - (A.) When I saw the ice I stopped. (*The Commissioner.*) This was pack ice? - (A.) Yes. (*The Solicitor-General.*) What sort of ice? - (A.) Pack ice. (Q.) You stopped altogether, did you? - (A.) Yes, I stopped altogether. I let my ship run her way off, and then I gave her a touch ahead, so as to get close to the ice, so as to inspect it. (Q.) Was this in daylight or at night? - (A.) At night, 11 o'clock at night. (Q.) Then you say you gave your ship a touch ahead to get close to the ice to have a look at it? - (A.) Yes. (Q.) What did you find? - (A.) Broken ice and lanes between them, so I decided it was safe for me to go through. (*The Commissioner.*) To go through? - (A.) Yes, my Lord. (*The Solicitor-General.*) At what speed did you go through? - (A.) Oh, very slow; I picked my way clear of the broken pieces. (Q.) And did you succeed in getting through? - (A.) Yes, I was through about daylight the next morning, about 6 o'clock. (Q.) After you got the messages about the ice did you continue going on full speed ahead until the ice was reported by the look-out? - (A.) Yes, certainly. (*The Commissioner.*) Now, I see the object. (*The Solicitor-General.*) That is the point. (*To the Witness.*) Is that, in your opinion, the usual practice? - (A.) Certainly, always. (*The Commissioner.*) What speed were you going at? - (A.) 15 knots. (*The Solicitor-General.*) Is that your full speed? - (A.) Yes. (Q.) What was the weather? - (A.) Dark and clear. (*The Commissioner.*) Suppose you had had a 22-knot boat, would you have gone 22 knots? - (A.) I should think it would be just as safe to go full speed with 22 knots. (*The Solicitor-General.*) What was the distance at which the ice was picked up? You are going your 15 knots, and it is reported, and then you say you stopped and ran on to reach it. Do you know how far ahead of you it was seen and reported? - (A.) Well, I saw the glare of it; I should say about 3 miles off. (Q.) You did yourself? - (A.) Yes, and I saw the ice itself fully a mile and a half. (Q.) Then I understand you stopped, let your vessel come to a stop, and then felt your way on to inspect it? - (A.) Yes."

I think I should read a passage at the very end of page 664, Question 23646: "With your experience on a clear night, have you always been able to detect ice by this ice-blink? - (A.) No, not by the ice-blink; the ice-blink does not always occur. (Q.) Then, if it is not the ice-blink which enables you to see it, what do you see it by? - (A.) You see the ice itself. (Q.) Can you suggest to us at all why it should be, if a good look-out is kept, that a ship would not see ice until she is close upon it? - (A.) No. (Q.) You cannot imagine? - (A.) No; I have always seen ice in plenty of time on a clear night."

Then at page 666, Question 23708: "(Q.) Where you have ice about, in your experience are you liable to have fogs? - (A.) Very liable. (Q.) Does that, in your judgment, afford any reason for the practice you have always pursued as to speed? - (A.) Yes, we always make what speed we can. (Q.) Just tell us, in your own way, what effect that fact has on your practice as to speed? - (A.) Well, we always try to get through the ice track as quickly as possible in clear weather. (Q.) If fog came on while you were there? - (A.) It would increase the danger very much. We have to slow down or stop."

The Commissioner: Are there many cases reported of collisions with icebergs?

Sir Robert Finlay: Very few, my Lord.

The Commissioner: I think there are very few indeed.

Sir Robert Finlay: Very few.

The Commissioner: There was one a good many years ago.

Sir Robert Finlay: The "Arizona" I think your Lordship is referring to.

The Commissioner: Is that the only one?

Sir Robert Finlay: I think that is the only reported case, as far as I know.

The Commissioner: I mean a reported case.

Sir Robert Finlay: It will be in the early eighties.

The Commissioner: This is 1880.

The Attorney-General: Of course, you could not get the ordinary collision action; you have that difficulty.

The Commissioner: That is so.

Sir Robert Finlay: Not *in rem* against an iceberg.

The Commissioner: But there have been a very large number of Wreck Enquiries, and I was wondering whether any wreck had been reported where the cause of the wreck was collision with an iceberg.

Sir Robert Finlay: I am not aware of any Wreck Enquiry under such circumstances.

The Commissioner: Then such an accident as this is of very rare occurrence, I should think.

Sir Robert Finlay: Yes; and of course, my Lord, that is one of the circumstances to which I appeal, as showing that the practice that has always been pursued is a reasonable practice.

Mr. Cotter: There have been heaps of collisions with icebergs, my Lord, but not wrecks.

The Attorney-General: Yes, certainly.

Mr. Cotter: The "Lake Champlain," only last year, was in collision; the "Arizona" was in collision, and several have been in collision.

The Commissioner: Are not those cases reported anywhere?

Mr. Cotter: The Board of Trade will have the facts, my Lord.

Sir Robert Finlay: There was no loss of life in the "Lake Champlain."

Mr. Cotter: No, but she was in collision; she struck an iceberg.

Sir Robert Finlay: Did she do any damage?

Mr. Cotter: Yes, she bent in her bows.

Sir Robert Finlay: Still, the fact remains that there have been extremely few, and the absence of casualties is what the Table shows.

Mr. Cotter: There is one case, if I may bring it to your Lordship's notice. The White Star Line steamer "Naronic" left Liverpool in 1903, and was never heard of again. All her crew went down with her.

The Commissioner: Yes, but do we know anything about the cause of the wreck?

Sir Robert Finlay: No, it may have been a derelict, or anything, or a leak. She was not a passenger ship.

I have finished Mr. Owen Jones's evidence, and I now pass on to the evidence of Captain Cannon's, the next witness, on page 666. He says he has been 36 years going to sea and in the service of the Atlantic Transport Company for nearly 25 years, and in command for over 20, and during the whole of that time he has been sailing in the North Atlantic, and at Question 23719 he is asked: "London and New York, Boston, Philadelphia and Baltimore? - (A.) Yes. (Q.) And before that at times you were sailing in the North Atlantic? - (A.) Yes, quite a time. (Q.) In the course of your experience have you met icebergs and also field ice? - (A.) Yes. (Q.) Have you ever met ice-fields on the Southern outward and homeward tracks which were agreed in 1898? - (A.) No, I have never seen field ice on the Southern track. (Q.) You have never seen field ice? - (A.) No. (Q.) Have you ever seen icebergs? - (A.) Yes, several. (Q.) On the outward track or the homeward track? - (A.) On both tracks. (Q.) At this time of year, we are speaking of in April? - (A.) Yes. (Q.) Often? - (A.) No, not often; they do not get down as early as that, as a Rule."

Then at Question 23733: "There is only one further question I want to put to you. When you do sight an iceberg, do you reduce your speed or do you keep your speed? - (A.) I keep my speed. (Q.) What is the speed of the vessel? - (A.) Sixteen knots. (Q.) You keep your speed; that, of course, is, I suppose, in the day or it might be at night? - (A.) Both day and night. (Q.) The question I put to you, and you have answered, is when you have sighted an iceberg? - (A.) Yes. (Q.) Then you have time, I suppose, from what you said, to get clear of the iceberg going at the speed at which your vessel then is? - (A.) I have never had any difficulty to clear when I have met ice ahead. (Q.) Does that mean that you see the ice some distance ahead? - (A.) Yes. (Q.) How far as a Rule? - (A.) Well. I have seen it over three miles and at less distances. (Q.) Are you speaking of the day or night? - (A.) At night. (Q.) Do you mean you would see it further in the daytime? - (A.) Yes, decidedly, in clear weather. (Q.) At night you have seen it at three miles and sometimes less? - (A.) Yes. (Q.) And supposing that your look-out is properly kept and that the night is clear, is there any difficulty in your sighting an iceberg at sufficient distance to enable you to steer clear of it? - (A.) None whatever. (Q.) And supposing you received reports of icebergs in a latitude and longitude which you would expect to be crossing during the night, would you take any precaution as regards speed? - (A.) I should maintain my speed and keep an exceptionally sharp look-out until such time as I either had the ice-blink or some sight of ice ahead or in the track of the vessel. (Q.) What would be the exceptionally sharp look-out you would keep? - (A.) I mean with reference to everybody concerned by my cautioning them and giving my officers instructions to inform the look-out to be on the alert. (Q.) Where is your look-out stationed? - (A.) In clear weather under ordinary circumstances in the crow's-nest. (Q.) How many do you carry there? - (A.) One. (Q.) Would that be the only man on the look-out in clear weather, except the officers on the bridge? - (A.) That would be the only one. (Q.) And supposing you were sailing at night and had to keep this exceptionally sharp look-out which you have told us of because of having had ice reports, would you increase the number of men on the look-out or not? - (A.) No, not in clear weather. (Q.) Do you mean that you would go on steaming at the same speed with your man in the crow's-nest, and that is all? - (A.) That is all. (Q.) You do not put anybody apparently in the stem head? - (A.) No, not unless the weather becomes hazy or any difference to ordinary clear weather. (Q.) If the weather does become hazy it would be better to put a man on the stem head, I understand? - (A.) A man goes there immediately."

Then he is asked with reference to the "Titanic." Perhaps I had better read it. "(Q.) You have heard the distance at which it is said that this iceberg was first seen on the "Titanic." Do you know it? - (A.) I do not know it. (Q.) At any rate, not more than half a mile. The exact distance, I agree, is difficult to state, but not further than half a mile it is said to have been. (*The Commissioner.*) I should have said not so much. (*The Attorney-General.*) I am putting it at the extreme purposely. That is the extreme distance at which it is put. (*To the Witness.*) Suppose it was a little less than half a mile, can you account for the look-out man not having seen it if it was a clear night? - (A.) No. (Q.) And supposing it was a clear night, no haze, ought the look-out man in the crow's-nest to have seen it? - (A.) They should have done, I should imagine. (Q.) And if the iceberg is 60 to 80 feet high from the water-level, at what distance do you think it ought to have been seen? - (A.) My experience would be that you would see it at least two miles. (Q.) At least 2 miles? - (A.) Yes. (*The Commissioner.*) Then ought not the men on the bridge to see it? - (A.) Yes. (Q.) They ought to see it? - (A.) Yes."

Then your Lordship puts this question: "Have you seen black ice? - (A.) No, my Lord; I have not seen black ice, but the ice varies considerably in its appearance. (Q.) Have you seen many icebergs? - (A.) Yes, my Lord. (Q.) And you have never seen a black iceberg? - (A.) No." Then on page 630, my Lord, he speaks of the signals which were in use before Marconigrams were

invented, and how they used to get signals about ice. "23793. When you got those signals did you slacken speed? - (A.) No. (Q.) Has the practice in that respect been the same the whole time you have known the trade? - (A.) Yes. (*The Commissioner.*) What is the speed of your vessel? - (A.) Sixteen knots. (*Sir Robert Finlay.*) That is her top speed? - (A.) Yes. (*The Commissioner.*) Now, assume you had under your command a vessel of 22 knots, would you slacken speed then? - (A.) Not in clear weather. (*Sir Robert Finlay.*) Now, would you describe to us the appearance of the icebergs in your experience, what do they look like as regards colour? - (A.) In day or night? (Q.) Well, take first, day? - (A.) In the day they appear as a white glistening mass, irregular in shape, white. (Q.) Then at night? - (A.) At night they throw off an effulgence that can be seen. I have seen the outlines of an iceberg by taking a bearing over seven miles. (Q.) It is what is called ice-blink? - (A.) Yes, it is an effulgence thrown off the berg or ice because the ice absorbs the light by day and throws it off at night. It would look like a large mass of luminous paint. That is the description one might venture upon. (Q.) It has taken in the light of the sun during the day and throws it off at night? - (A.) Yes. (Q.) Anyhow, that is the effect you see? - (A.) Yes. (Q.) Have you ever seen a black berg? - (A.) No. (Q.) In your experience are icebergs dark or black? - (A.) I have seen them much darker. Might I explain an experience of mine some years ago which will give you possibly an idea of the difference in the colour? (Q.) If you please? - (A.) When I was Chief Officer of our "Michigan" I saw an iceberg capsize in the daytime. What appeared prior to the iceberg capsizing as a white glistening mass, after the sea had subsided and the water run off the portion that was then exposed, was apparently dark blue. (Q.) Have you ever come across an iceberg that looked of that colour? You say you saw this one capsize? - (A.) Yes, in the daytime. (Q.) And then did you notice its colour? It was quite different from what it was before? - (A.) It was different in outline and different in colour. (Q.) Very well. Before it capsized it was white, I suppose, as you have described? - (A.) Yes. (Q.) Then after that it was dark blue. Have you ever seen another iceberg of that dark colour? - (A.) No, only that one that capsized. (Q.) Where there is a swell or a little wind, does the water break at the foot of the berg? - (A.) Oh, yes. (Q.) Now, supposing you had a dark blue berg such as you have described, dark in colour, what would the effect of the water breaking at the foot of it with a swell or wind be as regards what you would see? - (A.) Well, it would show whiter at the base. (Q.) But in your experience the bergs have been white except with this one exception? - (A.) With the exception of this one, which I saw in daylight and noticed the difference in the colour; all of them have been discernible at nighttime, and, of course, in the day. (Q.) In addition to the look-out you have the officers on the bridge? - (A.) Yes. (Q.) And if you hear of ice do you tell them all to be on the look-out, to be on the alert? - (A.) Yes, the watch is mustered on the bridge, the officer inspects them, and instructs them specially to keep their eyes open. (Q.) In your experience, is the practice of all as regards speed though ice has been reported the same that you have stated, to keep up speed? - (A.) Yes, to maintain speed until the ice is seen."

Then on the next page in the second column your Lordship puts this question: "Do you know the circumstances in which this collision is alleged to have taken place? - (A.) Only from what I have read in the Press. (Q.) Very well. Just assume this: A perfectly clear night, a perfectly flat sea, and no wind, and therefore nothing in the nature of surf round the edge of the iceberg. Would those circumstances, in your opinion, make the sighting of an iceberg difficult? - (A.) Yes, it would increase the difficulty of seeing it. (Q.) Are those circumstances very rare? - (A.) Yes. (Q.) A perfectly flat sea, no swell, no ripple? - (A.) They are extremely rare in the North Atlantic. (Q.) But still such circumstances are sometimes found? - (A.) Yes, my Lord. (Q.) How far do you suppose you would see an iceberg in those circumstances? - (A.) I should say a mile. (Q.) A vessel going 22 knots an hour sighting an iceberg a mile away can, I suppose, clear it? - (A.) Yes. (Q.) Now can you explain to me why the "Titanic" did not clear? - (A.) It is possible

for the iceberg to extend under the water a considerable distance from the portion seen above. (Q.) But that scarcely agrees with the facts here, because some ice fell on the deck? - (A.) That could easily occur with the concussion, my Lord. She was going at high speed; it may have crushed against the vessel's side and come up on deck. (*The Attorney-General.*) No, everybody says it fell on the deck. (*The Commissioner.*) I understand your suggestion to be that the part of the berg that they saw was not that which struck the vessel, but that it was part of the berg underneath the water that struck the ship? - (A.) I say that is possible." I think that must have been so from the facts as we now know them. "23843. Which extended some way from the berg which stood up? - (A.) Yes, it is quite possible. I have only read the newspaper reports. (Q.) Have you any other explanation? That does not satisfy me very well. Do you think a bad look-out would account for it? - (A.) I think they had a good look-out there, my Lord. (Q.) Never mind whether you think they had a good one or not? Would a bad look-out account for it? - (A.) Yes. (Q.) Can you account for it in any other way - a bad look-out and going at the rate of 22 knots an hour? - (A.) They should have seen the berg in time to have cleared it. (Q.) You think they should? - (A.) Yes. (Q.) That means to say, taking you as a skilled man in navigation, you think there must have been bad navigation somewhere? - (A.) No, I do not think that, my Lord." Then your Lordship expresses a doubt as to the question. "23849. (*The Attorney-General.*) There is one question on what your Lordship has said. (*To the Witness.*) Before this accident to the "Titanic," had it ever occurred to you that on a specially calm night and a specially clear night it would be more difficult to detect an iceberg? - (A.) Oh, yes. (Q.) So that a skilled navigator would expect that it would be more difficult on a specially calm night and on a specially clear night? - (A.) Yes, it would be more difficult in the calm. You see, the sea causes an extra warning breaking against the berg." I think your Lordship realises that that witness says expressly in some passages, and implies throughout, that the swell would break against the berg and would cause a white foam, and that, in the case of a black berg, would be specially noticeable. Then, my Lord, Mr. Ranson, of the "Baltic," gives evidence on pages 717 and 718. I do not think anything was put to him by the Attorney-General in chief on this subject. As my friend says, he was called on another point, but having been called Mr. Scanlan put this question to him on page 718: "24978. What is your individual practice if ice is reported? - (A.) How do you mean, clear weather or foggy weather? (Q.) At night? (*The Commissioner.*) At night, in clear weather? - (A.) We go full speed whether there is ice reported or not. (Q.) As far as you know, is that the practice of all liners on this course? - (A.) It is." Then at 24982 I ask him this question: "With regard to your speed, you know the practice in the Atlantic if the weather were clear and ice reported, do you keep up your speed? - (A.) We keep up our speed. (Q.) And is that your invariable practice? - (A.) It has always been my practice. (*The Commissioner.*) What is the speed of your boat? - (A.) Sixteen knots. (*Sir Robert Finlay.*) You said the speed of your boat, the 'Baltic' was 16 knots? - (A.) Yes. (Q.) Have you been on other boats in the Atlantic? - (A.) - Yes. (Q.) Faster boats? - (A.) Yes, the 'Oceanic,' the 'Majestic,' and the 'Teutonic.' (Q.) How many knots an hour would they make? - (A.) Twenty to twenty-one (Q.) Is the practice you have spoken of one which prevailed with regard to ships of that class as well as your boat, the 'Baltic'? - (A.) Yes. (Q.) You know, of course, the Atlantic well (A.) Yes. (Q.) Was that practice always pursued by all Masters of liners? - (A.) Yes, for the last 21 years, to my knowledge." Then, my Lord, Mr. Pritchard, the Captain of the "Mauretania," gives evidence at page 732.

The Commissioner: Are you going back to Sir Ernest Shackleton's evidence?

Sir Robert Finlay: Yes, I will take him by himself, my Lord. Mr. Pritchard, at page 732, says he has been retired for two years, and has left the sea. His last command was the "Mauretania": "25172. I believe for 18 years you have commanded Cunard steamships sailing between Liverpool and New York? - (A.) Yes. (Q.) Have you heard the evidence in this case with regard

to the weather conditions which existed when the "Titanic" struck? - (A.) Yes. (Q.) You know them? - (A.) Yes. (Q.) Now, what practice did you follow with regard to maintaining your full speed or reducing your speed, assuming similar conditions, and assuming you had information that there was a probability of your meeting ice on your course? - (A.) As long as the weather is clear I always go full speed. (Q.) You always have done so? - (A.) Yes. (Q.) What was the speed of the "Mauretania"? - (A.) 26 knots." Then at 25186 Mr. Scanlan asks: "If there was any difficulty at all in seeing would you reduce your speed? - (A.) Well, if it was hazy, yes. (Q.) If it was a flat calm and you expected ice - you were warned of ice and knew you would meet ice in the course of the night - would you double the look-out? - (A.) No, as long as the weather is clear." Then he is examined by myself. He states that he has been for 51 years at sea; has had a Master's certificate for 37 years, and he says that not only does he keep his course in clear weather, but he maintains full speed. "25219. And was that the universal practice in your experience? - (A.) Yes." That is the evidence of Captain Pritchard, of the "Mauretania."

Then Mr. Young, of the "City of Rome," of the Anchor Line, gives evidence at page 733. He also has left the sea. He says that he was travelling for 35 years across the Atlantic from Glasgow. "25224. Are you familiar with ice-fields and icebergs? - (A.) Quite. (Q.) Do you know the weather conditions which existed when the "Titanic" struck the iceberg? - (A.) I understand it was a dead calm. (Q.) It was a dead calm; it was a clear night? - (A.) Yes. (Q.) No sea? - (A.) No sea. (Q.) And no moon. Now, assuming those to be the conditions, and assuming that you had had information that there was a probability that you might be travelling through a region of the sea at night where you might meet icebergs, would you or would you not reduce the speed of your vessel? - (A.) No, Sir. (Q.) What was the fastest vessel you ever commanded? - (A.) The "City of Rome" - 17 knots. (Q.) One other matter. With regard to look-out at night, when you have been informed that you may be passing icebergs, what provision did you make for your look-out under such circumstances? - (A.) The same as other times, as long as it was clear - two men in the crow's-nest. (Q.) You had two men in the crow's-nest? - (A.) Yes, I had two men in the crow's-nest. (Q.) And nobody on the stem head? - (A.) Not when it is perfectly clear." Then at 25233 I asked Captain Young: "If ice were reported; would you keep your course, as well as maintain your speed, in clear weather? - (A.) I should keep my course and maintain my speed. (Q.) How many years were you in the New York trade, crossing the Atlantic? - (A.) About 37 years." Then in consequence of a suggestion from your Lordship, I put this: "Suppose you were told there was field ice, would your practice be the same, or different? - (A.) Just the same. (Q.) Has that been the universal practice in the trade as long as you have known it? - (A.) As far as I know, yes. (Q.) All ships have done so? - (A.) I think so."

Then, my Lord, there is a question a little further down that perhaps I ought to read with regard to the temperature. There is a curious mistake in the printing here - it is a printer's error at Question 25242. That question should not appear in Mr. Hugh Young's evidence; it is the evidence of Mr. Stewart, the next witness. Reading the evidence, I could hardly believe my eyes when I saw the following questions, and then it turned out that Mr. Stewart's name ought to have been printed above Question 25242. It is a mere misprint.

The Commissioner: Yes, I noticed that. The name of Stewart comes immediately before 25242.

Sir Robert Finlay: Yes. He had commanded the "Empress of Britain." He had been in the Beaver Line all the time it ran, 35 years; had been in the North Atlantic trade for 38 years; continued in the Canadian Pacific when the Beaver Line was taken over by them he continued with the Canadian Pacific for three years until he retired. The last vessel he commanded was the 'Empress of Britain.' "The 'Empress of Britain' was the fastest ship I ever commanded - 18 knots." "25252. Do you know the weather conditions which existed when the "Titanic" struck? - (A.) I have read about them in the newspapers. (Q.) See you have them accurate. It was a clear

night, no moon, no swell, no sea, and stars? - (A.) Yes. (Q.) Given those conditions, and that you had command of a ship, and were given information that you might meet ice, and that your course would take you through the place where you might meet ice, and meet it at night, would you reduce your speed? - (A.) No, not as long as it was clear. (Q.) Not as long as it was clear? - (A.) No. (Q.) I am going upon the assumption that you might meet icebergs - you would not reduce your speed? - (A.) No. (Q.) If you had information that you might meet field ice, would you still maintain your speed? - (A.) Until I saw it, and then I should do what I thought proper." Then he says that in clear weather he has the ordinary look-out. Then over the page, at page 734, this occurs. "25260. Would you maintain your course as well as your speed if ice were reported? - (A.) Yes. (Q.) And has that been the invariable practice in the North Atlantic? - (A.) It was with me. (Q.) And as far as you know, with others? - (A.) As far as I know, with others. (Q.) Did the "Empress of Britain" carry many passengers? - (A.) Yes. (Q.) First, second and third? - (A.) Yes. (Q.) What was her tonnage, about? - (A.) I could not tell you now, she was a large ship. (Q.) She was a big boat? - (A.) Yes. (Q.) Of 18 knots? - (A.) Yes. (Q.) How many people did she carry, about? - (A.) Oh, I suppose about 2,000 altogether."

Then, my Lord, there is the evidence of Mr. Fairfull, of the s.s. "Tunisian," of the Allan Line also, on page 734. For 21 years he was sailing in command of the Allan Line steamships across the Atlantic. He had heard the evidence of the last two gentlemen: "25272. Is your practice in accordance with theirs? - (A.) All except that when we get to the ice track in an Allan steamer, besides having a look-out in the crow's-nest, we put a man on the stem head at night." Then, my Lord, you say you did not hear what he said, and the witness repeats the answer: "25274. Whether it is clear or not? - (A.) Yes." Then he is examined by me. He was crossing the Atlantic on the 14th April in the "Tunisian"; he was there and had ice reports. I do not think his evidence came to anything. Then there is the evidence of Mr. Braes, also of the Allan Line, at the bottom of the same page, page 734. He agrees with the evidence of the last four witnesses; his practice is just the same: "25287. Is your practice when you may be meeting ice at night similar to their practice? - (A.) Just the same. I never slowed down so long as the weather was clear." "25290. In your experience is that the universal practice in the Atlantic? - (A.) I never knew any other practice."

Then, my Lord, there is the evidence of Mr. Apfeld, the Flemish gentleman of the Red Star Line, who came from Antwerp, on page 746, Question 25575. He is the Marine Superintendent of the Red Star Line, a Belgian line of steamships; he lives in Belgium; his vessels sail from Antwerp to New York, Philadelphia, Boston and Baltimore, and they carry passengers and mails. He has been for 39 years at sea and five years as Marine Superintendent. He has been with the Red Star Line for 32 years. "25583. When you have been navigating in the region of ice, have you changed your course or speed? - (A.) Never. I slow her down in the case of fog or thick weather, otherwise not. (Q.) Is that the case, although ice has been actually reported to you? - (A.) I would not slow her down. (Q.) Have you examined the deck logbooks and the engine logbooks of the steamers of your line running the Atlantic passage during April last? - (A.) I have." Then he gives the names of the six vessels: "25587. Do these logbooks show whether those vessels passed ice? - (A.) Some of them. (Q.) Which of them? Can you remember the 'Lapland' and the 'Manitou'? - (A.) The 'Lapland,' the 'Finland,' and the 'Manitou,' and I believe the 'Zeeland.' (Q.) They all passed ice? - (A.) Yes. (Q.) Where were they going to - to New York? - (A.) They were going to New York, except the 'Manitou' said the 'Minomini,' which were going to Boston. (Q.) Did they change their course or their speed? - (A.) Absolutely not. The 'Manitou' slowed down after she entered the field ice. She went into field ice at full speed for about an hour, and then the field ice became thick, heavy lumps amongst it, and her Captain slowed her down for about an hour. He reduced speed for fear of damaging the

propeller.”

The Commissioner: Then there is another man named Tride?

Sir Robert Finlay: Yes, my Lord.

The Commissioner: You need not trouble about him.

Sir Robert Finlay: He is a Captain in the Red Star Line. My Lord, I say that that makes a body of evidence of extraordinary clearness and strength, and I further say there is absolutely no contradiction. I say that with reference to the evidence to which I am now coming of Sir Ernest Shackleton. Sir Ernest Shackleton's experience has, of course, been an experience of quite a different nature. My Lord, I ought also to have called attention before passing from these witnesses - it was an accidental omission - to the Table which was drawn up at your Lordship's request, summarising the results with reference to the vessels which were crossing the Atlantic at this time in this neighbourhood.

The Attorney-General: I presume you are also going to call attention to Captain Rostron's evidence on the point?

Sir Robert Finlay: Certainly. This is a typewritten document. I had better run through the table: "Californian" - already dealt with by Enquiry. "Antillian" - no ice. I need not read what is written under the head "Instructions to Commanders of Vessels" and "Ship and Engineers Logbooks." Then there is the Anchor Line: "No vessels in actual vicinity, but 'Caledonia' was warned by wireless of field ice, course altered to Southward to avoid it. Sighted ice 9th April. Date, between April 6th and 9th." Then under the head of "Instructions to Commanders of Vessels" there appears: "Course to be altered on ice being seen or reported. In the event of fog, speed to be reduced. No book of Instructions and Regulations sent." Then there is the Canadian Pacific Railway Company, Canadian route: "Mount Temple" - evidence already produced in Enquiry.

"Montrose" - log shows vessel maintained speed when in sight of and passing ice and later slowed down on account of thick weather. The attached letter from the Canadian Pacific Railway suggests that stoppages and reductions in speed on account of ice are recorded, but this is not borne out by the logbook." Then under the heading of "Instructions to Commanders of Vessels": "If weather thick or unfavourable, speed to be reduced. Safety of passengers and cargo is the first consideration." Then there is the Allan Line, Canadian Route, "Parisian," received wireless message *re* presence of ice, which was also sighted. Weather clear, so speed not reduced. Course altered when ice sighted. "Carthaginian." received message *re* presence of ice, but none seen. This vessel took a Southerly course, but no record to show reason for this. Then under the heading of "Instructions to Commanders of Vessels." "Field ice not to be entered, if possible to avoid it; but, if entered, speed to be reduced. The vessel's course and speed are secondary considerations compared with the safety of the ship." Then the Cunard Line. "Copies of wireless messages were sent to Secretary, General Post Office, on the 2nd May. "'Carmania' encountered field ice during foggy weather; vessel stopped. When fog lifted vessel proceeded slowly, passing field ice. 'Mauretania,' - On approaching ice region deviated to the Southward; this vessel sighted the 'Baltic' during the forenoon of the 15th April and received news of the 'Titanic' disaster before altering course. 'Anconia' - No ice sighted." The instructions to commanders are similar to those in other cases: Captains to use their discretion, but safety of the ship and passengers is the first and only consideration." There are the same instructions in the case of Furness, Withy and Co., which had no vessels in the vicinity on this occasion. The White Star Line I need not deal with, as Mr. Sanderson has been called. Then with regard to the Dominion Line, Captain Jones of the "Canada" has been called, so that is answered, and in the case of the Canadian Northern Steamship Company no reply has been received. The Hamburg-Amerika Line - "Have sent telegram (20th June) as follows: Referring your letter (6th June), we will

answer your questions Saturday after arrival 'President Lincoln.' Other informations not possible before arrival of 'Prince Adalbert,' 28th June."

The Commissioner: What am I to do about that?

Sir Robert Finlay: We have not got it, my Lord. If we get it, of course it will be handed to your Lordship.

The Commissioner: If it comes I should like to see it.

Sir Robert Finlay: Certainly, my Lord.

The Commissioner: You do not object, Mr. Attorney.

The Attorney-General: Oh, no. As soon as we get it your Lordship shall have it. We have been collecting it.

Sir Robert Finlay: The Norddeutscher Lloyd say: "Steamers were going full speed as long as the weather kept clear. The s.s. 'Bremen' reduced to 8 knots on the 20th April from 2.20 to 4.20 a.m. in the ice region because it was rainy weather." There is a letter from the Norddeutscher Lloyd Company. It is dated the 18th June, my Lord, and is about five pages from the end of the bundle.

The Commissioner: Is this letter from the Norddeutscher in German?

The Attorney-General: I should think it was in German by the look of it.

The Commissioner: So I think. The date is in German.

Sir Robert Finlay: It has been translated.

The Commissioner: I should like to see the letter itself.

Sir Robert Finlay: I do not think the date being in German is a necessary indication that the letter was in German. You constantly get a letter from a German firm with the date in German and the letter itself in English.

The Commissioner: I want to see the original letter, if I can, if it is in German.

The Attorney-General: We will send and see, my Lord. We have not got it here.

The Commissioner: It says here, "Our steamers were going full speed." I expect if you read the German you will find that it really means, "Our steamers do go at full speed."

The Attorney-General: I should think that is very likely, but we will send for the letter.

Sir Robert Finlay: I rather think that this is the letter as sent.

The Commissioner: It may be. Of course, if it is written in English, and this is the expression in it, there is nothing in the contention.

The Attorney-General: If you look at the letter it makes it clear that this is a summary. My Lord has not got the letter yet.

Sir Robert Finlay: Your Lordship will find it about the middle of the bundle. All the letters are annexed. It is headed "Bremen," and is addressed to "Messrs. Keller, Wallis and Co., London." We duly received your favour of the 7th instant and enclosed letter of the Board of Trade of the 6th instant. We have made all the enquiries we could since, and beg to answer to the questions as follows: (A.) The original telegrams received by those of our steamers that were in the Western Atlantic when the "Titanic" disaster happened have been delivered to the Supreme Court, London, by the Marconi Company already. (b) Our steamers were going full speed as long as the weather kept clear. The s.s. "Bremen" reduced to eight knots on the 20th of April from 2.20 to 4.20 a.m. in the ice region, because it was rainy weather. (c) Our Captains are bound to keep the track, though they have the right to leave it as soon as they think it being necessary for the safety of the ship." I think this bears clear evidence, my Lord, of it having been written in English by a German.

The Commissioner: Does it not bear evidence of having been written in German and translated by an Englishman?

Sir Robert Finlay: No, my Lord, because an Englishman would not have said "As soon as they

think it being necessary." He would have said, "As soon as they think it necessary for the safety of the ship." "We put it to the own judgment of our Captains" - here again that is German-English - "to alter their course, reduce speed, or take any other precautions they think necessary for a safe navigation. We include Nr. 215 of 'Der Leuchtturm,' in which there is on page 857 an article giving true and full information on this object."

The Commissioner: This letter has been written by a German who has a far better knowledge of English than most Englishmen have of German.

Sir Robert Finlay: It is quite intelligible.

The Commissioner: What is the article in "Der Leuchtturm"?

Sir Robert Finlay: It is on the next page; it is rather long.

The Commissioner: Has anyone read it?

Sir Robert Finlay: I have glanced over it, and it did not strike me as being very illuminating - not as illuminating as the title of the periodical. I will just read a few sentences and any more that my friend desires.

The Attorney-General: I do not think it helps at all.

The Commissioner: I have looked through it, and I did not notice anything that would assist us.

The Attorney-General: It does not tell us anything we did not know.

Sir Robert Finlay: We have had so much read that unless it is necessary I will not read it.

Now, my Lord, I propose to call attention to the evidence of Sir Ernest Shackleton, but perhaps I had better take Mr. Rostron's evidence first.

The Commissioner: This evidence of Captain Rostron appears to me to be important.

Sir Robert Finlay: If your Lordship pleases, I will take it now. His evidence begins at page 740. A great deal of his evidence is directed to matters of fact with which we have nothing to do. I rather think that I had better read some evidence on page 742, although what is directly relevant on this point is on page 745. I think you will agree that that is a convenient course.

The Attorney-General: Yes, I think so.

Sir Robert Finlay: It will save reading it again afterwards. He says at the very bottom of page 741: "(Q.) 25405. And you intended, as I follow you, to pick her up on the port bow? - (A.) Yes, on the port side; that was the lee-side; but just after I saw his light I saw an iceberg right ahead. Then, of course, I starboarded - I could not port - to get away from the berg; so I starboarded to make it more convenient for the boat I was going to pick up, and I picked it up on the starboard side. (Q.) How close was the iceberg which you saw? - (A.) Well, when we had stopped, when daylight broke, it was something less than a quarter of a mile away. (Q.) I should like to follow that to understand it. Had you seen that iceberg before? - (A.) No, it was the first I saw of it. We were close up before we saw it. (Q.) Was day breaking at all? - (A.) No, it was perfectly dark at the time. (Q.) And you had men on the look-out? - (A.) Yes, we had doubled our look-outs. (Q.) Had you men in the crow's-nest? - (A.) Yes. (Q.) When you say you doubled the look-out, does that mean you had also men in the eyes of the vessel? - (A.) Yes. (Q.) Right on the stem? - (A.) Yes. (Q.) Two? - (A.) Two, and one on the look-out, one in the crows-nest, and two in the eyes. (Q.) Is that your practice? - (A.) No, we have one in the crow's-nest and one forward. (Q.) Your practice is to have one in the crow's-nest and one forward? - (A.) At night. (Q.) Do you take any particular precautions if you have received ice reports? - (A.) Always. (Q.) Is that what you do? - (A.) Yes, immediately I started round, before I knew we should be up to the ice; in fact, as soon as I got this report, and I had put her on the course for the "Titanic's" position, I doubled the look-outs at once, and took all the precautions I possibly could. (Q.) Was that the first iceberg that you had seen? - (A.) Oh, dear, no. (Q.) I mean on this particular night? - (A.) Oh, no; the first iceberg we saw was at a quarter to 3. (Q.) I wanted you to tell us about that. You saw one at a quarter to 3? - (A.) We saw about half-a-dozen - in fact, more than that. I was moving about to

get between them up to 4 o'clock. (Q.) No ice-field? - (A.) No ice-field. We were not up to the ice-field then. (Q.) Only icebergs. Take the first one you saw about a quarter to 3; how far off was it when you first saw it - when it was reported to you? - (A.) I should think it was about a mile and a half to two miles away. (Q.) And with regard to the others, I think you say you saw about six up to 4 o'clock? - (A.) Yes, about six. (Q.) Did you see all those at about the same distance? - (A.) Yes, about the same distance - from one to two miles. (Q.) Then, I understand, when you came to the last one - you will correct this if I am wrong - as far as I gather from your evidence, you did not see that till it was somewhere about a quarter of a mile off? - (A.) That is so; at daybreak I saw it was between 25 and 30 feet high. (Q.) Will you explain to us a little more in detail why it was that you did not see this iceberg, the one which you found about 4 o'clock, earlier? - (A.) I cannot tell you, we were all on the look-out. (Q.) It was rather low? - (A.) It was low. (Q.) Twenty-five to 30 feet. I do not know whether you can tell us what the height of your fore-castle was from the waterline? - (A.) Yes, the fore-castle head would be just about 30 feet. (Q.) Your two men were on the look-out, then, in the eyes of the vessel? - (A.) Yes. (Q.) No report had been made to you? - (A.) No. (Q.) Who was it saw it first, do you know? - (A.) Yes, I saw it first. (Q.) Before the look-out men? - (A.) Yes, we saw all the icebergs first from the bridge. (*The Commissioner.*) I do not understand that. (*The Attorney-General.*) You were on the bridge with your officers, I presume? - (A.) Yes, the whole time. (Q.) And each time, if I follow you, that an iceberg was seen, you picked it up first on your bridge? - (A.) Either one of my officers or myself, before the look-outs. (Q.) Did you pick it up by sight, or by naked eye, or with binoculars? - (A.) At first with the naked eye. (Q.) Do you find that you pick them up better with the naked eye than with binoculars? - (A.) It all depends. Sometimes yes, at other times not; it depends. (Q.) How was it neither of the look-out men saw it or reported it to you? Why did not they see it before you? - (A.) Well, of course, they had all had warning about keeping a look-out for growlers and icebergs previous to going on the look-out, and on the look-out, also, you must understand, unless you know what you are looking for, if you see some very dim, indistinct shape of some kind, anyone could take that as nothing at all. Merely some shadow upon the water, or something of that kind; but people with experience of ice know what to look for, and can at once distinguish that it is a separate object on the water, and it must be only one thing, and that is ice. (Q.) So that what it really comes to is this, if I follow you correctly, that it requires a man with some knowledge of icebergs, some experience of picking them up, before he can detect them at night? - (A.) Precisely. (Q.) That is to say, before he could detect them unless they were very close to him? - (A.) Yes. (Q.) Do you employ on the "Carpathia" special look-out men or are they some of your seamen who are told off as look-out men? - (A.) No, the seamen take it in turns, the whole watch right through. There are no special look-out men." That, my Lord, was with reference to the evidence we have had that on the "Titanic" there were special look-out men employed. "25441. So far as you know, had any of these men any experience in being amongst icebergs? - (A.) Not to my knowledge, but I should imagine some of them must have had, because several of them have been in the Cunard Company for years. (Q.) On this North Atlantic track? - (A.) Oh, yes. (Q.) And if they had been on this track for some years they must have seen icebergs? - (A.) I think so, yes, they must have done. (Q.) Does it mean that on your bridge you and your officers were quicker at detecting them than any of the men on the look-out? - (A.) Well, about 75 percent of the objects that are seen at sea every day or night are picked up from the bridge first. Naturally the officer will take more interest in these things than a look-out man. I always trust to the bridge preferably to the men. (*The Commissioner.*) That is the point I had in my mind. I do not see any advantage in putting men in the eyes of the ship if you can pick up things from the bridge before them? - (A.) It does not necessarily say we shall pick them up quicker from the bridge, but naturally an officer is more on the *qui vive* - he is keener on his

work than a man would be, and he knows what to look for. He is more intelligent than a sailor. (*The Attorney-General.*) And he has to act? - (A.) He has to act, certainly. (Q.) He relies upon his eyesight, assisted by the look-out? - (A.) Yes, that is the position; we are assisted by the look-outs. (Q.) If I followed correctly what you said, you rely in the main upon what is seen from the bridge by the officers? - (A.) Yes. (Q.) Of course, it may be that the officer is, for the moment, attending to something else - his attention may be distracted by something else which is happening, and in that case he would have to depend on the look-out? - (A.) Well, the only thing is, supposing an officer is looking on the port side and there is an object on the starboard side, and the seaman happens to be looking on the starboard side, naturally he might detect it first and he would report it." In passing may I suggest that is a reason for having two men in the crow's-nest - that you would be able to cover a wider field, the one looking on the port side and the other on the starboard side? Two pairs of eyes will cover a wider range than one pair might: "25450. (*The Commissioner.*) Were you on the bridge? - (A.) I was. (Q.) You cannot account to me for your seeing some of these bergs a couple of miles away, but not seeing this particular one till it was about a quarter of a mile away? - (A.) No. (Q.) You cannot account for it? - (A.) No. (Q.) It happened to yourself? - (A.) I cannot account for it at all. (Q.) It did happen to yourself? - (A.) Yes, it did happen." I submit that is a very important answer, my Lord. "25451. (*The Attorney-General.*) That would seem to indicate a considerable risk in going through the ice region, does it not? - (A.) Yes. (*The Commissioner.*) Is that a common experience, that when you are amongst icebergs you will detect one two or three miles away, and another not till it is within a quarter of a mile. Is that within your experience? - (A.) No, I do not think it is common experience. I think it is rather uncommon, as a matter of fact. (*The Attorney-General.*) Rather uncommon? - (A.) I think so. (Q.) I want to understand this a little more if we can. If I correctly followed you, you said you only saw this one at about a quarter of a mile distance from you by the streak of a star upon it? - (A.) No, the first one I saw was about one and a half to two miles away; that was the one we saw at about a quarter to three, with the streak of the star. That was the first one we picked up; it was a large one. (Q.) That one we understand, but this last one that you saw about 4 o'clock. When you were getting ready to pick up the boat on the port side, was there anything at all special about the colour of that iceberg? - (A.) No, but I suppose it must have been because of the shadow or something of that kind, that we could not make it out before. I cannot account for it. (Q.) Does it sometimes happen? - (A.) Yes, very often. (Q.) It may be the iceberg presents to you a luminous appearance? - (A.) Yes. (Q.) Or it may be it presents to you a dark appearance? - (A.) Exactly. (Q.) That is what you would ordinarily expect when you are looking out for icebergs, is it? - (A.) Yes. (Q.) You cannot tell from which side you are going to see it? - (A.) No. (Q.) Or how it is going to present itself to you in appearance? - (A.) No. (Q.) So that if I follow what you have said, you would always have to be prepared for an iceberg which presented a dark appearance to those who were looking out for it? - (A.) Yes. (*The Commissioner.*) I do not understand where the shadow comes from; there is nothing to create a shadow. There were no clouds in the sky? - (A.) No, my Lord, there were no clouds, but the shape of the iceberg itself might account for it. Now, this iceberg was about 30 feet high and the sides were rather precipitous. If the side had been more of a slope, do not you think that slope would have given off some shadow. If you have a greater surface and there is anything in the theory about 'blink,' you would have more blink if you had a greater surface, and so you might have a dark place if the iceberg itself had a crevice in it or a break. I can imagine that, but I do not know where the shadow comes from. (*The Attorney-General.*) I do not profess to know sufficiently about it. It may depend upon the angle of refraction - I do not profess to be able to explain it better than that. (*To the Witness.*) At what speed were you going when you saw this iceberg about a quarter of a mile from you? - (A.) I should think we were making something

about 15; the engines had been stopped for about three minutes - probably between 13 and 15 knots at the time. (Q.) But slowing all the time? - (A.) Oh, it was slowing all the time - yes"; and so on. I do not think I need read any more upon that page. Then I turn on to page 745, the very first Question on that page.

The Attorney-General: I think, Sir Robert, you might read the next three or four questions.

Sir Robert Finlay: On page 743?

The Attorney-General: Yes. You broke off for a moment to go to something else, and then you got back to the iceberg. You will find it at the bottom, at 25470.

Sir Robert Finlay: I will read it with pleasure. "25470. Will you tell me, when you starboarded, how close did you get to the iceberg? - (A.) When daylight broke I consider the iceberg was then a little under a quarter of a mile away. (Q.) I am not quite sure that we have got it correctly yet. When you saw this iceberg I rather understood that it was then about a quarter of a mile away from you? - (A.) Between a quarter and half a mile. (Q.) Then you say, although your engines had stopped and had been stopped for something like three minutes, you were still making somewhere about 13 to 15 knots? - (A.) Yes. (Q.) Then I want to know how close it was - you had an iceberg within your range of vision, then - you went to the iceberg when you starboarded? - (A.) This was the boat over *here*. (*Describing.*) I did not know the distance off. *Here* was the iceberg right ahead. I was coming along *there*; I saw the iceberg right ahead *here*, and I saw the light was on my port bow. Of course, I could not see the boat itself, but only the light when he showed the flare. I came along *here* and starboarded, and brought her *here*. Then I saw the light on my starboard side. I saw the light showing; it was getting close. I went full speed astern. I went a little bit past the boat before I could get the way off the ship, and I came back again, because they sang out from the boat that they had only one seaman, and could not handle her. I brought the ship back to the boat. When the boat was alongside of me daylight broke, and I found the berg was about a quarter of a mile off. (Q.) Had you been any closer to the berg than that? - (A.) No, that was the closest I had been. (Q.) That answers what I wanted to know. Bearing round like that in answering the helm, she was still about a quarter of a mile from you? - (A.) Yes." That finishes it on that page. Then, my Lord, I turn to page 745, the first Question on the page, "25516. I am dealing with the number of icebergs you saw. From a quarter to 3 to 4 o'clock you picked up with the eye six icebergs? - (A.) Yes. (Q.) When it cleared up and got daylight, and you were more or less in the same place, you found yourself surrounded by icebergs? - (A.) Yes. (Q.) You have told us there were a great many, and some of them 150 to 200 feet high? - (A.) Yes. (Q.) But the point I wanted to be quite clear about was that these icebergs must have been close to you without your seeing them? - (A.) They must have been, yes. (Q.) I wanted to know if you could tell us how far off the nearest one was, leaving out the one which was only a quarter of a mile from you, of which you have told us in detail. How far off was the nearest berg, so far as you can tell us, of 150 to 200 feet high, when full daylight came and you could see plainly? - (A.) Somewhere about three or four miles. (Q.) That would be about the closest? - (A.) Yes, that would be about the nearest. (Q.) That would seem to indicate that it must have been particularly difficult to pick them up by the eye that night? - (A.) Under certain circumstances, yes. Of course, it all depends what you are looking for. If you know what you are looking for you pick them up better than a man who does not know what he is looking for. (Q.) Was there anything, so far as you know, peculiar in the atmospheric conditions that night? - (A.) No, I never saw a clearer night. It was a beautiful night." I call your Lordship's attention to that particular answer, in view of the evidence about which we have heard a great deal, and which may be referred to a great deal more - the evidence of the look-out men as to haze: "I never saw a clearer night. It was a beautiful night."

The Commissioner: For myself I do not believe there was a haze at all. There may have been a

haze of a foot or two at the base of the berg.

The Attorney-General: I think, my Lord, I may save time if I say this. I have looked into this evidence very carefully; and particularly in view of what my friend Mr. Scanlan said - he directed attention to all the particular portions of evidence which bear upon this - I am not going to ask your Lordship to say (I do not think on the evidence one can ask your Lordship to say) that there was a haze. I think the evidence on that point is the other way, so far as it is material to this particular point.

The Commissioner: I am quite satisfied on that.

Sir Robert Finlay: I think the haze was a myth, possibly originating in a black berg coming out of the blackness, and that one of the look-out men thus developed the theory of a haze; but I need not trouble about that after what has been said.

The Commissioner: I do not think so.

Sir Robert Finlay: "I never saw a clearer night. It was a beautiful night. (Q.) So far as you could see, you ought to have been able to pick them up easily, or comparatively easily? - (A.) Comparatively easily, yes. (Q.) If you are looking out for them? - (A.) If you are looking out for them. (Q.) If you are not particularly directing your attention to picking up icebergs, you might not see them, although they are close to you? - (A.) That is so. May I give you one more instance? (Q.) Yes, do? - (A.) We starboarded for this iceberg, which we saw ahead. When daylight broke and we were picking up the passengers from the first boat, I was looking round, and 200 yards on my port quarters I saw a lump of ice 20 feet long and 10 feet high, which we had not seen at all. (Q.) I think there is only one other matter I want to ask you about. You have navigated for a good many years on this North Atlantic track? - (A.) Yes. (Q.) And you have often seen icebergs on this track? - (A.) Yes. (Q.) Have you seen them during this particular month, April, on this track? - (A.) I never remember seeing ice in April on the track. (Q.) Supposing you had had a wireless message giving you the position of icebergs, and an ice-field or ice-fields, which you would reach in the ordinary course of things within a few hours, what precautions would you take when approaching that region, if any? - (A.) A great deal would depend. Do you mean at nighttime? (Q.) Yes? - (A.) Well, it is very hard to say what I should do, but I think I should do my best to get out of it, to avoid that position. But if an iceberg is reported it is no use altering your course and trying to avoid it when you do not know where it is. From the time it was reported near the vessel it may have drifted four or five or ten miles, and you might as well keep on your proper course. But if it is an extensive ice-field, we know it covers some area, and of course with an ice-field, I think I should try to get out of it; otherwise I do not know. (Q.) You mean you would not go out of your course? - (A.) Yes, for an ice-field, but for an iceberg, no. I do not think I should. I should rely upon keeping a look-out, and the weather and things of that kind. (Q.) You would attempt to keep out of the way of ice-fields and alter your course, but for icebergs you would go on your course and depend upon picking them up with your eye, and then avoiding them when you have picked them up? - (A.) Yes. (Q.) I think you have already told me, but I should like to make quite sure of it, that you would take special precautions with regard to the look-out by putting men in the eyes of the vessel? - (A.) Yes. (Q.) When you had an ice report? - (A.) Yes. (Q.) As well as having a man in the crow's-nest? - (A.) Yes. (*The Commissioner.*) Do you put two men in the crow's-nest, or one? - (A.) I only put one. (*The Attorney-General.*) And two in the eyes? - (A.) Yes. (*The Commissioner.*) In the "Titanic" they had two in the crow's-nest, and it occurred to me it would be almost better to have only one. I do not know whether that is right. (*The Attorney-General.*) The same idea in your Lordship's mind would apply to the two men in the eyes. (*The Commissioner.*) I am not sure. (*The Attorney-General.*) They cannot talk so easily, I agree. (*The Commissioner.*) In the crow's-nest they are rubbing shoulder to shoulder. (*The Attorney-General.*) Yes, it is not quite so easy, I agree. (*To*

the Witness.) I have one other matter I want to know. Supposing you had had a report of the character that I have indicated to you of icebergs and an ice-field in the regions which you are bound to cross, when you approach that region, would you take any precautions with regard to the safety of your vessel? - (A.) Well, a great deal would depend on the weather and the atmospheric conditions. (*The Commissioner.*) Suppose it is perfectly clear? - (A.) If it is a perfectly clear night, and I was sure of my position and everything else, unless I knew there was a lot of ice about, I should feel perfectly justified in going full speed. (*The Attorney-General.*) But if you thought there was a lot of ice about you would not do it, I gather? - (A.) No, I would not. For one or two bergs I should feel perfectly justified in going full speed. (*The Commissioner.*) I suppose it is a matter for the judgment of the man in charge of the ship? - (A.) Absolutely. (*The Attorney-General.*) Which again, I suppose, must depend upon the atmospheric conditions as to whether he can see clearly ahead? - (A.) Yes. We have to take a whole lot of things into consideration in a thing of that kind. It is not one or two; it is many." Then some questions are put to him by myself. The first passage I have read with regard to the practice at sea, and I do not think there is any other question asked that I need read. That practically ends the evidence of Mr. Rostron upon this point. So that your Lordship sees that Mr. Rostron agrees with the evidence that we have had. He says if it was a clear night he was perfectly justified in going full speed, and then he describes what his practice would be with regard to the course. He says an iceberg is a moving object, so that it is no use altering your course because you are told there is an iceberg ahead of you; by the time you have got to that spot it will have moved on just as a crossing ship would. With regard to field ice, it is another matter, because that may occupy an extensive area, and it may be desirable to alter your course to keep out of the way of field ice altogether. So that I therefore submit, my Lord, that the evidence of Mr. Rostron - although he was called primarily on another point - as a gentleman of great experience, strongly confirms the evidence given by all those who were in this trade, and whose evidence he in no respect contradicts, but agrees with.

The Attorney-General: I only want to say, in case my friend may think that I agree with what he says, that I do not agree with that. My view is that Captain Rostron's evidence does not agree with the evidence of the other Captains who have been called. I think it is different in very material respects in the passages that have been read by my friend. I agree with a great deal of the comment that my friend has been making with regard to the other Captains' evidence - there are one or two observations I shall make when I come to deal with that - but substantially, as I said in an earlier stage of the case, I agree that the evidence he has called of the Captains, does show that their practice is to continue at full speed, provided it is a clear night and they can see ahead.

Sir Robert Finlay: Certainly, and Mr. Rostron does not contradict it.

The Attorney-General: I do not agree.

The Commissioner: He qualifies it.

Sir Robert Finlay: I should be glad if the Attorney-General would call my attention to the passage in which it appears that he does qualify it.

The Attorney-General: I have read it. First of all he qualifies it by saying, if he knows there is a lot of ice about, that would make a difference, and then he says, "If I knew there were one or two bergs it would make no difference." But obviously he thinks that if he knew of more than that - that there was more ice about than that - it would make a difference. The question is, I think, substantially the question put by my Lord at 25541. Perhaps it would be better just to read the question before, so that my friend may see the point I am relying upon. And, my Lord, I would add also, before I read this - I am not going through the evidence in detail of Captain Rostron on it - I rely very strongly upon what he actually saw - I am going to comment on that and upon his

indication and statement in evidence of what he had seen before with regard to icebergs of darker colour. But that is general. That is the evidence which I shall rely upon when we come to discuss the question as to whether there was anything abnormal in meeting what I will call - and I think accurately - a dark looking iceberg; that is a question which, of course, will form the subject of a good deal of discussion.

The Commissioner: Are you going to suggest that the circumstances on this night were not abnormal?

The Attorney-General: Do you mean of the weather?

The Commissioner: Yes, I do.

The Attorney-General: No.

The Commissioner: I mean the atmospheric conditions in which it was necessary to look-out and detect the iceberg. The effect on my mind of this evidence is this, that there was a combination of circumstances on this night of very rare occurrence, which made it extremely difficult to ascertain with certainty the position of any ice of any kind.

The Attorney-General: If I may say so, without putting it quite as high as your Lordship does, I agree. My view is also that there was certainly a combination of circumstances in this case which were exceptional, that is to say, they were out of the ordinary. But I want to indicate this also, so that my friend may know the argument - which I have no doubt he already does from the questions which I have put - that I am going to address to your Lordship. My submission will be that, notwithstanding they were not ordinary conditions, they were conditions against which it behoved a prudent man to guard; and I wanted to add that the moment they knew that the conditions were exceptional - although I agree that on Mr. Rostron's evidence he did not know that there was no swell - yet those circumstances of which he did know necessitated, I am going to submit, extreme care, and may I add one thing further - that the highest standard of care apart altogether from the particular conditions of this night must be applied to a case of this kind in a passenger vessel like the "Titanic." Those are general observations which I indicate to my friend of course for the purpose of his dealing with them.

But the question I am upon now is as to what a prudent Commander would do if he had had ice reports, and that, my Lord, is to be found at Question 25540, where I put this question to him: "Supposing you had had a report of the character that I have indicated to you of icebergs and an ice-field in the regions which you are bound to cross, when you approach that region, would you take any precautions with regard to the safety of your vessel? - (A.) Well, a great deal would depend on the weather and the atmospheric conditions. (*The Commissioner.*) Suppose it is perfectly clear? - (A.) If it is a perfectly clear night, and I was sure of my position and everything else, unless I knew there was a lot of ice about, I should feel perfectly justified in going full speed." I say that is a very qualified answer, or a qualified answer as compared with that of some of the other Captains. Then I will read again the question put to him by me: "But if you thought there was a lot of ice about you would not do it, I gather? - (A.) No, I would not for one or two bergs. I should feel perfectly justified in going full speed."

The Commissioner: And you will not forget this, that assuming as I do - and I think you think I ought to do it - that the only three messages which ought to be taken into account are the three that I have already mentioned.

The Attorney-General: Yes.

The Commissioner: The Captain of the "Titanic" would imagine himself to be out of the field or region in which the ice was advised - South of it. He would imagine himself to be South of the region. You will not forget that because it seems to be relevant having regard to what you have just read in Mr. Rostron's evidence, in which he says: "If I knew that I was" -

The Attorney-General: "Sure of my position and everything else."

The Commissioner: "Unless I knew there was a lot of ice about." Of course, I do not know what "about" means; I must use my own discretion about that. It may mean to the North or the South; it may not mean exactly in his course. "About," that is to say, ice that may possibly come into his course.

The Attorney-General: Yes, I shall argue, when I come to deal with the question, that, apart altogether from the question of whether the "Titanic" would, if she had pursued her course without alteration along this track, have come within the region of the icebergs and ice-field as reported to her; that, apart altogether from that, supposing that the Captain was right - I am assuming this because of an argument which my learned friend has indicated -

The Commissioner: You are helping me very much in indicating to Sir Robert what it is you are going to say.

The Attorney-General: Supposing he was right in assuming that the Captain was justified in thinking that having gone this seven to ten miles, as he did, to the South, before he turned the corner, and then pursuing his course, and getting back to the track - that, having done that, he had got out of the way of the particular ice that was reported - my submission will be that he ought to have been still extremely careful, because of the fact that this seems to have been such an abnormal circumstance that there should be ice in this track where it was reported, in the month of April, contrary to the knowledge and experience of men, with the exception of one or two experiences of Sir Ernest Shackleton, during the last 25 years. My submission will be that the moment he knows of that - that he is not dealing with a detached iceberg or with detached icebergs, or with a detached ice-field, but what he has to reckon upon is that there is an abnormal state of things for this particular year, and that he must expect to see the icebergs and ice-fields along this track, he must keep a special look-out. That is the point.

The Commissioner: I quite appreciate that, and then I think - you have thought about it, no doubt - you will have to remember that he has to make up his mind as to what is best to be done with reference to these abnormal circumstances.

The Attorney-General: Certainly.

The Commissioner: And that, to come back to what I said a long time ago, it may have been an error in his judgment rather than negligence, because a man may make, as we all know, a mistake which is due sometimes even to too great care.

The Attorney-General: Certainly.

The Commissioner: I do not say anything of that kind happened in this case - but a mistake and negligence are very, very different things.

The Attorney-General: Of course, you have to bear in mind, and those who are assisting you have had it constantly present in their minds, that the importance of this Enquiry is really as to the view which your Lordship will form for guidance as to the future.

The Commissioner: May I say something about that. Much has been said about it, and something has been said about it by the witnesses. This accident has added enormous knowledge to the experience that men will have to be guided by in the future; but whether, in view of the knowledge that people had at the time of the disaster, it was negligence is another matter. If the same thing were to happen tomorrow, with this knowledge in the minds of men, I can scarcely conceive that it would not be negligence of a very gross kind, because they now know what apparently, if this evidence is right, they did not know then, and that knowledge adds to the experience.

The Attorney-General: No doubt. In the argument which I shall address to the Court, I shall draw the distinction, and have done throughout, at any rate in my own mind, between what would be negligence up to this date of the 14th April. Whether with all the knowledge and experience that navigators had at that time they had to take special precautions such as reduction

of speed, towards which there has been so much attention drawn in this case, is, of course, a point which will require, and to which I have no doubt your Lordship will give, very careful consideration. And, apart altogether from that, assuming for the moment that your Lordship comes to the conclusion that, taking into account all the circumstances - the atmospheric conditions, the very flat calm sea, no swell, and so forth - assuming that you, with this combination of circumstances, come to the conclusion that there was no negligence on the part of those navigating, but that there was, nevertheless, in view of what happened, an error of judgment - your Lordship's view about that really depending upon what actually happened as proving that there was an error of judgment as distinguished from negligence, that I can quite appreciate. Of course, those are matters which, as I have indicated, are considerations for the Court. I am very glad it is no part of my duty to urge the Court to find negligence against those who were responsible for the navigation, to strain the evidence in that way. Mine, fortunately in this respect, is not an advocate's duty in that sense. All I have to do - and I think it my duty to do it in view of the evidence that has been brought forward here - is to put the considerations before you for your judgment; and that is all.

The Commissioner: You are in the position of a prosecuting counsel in a criminal case, in fact; that is to say, your duty is to take care that the facts are fairly placed before the Court.

The Attorney-General: Quite.

Sir Robert Finlay: I think my friend is not really in that position. I think he is on one of these Enquiries in a semi-judicial position.

The Attorney-General: I agree. I think my Lord would say, and I should agree with him, that as a prosecuting counsel, you are also in a semi-judicial position.

Sir Robert Finlay: The prosecuting counsel is bound to show the utmost generosity to a man on his trial, but I put the duty of the Attorney-General on an Enquiry of this kind rather higher than that.

The Attorney-General: I do not think there is any difference between us about it, or between my Lord and me. Now, my Lord, when we have dealt with that part of the case, then comes that portion of the Enquiry which I say, with all respect, is the more important part, because it is designed to protect the public in the future. However lamentable it may have been, we cannot help what is past, but we can do something, or your Lordship can, with the assistance that you have, towards making some recommendations for the protection of the public in the future. My Lord, it is in that connection that I think all this evidence to which my learned friend, Sir Robert Finlay, has just been calling attention, is of such importance; because as I appreciate the evidence which has been given, and certainly the evidence of Mr. Sanderson and of Mr. Ismay, their view is - I am not complaining of it at all, of course, and I quite appreciate why they say it - but their view is that notwithstanding what has happened, that notwithstanding the disaster to the "Titanic," the practice which hitherto had existed was a perfectly right practice, and apart altogether from recommendations which may be made by the Court, would be continued. I mean by that that their view is that it would be right to continue it. Of course I have not the slightest doubt that any indication from the Court would be accepted by the White Star and other lines as sufficient to make them change the practice, but if there had been no such Enquiry, the view seems to be held by many of those gentlemen who have been called before you that they have no reason to modify the opinion which they have expressed as to what is prudent navigation in the circumstances, and I am very anxious about that, and very anxious that we should have from your Lordship -

The Commissioner: That is quite right, and I am very anxious about it too. I have not heard Sir Robert Finlay yet suggest that the course that was taken on this night would now be a wise and proper course if the same circumstances were to arise again.

The Attorney-General: I think I heard my friend say it yesterday afternoon, and I thought he said it based upon the evidence of Mr. Ismay and Mr. Sanderson.

Sir Robert Finlay: I do not think Mr. Ismay and Mr. Sanderson profess to be experts on this matter. Their evidence was merely with reference to what they knew the practice always had been.

The Commissioner: Am I to understand that even with the knowledge that has been gained by this unfortunate accident, the practice of continuing at full speed ought still to be continued?

Sir Robert Finlay: Not necessarily at all, my Lord. We have had a flood of additional knowledge. The incursion of the ice further South must have profoundly modified the conditions, and I may say on behalf of the White Star Line, as I have said already, I think, that any intimation that the Court may see its way to make as to the practice in the future will, of course, receive complete attention.

The Attorney-General: It is not a question for discussion between us. I quite appreciate that they would be very glad to follow, and would follow out most completely, no doubt, any recommendation your Lordship makes. But I wanted to direct attention to the evidence; and I shall show your Lordship when I come to deal with the evidence that whatever my friend Sir Robert may say, which would naturally be quite what you would expect of him in the circumstances, that is not the view which has been taken by those who have been called before you.

The Commissioner: If they take the view that notwithstanding the experience they have gained, these ships ought to be navigated at full speed in circumstances such as there were on this occasion, I at present should venture to differ from them.

The Attorney-General: Yes, my Lord. What I am saying is only directed to the future.

Sir Robert Finlay: The evidence of these witnesses was directed to the past, and what the practice always had been. Your Lordship made reference to what should take place with the knowledge of this disaster. I think that if your Lordship would look at Question 25531 onwards, it is by no means clear that all these answers of Mr. Rostron's are not given with reference to what he would do now. Your Lordship sees there is no contradiction throughout; there is never a suggestion of a contradiction as to the practice in the past. As far as Mr. Rostron goes, he does not differ from it at all, and these questions quite admit of the construction that he understood my friend's questions to be "What would you do now?"

The Commissioner: That may be. I will have to examine the questions and answers to see whether that is so or not. But I quite agree with the Attorney-General that the importance of this Enquiry is to ascertain whether the practice is one which must be altered. The importance of this Enquiry has to do with the future. No Enquiry can repair the past.

Sir Robert Finlay: If your Lordship pleases, that observation of mine, if it is well founded, very much strengthens the effect in my favour of the whole of Mr. Rostron's evidence. At question 25541 he says: "If it is a perfectly clear night, and I was sure of my position and everything else, unless I knew there was a lot of ice about, I should feel perfectly justified in going full speed." Then, my Lord, there is one other observation I may be permitted to make. I put it to the Court that there is nothing in what I have read of Mr. Rostron's evidence - and I have read everything in the least material on this point - that it all qualifies the body of evidence to which I have already called attention. And further than this, the question is negligence on the part of Captain Smith. One consideration that can never be dismissed from the mind is this: I do not ask that Captain Smith should not be found to have acted negligently if the evidence shows it; but one can never dismiss from one's mind the fact that he is not here to give the reasons. I am sure the Attorney-General will agree that that is a most cogent observation, and must turn the scale in this case.

The Attorney-General: Quite.

The Commissioner: You may be quite sure that I shall be most careful. I shall require the negligence to be proved so that I cannot escape from it.

(After a short adjournment.)

The Commissioner: There is one question and answer in Captain Rostron's evidence I want to draw your attention to, Sir Robert, Question 25465, at page 743.

Sir Robert Finlay: "So that, if I follow what you have said, you would always have to be prepared for an iceberg which presented a dark appearance to those who were looking out for it? - (A.) Yes." If that means that black bergs are common, I think it is wrong, but I do not think Captain Rostron can have meant that. I may say that Captain Rostron, as appears from the American evidence, had not been much on the Atlantic. My friend, Mr. Maurice Hill, has been good enough to supply me with references to the American evidence. He was appointed to the "Carpathia" on the 18th January of this year, 1912. The "Carpathia" was in the New York and Mediterranean trade, which, of course, involved crossing the Atlantic. Then in the American evidence the same gentleman appears as commanding the "Carpathia" and the "Pannonia" during 1911; that is Mediterranean and New York in the same way. Then previous to that he says, "I was Captain of several other smaller cargo boats running between Liverpool and the Mediterranean."

The Commissioner: Well, you do not come across icebergs there.

Sir Robert Finlay: No, your Lordship will see that that was in answer to a series of questions put to the witness by the Attorney-General. He had previously given two answers to your Lordship which were perfectly specific and distinct. One is at the bottom of page 742, Question 25450. Your Lordship said to him: "You cannot account to me for your seeing some of these bergs a couple of miles away, but not seeing this particular one till it was about a quarter of a mile away? - (A.) No. (Q.) You cannot account for it? - (A.) No. (Q.) It happened to yourself? - (A.) I cannot account for it at all." Then at the top of the next page, Question 25455 "Is that a common experience, that when you are amongst icebergs you will detect one two or three miles away and another not till it is within a quarter of a mile? Is that within your experience? - (A.) No, I do not think it is common experience. I think it is rather uncommon, as a matter of fact."

I think the answer must really refer to this: Your Lordship will recollect it is in evidence already that where an iceberg has been torn off from the parent iceberg, if I may use the expression - the side where it has been torn off if the rupture was at all recent is much darker; where it has been exposed for a long time to the sun and air it is white, so that one side is darker than the other. But even then, as the witness who testified to this said you have a white glimmer over the top of the black side, coming from the white side, which is the other side. I think that what Captain Rostron says must refer to that. But in any case his experience, dating from the beginning of the year 1911 in the American trade does not compare with that of the many Commanders who have been called before the Court, and who are all unanimous about this that a black berg is a very rare thing.

The Commissioner: Very well. You have dealt now, I think, with all the evidence upon that part of the case.

Sir Robert Finlay: Except Sir Ernest Shackleton.

The Commissioner: Oh, yes, except Sir Ernest Shackleton.

Sir Robert Finlay: Sir Ernest Shackleton's evidence is at page 719. I will read his evidence, which will include that which bears directly upon this point. "(Q.) You have had a large experience of ice? - (A.) Yes. (Q.) I want you to help the Court with your views, as a result of

your experience, first of all with regard to the visibility of ice in clear weather. Take icebergs first? - (A.) That entirely depends on the height of the iceberg. Take an iceberg of about 80 feet high, and the ordinary type of iceberg that has not turned over, you could see that in clear weather about ten to twelve miles. (Q.) At night? - (A.) Not at night, no. I would say, providing it was an ordinary berg, about five miles on a clear night. (*The Commissioner.*) At night? - (A.) Yes, at night. (*The Attorney-General.*) You said provided it was an ordinary berg? - (A.) Yes. (Q.) Are there bergs which present a different appearance in colour? - (A.) There are many bergs I have seen that appear to be black, due to the construction of the berg itself, and also due to the earthy matter and rocks that are in all bergs. In fact, in the South many of these so-called islands, and charted as islands, must have been big bergs with earthy matter on them. Again, after a berg has capsized, if it is not of close construction, it is no more porous, and taking up the water does not reflect light in any way. (Q.) Have you had large experience of this particular track? - (A.) Not much, only four or five times." It turned out afterwards that he had crossed four or five times as a passenger. He had been only once across except as a passenger, and that was when he was 17 years old in an early voyage. The other experiences, four or five times, were as a passenger. And may I say at once with reference to Sir Ernest Shackleton's evidence that Sir Ernest Shackleton is a recognised expert with regard to South Polar ice; he did most admirable work there, and work of the most interesting kind. The book that he wrote about it is a most fascinating book; but the conditions under which he worked with regard to ice were absolutely different from those which prevail in the North Atlantic, where his only experiences were as a passenger on four or five occasions. Going to the South Pole - he got very near it - he had got into great masses of ice. He had to thread his way through them, turning and twisting, to use his own expression, to get through; sometimes he got a run of a few miles; at other times he had to go with constant evolutions. That is a very different thing indeed from the conditions which prevail in the North Atlantic, although if the icebergs continue to encroach further South in the manner in which they have recently been showing a tendency to do the conditions may be more assimilated to those of the South Pole. But at all events at present trade with the South Pole has not developed. So that what Sir Ernest had to do was to thread his way through these great masses of ice where there were no other vessels about at all, with a vessel, the "Nimrod," of 300 tons with her bows only 14 feet from the water, while the crow's-nest was 90 feet from the water; so that it is obvious that the position of the man on the stem so near the water, having regard to Sir Ernest's evidence, would be of much greater value for the purpose of seeing a berg as they approached it.

"Have you had large experience of this particular track? - (A.) Not much, only four or five times. I have seen ice in the North Atlantic. (Q.) Have you ever seen ice of this particular dark character to which you have referred in the North Atlantic? - (A.) Yes, twice. (*The Commissioner.*) In the North Atlantic? - (A.) Yes. (*The Attorney-General.*) Was that on the outward route to the States? - (A.) On the outward route, yes - once outward and once homeward. (Q.) Do you remember about what time it was of the year? - (A.) In about April, I think, 1897, and again in May, 1903, and again in June, 1910, but that was further north. (Q.) Is this right that you have seen altogether on the North Atlantic tract ice on four or five occasion? - (A.) Yes. (Q.) That is four or five voyages? - (A.) Yes. (Q.) Extending over a very considerable period of time? - (A.) That is so. (Q.) Beginning in 1897? - (A.) Yes. (Q.) Out of those four or five times is it right that you twice saw those dark-coloured icebergs? - (A.) I would not like to say on the last two occasions. My memory will not serve me more than that, I have noticed on one occasion at least more than one berg that did not reflect light."

As regards darkness - it is not necessarily the same thing as blackness and all he says is he has noticed bergs on these occasions that did not reflect light. Then it goes on "(Q.) What I meant

was - I want to follow your evidence - that of the four or five occasions of which you have spoken, two of them were occasions on which, as I understood you, you have seen ice of this dark colour? - (A.) Yes, but I would like to add that I have seen at the same time other ice - ice of a different colour. (Q.) Yes, I see what you mean - there would be other ice of a different colour, but amongst it you saw twice icebergs of this dark colour." The Witness does not accept "this dark colour," he says, "of darker colour, yes." Then there is a question as to about how often it was. Then he says in answer to Question 25032, "I was certain of the 'other occasion,' but I qualified it only inasmuch as that on the same occasion I saw different coloured ice. (*The Commissioner.*) Am I to understand that you saw several bergs on these five voyages that you have spoken of? - (A.) Yes, my Lord. (Q.) Or only one berg on each occasion? - (A.) No, on one occasion there were several bergs. On the first occasion, I remember it was a low-lying berg which was evidently a capsized berg. (Q.) You only saw one berg? - (A.) That is all I remember. (Q.) Then on the second occasion you saw several bergs? - (A.) Yes. (Q.) Did you see several on the other three occasions? - (A.) No, my Lord; some of them were just small pieces. I would not call them big bergs, not like the southern bergs. (Q.) Are they called growlers? - (A.) I have never heard that term applied to them, but I believe it is a well-known term. I have read of such, but we never call them growlers; we call them floe bergs when they were not the height of an actual big berg carved off from the land, but a berg that had capsized, having worn out underneath. (*The Attorney-General.*) You have spoken of the distance at which you would see bergs. You told us, I think I am right in saying, ten or twelve miles in the daytime on a clear day, and five miles on a clear night? - (A.) Yes. (Q.) How far would you see one of these dark bergs on a clear night, assuming it to be 60 to 80 feet high? - (A.) It might be only three miles, depending on the night and depending almost entirely on the condition of the sea at the time. With a dead calm sea there is no sign at all to give you any indication that there is anything there. If you first see the breaking sea at all, then you look for the rest and generally see it. That is on the waterline. I do not say very high, because from a height it is not so easily seen; it blends with the ocean if you are looking down at an angle like *that*." I suppose he indicated an angle similar to that which you would look down if you were in the crow's-nest, 90 feet high. "If you are on the sea level it may loom up. (Q.) That would rather suggest that your view would be that you could detect bergs of that kind better at the stem than you could at the crow's-nest? - (A.) Better, the nearer you are to the waterline. When we navigated in thick or hazy weather there was always one man on the look-out and one man as near the deck line as possible. (Q.) That is thick or hazy weather? - (A.) Yes, that is thick or hazy weather, or even clear just the same. (Q.) What I want you to tell my Lord is; do you think it is of advantage in clear weather to have a man stationed right ahead at the stem as well as in the crow's-nest? - (A.) Undoubtedly, if you are in the danger zone; in the ice zone.

He afterwards explains what he meant when you had ice reported to you, would you take precautions as to the look-out? Supposing you only had men in the crow's-nest, would you take any other precautions? - (A.) I would take the ordinary precaution of slowing down, whether I was in a ship equipped for ice or any other, compatible with keeping steerage way for the size of the ship. (Q.) You would slow down? - (A.) I would slow down, yes. (Q.) And supposing you were going 21 $\frac{3}{4}$ to 22 knots, I suppose that would be the better reason for slowing down? - (A.) You have no right to go at that speed in an ice zone."

He afterwards explains what he meant when you get into what he calls an absolute ice region. He is a little indefinite as to what constitutes an ice region. But it is quite clear that Sir Ernest Shackleton's mind is running upon his own experience when he got into an absolute ice region, threading his way through those masses of ice on his way to the South Pole.

The Commissioner: I have no doubt Sir Ernest Shackleton had a definite meaning, but I do not

know it. What is the definite meaning of an ice zone?

Sir Robert Finlay: I put it to him afterwards when I examined him, and he was not definite about it. I will read what he said. It is left very indefinite, but I think what he had in his mind was where you have a large collection of ice comparatively close together or in patches, as in regions through which he threaded his way when he was going Southward to the South Pole, or Northward on his return. I think that is what he means. But it is left very vague. I tried to get it more specifically from him afterwards. "You have no right to go at that speed in an ice zone. (*The Commissioner.*) And you think that all these liners are wrong in going at this speed in regions where ice has been reported? - (A.) Where it has been reported I think the possibility of accident is greatly enhanced by the speed the ship goes. (Q.) We have been told that none of these liners slow down, even though they know that they are going through an ice region - that is to say, a region where there are icebergs? - (A.) I have been in a ship which was specially built for ice" - that was the "Nimrod" - "but I took the precaution to slow down because you can only tell the condition of any ice you see; there may be projecting spurs, and you may suddenly come across them. (Q.) What was the speed of the boat you were in? - (A.) She was only six knots at full speed. She was 40 years old. (Q.) Do you mean to say that you slowed down a vessel of six knots? - (A.) Yes, I always did. (Q.) Then what did you get to? - (A.) We got very near the South Pole, my Lord. (Q.) What speed did you get down to? - (A.) We slowed down to about four knots. At her best she did six knots. (Q.) At her best she did six knots; that was not the ship that you got near to the South Pole in? - (A.) Yes, that is the ship; she was very old she was very small." She was a wooden ship of 300 tons. I suppose she would have been employed as a whaler in her hot youth, Greenland, and then in her old age she went near to the South Pole.

The Commissioner: Retired, so to say.

Sir Robert Finlay: "She was very old; she was very small. (*The Attorney-General.*) I still want you to give me your attention with regard to the look-out. You have told me your views with regard to speed. Suppose you had two men in the crow's-nest, and it was a clear night, and you were going through a region in which ice had been reported, would you put any person in the bow for a look-out? - (A.) I would put a look-out man in the bow or as near to the waterline as possible, even on a clear night, but I would only have one man in the crow's-nest. (Q.) Your idea would be that of the two men when coming into an ice region, one should go to the bow and one be in the crow's-nest? - (A.) My main reason for saying one man in the crow's-nest is that I think one man gives more attention to the work in hand than two men. (*The Attorney-General.*) There is a good deal to be said for that. (*The Commissioner.*) Yes, I think so. (*The Attorney-General.*) If I follow you correctly your view is, it is better on a clear night passing through an ice region to have a man as near the waterline as possible? - (A.) Yes. (Q.) Which would be preferable, the bow or the crow's-nest? - (A.) I would have a man in both, one in the crow's-nest and one in the bow; and if I may say this I would prefer in a liner to go where there is known danger than to go in a Southerly route, where you may occasionally get a berg, because some of these bergs drift from the North, very big bergs drift down into navigable waters, where no one would expect to find them; and then a ship comes to damage; whereas if you are looking for danger you guard against it more, or ought to. (Q.) I think we have been told they drift from North to South? - (A.) Yes, by the Labrador Current. (Q.) One other matter I wanted you to tell us about, and that is with regard to the use of glasses" - I need not trouble about that. Then Question 25060 "I ought to ask you this: Is there any indication of the proximity of ice by the fall of temperature? - (A.) Unless the wind is blowing from a large field of ice to windward there is no indication at all by the methods that are used now, and it is a very poor thing to go upon, is the change of temperature. The film of fresh water that covers the sea is so thin that by dipping in a bucket you do not pick up that thin cold water, and if the temperature of the air is approximately the

temperature of the sea there is practically no haze; it is only when the water is warmer or the air is warmer that the haze occurs. There are no methods that I have heard of before this that can really give you an indication of approaching ice by ordinary temperature methods. (Q.) Supposing you were approaching an ice region, that is, a region in which you had ice reported to you, and you found the temperature getting colder, would that be any indication to you that you were getting close? - (A.) No, it depends upon whether there was a wind or not. (*The Commissioner.*) On this occasion we were told that, at all events, from 3 o'clock in the afternoon, there was no wind. (*The Attorney-General.*) No wind, and the temperature fell very much. (*The Witness.*) Then if there was no wind, and the temperature fell abnormally for the time of the year, I would consider I was approaching an area that might have ice in it. (*The Attorney-General.*) According to the evidence - I am only dealing with one part of it - perhaps the most striking part - during the afternoon on this particular occasion on 14th April of this year, the temperature was reported to be falling, so much so that the Captain ordered the carpenter to see that the water in his tanks did not freeze. Would that be any indication to you? - (A.) If I knew what the mean temperature of that locality was for that month of the year and there was a great variation, then I would certainly think there was some abnormal disturbance in the ice to the North. Of course, that particular night was an abnormal night at sea in being a flat calm; it was a thing that might never occur again. (Q.) That is what Mr. Lightoller says."

The Commissioner: Let us stop there for a moment. There was undoubtedly a very rapid fall in the temperature. I assume there was a fall in the temperature of the air. There was no wind. How can that fall in the temperature of the air be connected with the presence of icebergs some miles away?

Sir Robert Finlay: I submit that according to all the evidence it is a very uncertain indication indeed.

The Commissioner: I have not grasped it before, but I understand what Sir Ernest Shackleton says about the temperature of the water. The only way in which an iceberg affects the temperature of the water is by the ice of the iceberg dissolving and forming a skin or thin coating of melted ice, that is to say, water which has just been ice on the surface of the water.

Sir Robert Finlay: Yes.

The Commissioner: And that will not go to any depth.

Sir Robert Finlay: No.

The Commissioner: Nor do I know how far it would spread.

Sir Robert Finlay: It is very difficult indeed to say. Of course, if the water coming from the iceberg were colder it would find its way down below the water, which is of a higher temperature.

The Commissioner: Below the water of the temperature of the sea.

Sir Robert Finlay: Yes, it would take some time, of course; it would not happen at once - just as the Labrador Current goes underneath the Gulf Stream as your Lordship has heard from "The United States Pilot." The Gulf Stream is a comparatively warm stream as many parts of the British Isles experience owing to its effect at the end of its course on the coast.

The Commissioner: In Ireland.

Sir Robert Finlay: Yes, and the West of Scotland, and it is said also to get round the North of Scotland for a very little bit. But the Labrador Current comes down, as your Lordship knows, from the great opening between Greenland and the Labrador Peninsula. It comes down there with a Southerly course. Then after a time it impinges upon the Gulf Stream. It goes under the Gulf Stream owing to the temperature of the water, the Gulf Stream being some 50 fathoms deep or it may be a little more; and then the Labrador Current, when it has got past the Gulf Stream, which is a pretty wide stream, reappears on the Southern side.

The Commissioner: I think that appears in the book you have referred to so often.

Sir Robert Finlay: It does, my Lord. These considerations, I think, have considerable importance when we come to estimate the reasons which probably actuated the Captain of the "Titanic" in the course which he took.

"You say it is apparently very rare to get such a flat calm as there was that night? - (A.) I only remember it once or twice in about twenty years' experience - the sea absolutely calm, without a swell, as it was recorded to have been."

I submit that is a very important answer indeed, and it agrees with the other evidence.

Then Question 25065 is: "(Q.) And if I followed correctly what you said earlier it would make it more difficult to pick up an iceberg with the eyes? - (A.) Decidedly. (Q.) If you had this calm sea? - (A.) Yes, decidedly so. (Q.) Although it was a clear night? - (A.) Yes. (Q.) There would be no indication of the water breaking round it? - (A.) No, there would be none in a condition like that. It takes very little sea and very little swell, with the northern bergs which are submerged about seven times to one above, for what we call a splash to get up and give you an indication." Where you have a white iceberg, such as is common, such as all the witnesses describe as the sort of iceberg that they have known, you see them as you see that great cartoon there; but where you have a black berg, which is very rare, a berg which in all probability had recently capsized, then the entire absence not only of wind but of swell is of the most vital consequence, because you are deprived of the breaking of the water at the foot of that black berg which would produce a white line, which would be visible and which would call attention to the berg. It is not of great consequence if it is a white berg because that is seen a long way off, as all the witnesses have said; but if it is that very rare thing, a black berg, like this, then if you have a perfectly calm sea, absence of all wind, and absence of all swell, it is fatal, because the black berg does not catch the eye as the white resplendent berg catches the eye, and you are deprived of the invaluable guide of the water breaking at the foot of it.

But there comes in the importance of what Sir Ernest Shackleton and many other witnesses say, that such a sea as that is a thing in the Atlantic which might never occur again. "I only remember it once or twice in about 20 years' experience - the sea absolutely calm, without a swell, as it was recorded to have been"; and then he adds "It takes it once or twice in about 20 years' experience - the Northern bergs which are submerged about seven times to one above, for what we call a splash to get up and give you an indication." I submit that is of crucial importance.

Then he describes the phenomenon of the ice-blink which shows a luminous effect on the iceberg.

The Commissioner: I do not know that it is very important, but I do not know what produces the ice-blink.

Sir Robert Finlay: We had one theory about which I confess I have some doubts given by one of the commanders, that the sunlight is absorbed during the day and given out at night. I am not satisfied myself about the correctness of that theory; but I suppose it is a sort of phosphorescent light from the white iceberg which has been subject to the influence of the sun all day. I do not believe it is the sunlight being absorbed and given out; but that blink undoubtedly does come. There is no doubt about that.

The Commissioner: A great many people talk about this ice-blink and I was wondering whether it was caused by the reflection of the starlight upon the crystals.

Sir Robert Finlay: I do not think so, my Lord; I have no satisfactory theory.

The Commissioner: Let me read this to you. It is out of "The United States Pilot," 1909 edition, at page 35: - "During a fog or in the darkest night, the proximity of the position of an iceberg may frequently be known if a good look-out is kept by a peculiar whitening of the fog known as

ice-blink." I do not know whether there is any other reference to ice-blink in this book.

Sir Robert Finlay: I am not aware that there is, my Lord, but they have not been speaking about fog.

The Commissioner: It is not a very clear passage.

Sir Robert Finlay: No, it is not at all clear.

The Commissioner: Because they apparently assume one of two conditions, either a very dark night or a fog.

Sir Robert Finlay: If you get a very dark night without a fog how can you have a peculiar whitening of the fog which is not there?

The Commissioner: That is what I mean.

Sir Robert Finlay: I think it is really a condition independent of the fog. It is undoubtedly a sort of light given off from the iceberg. What the theory of it is I am unable to explain.

In the second part of this same book, my Lord, at page 22, there occurs this passage: "Both by day and night the ice-blink is almost always visible on the sky towards the ice. Ice-blink is a bright yellowish white light near the horizon reflected from the snow covered ice and seen before the ice itself is visible." Of course, if there is reflection there must be some source from which the light is proceeding, which is reflected, and they say that in the darkest night or even in a fog you may have it; so that it is left somewhat obscure what the precise explanation of the phenomenon is. About the fact there is no doubt whatever.

I had better read what Sir Ernest Shackleton says about it. It is at page 721, Question 25069. "(Q.) We have been told of the phenomenon of the ice-blink? - (A.) Yes. (Q.) Would that be affected at all by the night we have had described or is it a variable thing. - (A.) On a night such as you have described, if there was a big field of ice, the blink would most certainly be seen very, very clearly. If there was really what we call big fields, miles and miles of ice, then you would see the edge, what we call the water sky, that is where the ice-field ends. (Q.) But you would not expect to get the ice-blink with an iceberg? - (A.) No, I would not." I confess I do not quite understand that answer in view of all the other evidence and the passages from "The United States Pilot" which have been referred to. "(Q.) Does that mean it does not throw off any of its luminosity? - (A.) Well it does not reflect any light that there may be, one single berg; it takes ice in the mass to do that; it is like a whole lot of deck lights along the side of a ship; they look one glare instead of isolated things."

The evidence is absolutely unanimous that in the North Atlantic - I do not know how it is near the South Pole - the ice-blink is expected. You do not always see it, but it is a very common thing, and from an iceberg.

Then he is examined by myself. He gives the tonnage of his boat. That is Question 25074. I find I overstated it; it is not 300 tons, it is 227 tons.

The Commissioner: Did Sir Ernest Shackleton navigate the seas down to this point in a wooden ship of this sort?

Sir Robert Finlay: Yes, he did. He started from New Zealand. It was a most gallant exploit. I suppose a bigger boat might have had very great difficulty in getting through. Your Lordship sees he had to pick his way painfully through enormous fields of ice, bergs to the right, bergs to the left and bergs in front, which no bigger boat could have achieved. He very nearly got to the South Pole; he did get to the Magnetic South Pole. Then at Question 25075 he is asked: "How high was it on the fore-castle at the stem above the water? - (A.) When we were loaded it was about 14 feet; 14 feet from the fore-castle to the waterline." That of course displaces the importance of all the evidence he had given about the propriety of having a man on the fore-castle. It is a different thing altogether to a man on a fore-castle 14 feet above the water from having a man on the fore-castle some 60 feet above the water. "From the crow's-nest it was about

90 feet.”

The Commissioner: Where was the crow’s-nest on this ship?

Sir Robert Finlay: On the foremast.

The Commissioner: At the head?

Sir Robert Finlay: Very high up.

The Commissioner: You are speaking of the “Nimrod”?

Sir Robert Finlay: Yes.

The Commissioner: It seems to me as if the crow’s-nest must have been at the top of the mast.

Sir Robert Finlay: Yes. He said to me, I think, that the “Nimrod’s” crow’s-nest was about the same as that on the “Titanic,” 90 feet.

The Commissioner: That would be ninety feet.

Sir Robert Finlay: They are about the same height, so that in that respect at least the “Nimrod” was equal to the “Titanic.” (Q.) Then the comparison you are making is between the height of ninety feet in the crow’s-nest on your foremast? - (A.) Yes. (Q.) And a height of fourteen feet on your stem? - (A.) I do not make a comparison. I say from ninety feet, which is the crow’s-nest of the “Titanic,” we will say, which equals our crow’s-nest, and from the waterline, as near as we can get it. If we could have got right down to the waterline we would have done so. The advantage lies in being as near the waterline as possible. You suffered from a disadvantage, certainly, in the “Titanic,” by not being able to get as near the waterline as we did in the ‘Nimrod.’ (Q.) If I gather rightly, your view is that if you are near the waterline, it is an advantage in seeing icebergs? - (A.) Yes. (Q.) And that is an advantage which a small boat like yours, which most of us have read about, has. You had that advantage in that boat? - (A.) We had that advantage over other vessels to a certain extent. (Q.) Your outside rate was six knots? - (A.) Yes. (Q.) You slowed down in ice to four knots? - (A.) Yes. (Q.) You say you slowed down. I suppose you experienced in going to the South Pole a very great deal of ice? - (A.) Yes, a great deal. We first got into the vanguard of the ice before we got to the heavy pack, and then we got into the region of icebergs, where we had to turn and twist.” That explains what he had in his mind, I think, the region of icebergs.

“Sometimes we would have eight hours’ run, but ice suddenly comes up in front of you, and then you slow down at once. (Q.) The pace you speak of, four knots, was when you were among the ice, “turning and twisting, as you have described it? - (A.) Yes, when we were in the region. I would not like to compare in any way the North Atlantic, with its comparatively few bergs, with the South, but if I were going 20 knots, I would want to get down to the steerage way just as when I am going six knots I want to get down to four knots. (Q.) But you do not compare the state of things which you found, as you were approaching the South Pole, where you had to turn and twist among the icebergs and masses of ice, with what prevails in the North Atlantic? - (A.) No, I do not compare it. The point I look at is, when you get a very fast speed, you must slow down, even as we in narrow waters had to slow down in our little ship. (Q.) Slow down to four knots? - (A.) We did. (Q.) What do you suggest a liner should slow down to? - (A.) I am not qualified to give an opinion, but I should suggest a liner should slow down sufficiently to give her steering way, which is, of course, more than the full speed of my own smaller ship. (Q.) What do you estimate would give a vessel like the “Titanic” steering way? - (A.) I am not qualified to say. I do not know enough of the turning movement of ships over 10,000 tons. I should say 10 knots.” It is now agreed 6 knots.

The Commissioner: It is agreed at 6 knots.

Sir Robert Finlay: Yes. “Is your suggestion that all liners in the Atlantic should slow down to 10 knots” - that should be 6 knots now - “as soon as they know that they may come across an iceberg? - (A.) As soon as they know they are in an absolute ice locality, which they can tell now

because of the wireless.”

That is the passage I referred to before as containing his idea as to what is an absolute ice locality.

“(Q.) My expression was, ‘as soon as they know they may come across an iceberg’? - (A.) No, I do not say that. (Q.) What do you mean by an absolute ice locality? - (A.) The locality where it is reported, and where it is generally known that more than one iceberg will be met - where you are likely to meet masses of ice floating about. (Q.) Assume one or two icebergs are reported; do you say that if the vessel may pass near one of these icebergs she ought to reduce her speed to 10 knots? - (A.) No, I do not. I do not say just for one iceberg or two icebergs or ten icebergs if they are nowhere near one another, but if there is a general indication of ice in the locality within a certain area which is fairly well known, a vessel ought to be slowed accordingly at nighttime. (Q.) At nighttime? - (A.) Yes, only at nighttime, unless it is thick in the day. (Q.) Can you give me an idea of the extent of the indication of ice that you say should lead to the reduction to 10 knots. You would not reduce for one or two or ten icebergs? - (A.) No. I would reduce if I heard that ice was generally reported, specifically from more than one-quarter. I am taking very modern methods, that is that ice is reported by wireless. (Q.) If it is reported you mean you have something, I will not say equaling, but approaching the collection of icebergs through which you had to thread your way? - (A.) Oh, no; the ice is generally known in the Atlantic. (Q.) But one or two or ten would not be sufficient. I wish only to understand exactly what you mean by the absolute ice region, which you think should lead to slowing down to ten knots an hour? - (A.) I should say that if ice was reported in any quantity, bergs and floes, when the vessel is anywhere near that latitude and longitude and had a late report of, say, even the day before, at nighttime she should slow till she was past that latitude and longitude in which icebergs and floe ice were seen. (Q.) Do you think that the practice in the North Atlantic has been all wrong for the last 20 or 30 years? - (A.) I do not say that. I say a certain state of things has evolved in the last few years by public desire and competition.”

If I may take an illustration, I think what the witness had in his mind was something similar to the state of things shown in that oblong. Your Lordship remembers the parallelogram which was indicated by the “Mesaba” message, not received on the bridge. There, as Mr. Lightoller said, “If we had got that message I am certain we should not have gone ahead.” That is the sort of state of things that Sir Ernest Shackleton obviously has in his mind which would approximate to what he had to encounter on the way to the South Pole.

Then at Question 25099 your Lordship says: “You say what? - (A.) I say the state of full speed as evolved in the last few years with the great public desire for speed. (Q.) To get to their journeys end? - (A.) Yes. (*The Attorney-General.*) By competition? - (A.) Yes. (*Sir Robert Finlay.*) You have been following this case I take it? - (A.) I have to a certain extent. (Q.) And you know we have had evidence as to the practice existing among gentlemen who have been in the trade for 25 years? - (A.) Yes; I think the gentlemen that have been in the trade for 25 years have been acting under the instructions of their owners.”

Now that only illustrates Sir Ernest’s complete ignorance of the conditions prevailing in the North Atlantic trade. He had crossed the Atlantic four or five times as a passenger, and then we have this which is really an echo of what has appeared in some newspaper; it is not a point upon which he can pretend to speak as an expert.

“(Q.) Have you any ground for saying that? - (A.) No more than a general feeling that I have had and the feeling I have had that when the owner is on board you *go*.”

Really that is only interesting as showing that Sir Ernest was out of his element. Towards the South Pole he is supreme, but when he gets into the North Atlantic he is no better than any ordinary man.

“(Q.) And supposing the owner is not on board? - (A.) I do not want to make surmises, and I do not want to lay down any particular Rules; but there is a general feeling among people at sea that you have to make your passage. If you do not make your passage it is not so good for you. That is only my own personal point of view. I do not know whether I should not refuse to answer this particular question.”

The Commissioner: It certainly is by no means an uncommon impression that a good passage may improve a Captain’s position in the eyes of his employer, and that a bad passage will hurt it.

Sir Robert Finlay: But not a good passage involving risk, because nothing is more serious for the Company than an impression getting abroad that risks are run.

The Commissioner: I should think one of the greatest disasters the White Star Line ever had is this - I mean in their own financial interests.

Sir Robert Finlay: Yes, incomparably, from every point of view of course. Your Lordship knows that for the eleven years before there had been only two accidents to passengers. Of course, if the enormous loss of life which unfortunately took place on this occasion had been spread over all the period, the eleven years, it would have only yielded 0.038 - thirty-eight one-thousandths of 1 percent. But it is all compressed. It strikes the imagination, and then people speculate as to how it happens, and they say “Oh, Sir Ernest says there is this terrible competition and racing across the Atlantic and record passages.” Your Lordship has the evidence, and can appreciate all that sort of talk at its true worth.

Then at Question 25106 I say “You have been in the North Atlantic trade to some extent yourself?” I put that question in all ignorance, because in the earlier part of his examination he spoke of his four or five passages across the Atlantic, and I thought he had been professionally engaged. Then he says, “I have only been as a passenger. Well, once in 1891 I was across the Atlantic in March. (Q.) Were you in command of a vessel? - (A.) No, I was only seventeen years old then. (Q.) But the other times you speak of in the North Atlantic you have been merely as a passenger? - (A.) Yes, that is all. (Q.) But apart from this voyage when you were seventeen, of ice in the Atlantic you have had no experience? - (A.) I have had no experience, no, of actual ice in the North Atlantic. I happen to be aware of the conditions though. (Q.) Now with regard to the coldness, the connection of cold with the presence of icebergs. You know of course of the Labrador Current? - (A.) Yes. (Q.) Is the cold very often due to the Labrador Current? - (A.) I would not say that so much, but I would say the breaking up of the ice was due to the Labrador Current. I mean it comes down with the Labrador Current, but the other current goes to the North.” He is speaking of the Gulf Stream which does not run North exactly, but it runs to the North of E. E.N.E. has been given as its direction, and I think that is approximately correct.

“It is sometimes very clearly defined, but then again these currents sometimes come far out of their usual route. (Q.) You would not say, I suppose, that a fall in temperature was anything like a certain indication of the presence of ice? - (A.) No, I would not at all. (Q.) Not at all? - (A.) Excepting under very definite conditions, such as a dead calm and a sudden fall in the temperature, because if you are in colder water, and as I said before you have not an equal temperature of the air, then you have a haze. If both the air temperature and the water temperature are the same the effect is that the weather is clear.”

Then your Lordship points out, what is the fact “My recollection is that the fall of temperature began on the Saturday. (*The Attorney-General.*) Yes, it did; it became more acute on the Sunday afternoon. (*The Commissioner.*) It gradually fell and fell rapidly, but began Saturday. (*The Attorney-General.*) Yes. We know very little of the wind on the Saturday. (*Sir Robert Finlay.*) I think we have information on the morning of the Sunday that there was wind. (*The Commissioner.*) There was wind of a kind up to three o’clock in the afternoon of the Sunday, and then it fell and became dead calm.” That is correct. “(*Sir Robert Finlay.*) Yes. The point is the

cold had began before the wind dropped. (*The Commissioner.*) Oh, it began on the Saturday. (*Sir Robert Finlay - To the Witness.*) I think you said that the importance you would attach to a fall of temperature in this connection was if there was a dead calm? - (A.) Yes. If the sea and the air are about the same temperature I would consider ice; but all those methods, such as dipping up water in buckets to get the temperature are no good." Then there is the re-examination by the Attorney-General, who says as Question 25115: "We have been speaking hitherto about icebergs; but supposing you had a wireless telegram to the effect that there were icebergs and a large quantity of field ice in the region which the ship had to cross, would that in any way accentuate the risk - which you say would be run? - (A.) The field ice? (Q.) Yes? - (A.) I think field ice for a ship of the class of any ocean liner is almost as bad as an iceberg, because going at a speed like that the kinetic energy is so enormous and field ice is very often 20 feet deep; it is like running on a rock almost."

Then Mr. Cotter puts a question about searchlights, but I do not think I need trouble about that. Then Question 25120: "(Q.) I should like you to answer this. If you can see the berg at a sufficient distance to clear it, is there then any object in reducing speed? - (A.) My Lord, if there is one certain iceberg and one berg alone, or two or three bergs, there is no object in reducing speed, but if you are in an area where there is floe ice and bergs which might perhaps be met at any moment, where if you put the helm hard a-port you might run into another one, then there is need. (Q.) We have no evidence that the "Titanic" saw what you call floe ice, pack ice, or anything of that kind. There were telegrams warning the ship of the existence of such ice. But taking icebergs, if you can see them at sufficient distance to avoid them, is there any object in slowing down? - (A.) I do not consider there is any need to slow down if you can see every iceberg at a sufficient distance to avoid it, but I doubt if you could when you come into such a region."

That is the old question of the absolute ice region. "Now, I am going to ask you about that. We have been told that on this night the conditions were very peculiar, that the sea was as flat as a table top, and that there was no sort of swell, and therefore nothing that would make a ridge round the waterline of the iceberg on which the eye would fall. We have been told that this iceberg was black, and it has been said that in those circumstances it is very difficult to detect the existence of a berg in time to avoid it. Is that so? - I agree with that, my Lord. I think it would have been a very difficult thing with a ship going at that speed to have done so. (Q.) Do you think the speed makes any difference in picking up a thing? - (A.) I do not know about picking up, but slower speed gives you a longer time from the time you see it at the same distance. (Q.) Of course, it does. I did not understand your observation. Now, you know these conditions as they have been described - whether accurately or not I do not know - but they have been described to us. How far off do you think the men in the crow's-nest, if they had been attending to their business and not talking to each other, ought to have seen this berg? - (A.) I would not like to put a definite figure on it but I should think the men in the crow's-nest saw that berg about as soon as you would ordinarily expect a man to see it." That is under these conditions. "That means they saw it just as the ship was striking the berg? - (A.) Had not some three minutes elapsed from the time it was reported? (*The Commissioner.*) I think not."

The Commissioner: Oh no, that is a mistake.

Sir Robert Finlay: Yes. (*The Attorney-General.*) It is rather difficult to say. We know what was done, and we have to estimate the time. (*The Commissioner.*) She was right on the berg before any time elapsed? - (A.) I should think, my Lord, that in the case of that particular berg it would be a very difficult thing to pick it up at all. A man might have said to his companion "Do you think you see anything?" but arising out of that I should like to say that all officers, as far as I know, and Captains of ships in modern times, are only too ready to hear reported from the

crow's-nest, or wherever it is, any report of any sort even though the light reported is not there."

The Commissioner: Well, that is what some other witnesses have said.

Sir Robert Finlay: It can be only be helping to relieve the monotony of life on board ship; I should have thought a report of what does not exist is not helpful.

The Commissioner: What I mean is this. I think it was in answer to Mr. Laing one of the witnesses said that a man would never be reprimanded for reporting - even though he was mistaken, and there was nothing to report.

Sir Robert Finlay: Certainly, I entirely agree in that, because it would be a very great mistake to leave an impression on the minds of the men that they were committing an offence by reporting when they thought they saw something, even if it turned out not to be there.

The Commissioner: I do not know whether it was Mr. Laing, but somebody said he thought that if that went on for very long the connection of the look-out man with the ship would be speedily terminated.

Sir Robert Finlay: To put a very strong case, suppose a man were flogged every time he reported an object which turned out not to be there, I should think it would very seriously interfere with the efficiency of the look-out. It is evident you must not censure the man. On the contrary, you praise him for reporting what he thinks he sees even if it turns out not to be there. But that is a different thing from saying that you are glad to have reported what does not exist. You are very glad the look-out men are zealous.

The Commissioner: I understand he means he is glad the man reports even though there is nothing there, because it shows he is anxious to do his duty.

Sir Robert Finlay: That is obviously what he means.

The Attorney-General: One of my friends says he remembers that Sir Ernest added *sotto voce*." It used to be different in my young days."

Sir Robert Finlay: It is put very neatly in Mr. Lightoller's evidence at the top of page 326, Question 14294. "I will put this to you" - it is by Mr. Scanlan - "Supposing a man on the look-out fancies he sees something and strikes the bell, and it turns out not be anything, I should think he would be reprimanded? - (A.) He is in every case commended. (*The Commissioner.*) I do not understand that. Is he commended when he signals that there is something ahead when there is nothing ahead? - (A.) Yes, your Lordship," and it is obvious for the reason your Lordship has just indicated.

The Commissioner: Then it was Mr. Scanlan made the observation?

Mr. Scanlan: It is in the next question, my Lord.

Sir Robert Finlay: Question 14296. - "(*Mr. Scanlan.*) If he did it frequently in a journey, would not the commendation take the form at the end of the voyage of paying him off and dispensing with his services? - (A.) Not at all. The man is not an absolute fool; he knows that if he is trying to keep a good look-out, particularly amongst ice, and he suspects he sees anything, he will strike the bell, if it turns out to be nothing he may come on the bridge and say, 'I am sorry that I struck the bell when there was nothing,' but he is invariably told, 'Never you mind, if you suspect that you see anything, strike the bell, no matter how often.'" That, I think, makes the matter perfectly clear.

Then Question 25127 on page 723, "(Q.) I am not quite following you, I am afraid. Do you want to convey this to me that that berg would be within one hundred feet of the stem of the ship before it would be seen? - (A.) No. I should think a berg of that type would be seen somewhere about perhaps three quarters of a mile away, not more. (Q.) Well, three-quarters of a mile - would it be less than three-quarters of a mile? - (A.) It might be; I do not know. (Q.) I am putting one hundred feet to you. - (A.) I think it ought to be seen long before 100 feet. (Q.) What would you say would be the shortest distance that this berg would be seen by the men in the crow's-nest

on a clear night? - (A.) The shortest distance from the ship? (Q.) Yes, on a perfectly clear night, and under these conditions of a flat sea and possibly black ice? - (A.) I would not like to express an opinion because I have never actually seen a berg so close to a ship. I have never seen any ice quite exactly like that which was described. I have seen it in the winter time in the ice, but then we were always absolutely stationary. (Q.) My difficulty is this, and I am afraid you cannot help me, but I cannot understand how the men in the crow's-nest and the men on the bridge - there were two I think, one, at all events, on the bridge - failed to see this iceberg until it was practically in contact with the ship? - (A.) I think that iceberg was such a very little thing. It was such a small thing and the conditions were so bad, that a man on watch, even two hours on watch, might have his eyes strained, and the officer on watch might have his eyes strained and might just miss that particular berg. In running round the horizon his eyes might hop over this particular thing. (Q.) But there were three pairs of eyes, there was a man on the bridge and two men in the crow's-nest? - (A.) I think that is a possibility. (Q.) Is it a probability? - (A.) I think it is a probability. I think they might not see such a thing."

The Commissioner: I do not understand that. I doubt if the witness means what I suppose him to mean by those words. Is it a probable thing that three men, all looking ahead using their eyes, should overlook anything of that kind. That presupposes that they can see it, but that they do not see it.

Sir Robert Finlay: I think what the witness means is, when would they see it. I do not think he means that they would overlook it when it might be seen. I think he is dealing with the question when would they see it - when ought they to have seen it? I so understand it.

The Commissioner: It is very little use criticising the actual expressions used. One must gather the meaning.

Sir Robert Finlay: Yes, the general scope. Then the answer to Question 25132 is important. "I think that iceberg was such a very little thing, such a small thing and the conditions were so bad, that a man on watch, even two hours on watch, might have his eyes strained, and the officer on watch might have his eyes strained and might just miss that particular berg. In running round the horizon his eyes might hop over this particular thing. (Q.) But there were three pairs of eyes." Then he is asked about the probability and possibility. "I think they might not see such a thing. (Q.) Then do you really mean to say that on a fine night with a flat sea the probable thing is that every ship will come in contact with an iceberg that happens to be on its course? - (A.) No, my Lord, I think it is an abnormal case entirely. (Q.) I am putting an abnormal case - an extraordinarily flat sea and black ice; do you think if there happened to be an iceberg in the course of that ship she must run up against it although there are three men on the watch? - (A.) The next time somebody may see it a little earlier; it is possible to see it a little earlier, but I do not like to express an opinion. (*The Commissioner.*) You said the probability was the ship would run up against the iceberg. (*The Attorney-General.*) Your Lordship will remember she is going 700 yards a minute, and it would not take long. (*The Commissioner.*) I know that. (*To the Witness.*) Then you know nothing about the turning circle of this ship? - (A.) I do not. (Q.) So that you cannot tell how she could avoid it. Well, now I want to know this - do these bergs extend sometimes under the water any considerable distance from the part that is visible? - (A.) It depends; if the berg is capsized it may extend perhaps 200 yards or more, depending on the size of the berg. Some bergs that are five miles long, which are rarely seen in the Atlantic, may extend 200 or 300 yards, what we call a spur, but not more than that. (Q.) So that the bottom of a ship might strike an iceberg before it reached what you may call the locality of the part that is uppermost. - (A.) Yes, before it actually struck the part above water. (Q.) But you think in an extreme case only 200 yards? - (A.) Yes, an extreme case. (Q.) Did you say 200 yards? - (A.) I have seen spurs 200 yards away, but I think a couple of hundred feet would be about the average

for a spur. A lot depends upon the sort of ice - what sort of mountain it came off, and how it was formed, and what its specific gravity is, whether it is worn down in the current by the temperature of the water. (Q.) But the bottom of the berg may extend under the water any distance, from 200 feet to 600 feet? - (A.) Yes. (Q.) Away from the visible berg itself? - (A.) Away from the visible vertical side of the berg? (Q.) So that the bottom of the ship might strike a berg any distance from 200 feet to 600 feet away from the visible berg? - (A.) Yes, that is my opinion, my Lord. There are no doubt other people who have also got perhaps slightly different opinions on it, but in the main, generalising, it is so. (Q.) I rather gather from what you have said to me - I am not sure that I ought to ask you this question, but I am going to ask it all the same - that you think it quite possible that the men were keeping as good a look-out as they could? - (A.) Yes, that is what I do think. (Q.) That is what you want to convey? - (A.) Yes, but I did say earlier, and I still say, I think it is an advantage to have only one man in the crow's-nest. (Q.) It has occurred to me; one knows what men are - when they are standing together - they began to talk sometimes? - (A.) I know I used to in my early days. (Q.) Then there is another question I am not sure I ought to ask you. Supposing it had been the invariable practice to navigate ships of this kind, following the usual track to America, at full speed, notwithstanding ice warnings, in your opinion, would a Captain who had been brought up in that trade be justified in following the practice. Now, do not answer that question if you do not like, and I will not ask it, Sir Robert, if you do not want me to ask it. If you have not formed any opinion about it, I will not press you to give me an answer? - (A.) We sailors all form opinions, my Lord, like other people, but it opens such a very wide question of relationship between owners and captains that I am not competent to answer it. I think it would be a natural thing for a Captain who had been brought up in a line doing the same thing, to continue doing it. But in view of the fact that there is wireless now, I think any accident could be avoided. (Q.) Well, yes, that is quite true. If you are right in saying that the better thing would be to reduce the speed to half speed - about 10 or 11 knots, and if you are right in saying that this berg might be approached practically without any warning to the look-out, it seems to me you would have an accident all the same, 11 knots or 22 knots. You would have to reduce it to about 4 knots? - (A.) Well, it would be better to do that. (Q.) Oh, yes, I quite agree. Now I want to ask you this question. Suppose that it took this ship 37 secs. to turn her two points, and that in that time she would travel 1,300 feet - supposing those to be the facts, and the helm was put hard a-starboard as soon as the berg was sighted, the berg must then have been sighted more than 400 yards off? - (A.) Yes. (Q.) That would be so, of course? - (A.) Yes."

The Commissioner: And that is so.

The Attorney-General: Yes, clearly.

Sir Robert Finlay: That is the whole of the evidence upon that point. My respectful submission to the Court is that we have completely established our case and that there is nothing in the evidence of Sir Ernest Shackleton when understood by the light of his experience and the special nature of that experience which in any way detracts from the full force of our evidence. Under those circumstances my first point is that it is impossible to say there was any negligence on the part of those who managed the "Titanic."

Now the next point I wish to make perfectly clear is this. The witnesses all say: "We continue to go full speed if the weather is clear." Now I want to show your Lordship that the weather this night was, as Mr. Rostron said, perfectly clear: "I never saw a finer night" was his expression. I shall be very short on that.

The Commissioner: At present - I do not want you to satisfy me about it, because I am satisfied about it - unless the Attorney-General tells me he is going to suggest the night was not perfectly clear.

The Attorney-General: Oh no, when I told your Lordship I was not going to suggest there was

a haze that was intended to cover this point. I take it it was a perfectly clear night.

The Commissioner: I think it is the view of all the gentlemen with me.

Sir Robert Finlay: I am obliged to your Lordship. That will save a good deal of time. Then with regard to the question of doubling the look-out and putting a man on the stem head, I do not know whether the Attorney-General is going to say that ought to have been done. If so, I must refer to the evidence.

The Attorney-General: I think that must be considered, yes.

Sir Robert Finlay: Now, the evidence with regard to that is rather voluminous, but I will take it as shortly as possible. The first witness who says anything in relation to the point at all is Jewell at page 17, and his reference to it is extremely distant. They are Questions 12 and 13; in fact, he merely gives the number of the look-outs. "(Q.) Are there two forward? - (A.) No, not in clear weather; we take two hours each. (Q.) Let us just get it clear. There was you and there was Symons in the crow's-nest. Were there no other look-out men on duty? - (A.) No, not so long as the weather was clear"; and then he says the weather was clear.

The Commissioner: Who is this man.

Sir Robert Finlay: Jewell, my Lord, one of the look-outs on the "Titanic." He was not on duty at the time this iceberg was sighted. He came on duty at 8 o'clock and remained there till 10.

The Commissioner: This man was on from 8 to 10; I do not think it is of much importance.

Sir Robert Finlay: No, I said it was rather remote, my Lord. Then Hichens is more to the point on page 47.

Then Hichens was the Quartermaster, your Lordship will recollect. This is in answer to Mr. Scanlan at Question 1296. "Is it usual on board liners in circumstances of danger to double the watches - the look-out? - (A.) That is always so, Sir. (Q.) Had the watch been doubled or augmented - increased in any way - on this occasion? - (A.) Not that I am aware of. They do not double the watches on the bridge, where there are three officers on the bridge, two junior officers taking eight-bell watches, and the senior officer taking command of the bridge. (*The Commissioner.*) Do they double that watch? - (A.) No, Sir. (*Mr. Scanlan.*) What watches do they double? - (A.) In ships where they are not manned with so many officers, and when they are nearing the shore in foggy weather they might double the watches. (Q.) Is it usual in circumstances of danger to station a watchman at the bows - a look-out man? - (A.) I cannot say. He cannot see so well as the man can see in the crow's-nest. (Q.) I am asking you, is it usual or not? - (A.) In some ships, Sir, they do station a man there. (*The Commissioner.*) As well as in the crow's-nest? - (A.) I have not seen that, my Lord - not a man stationed forward and stationed in the crow's-nest too."

The Commissioner: What experience has this man?

Sir Robert Finlay: He is a Quartermaster, my Lord; I think he had been at sea for a considerable time. He says at the beginning of his evidence that he was a Quartermaster. I do not think it appears how long he had been at sea." (A.) I have not seen that, my Lord - not a man stationed forward and stationed in the crow's-nest, too. (*Mr. Scanlan.*) If a watchman was stationed at the bow he would be considerably nearer the water than the man in the crow's-nest? - (A.) Yes, that is so, Sir." Well, it is the difference between 60 and 90 feet.

The Commissioner: I have read this evidence down to Question 1307.

Sir Robert Finlay: Very well, then I need not trouble with it.

The Attorney-General: 1321 might be of use.

Sir Robert Finlay: "This was my first time in the North Atlantic, Sir," and then there are questions put to him about the number of men in the boat, and so on.

That does not come to very much. He says sometimes it is done; it comes to more than Jewell, but not very much. Hichens merely says that he has never seen a man in the crow's-nest, and a

man also in the stem, but he knows it may sometimes be done in circumstances of danger. Then, my Lord, there is the evidence of Lee, at page 77.

The Commissioner: Hichens said this in answer to me. I put the question to him: "Have you ever seen a man in the bow when there are men in the crow's-nest? - (A.) Never, my Lord. (Q.) Did you ever hear such a thing? - (A.) Never, my Lord."

Sir Robert Finlay: Is this Hichens, my Lord?

The Commissioner: Yes. Questions 1306 and 1307.

Sir Robert Finlay: I thought I read it; I had it marked.

The Commissioner: No, I told you I had read it. I stopped you from reading it. You said something to the effect that this witness stated that he had heard of it; that is inconsistent with his answers to those questions.

Sir Robert Finlay: I will look and see whether I am right; I thought what he was saying there was that he had never seen it himself.

The Commissioner: He says he never heard of it.

Sir Robert Finlay: Your Lordship is perfectly right. That qualifies, I think, what I thought he had said before.

The Attorney-General: He has seen a man in the bow, but not in the crow's-nest as well.

Sir Robert Finlay: At Question 1300 Mr. Scanlan asked him. "Is it usual in circumstances of danger to station a watchman at the bows - a look-out man? - (A.) I cannot say. He cannot see so well as the man can see in the crow's-nest. (Q.) I am asking you, is it usual or not? - (A.) In some ships, Sir, they do station a man there." That is what led me to say what I did, but he contradicts that when your Lordship puts it to him. I read Question 1302.

The Commissioner: That is what you had in your mind, 1302.

Sir Robert Finlay: 1301 I had in my mind and then the qualification in 1302, when in answer to your Lordship, he says: "I have not seen that, my Lord - not a man stationed forward and stationed in the crow's-nest, too." That qualifies the answer which Mr. Scanlan got in 1301, and it is finally dispelled by the answers to 1306 and 1307 to your Lordship with regard to the practice. That goes to show that in Hichens' experience it was unknown and that he had never heard of it.

Lee's evidence is at page 77, and I think when Lee's evidence is analysed it comes to this, that they have a look-out man in the bows in the fog.

The Commissioner: This is one of the men who were on the look-out.

Sir Robert Finlay: Yes. "(Examined by Mr. Scanlan.)" - at 2596 - "When you are at sea in a fog is it a usual practice to station a watchman at the bows in addition to the look-out in the crow's-nest? - (A.) The captain of the ship has to be responsible for that kind of thing. (Q.) Just tell us whether in your experience it is usual to do that? - (A.) If the captain of the ship thinks it is necessary. (Q.) Have you seen it done? - (A.) I have. (Q.) Have you seen it done frequently? - (A.) Frequently." The question was in a fog your Lordship sees.

The Commissioner: I do not think this is very relevant.

Sir Robert Finlay: Then he is pressed as to whether there was not a haze at the time, and at 2617 (*Mr. Scanlan.*) asks this: "Would it have been easier to have observed the iceberg from the bow than from the crow's-nest? - (A.) I cannot answer you that. (Q.) When you have been on other ships, have you ever been at watch on the bows? - (A.) Yes. (*The Commissioner.*) Was there a crow's-nest on that ship? - (A.) Yes. (Q.) And was there somebody in the crow's-nest as well? - (A.) Yes. (Q.) And somebody on the bridge as well? - (A.) That was off the banks of Newfoundland."

Your Lordship knows how special the conditions are there.

"(Q.) Was there somebody on the bridge as well? - (A.) Two quartermasters were there, and

the officer of the watch. (Q.) What ship was this? - (A.) The "Minnehaha." (Q.) What line does she belong to? - (A.) The Atlantic Transport. (Q.) Is she a mail boat? - (A.) No, sir. (Q.) (*Mr. Scanlan.*) As you have been stationed both in the crow's-nest and in other lines on the bows, I want you to give us your opinion as to whether it would be easier to see the iceberg if you were stationed at the bows than in the crow's-nest. (*The Commissioner.*) He has given you an answer to that which I believe to be quite true, that he does not know," and there the matter ends. Then Question 2668 on page 78 Mr. Harbinson says this: "(Q.) I think you said that off the banks of Newfoundland on previous occasions there has been an additional man in the bows - an additional look-out? - (A.) Yes. (Q.) How many times in your experience? - (A.) In the Navy they have extra look-outs on each side of the foc'sle, and may be aloft as well. (Q.) But you yourself have seen it on boats you have been previously employed on? - (A.) Yes."

On the banks of Newfoundland they are liable to a vast amount of fog there. I think that is all in Lee's evidence which has any bearing at all upon this point.

Then Poingdestre at page 86. He is an A. B. and he says in answer to Mr. Scanlan in Questions 3153 to 3159: "(Q.) Well, you have done look-out duty, I think you said? - (A.) I have. (Q.) On the fore-castle head? - (A.) Yes. (Q.) On what kind of ships? - (A.) On the Royal Mail boats, and also on the 'Oceanic' and the 'Teutonic.' (Q.) And those are ships which have crow's-nests as well? - (A.) Yes. (Q.) On those boats has it been the practice to have, as well as the look-out man in the crow's-nest, a look-out man at the fore-castle head? - (A.) Yes, and the White Star liners always do have one. (Q.) From your experience, is the fore-castle head a good place from which to keep a look-out? - (A.) Well, it is. (Q.) (*The Commissioner.*) Is it better than the crow's-nest? - (A.) No, my Lord. (*Mr. Scanlan.*) Would it be better for icebergs than the crow's-nest? - (A.) No."

Then if your Lordship will turn to page 89 it would appear he was referring to the practice in hazy weather. It is Question 3335.

The Commissioner: What is the meaning of 3157? It is quite contrary to my notion of the practice of the White Star Line.

Sir Robert Finlay: Quite contrary. But he is referring, I think, to hazy and foggy weather.

The Commissioner: It may be, but I am sure it is quite contrary to the general practice.

Sir Robert Finlay: It is, my Lord. I think it is dispelled on turning to page 89, where he explained what he really meant at Question 3335, he is asked by my friend Mr. Laing this question: "(Q.) Now, when you say that in the White Star Line they have a man forward in the fore-castle head as a look-out as well as in the crow's-nest, do you mean in dense fogs? - (A.) No, in any hazy weather whatever. (Q.) In foggy weather? - (A.) Yes. (Q.) Then they have a man forward on the look-out? - (A.) Yes, they generally put two extra men on the look-out."

The Commissioner: Yes, that explains it.

Sir Robert Finlay: Your Lordship says: "There was no fog on this night, was there?" and the Witness says, "No, my Lord." That removes the misapprehension which his first answer might have been calculated to create.

Then there were one or two answers in the evidence of Mr. Lord, the captain of the "Californian." I do not know whether I read those answers in his evidence when I was referring to him on another point. It is on page 163, Question 7041.

The Commissioner: It has been read to me by somebody, but I cannot tell whether you read it.

Sir Robert Finlay: Then I probably read it, my Lord. I endeavoured to read anything which related at all to the matter when I was going through the evidence.

The Commissioner: But what I want is to have it on the Note. It is sufficient to indicate the Question.

Sir Robert Finlay: It is Question 7041. That is what he did. It runs on Question 7056 on the

same page. Question 7056 brings it rather to a point. (Q.) "Did you find it better for detecting ice" - that is the man on the forecastle head - "to have a man right in the bows like that? - (A.) Well, I do not know, this is my first experience of field ice. I think I saw the ice myself before they did."

The Commissioner: He means from the bridge, I suppose.

Sir Robert Finlay: Yes. Then on page 164, Question 7100, Mr. Scanlan, who is very strong upon this point, puts this Question.

The Commissioner: That is the fog and the haze again.

Sir Robert Finlay: Yes. In a fog and a haze. That extends to 7102, and I need not read that.

Then at page 166, Question 7172, Mr. Harbinson says to Mr. Lord, "Now I want to put a further question to you about the look-out men. You have a crow's-nest on your boat? - (A.) Yes. (Q.) Is it an able-bodied seaman you keep posted there usually? - (A.) Yes, always. (Q.) Is it a most responsible position? - (A.) Oh, I suppose it is. (Q.) To detect danger ahead? - (A.) Yes. (Q.) Do you think that the responsibility of that position would be better satisfied if a junior officer was also posted in the crow's-nest along with the able-bodied seamen? - (A.) Do you mean in my own ship? (Q.) In any ship. I ask you now from your general experience as a captain and a seagoing man? - (A.) No. If you have an officer on the bridge, I think that is quite sufficient."

Then on page 167, Question 7251, in answer to myself he says this: "(Q.) Now with regard to your own vessel, where is the best point for a look-out, on the stem or the crow's-nest, in your vessel? - (A.) The man in the crow's-nest on a clear day would see a light further than a man on the forecastle head of the ship would; but sometimes in hazy weather it is possible to see better from the forecastle head than it is from the crow's-nest. (Q.) And with regard to ice, where would that be best seen from? - (A.) On a clear night I think you would see just as well from the crow's-nest as you would from the foc'sle head. (Q.) You had one man only in the crow's-nest? - (A.) One only. (Q.) And one only on the stem? - (A.) On the foc'sle. (Q.) As a matter of fact, I think you said that you saw the ice before either of them? - (A.) I reversed the engines myself before they reported it. Just as they were reporting it I had reversed the engines."

Then Mr. Moore, at page 208, Questions 9267 to 9276, says this: I may have read them because I read a great deal of Mr. Moore. My friend Mr. Laing thinks I read this.

The Commissioner: Well, you did not. Take Question 9270.

Sir Robert Finlay: "(Q.) If you expect to see ice, do you double the look-out? - (A.) Oh, yes. (Q.) When you double the look-out, just explain to my Lord what you do? - (A.) Put an extra hand on the forecastle head, besides the look-out in the crow's-nest. (Q.) In ordinary circumstances have you two men in the crow's-nest? - (A.) Only one. (Q.) And one on the forecastle head? - (A.) Yes or on the forward bridge. We have a look-out on the forward bridge. (*The Commissioner.*) Not in ordinary circumstances. (*Mr. Scanlan.*) No. (*To the Witness.*) In ordinary circumstances have you any man stationed at the forecastle head? - (A.) No. (Q.) Supposing there was ice ahead of you would you double the look-out? - (A.) Certainly. (*Mr. Scanlan.*) I think your Lordship will observe that I want to make this point, that in any circumstances of danger there should be a look-out man on the forecastle head as well as in the crow's-nest. (*The Commissioner.*) I understand that point. (*Mr. Scanlan.*) Supposing there happened to be a haze ahead, would you then put a look-out man on the forecastle head? - (A.) Yes."

Then on page 210, Question 9396, "(*Mr. Laing.*) With regard to the look-outs, do you put a man on the look-out on the forecastle head in foggy weather? - (A.) Yes. (Q.) And hazy weather? - (A.) Yes. (Q.) Weather in which you blow your whistle; is that what you mean? - (A.) Even when we do not. When it is really necessary to blow the whistle we always put a man in the

crow's-nest, and when we meet ice we put a man forward on the look-out on the fore-castle head. (Q.) That is in hazy weather? - (A.) Yes. (Q.) Do you usually carry one man in the crow's-nest? - (A.) At nighttime; not in clear weather in the daytime. (Q.) In the daytime you do not have a look-out at all? - (A.) We have an officer on the bridge. (Q.) But you do not have a man in the crow's-nest or one on the fore-castle head? - (A.) No. (Q.) But at night you have, as a Rule, a man in the crow's-nest? - (A.) Yes. (Q.) But if it is hazy weather, a man on the bow as well? - (A.) Yes." That is all in Mr. Moore's evidence which has any bearing upon this point.

Then Mr. Wynn, the Quartermaster, at page 301, Question 13378, "Is it usual to station look-out men in the ships you have experience of in the bows? - (A.) Yes. (Q.) As well as in the crow's-nest? - (A.) Yes. (*The Commissioner.*) Always in foggy or hazy weather. (*Mr. Scanlan.*) Is it usual when there is ice about? - (A.) No." Mr. Scanlan was examining Mr. Wynn, one of the Quartermasters. That shows it is only in foggy or hazy weather.

Then Mr. Lightoller at page 304, Question 13520: "(Q.) What was the practice in the "Titanic" as far as this voyage is concerned about having a look-out man anywhere else?" - that is besides the crow's-nest. "(A.) In anything but clear weather, we carry extra look-outs. (Q.) But where do you put them? - (A.) If the weather is fine, that is to say, if the sea allows it, we place them near the stem head; when the weather does not allow us placing them at the stem head, then probably on the bridge." That is in anything but clear weather.

The Commissioner: They had actually had extra look-out men on this voyage.

Sir Robert Finlay: I had not observed that, my Lord.

The Commissioner: It is the next question, 13524.

"(Q.) Had there been, as far as you remember, any occasion since she left Southampton to have extra look-out men? - (A.) Yes, and we had had them."

Sir Robert Finlay: The next question is: "(Q.) But at this time it was clear and fine? - (A.) Yes."

Then Mr. Lightoller, on page 330, returns to this point. With regard to the special look-out men that the White Star Line employed. It is at Question 14426, and it runs on to 14441. This is in examination by Mr. Scanlan: "(Q.) I will pass from that point. Amongst the precautions which it would be proper to adopt, would it not be desirable to station more look-outs, more look-out men on the bows or the stem head? - (A.) Anything which would be conducive to avoiding danger. (Q.) Would that be conducive to avoiding danger? - (A.) It might be. (Q.) I am speaking to you as a man of great practical experience? - (A.) I could not exactly say whether look-outs in the stem head would be. We do not place very much reliance on them; we hope they will keep a very good look-out, but those men in the first place are not regular look-out men," - the point is the "Titanic" employs special look-out men for the crow's-nest. If they double the look-out they have to put an ordinary A.B. - "and you have not the same control over them as you have over the look-out men. They have nothing to sacrifice in the way of a good berth, which the look-out man's is. (Q.) I think the difference between a regular look-out man and an irregular look-out man - that is, an ordinary A.B. - is 5s. a month? - (A.) Five shillings a month in pay and a difference in watches and a difference in work on board the ship. (Q.) But there is no passing of an examination to go from one grade to the other? - (A.) Yes. (*The Solicitor-General.*) Is there? - (A.) Yes. I should explain to you it is customary when a ship is running for all look-out men to have an eye test as well as the Quartermaster's. That does not apply necessarily to A.B.'s. (*Mr. Scanlan.*) I was going to ask you about the eye test" - I do not think I need read that.

The Attorney-General: You need not read that as far as I am concerned.

Sir Robert Finlay: Then 14440: "(Q.) Did the six look-out men on the "Titanic" sign on in any special way? - (A.) I believe they signed on as look-out men. (Q.) But you do not know of your own knowledge? - (A.) No, I could not say for certain."

I think that is all Mr. Lightoller's evidence upon this matter.

(Adjourned to tomorrow, at 10.30 o'clock.)

Wreck Commissioner's Court,
SCOTTISH HALL,
BUCKINGHAM GATE,
Thursday, 27th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

THIRTY-SECOND DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. w. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Sir Robert Finlay: My Lord, I was calling attention to the passages in the evidence which dealt with the question of the look-out - the suggestion that there ought to have been extra look-out men on the stem. I had finished what Mr. Lightoller said on that point, and I now call your Lordship's attention to what is said by Fleet with regard to the practice on the White Star Line, of carrying special look-outs. It is very short, and it is connected, of course, with this question of look-out. It is on page 414, Questions 17446 down to 17452. He says that in the White Star Line they carry special look-out men, that he was one of them who signed on as a look-out man, that that was his work, and that is the practice on the White Star Line. Then he is asked at Question 17452: "(Q.) To have special look-out men. Do you know whether it is the practice on other lines? - (A.) I do not know; it is the only company I have been on the look-out."

Summarising, it is that the White Star Line employs special look-out men who have advantages in the way of pay and otherwise, and they are devoted to that work. The ordinary A.B.'s are not employed in rotation upon it, as they are upon some of the other vessels which we have heard about.

Then Hogg on page 416 gives evidence on the same point in Questions 17487 down to 17493. He is asked "How long have you been a look-out man? - (A.) I went one trip in the 'Adriatic' and three days on this ship. That is all. (Q.) And you have also been employed in ships of the P. and O. Company and the Royal Mail? - (A.) Yes. (Q.) The Union Castle? - (A.) Yes. (Q.) And other lines? - (A.) Yes, and other lines. (Q.) And you have acted as look-out, I suppose, in some of those lines? - (A.) They do not carry look-out men; everybody takes their turn. (Q.) You have acted as look-out, but you did not sign as look-out? - (A.) That is so. (Q.) In these other vessels, as far as I understand you, there was no question of signing as look-out man. It is only in the White Star that has happened in your experience? - (A.) Yes."

Then Mr. Ismay was asked a question on this point at page 447, Question 18701. Mr. Scanlan was examining. "(Q.) You do not issue any similar instructions to your Captains? - (A.) We carry two look-outs always. (*The Commissioner.*) In the crow's-nest? - (A.) Yes. (*Mr. Scanlan.*) But you do not issue instructions; you carry two look-outs for fair weather and foul weather? - (A.) Yes. (Q.) Who are there constantly day and night? - (A.) Yes. (Q.) What I am trying to get from you is this: Do you take any extra precautions in circumstances of danger, such as the proximity of ice? - (A.) No. (Q.) You do not? - (A.) No. (Q.) I put it to you that it would be a reasonable precaution and justified by your recent experience, to give such an order? - (A.) That is a matter which is entirely in the hands of the Commander of the ship; he can put extra look-outs if he wishes to, at any time. (Q.) But do not you think it is a matter on which you might give instructions to your Captains? - (A.) I think it is unnecessary to give those instructions. (Q.) You think the Captains should do it themselves? - (A.) If they think it necessary. (Q.) And double the look-out? - (A.) If he thinks it necessary. (Q.) Did you know that on the night of the accident the weather conditions made it difficult to keep the look-out and to see ice? Did you know that? - (A.) I did not. (Q.) And that the state of the weather was giving considerable anxiety to the Captain, or giving some anxiety to the Captain and to Mr. Lightoller? - (A.) I did not. (*The Commissioner.*) Does Mr. Lightoller say the weather was giving him any anxiety? (*Mr. Scanlan.*) He describes the weather conditions as being quite abnormal, my Lord. (*The Attorney-General.*)

Yes, because it was so good. (*The Commissioner.*) My recollection is that he said you could see perfectly well," and so he did. The most striking point of abnormality was the one of which they were not aware until the boats reached the water.

Then there is a longish extract read by Mr. Scanlan, in a passage which your Lordship will recollect. Mr. Scanlan goes on: "At other points of his evidence also, my Lord, this point is brought out. Of course, he does state, in spite of that, that it was easy to see; but what I suggest is that this statement from Mr. Lightoller, taken in conjunction with the evidence of the three men who have spoken to a haze, shows that it was very difficult to see that night. (*Sir Robert Finlay.*) I must point out that Mr. Lightoller is there speaking by the light of what he knew. (*The Commissioner.*) I know. As I understand Mr. Lightoller, if you had put 50 men on the look-out in those peculiar abnormal conditions that he talks about, this berg would not have been seen. (*The Attorney-General.*) That is so, my Lord. (*The Commissioner.*) That is right, is it not? (*Mr. Scanlan.*) I do not think it is, my Lord. (*The Commissioner.*) Well, two could not see it - three could not see it, because there was a man on the bridge - and according to him they could not see it because it could not be seen; therefore, it seems to me to follow that if you put 50 men on the look-out they would not have seen it. (*Mr. Scanlan.*) I wish to recall this to your Lordship's recollection. One man saw it - that is the man in the crow's-nest, Fleet. (*The Commissioner.*) He saw it when it was too late. (*Mr. Scanlan.*) He stated to your Lordship that if he had had glasses he could have seen it in sufficient time to have made the difference." That point has now gone. That is really all in Mr. Ismay's evidence on that point.

Then Mr. Sanderson is asked about the practice at page 485, Question 19946. "(Q.) Does it suggest itself to you as a reasonable thing, that at nights the look-out should be increased? - (A.) At nights, ordinarily, no. (Q.) At nights when ice is expected? - (A.) If it is clear I should think two men would see the ice as well as six. (Q.) Now, I want to put this to you: Do you think, with your knowledge and experience, which, of course, is very extensive, that it would be advantageous when running at night in a region where ice is expected to station a look-out man at the stem head in addition to the look-out men in the crow's-nest? - (A.) Reasonable - if the Commander thought it would help him, he would do it undoubtedly, but as to whether it is reasonable or not I cannot say. There could be no harm in it, certainly - (Q.) Do you think it is a desirable thing to do? - (A.) I really do not think so. I think two men on the look-out in clear weather are sufficient for any purpose, whether it is for ships or ice or anything else, but perhaps when it was hazy it would be advisable. (Q.) Do you think, for the purpose of detecting ice, that it is not desirable to have always a man stationed at the stem head at night? - (A.) The term "desirable" bothers me. If you say "desirable" it might be desirable to have a score of people there, but I do not think it is necessary. (Q.) Do you think, as a practical man, that it should be done? - (A.) No."

Then there is a question on sight tests for the look-out men. Mr. Sanderson says they have such tests. "I am informed that they have experienced difficulty in Southampton in getting men with sight certificates, but it is our wish that it should be done as far as possible. (Q.) And that only men with sight certificates should be got for this purpose? - (A.) Yes, that is right."

Then Captain Bartlett, at page 566, says he thinks it is not necessary to have a man on the stem. At Question 21723 Mr. Scanlan asks: "A suggestion has been made that for the discovery of ice the best position for the look-out man is at the stem head. Do you agree? - (A.) In hazy weather, yes. (Q.) And at night when ice is expected? - (A.) Not a clear night, no. (Q.) On a night when it is difficult to see? - (A.) It is hard to see how that can be if it is clear."

Then Captain Hayes, the Captain of the "Adriatic," at page 569, Question 21808, is asked by the Attorney-General, "When you are approaching an ice region, that is to say, the position in which ice has been reported to you, do you take any precautions? - (A.) I take precautions

according to the weather. (Q.) Supposing the weather is clear? - (A.) We keep an ordinary look-out, which is always an excellent one. (Q.) Do you mean the ordinary look-out in the crow's-nest? - (A.) Yes, and on the bridge, and I personally stay round. (Q.) You do not put anybody in the bows? - (A.) Not in clear weather. (Q.) Not in clear weather or fine weather? - (A.) Clear weather must be fine. (Q.) Do you mean, not when you can see clearly, but when you have a smooth sea? - (A.) I do not take the sea into consideration at all. It is as long as the weather is clear." And then he goes into the question of the rate of speed.

Then Captain Passow, the Captain of the "St. Paul," on page 571, at Question 21863, says he agrees with the evidence that has just been given by Captain Hayes, the last preceding witness. Then Captain Steel, at page 575, Question 21978. Mr. Scanlan puts this to him: "If it was found, as is stated by Mr. Lightoller, that he had observed from six o'clock to ten o'clock on the night of the 14th of April that it was more difficult than under normal circumstances to see an iceberg, would that suggest to you from the point of view of seamanship that a double look-out should have been set that night? - (A.) No. (Q.) Do not you think it would be desirable to place an extra look-out man on the bows? - (A.) No."

I think the assumption of fact in that question is erroneous. Mr. Lightoller never said it was more difficult in normal circumstances to see an iceberg. I mean, he never said he knew it then. What he did say was that when they found the sea was absolutely still, without any swell at all, then that showed him that there had been a difficulty which, when he was on the bridge, he had been quite unable to realise, of course. There was no statement by Mr. Lightoller that he had found out, when on watch, that it was more difficult that night to see an iceberg.

The Commissioner: You are not quite right about that, but you are right, I think, to this extent, that he had not appreciated the absence of one important circumstance that would indicate the presence of ice, namely, the swell. I do not think you can put it higher than that.

Sir Robert Finlay: That is enough for my purpose. I do not find that Mr. Lightoller anywhere says that when he was on the bridge there were any circumstances which brought to his mind that it was more difficult on that night to see the iceberg. On the contrary, he says it was a perfectly clear night, and the arrangement that the Captain made was that if it became in the least hazy, so that it should become difficult to see, the Captain, who had only gone into the chart room, should be called at once.

The Commissioner: I remember it quite well. It all comes in the conversation that Lightoller says he had with the Captain.

Sir Robert Finlay: Yes.

The Commissioner: For my own part, I doubt that conversation a good deal. People have extraordinarily accurate memories at times, and that seems very accurate.

Sir Robert Finlay: Yes; but, my Lord, it is a very natural conversation. I daresay the words are not exactly those used.

The Commissioner: I was making the observation in your favour.

Sir Robert Finlay: I accept that, my Lord. In reproducing a conversation, one throws it, of course, into conversational form; the words used may not have been exactly those which were employed - but still they give the effect of what passed. But my point is this, and I think what your Lordship has said, bears it out, that Mr. Lightoller never said that he or anyone on the bridge thought that there was anything in the circumstances of the weather that night to make it more difficult than usual to see an iceberg.

The Commissioner: He says this, that there was an absolute absence of wind, of motion on the sea. It was a calm sea. He talks about it, and the Captain says it is a pity. I think he uses the very words, "It is a pity."

Sir Robert Finlay: Yes, he said so to the Captain.

The Commissioner: He said it was rather a pity the breeze had not kept up.

Sir Robert Finlay: Yes, he does not go beyond that; but still, if there had been a swell, there would have been enough to call attention to the iceberg; not so good, of course, as if there had been a strong wind. All I mean is, I think it is put a great deal too high in the question which is addressed by Mr. Scanlan.

The Commissioner: Oh, that you must expect; we have all done that in our time.

Sir Robert Finlay: The vital point, the absence of swell, was one which no one realised until they got down to the water. That is the point.

Then Mr. Owen Jones's evidence is at page 665 -

The Commissioner: I think if you would read the references, the numbers of the questions, that will be sufficient, because I shall have to look at all this.

Sir Robert Finlay: If your Lordship pleases.

The Commissioner: And only read those parts that you think are of great significance.

Sir Robert Finlay: If your Lordship pleases. That will relieve me of a great deal of trouble. I think if all records run to such a length as this and one were to give the number of the question, such as 23598, one would need to introduce some system of units such as they have for giving the distance of a fixed star. It would shorten matters a little. On page 665, Question 23653, Mr. Scanlan asks what provision had he for a look-out, and he said: "Two men on the look-out. (Q.) Where? - (A.) One in the crow's-nest and one on the stem head. (Q.) Was your one man on the stem head put on at night? - (A.) Yes, he was put on that night; just as we got on to the ice track. (Q.) Did you consider it a proper precaution to put a man at the stem head when ice was reported? - (A.) It had been always our custom; we have always done that for the last 27 years. (Q.) At night? - (A.) Yes. (Q.) Whether ice is reported or not? - (A.) In the ice track." If you have only one man in the crow's-nest; and they proceed on the principle of having one man, then on the ice track he would have a second man on the stem; but the evidence here is that the look-out from the crow's-nest in the "Titanic" was rather better than from the stem.

Then Captain Cannons, at page 666, Questions 23746 down to 23752, says that in clear weather he would not double the look-out even in ice. I think I have fairly summarised his evidence. He says that he carries one man on the look-out in the crow's-nest in clear weather, and only that one in clear weather, except the officers on the bridge; that he would not increase the number of men on the look-out in clear weather, but would go steaming on with one man in the crow's-nest, and that is all. The difference he makes, and this is the important answer, is in 23751: "(Q.) You do not put anybody, apparently, in the stem head? - (A.) No, not unless the weather becomes hazy, or any difference to ordinary clear weather. (Q.) If the weather does become hazy it would be better to put a man on the stem head, I understand? - (A.) A man goes there immediately."

Then at Question 23765 Mr. Scanlan returns to the charge upon this point. He says: "(Q.) If there is any difficulty at all in seeing ahead at night, would it be in accordance with your practice to double the look-out? - (A.) Yes. (Q.) You think that would be the proper thing to do? - (A.) If there was any haze at all, yes, immediately. (Q.) Apart from haze, if there was what has been described here as a flat calm, and the conditions were such that it would be more difficult than on an ordinary clear night to see an iceberg ahead, would you double the look-out? - (A.) Not in perfectly clear weather. (Q.) If it is calm is it more difficult to see an iceberg? - (A.) I have not found it so." So that it comes to this, according to the evidence of Captain Cannons, as long as the weather is perfectly clear there is no occasion to double the look-out.

The Attorney-General: Whilst your Lordship has that before you - it saves so much turning to it afterwards - would your Lordship read the next two questions, which bear upon what Mr. Lightoller describes as the one abnormal condition of which he had no knowledge.

Sir Robert Finlay: I will read that: "(Q.) If it is calm is it more difficult to see an iceberg? - (A.) I have not found it so. (*The Commissioner.*) Do you think it is more difficult to see an iceberg when the sea is flat and with the weather quite clear? Do you think the flat sea prevents you from seeing an iceberg as readily as you would do if the sea were rough or rippled? - (A.) No. (Q.) You do not believe in that? - (A.) No. (*Mr. Scanlan.*) If any condition of the weather prevented you from seeing clearly you would double the look-out? - (A.) Decidedly."

Of course, that answer, like other answers which were given by some of the other witnesses, relates to the fact that their experience has been of white icebergs - the great white iceberg, they see that. The value of the ripple is enormously enhanced, of course, if the iceberg is dark. With a great white iceberg you see it as you see that cartoon on the wall.

Then at Question 23850, on page 669, he modifies, on re-examination by the Attorney-General what he had said on the point to which the Attorney-General called attention. I had better begin a little higher to make it intelligible. At Question 23834 the Attorney-General says: "Just assume this: A perfectly clear night, a perfectly flat sea, and no wind, and therefore nothing in the nature of surf round the edge of the iceberg. Would those circumstances, in your opinion, make the sighting of an iceberg difficult? - (A.) Yes, it would increase the difficulty of seeing it. (Q.) Are those circumstances very rare? - (A.) Yes. (Q.) A perfectly flat sea, no swell, no ripple? - (A.) They are extremely rare in the North Atlantic. (Q.) But still such circumstances are sometimes found? - (A.) Yes, my Lord." These questions were put by your Lordship. Then your Lordship puts this: "How far do you suppose you would see an iceberg in those circumstances? - (A.) I should say a mile. (Q.) A vessel going 22 knots an hour, sighting an iceberg a mile away, can, I suppose, clear it? - (A.) Yes." Then your Lordship asks how he explains that this iceberg was not seen. He says it may extend under the water a considerable distance from the portion seen above, and so on. I have read that passage. Then Question 23849: "(*The Attorney-General.*) There is one question on what your Lordship has said. (*To the Witness.*) Before this accident to the 'Titanic' had it ever occurred to you that on a specially calm night and a specially clear night it would be more difficult to detect an iceberg? - (A.) Oh, yes. (Q.) So that a skilled navigator would expect that it could be more difficult on a specially calm night and on a specially clear night? - (A.) Yes, it would be more difficult in the calm. You see the sea causes an extra warning, breaking against the berg."

The Commissioner: That is inconsistent with what he said before.

Sir Robert Finlay: Yes, he modifies what he said before. When he gave the first answer, that seems really to have been in his mind was what I indicated before; his experience was with white bergs, and the value, of course, of the fringe of white is not so great where you have a great mass of white berg; you do not really want that. It is an extra guide, but its value is nothing as compared with what its value is if you come across that rare phenomenon a black berg, such as we had on the present occasion.

Then the evidence of Captain Ranson, the Captain of the "Baltic," is at page 676, Question 24981. Mr. Scanlan says: "Do you double the look-outs at night? - (A.) No, not in clear weather."

Then Sir Ernest Shackleton gave evidence on this point, but I read that yesterday, and I need not read it again. It is on page 678, down to page 681.

Then Captain Pritchard, the Captain of the "Mauretania," at page 732, states that his practice is the same, that he doubles the look-out in fog, but not in clear weather. That is at Questions 25178 down to 25187. He is in command of the "Mauretania." Question 25178 is -

The Commissioner: I have read it.

Sir Robert Finlay: If your Lordship pleases. And the following questions bear out what I said as the result of his evidence; he doubles the look-out in foggy but not in clear weather.

Then Captain Young, the Captain of the "City of Rome," on the following page, from Questions 25230 to 25232, says: "With regard to look-out at night, when you have been informed that you may be passing icebergs, what provision did you make for your look-out under such circumstances? - (A.) The same as other times, as long as it was clear - two men in the crow's-nest. (Q.) You had two men in the crow's-nest? - (A.) Yes, I had two men in the crow's-nest. (Q.) And nobody on the stem head? - (A.) Not when it is perfectly clear."

Then Mr. Stewart, at Question 25258: "(Q.) With regard to look-out, if you have information that you may meet ice, either field ice or icebergs at night, do you take any special precautions with regard to the look-out? - (A.) In clear weather we have the ordinary look-out. (Q.) Where is that ordinary look-out kept? - (A.) In the crow's-nest."

That, I think, completes the evidence on that point with regard to the look-out. I submit that the enormous preponderance of the evidence is that, as long as the weather is clear, you simply go on with your ordinary look-out. Some gentlemen speak about doubling the look-out if they are in the ice region, but then they went on to say that in ordinary circumstances they have only one man in the crow's-nest. They put on another man, and put him on to the stem. Where you have two men in the crow's-nest I submit that the evidence amply justifies the course which was pursued on board the "Titanic," and that any charge of failure to do anything that could be reasonably required entirely breaks down so far as this head is concerned.

I am reminded that I accidentally omitted to give Mr. Fairfull at page 734. I had marked him, but overlooked it. Mr. Fairfull, at Question 25272, says -

The Commissioner: I have read it.

Sir Robert Finlay: I submit, taking the evidence *en bloc*, and appreciating its effect, the enormous preponderance of evidence is in favour of the course which the "Titanic" adopted.

Captain Rostron's evidence your Lordship knows I have read. So much with regard to that.

Now, my Lord, I proceed to deal with the circumstances under which the vessel came into collision with this iceberg. My submission is that this collision was due to circumstances which are quite unprecedented, and could not have been anticipated. They were very rare, and the witnesses, in various forms of expression, speak to their rarity. I think Sir Ernest Shackleton's expression was, "You might never encounter it once in your lifetime," and so on. It is an extraordinary combination of circumstances, unprecedented, and such as might not occur for another century.

Now, in the first place, you had a black berg. That is a very rare thing, as I shall show your Lordship from the evidence. In the second place, there was no swell, so that there was perfect calm, the sea like oil. That, again, I will show your Lordship from the evidence, is an extraordinarily rare circumstance in the Atlantic. It was the combination of these two circumstances which led to this iceberg not being seen sooner than it was.

Now, I will take those in their order and just group the evidence, as shortly as possible, with reference to each point.

That it was a black berg is proved by Fleet, by Lee, and by Lucas. I will give your Lordship the references to those. At page 410 Fleet says this. At Question 17276 the Attorney-General asks: "Now, describe to my Lord what it was you saw? - (A.) Well, a black object. (Q.) A black object. Was it high above the water, or low? - (A.) High above the water." Then, on page 414, at Questions 17467 down to 17469, I put this question: "Now, just one or two questions with regard to the iceberg. Did you describe it when you gave evidence in the United States, on the other side of the water, as a black mass when you saw it? - (A.) Yes. (Q.) And did you say that you estimated that it was 50 ft. or 60 ft. above the water? - (A.) Did I say that? No, I said it was little higher than the forecastle head when he asked me that. (Q.) I will just read you what you said on the 23rd April, at page 16, about it. 'I reported an iceberg right ahead, a black mass,' Is that

right? - (A.) Yes, that is right. (Q.) And then on page 18, this is also on the 23rd April - this question is put to you: 'How large did it get to be finally when it struck the ship? - that is the iceberg? - (A.) When we were alongside it was a little bit higher than the forecastle head. (Q.) The forecastle head is how high above the waterline? - (A.) 50 feet, I should say. (Q.) About 50 feet? - (A.) Yes. (Q.) So that this black mass, when it finally struck the boat, turned out to be about 50 feet above the water? - (A.) About 50 or 60. (Q.) 50 or 60 feet above the water? - (A.) Yes. (Q.) And when you first saw it it looked no larger than these two tables? - (A.) No, Sir.'" The passage ends there, I think. In both these passages he describes it as a black mass.

Then Lee at page 73 says the same thing at Question 2441 and the two following questions. The Attorney-General puts this question: "What did it look like? It was something which was above the forecastle? - (A.) It was a dark mass that came through that haze, and there was no white appearing until it was just close alongside the ship, and that was just a fringe at the top. (Q.) It was a dark mass that appeared, you say? - (A.) Through this haze, and as she moved away from it there was just a white fringe along the top. That was the only white about it, until she passed by, and then you could see she was white; one side of it seemed to be black, and the other side seemed to be white. When I had a look at it going astern it appeared to be white. (Q.) At that time the ship would be throwing some light upon it; there were lights on your own ship? - (A.) It might have been that." That is a very probable explanation.

Then Lucas speaks to the colour of the fragments of ice that were thrown upon the deck. On page 50, Question 1427, speaking of the ice on the deck, he says, when he is asked what colour it was: "It was a darkish white."

Now, my Lord, a black berg is a very unusual phenomenon indeed. Your Lordship will recollect that Mr. Lightoller, in his evidence, when referring to the description that had been given of the berg, said that he thought it must have been recently capsized. Then there was a very interesting piece of evidence given by Captain Cannons further on, when he told us that on one occasion he had seen an iceberg capsize. It had been a white object, the ordinary iceberg, perfectly white. It turned over, and then he had a black mass presented to him for the only time in his experience.

There are four witnesses who deal with this point. Captain Cannons is at page 667, and at question 23762 your Lordship asks the Witness: "Have you seen black ice? - (A.) No, my Lord; I have not seen black ice, but the ice varies considerably in its appearance. (Q.) Have you seen many icebergs? - (A.) Yes, my Lord. (Q.) And you have never seen a black iceberg? - (A.) No." Then at page 668 the same Witness is asked at Question 23804: "Have you ever seen a black berg? - (A.) No. (Q.) In your experience are icebergs dark or black? - (A.) I have seen them much darker. Might I explain an experience of mine some years ago, which will give you possibly an idea of the difference in the colour." I need not read again the account of the capsizing of the iceberg, because it was given so dramatically that I am sure it is in the memory of everyone.

The Commissioner: He describes the colour as dark blue.

Sir Robert Finlay: Yes, that was in daylight, of course, my Lord. Then at Question 23810 he is asked: "Have you ever seen another iceberg of that dark colour? - (A.) No, only that one that capsized. (Q.) Where there is a swell or a little wind, does the water break at the foot of the berg? - (A.) Oh, yes. (Q.) Now, supposing you had a dark blue berg such as you have described, dark in colour, what would the effect of the water breaking at the foot of it, with a swell or wind, be, as regards what you would see? - (A.) Well, it would show white at the base. (Q.) But in your experience the bergs have been white except with this one exception? - (A.) With the exception of this one which I saw in daylight and noticed the difference in the colour, all of them have been discernible at nighttime, and, of course, in the day."

Then Captain Passow, at page 571, Question 21882; your Lordship puts this question to him: "If you are right, and if this was, as we have been told by a great many witnesses it was - a perfectly clear night - how do you account for the collision? - (A.) I cannot account for it at all. They say it looked like a black iceberg, but I have never seen a black iceberg." Captain Passow, of course, was a man of great experience in the Atlantic: "I never saw anything but a white one, and that you can see on the darkest night. You can see field ice, too, on the darkest night in time enough for you to get out of the way of it. (Q.) We have had an explanation given of it by Mr. Lightoller. He said that the sea was absolutely flat - there was not, as I understood him, even a swell - and that the consequence of that was that there was no surf of any kind round the base of the iceberg. By the base, I mean the margin on the waterline, and that, therefore, one of the best indications for the seeing of ice was absent. What do you think about that? - (A.) I think you would see the surf round it at a shorter distance than you would see the iceberg, if it was a large one. The ice has a phosphorescent appearance. (Q.) I should have thought that, as a seaman, you would have had some sort of explanation to suggest? - (A.) I cannot think of anything, because they say the ice was dark blue, almost black. I never saw an iceberg like that in my life, and I have seen a good deal of ice too. (Q.) Does that lead you to infer that they are mistaken when they say it was black? - (A.) I would not like to say that, my Lord. I do not know, of course; I was not there, but I never saw an iceberg of that kind. (Q.) Have you ever seen a growler? - (A.) These low bergs? (Q.) Yes? - (A.) Very seldom. (Q.) What is the colour of a growler? - (A.) White. (Q.) The same as an iceberg? - (A.) The same as an iceberg, only a smaller one. That is what I understand by a growler - a low-lying berg."

The Attorney-General: Before passing from the page my friend read - he began at 21882 - would your Lordship mark the two earlier questions. I do not want my friend to bother to read them, but it will save my going back to them.

Sir Robert Finlay: It is on the question of speed?

The Attorney-General: Yes, it is on another subject. That is why I will not trouble you to read them, but I want my Lord to mark them.

The Commissioner: It has been read.

Sir Robert Finlay: I read it in connection with speed, I think.

The Attorney-General: I do not think so.

The Commissioner: I know it has been read, but when it was read I do not know.

Sir Robert Finlay: Then Mr. Lightoller at page 322, Question 14203, is asked by your Lordship: "Do not let me interrupt you; you were going to particularise the circumstances which you say combined to bring about this calamity. There was no moon, no wind, and no swell; is there anything else? - (A.) The berg into which we must have run in my estimation must have been a berg which had very shortly before capsized, and that would leave most of it above the water practically black ice. (Q.) You think so? - (A.) I think so; or it must have been a berg broken from a glacier, with the blue side towards us; but even in that case, had it been a glacier, there would still have been the white outline that Captain Smith spoke about; with a white outline against, no matter how dark a sky, providing the stars are out and distinctly visible, you ought to pick it out in quite sufficient time to clear it at any time. That is to say, providing the stars are out and providing it is not cloudy. You must remember that all the stars were out and there was not a cloud in the sky, so that, at any rate, there was bound to be a certain amount of reflected light."

On the subject of ice-blink which your Lordship mentioned yesterday, my attention has been called by Mr. Wilding to the fact that two different phenomena have been rather grouped together under the head of ice-blink. One is a sort of reflection in the sky, such as one sees from the lights of a town in the sky. That, I believe, is the ice-blink proper. The other is a sort of

phosphorescent appearance from the white of the iceberg itself directly, and not by way of reflection from the sky. The ice-blink of which Sir Ernest Shackleton spoke, I think, was from the sky, and it is found in connection particularly, as I understand it, with large ice-fields. You have a reflection from the ice of the same nature, speaking generally, as the reflection from the sky where you have a number of lights burning at one spot. I am confining myself at present to the evidence with regard to the fact that a black berg is very unusual; and without going through it all, I may just recall to your Lordship's memory that the witnesses who have described icebergs have spoken of them as white objects, and here you have very precise evidence that this phenomenon of a black berg is so rare that men who have spent their lives in the Atlantic have never seen it.

I do not propose to read again any passages in the evidence of Captain Rostron and Sir Ernest Shackleton, having some bearing upon the question of the black berg, because I read it all yesterday, and it is in your Lordship's recollection.

Then the second point of an extraordinary nature on this evening was that there was no swell at all. I first propose following the same order that I have taken with regard to the blackness of the berg, to establish the fact that there was no swell, and, secondly, to establish the fact that such a calm is extremely unusual on the Atlantic.

Now, with regard to the fact of the perfect calm, take first on page 19 what Jewell says.

The Commissioner: By a perfect calm you mean no swell.

Sir Robert Finlay: Yes, that there was no swell; that there was no wind is conceded.

The Commissioner: Yes, I think so. I have very little experience, but I am astonished to hear that there could be no swell in the Atlantic.

Sir Robert Finlay: It is an extremely rare condition, met with once in a long lifetime; perhaps not at all.

The Commissioner: It makes one wonder whether there was not a swell.

Sir Robert Finlay: Well, we have very precise and positive evidence about it.

The Commissioner: Yes.

Sir Robert Finlay: At page 19, Question 142, Jewell is asked: "Was the sea smooth? - (A.) Yes, very smooth." He is speaking of the time when he had left the ship and was in the boat. "Question 140: And you were told to remain in the water below that gangway? - (A.) Yes. (*The Solicitor-General.*) Those were your orders. How far off from the side of the ship did you keep? - (A.) We kept right alongside. (Q.) Was the sea smooth? - (A.) Yes, very smooth."

The Commissioner: Do you read a very smooth sea as meaning no swell?

Sir Robert Finlay: I think it means it there, my Lord. I do not say it would be satisfactory if it rested there. All that Jewell says is that it was very smooth. The other witnesses show there was not even a swell, but one would infer from his saying that it was very smooth that there was not a swell. One does not speak of a sea where there is a swell going as a smooth sea. It is, of course, absence of wind, but the sea when the swell is on is certainly not smooth. However, that is cleared up effectually by the other witnesses.

Then Lee, at page 73, Question 2403, is asked, "And no wind? - (A.) And no wind whatever, barring what the ship made herself. (Q.) Quite a calm sea? - (A.) Quite a calm sea." That is all that he says on the point.

Then we come to Joughin, the baker, on page 142, Question 6084, "Did it keep calm till daylight, or did the wind rise at all? - (A.) It was just like a pond." That is conclusive, I submit, to show that when the first witness spoke of its being perfectly smooth it meant that there was no swell.

The Commissioner: I do not think it matters very much, but some breeze, I think, did get up before daylight.

Sir Robert Finlay: Yes.

The Commissioner: But what you are upon is the condition of the sea at the time of the collision.

Sir Robert Finlay: Exactly.

The Commissioner: It is of that condition of things, if it is to be taken in the sense in which you contend, which, if you were sitting on the deck would not cause any movement of the rail up and down that you might look at. It would be perfectly steady - no wind and no swell.

Sir Robert Finlay: I doubt on these very big ships whether with a mere swell there would be any noticeable movement of the rail. The ship strides over such a space in the sea that I doubt whether one would appreciate the fact that there was no swell by looking at the rail, for I doubt whether there would be any appreciable movement of the rail even if there were a swell. And there is distinct evidence to the fact that from the deck you could not realise that there was no swell, and that that fact was realised only after the people got down to the water. Your Lordship reminded us yesterday of one piece of evidence, that it was so still that it affected the disengaging of the falls.

I had just read what Charles Joughin, the baker, says about its being like a pond, and he had the best opportunities of observation, because you will remember he was swimming about, and he gave a very interesting account.

The Commissioner: I remember it very well; he went through a strange experience.

Sir Robert Finlay: Yes, and he was a very plucky fellow, because he recognised the perfect propriety of the action of the man who shoved him off the raft he was endeavouring to get on. Joughin said in a disinterested way, which few people could emulate, that he now realised that if he had got on it he would probably have caused the upset of the raft, because it was full to its utmost capacity, and he thought the man was quite right in shoving him away.

Then Fleet, on page 410, deals with this point also at Question 17246: "The sea, we know, was very calm? - (A.) The sea calm." This is an examination by the Attorney-General.

I am taking now Lightoller and Pitman. Mr. Lightoller is on page 305, at Question 13569, and eight questions on: "(*The Solicitor-General.*) I am glad he should add it. (*To the Witness.*) Tell us what you were going to say? - (A.) In the event of meeting ice there are many things we look for. In the first place, a slight breeze. Of course, the stronger the breeze the more visible will the ice be, or, rather, the breakers on the ice. Therefore, at any time, when there is a slight breeze you will always see at nighttime a phosphorescent line round a berg, growler, or whatever it may be; the slight swell which we invariably look for in the North Atlantic causes the same effect, the break on the base of the berg, so showing a phosphorescent glow. All bergs - all ice more or less - have a crystallised side. (Q.) It is white? - (A.) Yes; it has been crystallised through exposure, and that in all cases will reflect a certain amount of light, what is termed ice-blink, and that ice-blink from a fairly large berg you will frequently see before the berg comes above the horizon. (Q.) Now, let me follow. Was there any breeze on this night? - (A.) When I left the deck at 10 o'clock there was a slight breeze - Oh, pardon me, no; I take that back. No, it was calm, perfectly calm. (Q.) And there was no breeze. Was there any? - (A.) As far as we could see from the bridge the sea was comparatively smooth. Not that we expected it to be smooth, because, looking from the ship's bridge very frequently with quite a swell on, the sea will appear just as smooth as a billiard table, perfectly smooth; you cannot detect the swell. The higher you are the more difficult it is to detect a slight swell. (Q.) That means, then, does it not, that if you are on the bridge and you are relying on the fact that there may be a slight swell, you really cannot tell from the bridge whether there was a swell or not - a slight swell? - (A.) We look at it rather the other way - that, though the sea may appear smooth, we pretty well know that there is a swell, though it may not be visible to the eye, nor yet have any effect on the ship." That, I submit, bears out

what I ventured to submit in answer to your Lordship's question just now, "It is a most rare occurrence? (Q.) You mean there nearly always is a swell in the North Atlantic? - (A.) This is the first time in my experience in the Atlantic in 24 years, and I have been going across the Atlantic nearly all the time, of seeing an absolutely flat sea. (Q.) Do you agree from that experience that this was an occasion when it was an absolutely flat sea? - (A.) Absolutely flat. (*The Commissioner.*) Not in fact, but to all appearance? - (A.) In fact, my Lord. (*The Solicitor-General.*) He means in fact, my Lord. (*The Commissioner.*) Do you mean there was no swell at all? - (A.) I mean to say that the sea was so absolutely flat that when we lowered the boats down we had to actually overhaul the tackles to unhook them because there was not the slightest lift on the boat to allow for slacking unhooked."

That, I think, ends what the witness says in this passage in that connection. So that there you have it, my Lord, that you may have a swell and no effect on the ship, and from the deck you could not distinguish by the appearance of the sea as to whether there was a swell, which there almost invariably is, or whether, as once in a lifetime happens, it is a perfect calm without any swell at all.

The Commissioner: It is pointed out to me, Sir Robert, that he never had had the experience which would have enabled him to say whether there was a flat surface such as he described before, because he had never been in a boat. The only way to find it out was being in a boat and being unable to disengage the tackle.

Sir Robert Finlay: Yes.

The Commissioner: That is the only way to find it out, and unless he had had experience of that kind before, his experience of 24 years was of no use.

Sir Robert Finlay: That is a perfectly just observation as far as it goes, but at the same time I think we have from other witnesses the statement - I think among them Sir Ernest Shackleton - that the absence of swell is an extraordinarily rare phenomenon.

The Commissioner: I have been on the ocean a good deal, according to my own view of the matter, and I do not remember any occasion when there was absolutely no motion of the ship.

Sir Robert Finlay: It is certainly very rare indeed, my Lord.

The Commissioner: It is very slow and very pleasant, but it is there.

Sir Robert Finlay: On a big ship my impression is that you do not notice a mere swell, unless it is a very big thing indeed after a storm; that there is really no motion on the ship, because the ship extends over such an extent of the sea. In a small boat, of course, you get it very much, because the boat rises and falls with the swell, but on a big steamer you do not. Of course, that accounts for the fact that people are so much more seasick in small boats than in big steamers. The steadiness of the steamer prevents you being sensible of the motion of the sea, and the sea from the deck looks perfectly calm.

The Commissioner: There is the possibility that the vessel and the boat will move simultaneously and to the same extent upwards and downwards; and if that took place, then the tackle would remain fastened to the boat, and the fact that the tackle did not become disengaged would have no significance.

Sir Robert Finlay: I submit, my Lord, that that is very improbable, because you have the great mass of the ship and the small mass of the boat. The great mass of the ship is, as experience every time one goes to sea shows, very little, if at all, affected by the swell; the small boat is affected.

The Commissioner: Would that be so if there were a very long swell?

Sir Robert Finlay: I submit so, my Lord. You may have a swell so big after a storm that it affects by its motion even a big ship, but my point is, and I submit it answers the observation your Lordship mentioned as a possible one, that the amount to which the small boat is affected

would be absolutely different from the amount to which the big ship was affected, and it is that which you have to look at on the question of disengaging the tackle.

The Commissioner: I suppose a small boat in a swell does move relatively much more than a large vessel would.

Sir Robert Finlay: Yes, that is my point.

The Commissioner: I am not sure about it.

Sir Robert Finlay: It is so, my Lord.

The Commissioner: It depends on the length of the swell and the height also.

Sir Robert Finlay: Oh, it does, but I do not think it can be doubted that the small boat will be very much more affected by the swell than a big ship.

The Commissioner: However, here is Lightoller actually looking at a boat, and at the tackle, and with the large steamer at that time alongside of it, and this is the expression of his opinion.

Sir Robert Finlay: That is his observation.

The Commissioner: I mean his opinion on the state of things at that time - based upon his observation.

Sir Robert Finlay: Yes, and I submit the fact is proved by the evidence of all these previous witnesses "like a pond," "perfectly smooth," and so on. Then you have Mr. Lightoller saying that when he got down he realised what he had not been able to realise from the deck, that there was no swell at all. One knows perfectly well that the degree of motion on a ship varies with the size of the ship. Comparing, at one end, a small boat with the "Titanic" at the other end, of course the difference is tremendous. But it goes through all gradations. In a small steamer there is a great deal more effect produced by the swell than there is on a large steamer, and the larger the steamer the less the effect produced is. One has experienced that in going in what used to be considered a big boat, although I confess they have got to be comparatively small as compared with the enormous vessels that are made now.

Then, my Lord, on page 306, Question 13615, there is an answer describing that conversation with the Captain to which your Lordship referred just now. I do not know that I need read it; it is fresh in your Lordship's recollection. I will read it if your Lordship wishes.

The Commissioner: Do you mean the conversation on the bridge?

Sir Robert Finlay: Yes, my Lord.

The Commissioner: It has been read three or four times.

Sir Robert Finlay: Yes, I will not read it again, my Lord.

The Commissioner: It is to be found in the Note of the American Evidence, and it is to be found in the Note of this Evidence, and it has been read several times. Mr. Scanlan read it -

Sir Robert Finlay: I only mentioned it in order that it might not be supposed I was passing it over. Then on page 307, Question 13672, the Solicitor-General says: "(Q.) Of course, if there was no swell so that you could not at all rely on the breaking of the water against the edge of an iceberg or growler, it would be particularly hard to see, would it not? - (A.) It would be more difficult if it was not of any size. (Q.) Whereas an iceberg that is more out of the water, on a fine night, you thought would probably show you some white side or white edge? - (A.) Yes. (Q.) And on a fine night you would be able to see the whiteness? - (A.) Yes. (Q.) Was that the reason you repeated the message about growlers? - (A.) Yes." That was to keep a sharp look-out for ice and growlers, your Lordship remembers.

Then on page 322 there is a group of answers, some 13 in all, beginning at Question 14196: "(Q.) Right up to the time the ship went down, is it your view that the conditions were the same as they were between 6 and 10? - (A.) Precisely. (Q.) Can you suggest at all how it can have come about that this iceberg should not have been seen at a greater distance?" Then the witness gave an answer which I think is perfectly in your Lordship's mind. Your Lordship has referred to

it more than once. I think I will read it again. It is an important answer, and perhaps it might be well if I read it.

The Commissioner: We have had it read several times.

Sir Robert Finlay: I agree, my Lord; it is present to all of us, I think. Question 14199 is the conical question: "And most particular of all, in my estimation, is the fact - a most extraordinary circumstance - that there was not any swell. Had there been the slightest degree of swell, I have no doubt that berg would have been seen in plenty of time to clear it."

Then, at Question 14207, there is a question put by your Lordship in continuation of former questions: "The iceberg, in your opinion, had probably quite recently turned turtle? - (A.) Yes. (Q.) And was displaying black ice with nothing white about it - that is it, is it not? - (A.) That is about it. (Q.) Does that, in your opinion, account for the man on the look-out not seeing the iceberg? - (A.) Yes."

Then on page 327 he is asked some questions bearing on this point, at Question 14330 and the four following questions. Mr. Scanlan says: "This night you have described as being a particularly bad night for seeing icebergs. Is not that so? - (A.) I do not think I mentioned that word "bad," did I? (Q.) You did not mention that word, but I wish you not to misunderstand me. I am not purporting to give your exact words. You said it was realised at the time that it would be more difficult on account of there being no wind and the sea being a level calm? - (A.) Yes, that is right. (Q.) Added to that, you had the condition of there being no moon? - (A.) Yes. (Q.) And the other conditions which you described to my Lord. Were not these circumstances which would indicate to any experienced officer that it was necessary to take extra precautions for safety? - (A.) As a matter of fact, we were unaware of the sea being flat. All the precautions were taken which we thought necessary. (Q.) Do you say you were not aware then that the sea was flat? - (A.) No. (Q.) At all events, it was more difficult than under normal circumstances to see an iceberg. You observed that yourself from 6 to 10? - (A.) Yes. (Q.) Although there were abnormal difficulties, you took no extra precautions whatever? - (A.) Have I said so? (Q.) I suggest to you that you took no extra precautions whatever? - (A.) But I did." The precautions were the very special instructions to everyone on the bridge and on the watch to keep a sharp look-out for ice and growlers.

The last passage in Mr. Lightoller's evidence on this point is at page 330, Question 14421. This is the conversation repeated again in answer to Mr. Scanlan.

The Commissioner: Yes.

Sir Robert Finlay: Then, my Lord, Pitman's evidence bears on this point also. It is not so voluminous as that of Mr. Lightoller with reference to it, but it bears on it. It is at page 352, Question 15206, and the following Questions: "(Q.) Would it not have been possible to have lowered the boats half filled and then filled them down the companion ladders? - (A.) No, not if there had been the slightest bit of swell. (Q.) But under the conditions that actually took place, it would have been possible" - that is to say, the sea being like a pond; that is what the question refers to - "(A.) Yes, but we did not know it was so calm until we got into the water. (Q.) I suppose you knew that there was not a heavy swell on, did you not? - (A.) We did not; you could not tell from that ship."

Then on page 359, Question 15509: "(Q.) Is it your evidence that even at that distance it was very difficult to make out that this was an iceberg - to make out what it was? - (A.) To make out what it was, yes. (Q.) Was that on account of the weather conditions or the condition of the atmosphere? - (A.) I think it was due to the conditions that were then prevailing at the time, a calm, oily sea."

My Lord, I submit it is conclusively established that there was an absence of swell; that that was a circumstance which prevented there being a break at the bottom of this dark berg which

would have led to it being detected long before it was in fact.

Having established that, I hope conclusively, in point of fact, I desire to call your Lordship's attention, as shortly as may be, to the evidence that shows that such a calm as that, such an absence of swell, is a most extraordinary circumstance in the Atlantic. Mr. Lightoller says, at page 305, Question 13574, that he never saw it on any other occasion. I have read the passage, I think, just now, and I need not read it again.

Captain Cannons says, on page 669, Question 23835: "Are those circumstances very rare? - (A.) Yes. (Q.) A perfectly flat sea, no swell, no ripple? - (A.) They are extremely rare in the North Atlantic."

The Commissioner: You ought to read the next.

Sir Robert Finlay: If your Lordship pleases: "(Q.) But still, such circumstances are sometimes found? - (A.) Yes, my Lord. (Q.) How far do you suppose you would see an iceberg in those circumstances? - (A.) I should say a mile."

The Commissioner: The point is that such circumstances are sometimes found.

Sir Robert Finlay: Sometimes, but very rarely, and the combination of an iceberg just capsized, in all probability, so that it was black - the combination of that which is a very rare thing, so rare that many gentlemen who have spent their lives on the Atlantic have never seen it, with the entire absence of swell, which is also a very rare thing, is, of course, still more unlikely to happen.

Then, my Lord, Sir Ernest Shackleton, at pages 720 and 721, is asked about this at Question 25063.

I will read the latter part of the answer. I need not read the question nor the earlier part of the answer, but at the top of page 721 he says: "Of course, that particular night was an abnormal night at sea, in being a flat calm; it is a thing that might never occur again.

The Commissioner: I suppose by the expression "a flat calm" he means no swell?

Sir Robert Finlay: Yes, obviously, my Lord, of course no one would say that in the Atlantic you may not have an absence of wind.

The Commissioner: I am quite sure of this, that in the Atlantic with no wind, but a great swell which you may have, nobody in his senses would call the sea a flat calm; I would not.

Sir Robert Finlay: No, my Lord.

The Commissioner: I am told that a seaman would call it a flat calm. I have been sitting in a ship with no wind when I have seen the rail go up to the sky and down again - and it never occurred to me that anyone would call that a flat calm. But I am told it would be called a flat calm.

Sir Robert Finlay: It would not be a flat calm for practical purposes for anyone who was not proof against seasickness.

The Commissioner: Is Sir Ernest Shackleton, by any chance, here?

Sir Robert Finlay: The next answer, I think, makes it as clear as if he were here himself, my Lord: "(Q.) That is what Mr. Lightoller says. You say apparently it is very rare to get such a flat calm as there was that night?"

The Commissioner: And his answer is: "I only remember it once or twice in about 20 years' experience - the sea absolutely calm, without a swell."

Sir Robert Finlay: Yes, "as it was recorded to have been."

The Commissioner: I suppose if you talk about the sea being absolutely calm it does mean an absolutely flat sea?

Sir Robert Finlay: That explains what he means when he talked about a flat calm in the previous answer. It demonstrates that Sir Ernest Shackleton, when he talks of a flat calm there, meant not even a swell.

The Commissioner: He speaks in the very next question about the swell.

Sir Robert Finlay: Yes. (Q.) And if I followed correctly what you said earlier, it would make it more difficult to pick up an iceberg with the eyes? - (A.) Decidedly. (Q.) If you had this calm sea? - (A.) Yes, decidedly so. (Q.) Although it was a clear night? - (A.) Yes. (Q.) There would be no indication of the water breaking around it? - (A.) No, there would be none in a condition like that. It takes very little sea and very little swell, with the Northern bergs, which are submerged about seven times to one above, for what we call a splash to get up and give you an indication."

Now, my Lord, I submit that is enough to show the great rarity of this phenomenon, the absence of swell. The absence of swell is proved to have existed. The presence of the black berg is proved to have existed, and it is proved that that is a most unusual phenomenon; and the combination of the two, of course, was extraordinary. There was a fatality about this which might not occur in 100 years or more.

The Commissioner: There is the other phenomenon: assuming that there was a good look-out, as I am disposed to think there was, there is undoubtedly the fact that this berg was not seen until it was close upon the nose of the ship.

Sir Robert Finlay: Yes, and that can only be accounted for by the two combined circumstances of the black berg, and the absence even of a swell. These two unusual circumstances were combined. That is, of course, an extraordinary combination; and it was that which led to this berg not being seen before. There was a sharp look-out. The men had been specially cautioned to look-out for icebergs and for growlers, and they were looking out; there was a good look-out both from the bridge and from the crow's-nest. It was not seen. The answer to the question why it was not seen is simply this, that you had an unexampled state of things, because two very rare things happened to be combined on that one occasion.

And then, my Lord, the circumstances of the accident itself are of the same extraordinary nature. As soon as the berg is reported the order was given, "Hard-a-starboard." Judging by looking to what followed upon that order, it might be said: "It is a pity it was given," but it would have been a most grossly improper thing not to give the order. "Error of judgment." if used with reference to that order, can only be in this sense that, as things turned out, it was unfortunate - most unfortunate.

The Commissioner: It may have been; it depends entirely upon Mr. Wilding's view. That it was good seamanship I suppose no one doubts.

Sir Robert Finlay: No; in fact, it would have been outrageously bad seamanship to hold on even with reversing.

The Commissioner: The only thing is that, if Mr. Wilding is right, then running stem on would have caused the loss of 200 lives, but would have saved the ship and the other lives that were lost.

Sir Robert Finlay: I think that is very probable, my Lord.

The Commissioner: That is what Mr. Wilding means, I suppose.

Sir Robert Finlay: I think it is so, judging from what we know from this vessel; if you had run right on to the berg there would have been a tremendous shock, and all the people in the forepart of the ship would have been killed, particularly the firemen.

The Commissioner: But she would not have scraped a hole right along her side, and she would not have foundered.

Sir Robert Finlay: No.

The Commissioner: That is what he says.

Sir Robert Finlay: That is so. That is manifestly so, because if you hit the iceberg end on it does not matter if there is a projecting spike.

The Commissioner: It is not worthwhile discussing it. Have we got anything to do with it? We

are all agreed that Murdoch was quite right in doing what he did.

Sir Robert Finlay: Yes, and it would have been grossly wrong if he had not given the order.

The Commissioner: Yes.

Sir Robert Finlay: And the extraordinary thing is, my Lord - and this completes the sum of remarkable circumstances which attended this accident - that they almost avoided it altogether. It was only the third extraordinary circumstance of there being at the corner, just as they were clearing this iceberg, a projecting spike which caught the starboard bow and proceeded to rip it up for six compartments, which caused this deplorable catastrophe.

The Commissioner: I do not know that it was ripped up continuously. It seems to me, from my view of the evidence as to the character of the injuries to the ship, that there were several separate holes.

Sir Robert Finlay: That is Mr. Wilding's view, my Lord. It is clear from Mr. Wilding's evidence that in his view it was not a rip up such as would be made by a knife put into a space between the lid of a box and the box itself - a ripping up continuously - but that it was a series of stabs.

The Commissioner: It is pointed out to me that it is rather difficult to understand that. It may have been one projecting piece of the berg which struck the ship and then ran along the side, but which did not open the side at each part of the lining as it went along to the same extent. It opened it differently as it went along, that is to say the plates bulged back inwards and broke or cracked or became unriveted in different places.

Sir Robert Finlay: That is so, my Lord. Certainty is impossible, because the vessel is now two miles deep at the bottom of the Atlantic. We can only say what is probable, and I confess, if I may tell my own mind, that I do not feel quite satisfied that one can be sure it was done by a succession of stabs.

The Commissioner: It is rather difficult to know how a succession of stabs could be delivered by the berg.

Sir Robert Finlay: Mr. Wilding's view is - and on a point of this kind one would pay the greatest attention possible to Mr. Wilding's opinion; he has been of so much service in this case - his opinion is that the first stab was when the starboard bow struck under the waterline; then that the vessel sheared off a little, swinging round, and then another stab is delivered in the next compartment, and so on. At any rate, Mr. Wilding, although he does not think it the most probable theory, thinks it is not at all impossible that the ice, having penetrated on the starboard bow, ran along continuously ripping the thing up until it got to No. 6 compartment, when there was no further wounding. Certainty is perfectly impossible in the matter.

The Commissioner: It is merely speculation.

Sir Robert Finlay: Yes, and it does not really affect the case. The only observation I was making was that there was a most extraordinary combination of circumstances here, because your Lordship remembers how the one look-out man said to the other: "That is a narrow shave." He thought they had escaped it; it seemed that they had; and the effect was so slight that instead of there being a tremendous shock as there would have been if they had gone full tilt into the iceberg all that the people heard was a grating noise as if it was running along gravel.

The Commissioner: It was a noise that terrified the Captain; I am sure of that.

Sir Robert Finlay: Yes, and some of the passengers were wakened up by it.

The Commissioner: It woke him up.

Sir Robert Finlay: It woke up the Captain, but some of the passengers described how they simply turned round and went to sleep again. The Captain was not asleep; he was in the chart room.

The Commissioner: It brought him out of his cabin.

Sir Robert Finlay: It brought him out of the chart room. And that, my Lord, leads me to call your Lordship's attention to the fact that Captain Smith was close at hand and ready.

The Commissioner: So I understand. Can you tell me how far exactly the door of the Captain's room was from the bridge?

Sir Robert Finlay: I cannot give you it in yards. It is absolutely close.

The Commissioner: I know, but "absolutely close" is rather indefinite.

Sir Robert Finlay: It is a few yards, or a few feet. Your Lordship will remember going from the bridge into the Captain's chart room when you visited the "Olympic." I have no doubt then your Lordship walked from the bridge into this room.

The Commissioner: I did, but unfortunately I do not remember these things. The Captain was dressed, I think, was not he?

Sir Robert Finlay: Yes, the Captain was dressed. I am going to show that presently by the evidence.

The Commissioner: And I should like to know. Was he in his sitting-room?

Sir Robert Finlay: No. The expression used, I think, is "the Captain's chart room." I take it that it was the navigation room, which is immediately forward of the Captain's sitting-room.

The Commissioner: I think it means the place marked as the navigation room.

Sir Robert Finlay: I think so, my Lord.

The Commissioner: It is practically on the bridge.

Sir Robert Finlay: It is, my Lord; it is really on the bridge. It is under cover. If your Lordship will look at this larger plan it shows it more clearly, and it shows the chart table, which is in the navigation room. (*The plan was handed to his Lordship.*)

The Commissioner: If he was sitting in that room I suppose he would be sitting with a bright light.

Sir Robert Finlay: It depends, my Lord. Of course, if he were looking at the chart or anything of that kind he would, but a man may go in there simply to rest.

The Commissioner: Do we really know anything about the light in his room at the time that he came out?

Sir Robert Finlay: I do not think we do; there is no evidence about it. All I mean is this, that a man may be resting in his room dressed and ready to go out, and yet have turned down the light because it is a great relief to the eyes to have the light down.

The Commissioner: But there is no evidence about it.

Sir Robert Finlay: There is no evidence about it one way or the other.

The Commissioner: Because, you know, if he came out of the bright glare of an electric light on to the dark bridge, it would take him some time - we know by our own experience - to get the eye accustomed to the change from light to darkness.

Sir Robert Finlay: It would, undoubtedly. However, I do not think anything turns upon that, because what had happened had happened when he came out.

The Commissioner: But it may be a point that he should not have been away from the bridge in these circumstances, so that he could not the moment he came on to the bridge realise what was taking place.

Sir Robert Finlay: Of course, in the first place, we do not know that the light was on. It may or it may not have been. In the second place, there was absolutely no circumstances of danger, so far as was known. He left word, "If the slightest haze comes on, call me," and he was sitting close at hand. Under those circumstances I submit that it could not be said -

The Commissioner: There is always that conversation which Mr. Lightoller remembers with such distinctness.

Sir Robert Finlay: I submit that does not come to very much, my Lord. Would your Lordship

kindly look at Mr. Boxhall's evidence with regard to this on page 376. Mr. Boxhall was on duty from 8 to 12. "16923. Was there any message during the time you were on duty, from 8 to 12, received by any of the officers on the bridge? - (A.) Not to my knowledge. (Q.) You know of none. Was Captain Smith on and off the bridge during your watch? - (A.) Frequently. (Q.) At what intervals did he come on the bridge? - (A.) The first time that I remember seeing Captain Smith was somewhere in the vicinity of 9 o'clock, but from 9 o'clock to the time of the collision, Captain Smith was around there the whole of the time; I was talking to him on one or two occasions. (Q.) Were you talking to him on the bridge? - (A.) Sometimes in the officers' chart room and sometimes at his chart room door." The officers' chart room is just on the other side of the vessel, your Lordship will recollect. "16927. What were you talking about? - (A.) I was discussing some stellar bearings I had had. I was also standing at his chart room door while he pricked off the 7.30 stellar position of the ship. (Q.) Was anything ever said by the Captain about any such message as that that the 'Mesaba' sent? - (A.) No, none whatever." He was recalled really to negative the "Mesaba" message being received, so that it is quite plain that the Captain was close at hand. He was close at hand, and was going on to the bridge. Then on page 334 in the evidence of the same witness, Mr. Boxhall (what I have already read was Mr. Boxhall's evidence when he was recalled) you will see Question 15352: "Did you see anything done with regard to the watertight doors? - (A.) I saw Mr. Murdoch closing them then, pulling the lever." That is the lever on the bridge. "15353: And did the Captain then come out on to the bridge? - (A.) The Captain was alongside of me when I turned round. (Q.) Did you hear him say something to the First Officer? - (A.) Yes, he asked him what he had struck. (Q.) What conversation took place between them? - (A.) The First Officer said, 'An iceberg, sir. I hard a-starboarded and reversed the engines, and I was going to hard a-port round it but she was too close. I could not do any more. I have closed the watertight doors.' The Commander asked him if he had rung the warning bell, and he said 'Yes.' (Q.) Did the Captain and the First Officer go to the starboard side of the bridge to see if they could see the iceberg? - (A.) Yes. (Q.) Did you see it yourself? - (A.) I was not too sure of seeing it. I had just come out of the light, and my eyes were not accustomed to the darkness." Then he left the deck and went down. So that your Lordship sees that those two passages prove conclusively that the Captain was close at hand. He was going on to the bridge out of the room which really forms part and parcel of the bridge, and was backwards and forwards.

The Commissioner: I think the light would be turned up in his room; I should think so.

Sir Robert Finlay: It may have been. It must have been turned up when he was pricking off the stellar bearings.

The Commissioner: That is what occurred to me. I am told that was at 10 o'clock.

Sir Robert Finlay: That is so, my Lord. Very often a man turns down the light if there is nothing that he wants to do, merely as a relief to the eyes. It may or may not have been; there is no evidence to the point one way or the other. Then there is one other passage which shows how ready the Captain was to come out. That you will find at page 38, Question 1025, in the evidence of Hichens. Hichens is asked what happened after the collision: "1025. Tell us what you heard in the way of command? - (A.) Just about a minute, I suppose, after the collision, the Captain rushed out of the room and asked Mr. Murdoch what was that, and he said, "An iceberg, sir;" and he said, "Close the watertight door." (*The Commissioner.*) Wait a minute. A minute after the collision Captain Smith - (*The Attorney-General.*) Came out of his room on to the bridge, do you mean? - (A.) Yes, Sir. He passed through the wheelhouse on to the bridge. (Q.) He rushed out of his room through the wheelhouse on to the bridge? - (A.) Yes. (Q.) And asked Murdoch, "What is that?" - (A.) Yes." So that it is quite clear that Captain Smith was not lying down; he was not asleep; he was ready, and he came out at once dressed. And your Lordship remembers that Mr.

Murdoch, who was left in charge on the bridge, was an officer of very long experience. He had an extra-master's certificate; he had been on the "Olympic," and he was a man that the Captain was perfectly justified in leaving in charge. There were no special circumstances of danger. On the contrary, the Captain had said, "If the least haze comes on fetch me at once."

Then your Lordship recollects that an entry had been made in the night order book with regard to the ice, and that the messages had been stuck up in the chart room in the usual way. Will your Lordship look at page 308, Question 13700, in the middle of the second column. The Witness, Mr. Lightoller, asks if he may say one fact that he had just remembered: "13700. Do? - (A.) Speaking about the Commander, with reference to ice, of course, there was a footnote on the night order book with regard to ice. The actual wording I cannot remember, but it is always customary. Naturally every Commander in the night order book issues his orders for the night, and the footnote had reference to keeping a sharp look-out for ice. That is initialled by every officer. (Q.) Who was it that took the ship over from you at 10 o'clock? - (A.) Mr. Murdoch. (Q.) Mr. Murdoch, the First Officer."

Then, my Lord, I need not go through the evidence which is clear and explicit as to the fact that special caution was given to the officers on the bridge and to the look-out men to be on a sharp look-out for ice, icebergs and growlers. I submit that everything was done, by the light of things as they were then known, that prudence could suggest.

Now, may I return to a point which I have already touched upon to some extent, and that is as to what the Captain did in another respect - changing his course, that is to say, leaving the track by continuing to the Southward. May I ask your Lordship for this purpose to glance again at the large chart which I handed up showing the ice that had been reported. I ask your Lordship to look at this for the purpose of showing the position of the ice which had been reported to the officers; secondly, for the purpose of showing that the ice which had been reported did not strike the "Titanic"; that the "Titanic" successfully avoided that ice owing to the course that the Captain took; and, in the third place, that the alteration in course which the Captain made was a most proper alteration to make, under the circumstances, for the reasons which I shall submit to your Lordship. A good many questions were asked as to why there were no special instructions given by the White Star Company, or by any Company indeed, to the officers with regard to ice. I think the answer was that which was indicated by your Lordship more than once, when this class of question was put: "What special instructions can you give?" There were special instructions with regard to the field ice on the Northern route - the Canadian route, as it is called - not going into field ice.

The Commissioner: At all.

Sir Robert Finlay: At all. That is a very special matter incidental to that route. If the ice continues to go further South, as it has been doing of late, it may be necessary to issue a similar notice with regard to field ice on tracks which hitherto have been absolutely immune from it. But we are face to face - and Captain Smith on the "Titanic" has had the first bitter experience of it - with a new state of things - the ice encroaching a great deal further to the South than has hitherto been the case. No special instructions could be given, as your Lordship pointed out, except that it is a matter that must be left to the Captain. He is told to make the safety of the ship and the passengers the first concern, and it must be left to his judgment what is to be done in any particular case. Now, my submission to your Lordship is that the alteration of course which he made was an eminently judicious one, and that, as a matter of fact, he did avoid the ice which had been reported, and that the iceberg which struck him must have been other ice which had not been reported at all. What he did was to continue on the track past the corner; he turned 10 miles further.

The Commissioner: There is a little discrepancy between your chart and the course you have

marked on it, and the chart as my colleagues have marked it, working back from the point of collision.

Sir Robert Finlay: I hope it is not very serious.

The Commissioner: I do not think it is very serious; there is a little discrepancy.

Sir Robert Finlay: I do not think a slight discrepancy one way or the other will affect the argument.

The Commissioner: I do not think it does.

Sir Robert Finlay: Might I know what it is, my Lord, for the sake of complete accuracy?

The Commissioner: The difference is this: We have assumed that the ship went to the corner, and then, instead of turning the corner, continued on the same course. You have assumed that the ship never went to the corner at all, but got to the Northward of it.

Sir Robert Finlay: I think, my Lord, the evidence bears that out.

The Commissioner: Which?

Sir Robert Finlay: Our view.

The Commissioner: I thought there was no evidence about it.

Sir Robert Finlay: We have had evidence, my Lord, that the course was South 62 deg. West, true, and that is what we have taken. It deviates a little to the North of the track.

The Commissioner: I think we all agree that for the purpose of this case it makes no difference.

Sir Robert Finlay: Yes. What he did was this: he ran that further to the South - he ran on some 10 miles to the inner South-Westerly direction beyond the track, crossing it, and then he made his corner where he turned in a Westerly direction 10 miles further to the South. At 5.50 p.m. the "Titanic" made her corner. Till he turned the corner his course had been S. 62 W. true. Then, on turning the corner his course was from 5.50 onwards, S. 86 W. true. Now that took him on a course which was to the South of the course of the ordinary track, varying in distance. Its greater distance is to the East.

The Commissioner: That would be a difference of nearly 10 miles.

Sir Robert Finlay: Nearly 10 miles.

The Commissioner: And then you are gradually getting nearer to the marked course.

Sir Robert Finlay: I think your Lordship is right.

The Commissioner: Or is it eight miles?

Sir Robert Finlay: It is more like eight miles, I think.

The Commissioner: Let us get it right. I am told it is only 4 miles.

Sir Robert Finlay: 4 miles, I am told, is quite right. Then it diminishes at the other end to something between 1 and 2, I think, at the time of the disaster - that she was less than 2 miles South of the track.

The Commissioner: That is important, because hitherto I have thought that at the time of the disaster she was about 4 miles South of the indicated ice. I see now what it is. She was about, possibly, 2 miles South of the course, but she was about 4 miles South of the indicated ice.

Sir Robert Finlay: Yes, of the position; that is so my Lord. That is to say, she had passed 4 miles to the South of the position indicated for the "Baltic" ice; and a good deal more, of course, to the South of the position indicated for the "Caronia" ice, which was up on 42.

The Commissioner: The "Caronia" and the "Californian."

Sir Robert Finlay: The "Caronia" and the "Californian." If the Captain of the "Californian" is right in saying that his position was 42.5 N. Lat.; by the time the "Titanic" had reached the spot of the collision, she was far to the Westward of the situation of either the "Californian" ice or the "Baltic" ice.

The Commissioner: The "Californian" ice was a good deal further off; more like 30 miles.

Sir Robert Finlay: Quite that, I think rather more. If my memory serves me rightly she was 17

miles to the West of the "Baltic" ice, and it would be still more in the case of the "Californian."

The Commissioner: Then she was 40 miles to the West of the "Californian" ice.

Sir Robert Finlay: I had guessed it roughly at about 30 miles; I may have underestimated it, but still it is a very long way. I am told it is 50 miles. Mr. Raeburn has taken it off, and he says 50 miles is correct. Your Lordship appreciates the importance of that fact because it demonstrates that as far as the "Californian" ice is concerned, and so far as the "Baltic" ice is concerned, the "Titanic" had avoided it. For what is absolutely certain is that, under the conditions that existed at this spot, neither the "Baltic" ice nor the "Californian" ice could have drifted in a Westerly direction. The drift of the ice would vary according to the depth it went below the water. In the case of field ice or bergs which were not so bulky as to reach down through the 50 fathoms or a little more of the Gulf Stream which runs in a North-East direction, in the case of ice which did not reach down through that stream to that cold Labrador Current below, which is running Southward, the drift would be Easterly, or, to put it exact, E.N.E.

The Commissioner: That seems to show that she had succeeded in avoiding both the "Baltic's" ice and the "Californian's" ice.

Sir Robert Finlay: Yes.

The Commissioner: She passed out of the danger of it.

Sir Robert Finlay: It proves it, my Lord; it was neither of those that struck the "Titanic." Now, with regard to the "Caronia" ice, I say it is clear that she had also escaped the "Caronia" ice, and that these bergs belonged to other ice altogether, which had never been reported. For this reason: The "Caronia" ice would consist partly of icebergs, according to the message.

The Commissioner: Will you repeat the "Caronia" message.

Sir Robert Finlay: If your Lordship pleases; I will have the exact terms looked up.

The Commissioner: Just tell me, Sir Robert, so far as you remember it.

Sir Robert Finlay: It was: "Ice reported, icebergs, pack ice and field ice in lat. N. 42 to long. 49 to 41." That is the effect of it. I will give the exact terms in a moment.

The Commissioner: That is sufficient; go on with your observations.

Sir Robert Finlay: But there is this very important circumstance to be added - that that report from Westbound steamers was of ice on the 12th, and that makes all the difference; so that from the time when that ice was in that locality according to these reports, to the time of the collision, there was an interval of certainly not less than 48 hours, and probably something more, because these vessels had reported to the "Caronia" ice in the locality I have mentioned on the 12th April. That may have been any time between the early morning of the 12th April, which would be the Friday, and midnight on the Friday. So that you have got a minimum period of 48 hours down to the time of the disaster and very probably a good many hours more. Now what we have to consider is what the effect of the evidence as to the movement of ice is on the position that the "Caronia" ice would have reached by the time of the disaster at 11.50 on Sunday, the 14th. The ice reported was partly field ice and partly icebergs. So far as the field ice is concerned, so far as the icebergs are concerned that were not of great bulk so as to reach down through the Gulf Stream, the same observation holds good that I made a few minutes ago with regard to the other reports of ice.

The Commissioner: That reached down to the Labrador Stream?

Sir Robert Finlay: Exactly, my Lord. So far as the ice was field ice or comparatively small bergs, it would be under the influence only of the Gulf Stream, and it would go in an Easterly direction. It would not go where the "Titanic" was at all. So far as the ice reported by the "Caronia" consisted of bergs going through the Gulf Stream into the Labrador Current below, it would take a Southerly or South-Easterly direction under the combined influence of the Gulf Stream on the upper part of the submerged berg and the influence of the Labrador Current on the

lower part of the berg. It would go in a South-Easterly direction. Your Lordship has it from the passages which I read from the "United States Pilot" very recently - I am afraid it was the day before yesterday - which will be in your Lordship's recollection, that the strength of the Gulf Stream varies. It is less at the margin and more in the middle. I speak subject to correction by the experienced gentlemen by whom your Lordship is assisted, but two or three knots may be put as the strength of the Gulf Stream. The Labrador Current varies considerably. The "United States Pilot" puts one knot as a common strength for the Labrador Current. Your Lordship sees that by altering his course to the Southward, going further South than the track, Captain Smith increased the interval between himself and any field ice or bergs which did not reach down to the Labrador Current, and which would be drifting Eastward. He was further to the South and he gave them a wider berth. On the other hand, he did not go further to the South for this reason. He would know that the bergs that got down through the Gulf Stream into the Labrador Current would be drifting in a South-Easterly direction; and if he had gone further South during the 48 or 60 hours that the "Caronia" ice had had to drift before midnight on Sunday, the 14th, he would have impinged in all probability upon that "Caronia" ice. And here comes in the importance of the observation which Mr. Rostron made very concisely. An iceberg is a moving object. You treat an iceberg - I am amplifying what he said - as you treat another vessel which you come across in a course which crosses yours. You do not, because you are heading for a vessel some distance off at 6 p.m., change your course, because you know that while you are heading on for the spot where she is, when you see her she will have passed on further. Or if you had a vessel which was crossing your bows or from starboard to port in that direction, if you starboarded to that vessel you would, by the time you reached the line on which she was, come into collision with her. You hold on and go under her stern, because you know that while you are approaching the spot where you saw her she will have shifted her position further to the South-East. Of course, we speak in ignorance, necessary ignorance, of what passed through Captain Smith's mind; but I submit it is an eminently reasonable consideration that may have influenced him in choosing this track, that by going so far to the South as he did he gave the field ice and the small bergs, which could only drift Eastward, a wider berth, and by not going further to the South, he avoided impinging upon the big bergs which would have drifted South-East under the influence of the Labrador Current.

The Commissioner: That is to say, he went, as you may express it, under the stern of those icebergs?

Sir Robert Finlay: Exactly. Take the drift of the icebergs - the field ice and the small bergs are out of the question altogether. It is clear that it could not have been the field ice or the small bergs of the "Caronia" ice that caused the disaster; that is beyond all question, because they would go away Eastward. Now, as regards the big bergs, I say they would have gone to the Southward of the course which he chose, because he avoided going so far to the South as possible to impinge upon them at the rate at which they would have travelled.

The Commissioner: Then the effect of your arguments is this, that he had either designedly or by a lucky chance so arranged his course as to avoid all the ice of which he had received notice, if he had received only those three Marconigrams.

Sir Robert Finlay: Yes.

The Commissioner: Now, can you tell me this: can you indicate to me which was probably the ice that he did encounter? Was it the "Mesaba" ice?

Sir Robert Finlay: It may have been.

The Commissioner: It is perhaps not of any significance to enquire, but still I should like to know. Was there any ice in any of the telegrams which this might have been? Perhaps you have not thought of that.

Sir Robert Finlay: I think it might have been the "Mesaba's" ice, because your Lordship will

recollect that the message from the "Mesaba" which did not reach the bridge, was at about 11 o'clock at night, I think.

The Commissioner: What I mean is this. We have had a coloured parallelogram placed upon a chart based upon the different Marconigrams, including the "Mesaba's"; and if that parallelogram is accurately depicted upon the chart the vessel at the time of the striking was within the ice region mentioned.

Sir Robert Finlay: Yes, and your Lordship sees that the "Mesaba" ice was reported as being within that parallelogram - reported to the Marconi room on the "Titanic" as late as 11 o'clock, I think, on the Sunday.

The Commissioner: 9.40 p.m., I am told.

Sir Robert Finlay: Yes, 9.40 p.m.

The Commissioner: He was right in the middle of the "Mesaba" ice.

Sir Robert Finlay: He was right in the middle of the "Mesaba" ice. If the "Mesaba" message had reached the bridge this disaster would never have happened. Here is the "Mesaba" message: "In latitude 42 N. to 41.25; longitude 49 W. to longitude 50.30 W., saw much heavy pack ice and great number of icebergs."

The Commissioner: Can you tell me in what way the "Mesaba" would gather this information which is contained in her Marconigram?

Sir Robert Finlay: The expression in the Marconigram is "saw."

The Commissioner: It seems over a very large field.

Sir Robert Finlay: Your Lordship will recollect that the Marconi operator from the "Mesaba" said he had combined in this Marconigram two messages from the Captain. They had passed through this region; the Captain had made two communications to him of what they had seen, and he fused these two together in this message which states that they had seen "much heavy pack ice and great number large icebergs, also field ice, weather good, clear." Your Lordship will recollect how Mr. Lightoller, when this matter was brought forward by the Solicitor-General at a latish stage of Mr. Lightoller's evidence, said, "We never could have got that."

The Commissioner: Speaking for myself I think it would be absolutely wrong to impute to the Captain a knowledge of the "Mesaba" message. If they did get that message they were grossly careless - very, very grossly careless.

Sir Robert Finlay: But they did not get it, and why they did not get it is perfectly apparent.

The Commissioner: Why they did not get it, I should think, is this, that Phillips was too busy to bother about it, he did not appreciate its significance.

Sir Robert Finlay: He was very busy indeed, I am not blaming him.

The Commissioner: I am not disposed to impute any great blame to Phillips. I daresay he thought that it was a matter of no consequence, and I daresay he had not the ability to distinguish the consequence of it. I do not know whether he had or had not. I suppose it would require him to have a chart before him and the ability to find out where upon the chart this message stated the ice to be. At the same time he had the directions, which we know, that all telegrams affecting the navigation of the ship are to take precedence of any others.

Sir Robert Finlay: Yes.

The Commissioner: He had that, and he must have neglected that because he must have seen that this was a Marconigram that did affect the navigation of the ship.

Sir Robert Finlay: Your Lordship recollects the evidence. I will give you the references, if you desire it - showing that there was a mass of business to be done with Cape Race.

The Commissioner: I shall want you to give me those references before you finish.

Sir Robert Finlay: I will do it now, if your Lordship pleases.

The Commissioner: It is suggested that the track may not have been safe from field ice - the

track, that is to say, that he was following; the field ice was a good deal further South, according to these Marconigrams, than was usual.

Sir Robert Finlay: I quite recognise that, my Lord, but it does not at all affect the observation your Lordship made. As a matter of fact, the "Titanic" did not encounter any field ice.

The Commissioner: I was thinking of that observation, but the question is, were not the Marconigrams of such a nature as to give the Captain warning that he might encounter field ice?

Sir Robert Finlay: I submit not, for this reason. The field ice in the "Caronia's" message was in latitude 42 North. That field ice could not come in a Southerly direction. The current that would influence it would be the Gulf Stream, which goes to the North-East.

The Commissioner: That is the difficulty. It is said that it does not at all follow that it could not come South.

Sir Robert Finlay: It would be very extraordinary if it did.

The Commissioner: It is suggested that the field ice behind it might be forced through.

Sir Robert Finlay: But the Gulf Stream is a pretty broad thing, and where you get icebergs to the South of the Gulf Stream they are icebergs which have been forced through the Gulf Stream by the Labrador Current operating on the lower part of the icebergs; but with the field ice there is no such influence.

The Commissioner: And I am reminded that the evidence is that the water at 10 o'clock that night was intensely cold. That looks as if they were not in the water of the Gulf Stream at that time.

Sir Robert Finlay: I will refer presently to the evidence with regard to the temperature. There may be a local difference in the temperature in the Gulf Stream. With reference to what your Lordship said just now, I observe this Note on the small chart towards the left-hand side: "The Gulf Stream Eastward of 65 deg. W. longitude is usually in streaks of warm water with colder water between."

The Commissioner: And "Its rate diminishes as the Westerly longitude decreases."

Sir Robert Finlay: That is to say, as it is going Eastward its rate is falling until it becomes very slight when it gets to the West coast of Scotland. So that I submit to your Lordship that it is impossible to deduce from the coldness of the water - which I will deal with more in detail by-and-by - that they were in the Labrador Current. That would be an extraordinary phenomenon, because it would mean this: that the Labrador Current was running on the surface at a spot where all the charts show the Gulf Stream.

The Commissioner: I see there is also on the chart: "Average Northern limit of the Gulf Stream."

Sir Robert Finlay: Yes. Your Lordship will observe with reference to what your Lordship said just now as to the average Northern limit that at the Southern side you have got a Note which seems to import that the arrows there mark the limit in that direction, for the Note is: "South of this line the currents are variable."

The Commissioner: "South of this line the currents are variable, but North of the line they are not."

Sir Robert Finlay: Yes. I can only say how much I deplore the fact that Captain Smith is not here. With his enormous experience of the Atlantic he would have been able to tell us what passed through his mind, and to deal with every suggestion that may be made.

The Commissioner: Unfortunately we have to do our best without him.

Sir Robert Finlay: I can only deal with all these suggestions to the best of my ability, and by the light of the evidence.

The Commissioner: I think all that was meant was that your observations were not conclusive, and that they leave some matters in doubt.

Sir Robert Finlay: I could not aspire, my Lord, to put the case with regard to the considerations that influenced Captain Smith in the course that he took on a basis of certainty. I can only offer what I submit is a very probable explanation, and I can only lament most deeply the fact that we have not got the means of knowing what this very experienced officer thought of the situation, and what were the elements which he took into account in making this diversion from his course. Your Lordship asked that I should give at this point the references with regard to the messages not delivered. I was about to do that.

The Commissioner: I am not sure that I am asking you a question the answer to which will be material, but I should like to know - I had better know it, I think - what was the ice that he did encounter, if it is to be identified at all with the ice in the Marconigram.

Sir Robert Finlay: It is not to be identified; it is impossible to identify it. What I say is this. It must have been a berg which at the time the "Caronia" ice was seen on the 12th was to the Northward of that ice, and which had come down under the influence of the Labrador Stream affecting the big bergs - had come down to the Southward and got to that spot. He avoided the "Caronia" ice because the "Caronia" ice would have passed further to the South than his track. He did not avoid this because this was in the rear of the "Caronia" ice and unfortunately caught the "Titanic." But he had no warning of it, and it is absolutely impossible to identify this ice as belonging to any ice which had been seen in a Northerly position. It may in all probability be part of the ice reported in the "Mesaba's" message.

The Commissioner: It occurs to me that it was the ice reported by the "Mesaba" message, because the actual striking took place in a region which the "Mesaba" message referred to.

Sir Robert Finlay: I quite agree, my Lord, and for that reason I was about to give your Lordship the reference to the Marconigrams not delivered. There are two other references in the same connection which relate to other messages which I had better give, and then I will read the passages relating to the "Mesaba" message. The first "Californian" message, your Lordship will recollect Bride said - and we do not dispute it - was delivered by him to some officer on the bridge. That officer must be lost.

The Commissioner: Bride, I think, said that he never heard of any message except the "Californian's."

Sir Robert Finlay: That is so, my Lord. In the first column on page 391, at Question 16663, your Lordship will find what he says about the first message: "I think you stated it was about 3 o'clock in the afternoon on this Sunday when you heard the "Californian" message? - (A.) I said five. (Q.) Five, you said? - (A.) Yes. (Q.) I thought you said three, but you say it was 5 o'clock by ship's time? - (A.) Yes, between 5 and half-past. (Q.) You knew it was an ice message? - (A.) Yes. (Q.) I think you stated to the Attorney-General that you were engaged in adding up your accounts? - (A.) Yes. (Q.) And then you went on adding up your accounts, and paid no attention to this message? - (A.) No. (Q.) Then some time afterwards, I forget whether you gave us the time, you happened to hear it repeated? - (A.) Yes, that is correct. (Q.) Then you had not written it down when you heard it the first time? - (A.) No. (Q.) You knew it was a message to the "Titanic"? - (A.) Yes. (Q.) Reporting ice? - (A.) Yes. (Q.) You did not write it down? - (A.) No. (Q.) You took no notice of it at all, but went on adding up your accounts? - (A.) Yes. (Q.) Then, if you had not happened to hear that message repeated to another ship, nothing would ever have been heard of that message? - (A.) Yes, it would. (Q.) Well, forgive me. It gave the latitude and longitude. You had written nothing down when the message first came? - (A.) No. (Q.) Do you suggest that without writing anything down, and being busy with accounts, you can trust yourself to carry in your head the latitude and longitude which had been given in the message? - (A.) No, I had read the text of the message, which mentioned three large bergs. I had not got the latitude and longitude, and I should have called the "Californian" if she had not transmitted it at a very

short period afterwards and asked her for the latitude and longitude. (Q.) The latitude and longitude you could not have carried in your head? - (A.) No. (Q.) The only way of getting that message would have been to call the "Californian" afterwards to get the latitude and longitude? - (A.) Yes. (Q.) You happened to hear it repeated, did you say, a quarter of an hour or twenty minutes afterwards? - (A.) Yes. (Q.) Are you sure about the time? - (A.) Yes. (Q.) Had you finished your accounts by that time? - (A.) No. (Q.) Were you still on your accounts? - (A.) Yes. (*The Commissioner.*) What are those accounts? (*Sir Robert Finlay.*) What were you doing? - (A.) I was writing up an abstract of all the telegrams sent the day before. (*The Solicitor-General.*) That is the *procès-verbal*. (*Sir Robert Finlay - To the Witness.*) Is that what has been called the *procès-verbal*? - (A.) No; the telegrams. It gives the place where the telegram originated from and where it is going to, the station it is sent to, and the cost of the telegram and the costs of the coast station; our charge, and everybody else's charge, one by one."

The Commissioner: That is referring to private telegrams.

Sir Robert Finlay: Yes. "16686: Then when you heard it repeated you recognised it as being the message which had been sent to your ship? - (A.) Yes. (Q.) And wrote it down, and took it on to the bridge? - (A.) Yes."

The Commissioner: That is a very slack way of doing business. He ought, according to the Regulations, to have taken that telegram on to the bridge at once, and not waited for the chance of it being repeated.

Sir Robert Finlay: Yes, my Lord. Then, my Lord, with regard to the second "Californian" message, your Lordship will find that in the evidence of Mr. Evans, at page 202, Question 8988, Evans was the Marconi operator on the "Californian," and this is the message that was sent after the "Californian" was stopped and surrounded by ice: "8988. What did the Captain say when you said that? - (A.) He said, 'You had better advise the 'Titanic' we are stopped and surrounded by ice.' (Q.) Did you get an answer from the 'Titanic'? - (A.) Yes. (Q.) Can you give me the time? - (A.) It was 9.5 p.m. (Q.) New York time? - (A.) Yes; 11 o'clock ship's time. (Q.) What did you say? - (A.) I said, 'We are stopped and surrounded by ice.' (Q.) Did you get an answer from the 'Titanic'? - (A.) They said 'Keep out.' (Q.) Just explain to us, will you, what that means? - (A.) Well, Sir, he was working to Cape Race at the time. Cape Race was sending messages to him, and when I started to send he could not hear what Cape Race was sending. (Q.) Does that mean that you would send louder than Cape Race to him? - (A.) Yes; and he did not want me to interfere. (Q.) That would interrupt his conversation with Cape Race? - (A.) Yes. (Q.) So that he asked you to "Keep out"? - (A.) Yes. (Q.) In ordinary Marconi practice is that a common thing to be asked? - (A.) Yes. (Q.) And you do not take it as an insult or anything like that? (*The Commissioner.*) What did you say? (*The Solicitor-General.*) "You do not take it as an insult or anything like that." (*To the Witness.*) Do I understand rightly then that a Marconi operator, like other people, can only clearly hear one thing at a time? - (A.) Yes. (Q.) Have you any means of knowing - do you judge that he had heard your message about ice? When you say you sent this message and he said "keep out," did he say that after he had got your message? - (A.) The very minute I stopped sending. (*The Commissioner.*) You cannot tell, I suppose, whether he heard what you said? - (A.) He must have heard it, my Lord, but I do not know whether he took it down. (Q.) Would he hear what you said, or would he merely hear that you were speaking? You see, as I understand, he was getting messages from two points - from Cape Race and from you. He could not hear both, I suppose, at the same time? - (A.) No, my Lord. (Q.) And he may not have heard what you said, though he may have known that you were trying to speak to him. I do not know, you know; I am only asking? - (A.) Well, my Lord, my signal would be much stronger than Cape Race's. (Q.) You think that he would have heard you, and you would, as it were, obliterate Cape Race? - (A.) Certainly, my Lord." "9013: You say who you are? - (A.) First of all

you give his call signal, and then yours afterwards. (Q.) And then you gave him this message, spelt it out, that you were stopped in ice, and then he replies to you, 'Keep out.' How do you know he was talking to Cape Race? - (A.) I heard him beforehand. (Q.) You could hear him? - (A.) Beforehand, and directly after that. (*The Commissioner.*) What was it you heard? - (A.) Before that, my Lord? (Q.) No. What was it that you heard which conveyed to you that he was in communication with Cape Race? - (A.) Directly afterwards he called up Cape Race - a few seconds after. (Q.) After he had said to you, 'Keep out'? - (A.) Yes, my Lord. (*The Solicitor-General.*) Could you overhear what he was saying to Cape Race? - (A.) Yes. (Q.) What was it he said? - (A.) He said, "Sorry, please repeat, jammed." (Q.) That means that somebody else had interrupted? - (A.) Yes. (Q.) After that did you hear him continuing to send messages? - (A.) Right up till I turned in."

The Commissioner: That was about 11 o'clock, was it not?

Sir Robert Finlay: 11.30, I think. "9023. It was not your business, and I have no doubt you did not listen in detail to what they were, but could you tell, as a matter of fact, whether they were private messages? - (A.) Yes, all private messages you can tell by the prefix. (*The Commissioner.*) That means messages from passengers? (*The Solicitor-General.*) Yes, business and private messages for the passengers. (*To the Witness.*) You can tell that by what you call the prefix, the sound that is sent first of all? - (A.) Yes. (Q.) And that continued, you say, till you turned in? - (A.) Yes. (Q.) When was it that you turned in? - (A.) 11.30 p.m. ship's time." Then, at page 391, Bride says something in confirmation of that. It begins at the very top of the second column. "16690. What I said was, trade and private messages sent on to Cape Race would be paid for extra? - (A.) Yes. (Q.) They would not be included in the service messages? - (A.) No. (Q.) I think you used the expression - I am not sure whether his Lordship caught it - there was a very large accumulation of those messages? - (A.) Yes. (*The Commissioner.*) That is the accumulation of those messages cleared off while the witness was asleep? (*Sir Robert Finlay.*) How long was Phillips occupied in clearing off those arrears of messages for Cape Race? He began at 8.30? - (A.) Yes. (Q.) When did he finish? - (A.) I should estimate he could not have finished before 9 anyhow from the batch he had," that is the messages to be sent from the "Titanic" I infer. "But I could not give you any idea as to when he did actually finish. (Q.) I think you saw Phillips about 10 minutes before the collision, did you not? - (A.) No, after the collision. (Q.) I want to ask you about what you said in America before the Committee of the Senate on this point. Were you asked this question, and did you give this answer: "Were you working with Cape Race, or was Phillips, to your knowledge, just before the collision with the iceberg? - (A.) As far as I recollect, Phillips had finished working with Cape Race ten minutes before the collision with the iceberg. He made mention of the fact when I turned out. (Q.) Did you say that, and is that true? - (A.) I said that, but I could not remember what he said now. (Q.) But did you say that? - (A.) I said that to Senator Smith, but I could not recollect now what Phillips told me after I had turned out."

The Commissioner: His recollection was probably better when he was talking to Senator Smith than it was some weeks afterwards when he was talking to you.

Sir Robert Finlay: Yes. The next question was this: "16698. Was what you said to Senator Smith true? - (A.) Well, I was on oath at the time."

The Commissioner: What does he mean by that. Does he mean it was true or it was not true?

Sir Robert Finlay: I think he means that it must have been true.

The Commissioner: The next question answered it: "I presume what you said was true? - (A.) Yes."

Sir Robert Finlay: "16700. (*The Commissioner.*) Then what you stated just now must be a mistake? - (A.) What was that? (Q.) That this man had finished his work about 9 o'clock. - (A.) I

said he could not have finished sending the batch of telegrams before 9. At the same time Cape Race would have a number of telegrams to transmit to him, as was proved by the "Californian." The "Californian" said she heard Cape Race sending him telegrams. (*Sir Robert Finlay*.) You know Phillips was engaged in communicating with Cape Race right on from half-past 8 to 10 minutes before the collision."

The Commissioner: That is what I want.

Sir Robert Finlay: "(A.) Apparently so, yes. (Q.) Well, have you any doubt about it? - (A.) No, I do not think so. I am judging by the amount of work that was got through. (Q.) He was engaged during these hours from half-past 8 to 10 minutes before the collision in communicating with Cape Race these trade and private messages? - (A.) Yes." With regard to the evidence as to the "Mesaba" message, we have got simply the proof of the sending of the acknowledgment by the operator.

The Commissioner: Can you tell me this: How, if at all, was the "Californian's" message acknowledged?

Sir Robert Finlay: The first message, my Lord, was acknowledged by the operator.

The Commissioner: And in any other way?

Sir Robert Finlay: In no other way. The second message was recognised by saying: "Keep out." He may or may not have recognised what the message was, but what he said was "Keep out." That means, my Lord, "You are interrupting me in my communication with Cape Race." And then he said to Cape Race: "Very sorry, jammed. I have been interrupted by somebody else"; and he goes on with his communications with Cape Race till ten minutes before the collision.

The Commissioner: The "Baltic's" telegram and the "Caronia's" telegram were both acknowledged in the name of Captain Smith were not they.

Sir Robert Finlay: Yes, my Lord, and "thanks." I think there was a message of "kind regards," or something of that kind.

The Commissioner: But the word "Smith" was included.

Sir Robert Finlay: Yes, that is so. The first "Californian" message was not acknowledged in that way, but your Lordship's observation was that it related only to the "Baltic" and the "Caronia."

The Commissioner: The observations I have just made related to the "Baltic" and the "Caronia," that is to say that both messages were acknowledged in the name of Captain Smith.

Sir Robert Finlay: That is so.

The Commissioner: But the "Californian" message was never acknowledged in that way.

Sir Robert Finlay: That is so, that is what I ventured to put to you.

(After a short adjournment.)

The Commissioner: As Sir Robert is not here at the moment I am going to ask you, Mr. Laing, if you can tell me how long you are going to be?

Mr. Laing: I thought I should say all I want to say certainly within an hour.

The Commissioner: Now, you were going to say something rude; you were going to add, "but if I am interrupted."

Mr. Laing: No, my Lord; but I thought if your Lordship wanted further information that I have got at hand it might take longer, but with the material I have prepared I certainly think it will not take more than an hour.

The Commissioner: And how long is Mr. Dunlop to take?

Mr. Laing: I could not answer for that.

The Commissioner: But you know him.

Mr. Laing: Yes, I know him.

The Commissioner: How long do you think he will take?

Mr. Laing: My Lord, I think he will be more than an hour.

The Commissioner: That is very indefinite.

Mr. Laing: I could not answer for him.

Sir Robert Finlay: I was dealing with the question of the course that the Captain took, and I pointed out as regards the field ice and shallow and small bergs reported by the "Caronia" he had given them, by deflection to the South, a wider berth than he would have had if he had kept to the ordinary track.

As regards the deep bigger bergs which would be influenced by the Labrador Current, the Labrador Current is stated in the "United States Pilot" in the passages I have already read, to be of variable force, but one knot is suggested as a not unusual force. It is not so rapid as the Gulf Stream. If it were one knot the "Caronia" ice in 48 hours would have been taken 48 miles to the South of the spot at which it was reported, which is a long way to the South of the course which the "Titanic" took. If it went only half a knot an hour it would have gone 24 miles, which would be several miles to the South of the course which the "Titanic" took. I therefore suggest for your Lordship's consideration that although it is impossible to know what passed through the Commander's mind in all probability his calculation was: "I will give the field ice and the smaller bergs a clear berth and I will pass under the stern of the bigger bergs which must have gone further South than the track I am going." That is why he went just so far South and no further.

My Lord, there is only one fact I recall to your Lordship's recollection; the time at which the "Mesaba" message was sent was according to "Titanic" time 9.40; it was 7.50 according to New York time which the "Mesaba" was keeping, and 9.40 "Titanic" time. So your Lordship sees the point of time at which it arrived at the "Titanic."

I think those are all the considerations which I have to submit to your Lordship bearing directly on the question of the navigation of the vessel. In the result, I respectfully submit that Captain Smith and his coadjutors on this ship are vindicated from all blame. The result was unfortunate, but it was an accident that might have happened, as it did happen, to the most careful and experienced navigator, owing to the emergence of new conditions which may profoundly affect the future of the navigation of the North Atlantic.

Now, in connection with this subject and what took place on board the vessel, I have said only a very few words in regard to Mr. Ismay. I am prepared to deal at length with Mr. Ismay's evidence, but I do not know how far it is necessary for me to go. I do not know whether the Attorney-General can give me any indication on that point. I am prepared to go through Mr. Ismay's evidence, and I hope to satisfy your Lordship beyond all doubt that Mr. Ismay never interfered by giving any directions with regard to the navigation of the vessel; that it would have been most improper for him so to do; and that the Marconigram from the "Baltic" was certainly not shown to him by Captain Smith by way of inviting advice or directions from Mr. Ismay.

The Commissioner: There is no evidence that Mr. Ismay interfered in any way with the navigation of the ship.

Sir Robert Finlay: No.

The Commissioner: There is at the best or at the worst only surmise.

Sir Robert Finlay: Yes.

The Commissioner: One naturally asks why did the Captain show the telegram.

The Attorney-General: That is the whole point.

The Commissioner: And one also asks why did Mr. Ismay before the voyage commenced, take

upon himself to go into the engine room and have a conversation with the Chief Engineer.

Sir Robert Finlay: If your Lordship pleases. Then I think it would probably be better that I should refer to Mr. Ismay's evidence.

The Commissioner: I was pointing out to you that in my view it is all surmise.

The Attorney-General: I think it must be.

The Commissioner: No one can suppose for a moment that the Captain did not know quite well that the whole responsibility of the navigation of the ship was upon him, and that he had no business to take any orders from anybody else.

Sir Robert Finlay: And that he never would. Captain Smith never would.

The Commissioner: At the same time you know there is a feeling that if there is a person in the position of Mr. Ismay on board, the Captain may think it wise to speak to him on questions of navigation when he would not speak to another person at all. But that is surmise again.

Sir Robert Finlay: Mere surmise.

The Commissioner: Will you tell us, Mr. Attorney-General, what your view is?

The Attorney-General: Yes, I think it right I should, so that my friend Sir Robert should know exactly the position I am going to take up. Substantially what your Lordship has said is my view of the evidence. I do not think that there is any evidence that Mr. Ismay interfered. The evidence that we have got all tends the other way. We have his own evidence that he did not interfere in any way, and there is no evidence to contradict it. As the matter stands, it is established that he did not interfere in the navigation. But, as your Lordship has pointed out, and it must be pretty obvious, the showing of the telegram to him was not such an act as would have been performed by the Captain to an ordinary passenger.

The Commissioner: Certainly not.

The Attorney-General: Whether it was merely to tell him what had happened and the news that he had got, and simply to give him information, is the one view; on the other hand, it is open to surmise that it was shown to Mr. Ismay for him to make any observation upon it if he thought fit. But he certainly did not on the evidence as it stands.

The Commissioner: On the evidence he did not.

The Attorney-General: I say on the evidence he did not; and upon the evidence as it stands I am not able to take it any further than that. I do intend to submit to the Court that Mr. Ismay cannot be treated as an ordinary passenger. I do not think that the view taken by him at one time - I doubt whether it is persisted in in consequence of some answers - that he was merely an ordinary passenger, could be substantiated. But, my Lord, it takes us no further in the case, and I do not think it assists your Lordship, so far as I know, in answering any of the questions that are put to you, because we still have to get to what happened; and if Mr. Ismay took no part in the directions as to navigation and offered no advice to the Captain, which is the evidence as we have it before us, I am not able to carry it any further than that.

The Commissioner: Then, Sir Robert, I do not think you need trouble yourself to go in detail through Mr. Ismay's evidence; you may strike that out.

Sir Robert Finlay: If your Lordship pleases. Then another suggestion was made, I am not sure that it was made by the Attorney-General, but by some of the gentlemen who addressed your Lordship, that Mr. Ismay ought to have said to the Captain, "Go slow."

The Commissioner: Well, you may certainly strike that out.

The Attorney-General: I certainly never made that suggestion.

The Commissioner: That is an absurdity.

Sir Robert Finlay: Sometimes it seems he was to blame for interfering, and at others to blame for not interfering. May I recall to your Lordship's memory the evidence there is that Mr. Ismay repeatedly travelled by the boats. He travelled as an ordinary passenger. Of course, it was known

to everyone that he occupied a very influential position in the Company, but that did not affect his relations with those in command of the vessel one whit. Your Lordship will recollect that one of the many Captains who have been called in this case said that Mr. Ismay had gone with him repeatedly, and that he never had in the slightest degree occupied, so far as the management of the ship was concerned, any position except that of an ordinary passenger. Of course, that he was Chairman of the Company is a fact that in a sense marked him out from other passengers. My friend the Attorney-General is quite right in saying that in that respect he was not an ordinary passenger, but it did not one whit affect his relations with the navigation of the vessel, and a man of Captain Smith's standing was the last man in the world to have permitted anything of the sort; in fact, nothing could be further from Mr. Ismay's habits, as proved in this case. I therefore, after what your Lordship has said, hope that I may dismiss all the attacks which have been made upon Mr. Ismay in this respect as unfounded, and having really no relation to the facts of the case.

Your Lordship will recollect what I said about the idea that was put forward, not by the Attorney-General, that there was an intention to make a record passage.

The Commissioner: You need not dwell upon that. I am satisfied that no record passage was being made.

The Attorney-General: That was disproved.

Sir Robert Finlay: Yes, and if it were worth going into, your Lordship would find that the White Star Company have never gone in for very great speed. Their speed compared with other vessels built at the same date is rather lower. I have a table here which shows that in detail.

The Commissioner: I do not think you need trouble about it.

Sir Robert Finlay: Very well, my Lord, that concludes what I have to say with reference to the first head of the case, and I trust I may be very much briefer in the second. I am extremely sorry to have been so long, but your Lordship realises the importance of having the evidence grouped under the different heads, and I have endeavoured to do that as shortly as I could.

The Commissioner: Please do not regret it, for what you have said has been the greatest assistance to me, and I know quite well that if you have been long, I have probably been the cause of it.

Sir Robert Finlay: The real cause of it is the bulkiness of this record.

The Attorney-General: I think really it has assisted because if my friend had not read the evidence which he has I should have had to call your Lordship's attention to a great part of it, which I do not propose to do now because your Lordship has the relevant passages.

The Commissioner: We have it on the Note, so that it is like an index book now to me.

The Attorney-General: There are some other passages to which I shall call attention, but of course it will only be necessary to direct your mind to a few.

Sir Robert Finlay: My Lord, now I pass to the question of the boats and what happened after the collision had taken place. Attacks of several kinds have been suggested, and here I am speaking, not so much of my friend the Attorney-General as of other gentlemen who have appeared in the case for various parties. Attacks of various kinds have been made upon the Company. It has been said that the Company are to blame for not having provided more boats than they did on the "Titanic"; and secondly, that there was a want of discipline and proper training with reference to the use to be made of these boats, and that that resulted in a smaller number of people being taken away than otherwise might have been taken. I propose to deal with these points.

I trust that it is not necessary for me to say very much upon the first point, as to whether more boats ought to have been carried. When a disaster of this kind takes place there is very naturally a public cry as to why there were not boats capable of taking every person on board, and Mr. Scanlan, who dealt particularly with this part of the case, suggested that the Board of Trade were

very much to blame, and that the Company were very much to blame for not having had boats adequate to carry every person on board. The truth is that, as regards the question of boats, you must adopt what may be called a reasonable compromise. The whole direction of the energy of shipowners has been towards securing that the ship itself is so thoroughly well built and equipped that there is very little likelihood of loss. At the same time you do not dispense with boats altogether, because the unexpected may happen, and you may want boats for a variety of purposes - communication with other vessels and so on. The result is the Recommendations which the Board of Trade have made and which are embodied in their regulations which have been considered so amply. It is enough for me, I think, to point out that what we carried was very considerably in excess of what was required by the Board of Trade, and very considerably in excess of what we should have been obliged to carry even if the Recommendations of the Advisory Committee had been carried into effect, because there is in those recommendations a provision that where there are watertight compartments a certain reduction may be obtained.

If Mr. Scanlan's point is right, he really blames not only the White Star Line, but he blames the whole world. He begins, of course, with the Board of Trade, and says that we ought to have seen that their requirements were grossly inadequate, and that although we largely exceeded them we did not exceed them sufficiently. Then he involves in the same condemnation all other British shipowners and all foreign shipowners because no shipowner with vessels of this class carries boats up to the capacity of the ship for passengers.

There was immediately after the disaster an extra provision of boats made under circumstances which Mr. Sanderson very frankly explained. He said there was a great public outcry. Of course, a commercial company is dependent upon the public for support, and we endeavoured to meet that cry by putting on board a great number of boats. We began by putting on board boats enough to carry all that the steamer had capacity to carry. We found that was absurd and so inconvenient that we dropped it, and we have been carrying, taking lifeboats and collapsibles together, enough to carry all that were on board on any particular passage. But the question is whether as things stood at the time the "Titanic" went to sea there was anything blameworthy in not providing more boats.

Now, my Lord, may I very shortly - because I do not think I ought very much to elaborate this point - indicate the considerations which go to show that the Company did all that could be required of them, and more than all that could be required of them. The Board of Trade requirements were exceeded. That has been so often pointed out that I need not go through the evidence. The question whether in the future more boats should be carried is, as I think your Lordship has indicated in the course of the case more than once, one of some difficulty. It involves many considerations, and, like many other questions, involves the balancing of considerations more or less conflicting, namely the efficient conduct of the vessel with a certain number of boats on board and the desirability of making, as far as reasonably can be done, provision in the case of disaster. But where the question is of that nature it cannot possibly be charged as negligence against the White Star Company that all that they did was very considerably to exceed the requirements of the Board of Trade. The "Titanic," in fact, had boats for 53 percent, of the persons who were actually carried, and this is in excess of any recommendation that had ever been made to the Board of Trade by any of its advisers. I need not go through the evidence with regard to that; your Lordship is familiar with it.

Then your Lordship has the Departmental Paper No. 249, giving a list of passenger steamships, with the tonnage, the capacity for passengers, and the boat equipment. It is a printed paper.

The Commissioner: Yes, I have it.

Sir Robert Finlay: One need not go through the whole of it; take a few cases. The "Baltic," I see, is one of them. The number of passengers and crew for which a passenger certificate is

granted in the case of the "Baltic" is 2,041 passengers, 370 crew; total, 2,411; the boat equipment would accommodate 1,054 persons. That is one of the White Star Line vessels. That would be 43 percent of the carrying capacity.

Then go down a few lines and you come to the "Carmania," one of the Cunard vessels. The carrying capacity by way of passengers and crew of the "Carmania" is 3,520. The boat equipment was for 1,034 persons; that is 29.3 percent. The "Caronia," another of the Cunard vessels, carrying capacity, passengers and crew, 3,483 persons; the persons who could be accommodated in the boats, 1,388.

The Attorney-General: Has your Lordship that paper?

The Commissioner: Yes.

The Attorney-General: It is printed by the Board of Trade.

The Commissioner: This was prepared for this case, was it not?

The Attorney-General: Yes.

Sir Robert Finlay: Yes; the heading explains what it is. The "Caronia" had 39 percent of the carrying capacity. Of course the 53 percent I gave in the case of the "Titanic" was of the persons actually carried. The figure for the "Titanic," if you take it, as it is taken in this table, with regard to the carrying capacity of passengers and crew, would be 33 percent, and a fraction. So that while it is 53 percent of the passengers on board, it was 33 percent of the carrying capacity of the "Titanic."

Then the "Carpathia" could carry 2,864 passengers and crew and had boats for 1,072. That is equal to 37 percent of the carrying capacity. Then the "Franconia," a Cunarder, carrying capacity, passengers and crew, 3,145; boat accommodation, 960; that is, 30.8 percent, as against the 33 percent of the "Titanic." Then the "Ivernia" is a little higher; 2,589 passengers and crew carrying capacity; 1,018 persons boat accommodation; that would make it 39 percent. On the "Laconia," another Cunarder, 3,109 passengers and crew could be carried; boat equipment for 960 persons; that would be 30 percent. The "Lusitania," 2,889 carrying capacity passengers and crew; boat accommodation, 978 persons; that is 34 percent - a fraction over the percentage in the case of the "Titanic." The "Mauretania," carrying capacity 2,972; accommodation for 976 persons in the boats; 32.8 percent, which is a fraction less than the accommodation on board the "Titanic" was.

I submit that a glance at those instances which I have taken from this table which, as it is expressed in the title, is a list of all passenger steamships of 10,000 tons and upwards for which passenger certificates were granted between the 1st January, 1911, and the 30th April, 1912. A glance at this table shows that the blame imputed to the White Star is blame that would be imputed to all other Companies engaged in such traffic.

Then I would invite your Lordship's attention to another table, which appears in the Shorthand Notes at page 538, with regard to two big German vessels; two vessels built by Harland and Wolff for a German company, the "President Lincoln" and the "President Grant." The "President Lincoln" had lifeboats for 1,465 persons. Then, as against the 1,465 persons for whom lifeboat accommodation is provided, the total number of souls on board is 4,108. "Total number of souls on board" means all that could be on board. That works out at 35.5. The "President Grant" had boat accommodation for 1,516 persons; total number of souls on board, 3,991; 37.9 percent.

There is also a table which has been handed in with reference to German vessels headed: "Boat accommodation on German passenger steamers," other than the two, the "President Lincoln" and the "President Grant," which I have given.

The Commissioner: Where shall I find that?

Sir Robert Finlay: I do not think it is printed in the Notes.

The Attorney-General: No, it is a loose table. I commented upon it, and called your Lordship's

attention to the accommodation.

Sir Robert Finlay: Here is the list giving the percentage. The maximum number of passengers allowed is in the second column, varying from 2,857 in the case of the "Amerika," down to 1,412 in the case of the "Kron Prinzesse Cecilie"; then the crew carried, and then the total number of persons on board is the sum of those two; that is to say, it is not the persons actually carried, of course - that would vary on every voyage - it is the number that might be carried. Then in the next division, headed "31st March, 1912," you find the percentages. I will take only the percentages without stopping to read the numbers in cubic feet: 74, 65, 55, 48, 74, and 72.

The Commissioner: All of those are in excess.

Sir Robert Finlay: Yes, they are considerably in excess of the "President Lincoln" and the "President Grant," and they are in excess, of course, of English vessels, but they do not, of course, come up to the standard of providing for all that could be carried.

The Commissioner: Oh, no.

Sir Robert Finlay: And nothing like it.

The Commissioner: They vary between 48 and 74 percent.

Sir Robert Finlay: I do not desire in the slightest degree to enter into the question of what recommendation should be made, but I think your Lordship has expressed an opinion that there are a great many conflicting considerations that have to be taken into account, and it is a matter requiring the most serious consideration what increase should be made.

Pushing it to its logical conclusion on the lines adopted by Mr. Scanlan it would come to this, that no vessel is to take the sea unless she has got boats adequate to carry every soul on board; and further it would require, as your Lordship pointed out, owing to the difficulty when a disaster occurs of getting everyone into them, that there should be a considerable excess of boats over what would hold that number when tightly packed. After all, business considerations must to some extent govern, because ships will not be sent to sea unless they are properly workable, and perfect safety is really only to be attained by stopping on shore.

Mr. Scanlan said, if I rightly followed him, that shipowners had done their best to realise the vision of the "oarless sea" by reducing the number of boats to a minimum. They have done nothing of the kind. They have acted in excess of the Board of Trade requirements and they are ready to go to any extent in the way of boat accommodation that may be indicated as being right and prudent in view of the various conflicting considerations which have to be taken into account.

A good deal was said by Mr. Scanlan at one part of the case with regard to Mr. Carlisle's evidence as to a submission to the White Star Company of a plan for a great many more lifeboats. That is specifically contradicted by Mr. Ismay on page 446 and by Mr. Sanderson at page 483. I think Mr. Carlisle's evidence with regard to what he says took place at the Committee very much attenuates the importance of anything he said as to what took place elsewhere, because he is most specifically contradicted by Sir Norman Hill, and the contradiction was supported by the shorthand notes to which Sir Norman Hill referred. I, therefore, submit no importance whatever can be attached to Mr. Carlisle's evidence on this point, and that it is ridiculous to make a charge against the White Star Company for refusing the recommendations which Mr. Carlisle suggests he made, but which in fact, on his own evidence he did not make. It was the question of the davits - how many boats should be under davits and how the davits should be constructed.

My Lord, I pass from that and I proceed to deal with the question of what was done when the disaster had taken place.

The first point that I wish to deal with is the order in which the boats left, because I think your Lordship will find it has a material bearing upon the question of why it was that some boats had

considerably less than their full complement while others were filled up. I think the result of an examination of the evidence in this: It shows that the earlier boats, the boats that left earlier, had considerably less than their complement: they had something like on the average 38 persons per boat, while those which left later were packed up. My friend, Mr. Asquith, has prepared a most useful list of the boats in a printed form which has been handed to the Court. There is one correction to be made on that table, and I understand that my friend, Mr. Asquith, has been in communication with Mr. Maurice Hill on the subject, and he agrees in the correction which I proposed. Will your Lordship take the two last pages. The penultimate page gives the order in which the boats were launched on the starboard side. We agree with Mr. Asquith's statement on that point as to the starboard side. The last page gives the order in which the boats were launched on the port side. There is an error there of this kind. I will read the first item in the Table: "No. 14, No. 16 and No. 12 were the first to get away, all about the same time, probably in the order given." That is wrong. These boats all left at about the same time, or at short intervals, but they left after Nos. 6, 8 and 10 had left, and left in the order in which I have given them. So that the first boat to go off was No. 6, the second boat to go off from the port side was No. 8, the third was No. 10, and then, and not till then, Nos. 12, 14 and 16 left with no great interval. No. 12 was fourth, No. 14 fifth, and No. 16 sixth. That is the true order of leaving from the port side. Then the seventh boat was No. 2, the eighth boat was No. 4, and the port collapsible was the ninth.

The Commissioner: I have not got those quite right. The first was No. 6, the second No. 8, the third No. 10, the fourth No. 12, the fifth No. 14, and the sixth was No. 16.

Sir Robert Finlay: Yes.

The Commissioner: Which was the seventh?

Sir Robert Finlay: No. 2.

The Commissioner: And No. 4 the eighth.

Sir Robert Finlay: Yes, and then the port collapsible ninth.

That being the admitted order, as I understand it, in which these boats left, I would ask your Lordship to look as to the orders given for the earlier boats. These orders were in substance - we have not got the orders in every case, but in a great many cases - that they were to stand by, and it was obviously expected that these earlier boats should keep near the ship, or in the case of some of the boats should return to the ship for the purpose of getting more passengers. Your Lordship recollects the evidence as to the order to open the gangway door. That order for some reason appears to have been countermanded, for that gangway door was not opened, and probably for some good reason. I apprehend that the reason for the change of purpose was that there was ground for supposing that the ship might go down rather earlier, and then, of course, the effect would have been disastrous on any boats that were engaged in taking passengers in at the gangway door. Anyhow, I would ask your Lordship to look at the evidence with regard to the orders that were given to the earlier boats.

Take first the starboard boats and then the port boats. With regard to the order of launching, on the starboard side there was first No. 7. That is shown on the Table which is agreed. If your Lordship will look at the evidence as to the order given by Mr. Murdoch your Lordship will find that it was to stand by the gangway, or to that effect. That is at page 18.

The Commissioner: Which boat are you on?

Sir Robert Finlay: No. 7, the first on the starboard side. It is in the evidence of Jewell at page 18, Question 131: "You say Mr. Murdoch was giving orders about lowering the boat; did he give orders to launch her down to the water? - (A.) To lower her right down to the water. (Q.) And what were the orders about - what was she to do? - (A.) He told us to stand by the gangway." Those two questions relate to No. 7. Question 102 shows this is No. 7. "(Q.) [132] And what were the orders about - what was she to do? - (A.) He told us to stand by the gangway. (Q.) I do

not quite know what you mean by that. What is the gangway you are referring to? - (A.) The doors that open in the ship's side. Just about here (*Pointing to the model.*) - the door is open continually. (Q.) Amidships? - (A.) Yes." It is abaft of amidships, I think.

The Attorney-General: Yes, it is.

Sir Robert Finlay: "Where the gangway would be if she were in port, I suppose? - (A.) Yes, that is right." That is the gangway by which we all entered into the "Olympic."

The Commissioner: Yes.

Sir Robert Finlay: Then he points out the spot on the model with some other gangways. Then Question 139: "(Q.) Now where was this gangway you speak of," and then he points. That would be abaft amidships. Then "(Q.) And you were told to remain in the water below that gangway? - (A.) Yes. (*The Solicitor-General.*) Those were your orders. How far off from the ship did you keep? - (A.) We kept right alongside. (Q.) Was the sea smooth? - (A.) Yes, very smooth." So much for No 7.

Then with regard to No. 5, which is the second boat on the starboard side, your Lordship will find the evidence about that - it was given by Mr. Pitman - at page 347, Question 15015: "(Q.) In view of the number that you had got into the boat at this time, did you think that that was as many as this boat would safely carry before she was lowered to the water? - (A.) No, I did not decide how many she should take. (Q.) Who decided that? - (A.) Mr. Murdoch, he came along just then. (Q.) What did he say? - (A.) Well, I jumped out of the boat then, ready to lower away, and he said, "You go in charge in this boat, and also look after the others, and stand by to come along the after gangway when hailed." (Q.) Did you go in charge of this boat? - (A.) I did." Then on page 115, Shiers, who was in the boat, give corroborative evidence on the point. Question 4819 is "Did the officer who told you to lower away No. 5 tell you what to do when you got to the water? - (A.) He did not tell me; he told the other officer." That would be Mr. Pitman. "(Q.) What did he tell him? - (A.) When he got down into the water, to take charge of that line of boats as they came down and stand off at 200 yards." Your Lordship sees that goes to the other boats as well. "(Q.) Stand off the ship 200 yards? - (A.) Yes. (Q.) And Pitman, I think, was your officer that went in the boat? - (A.) Yes."

Then Mr. Lowe speaks of the order on page 368. Will your Lordship look first at page 367, Question 15818? He is stating the boats that he went to.

"(Q.) Did you then go to No. 3? - (A.) I then went to No. 3." That is one of the boats he went to. Then, over the page, page 368, Questions 15906 to 15912; I think I might almost take 15912 as summarising the matter with regard to the orders given. "(Q.) With reference to these boats that were lowered on your side at which you assisted, did you, after they had been lowered, take any means of communicating with those on board in order to have them filled up through the gangways? - (A.) Yes. I told them to haul off from the ship's side, but to remain within hail. That is what I told each of them with the exception of the boat that Mr. Pitman went in." Mr. Pitman got that order.

Then with regard to No. 1, Mr. Murdoch was in charge of that. The order to that was to stand off a little and come back when called. Lowe was also there. No. 1 is the fourth in order from the starboard side according to Mr. Asquith's Table. Question 11488 on page 257 in Symons' evidence is: "Do you remember getting an order from Mr. Murdoch to stand off a little way when the boat was lowered? - (A.) Yes, my orders were to pull away from the ship, not too far, and to stand by if I was called back. (Q.) That we have not had from you yet. That is what I wanted. That is quite right. Your Lordship will see the importance of it all. You have it in mind. Question 5011 is what Hendrickson said about this. He was cross-examined about it. That substantially agrees, I think, with what Hendrickson says. I will read you what he says: "We were told to stand off a little way and come back when called." That is right? - (A.) That is what

Mr. Murdoch gave me.”

With regard to the other boats on the starboard side, Nos. 9, 11, 13, 15, and the collapsible, there is no evidence of any such order; there is no evidence of any such order at all being given. But with the earlier boats it was obviously contemplated that they should stand by and come to the gangway. Mr. Murdoch was there at the launching of boats Nos. 9, 11, possibly of No. 13, though that is not certain; he was there certainly at No. 15 and at the launching of the collapsible. But there is no actual evidence of the order which Mr. Murdoch gave - as to whether he gave the same order which he had given to the earlier boats or not. Very likely he did not. Then if your Lordship will take the next, the boats on the port side in the corrected order, No. 6 is the first to get away. There is some conflict of evidence about this boat. Hichens says that Mr. Lightoller gave the order to pull for that light (*Pointing to the light on the port bow.*) Mr. Lightoller says that he gave no such order; and it is not very probable that he should have given such an order. At this time he was ordering the boatswain to open the gangway doors. I will just give the references which verify that. Page 44 is Hichens' evidence. Question 1159 is "When the boat was lowered did you have any order as to what you were to do? - (A.) Yes, sir. (Q.) Who gave it to you? - (A.) Mr. Lightoller, the Second Officer. (Q.) What was the order? - (A.) To pull for that light - to steer for that light. (Q.) What light? - (A.) There was a light about two points on the port bow, about five miles away I should judge." Mr. Lightoller contradicts that on page 316, and says in answer to Question 13978: "(Q.) Did you or did you not give any directions to these boats which might be taken to mean that they were to row to the light? - (A.) No. (Q.) Were they to go away or were they to stay by the ship? - (A.) No, I cannot remember giving the boats any directions at all."

There is also an answer 13891 which perhaps I should refer to which may a little qualify what he said. "(Q.) Did you give any further order to that boat No. 6" - that is the first boat to get away on the port side - "as to what it was to do or where it was to go? - (A.) Not that I remember. I knew there was, if I may mention it, this light on the port bow about two points: I had already been calling many of the passengers' attention to it, pointing it out to them and saying there was a ship over there, that probably it was a sailing ship as she did not appear to come any closer, and that at daylight, very likely a breeze would spring up and she would come in and pick us up out of the boats, and generally reassuring them by pointing out the light; but whether I told them to pull towards the light, I really could not say. I might have done it and I might not." Then on the same page, 314, your Lordship will find in answer to Question 13896, and following questions, you have some evidence as to the gangway doors. "(Q.) Did you give any orders with the object of getting more people into it when it was in the water? - (A.) Yes; I see what you are alluding to now, the gangway doors. I had already sent the boatswain and 6 men or told the boatswain to go down below and take some men with him and open the gangway doors with the intention of sending the boats to the gangway doors to be filled up. So with these considerations in mind I certainly should not have sent the boats away. (Q.) That is what I meant. Did you give any order or direction to the man in charge of boat No. 6 that he was to keep near or was to go to the gangway doors? - (A.) Not that I remember. The boats would naturally remain within hail. (Q.) You do not recollect whether you gave any actual order to the man in charge? - (A.) No. (Q.) It is just as well to read this question and answer. This man Poingdestre was asked, "Did Mr. Lightoller give you any orders as to what to do with the boat"; and the answer was, "He gave me orders before the boat was lowered what to do. (Q.) What orders did he give you? - (A.) To lay off and stand by close to the ship? - (A.) Perhaps I did; I daresay. (Q.) Now let us pursue the two things you have mentioned. You say you gave those orders to the boatswain to go down with some men and open the gangway doors? - (A.) Yes. (Q.) Will you point out on the starboard side where they are" - then he explains the doors. Then Question 13905, "Did the boatswain go off

after receiving the orders? - (A.) As far as I know he went down." It was not done; it must have been countermanded.

The Attorney-General: There is no evidence that it was done.

Sir Robert Finlay: There is no evidence of any kind. It certainly was not done. I suggest it was not done for the reason I have mentioned, that they might have been apprehensive of the ship sinking.

The Attorney-General: It might be because they were expecting the "Carpathia." They knew she was coming and they did not want them to stray where they might not be picked up.

Sir Robert Finlay: And also they may have thought that the light on the port bow belonged to a vessel which would come to them, and that would entirely account for the order which the Captain is said to have given to row for that vessel with that light, put the passengers on board, and come back. That would have been an almost impossible order if that light had been many miles off, but if the Captain assumed that the vessel was coming it was a very natural order.

The Commissioner: It is said it would have taken them about two hours to row to that light.

The Attorney-General: It was about five miles.

Sir Robert Finlay: That would be if the light remained stationary. If, on the other hand, the vessel with that light came towards them, the order becomes perfectly intelligible. The ship would be there in half an hour.

Then with regard to Number 8 you have the order to which I have referred. It is the second boat on the port side. Crawford, at page 426, Question 17817: "(Q.) And before you left the ship's side did Captain Smith give you any directions with regard to a light? - (A.) Yes, he pointed to a light on the port side, the two masthead lights of a vessel, and told us to pull for there, and land the people and return to the ship. (Q.) Did you see those lights yourself? - (A.) I did. (Q.) And what did you think they were? - (A.) I thought they were a vessel with two masthead lights? (Q.) A steamer's masthead lights? - (A.) Yes." I have made my observation with regard to that, that they thought the vessel was coming.

Then with regard to No. 10, there is no evidence of any order. Mr. Wilde was there: he was the Chief Officer. He was there as appears at page 141, Question 5999. This is in the evidence of Joughin "(Q.) Why was it that you did not get in. - (A.) Well I was standing waiting for orders by the officer to jump in, and he then ordered two sailors in and a steward - a steward named Burke. I was waiting for orders to get into the boat, but they evidently thought it was full enough and I did not go in it." At the top of page 140 is a reference I ought to have given to your Lordship. (Q.) (5943) "What did you find was the situation then? - (A.) Everything orderly." That is with reference to No. 10 as appears in the immediately preceding question. "The Chief Officer was there. (Q.) Is that Mr. Wilde? - (A.) Yes, Mr. Wilde." Then "(Q.) What was happening; how far had things got? - (A.) They were getting the boat ready for getting the passengers in, and Mr. Wilde shouted out for the stewards to keep the people back, to keep the men back, but there was no necessity for it. The men kept back themselves, and we made a line and passed the ladies and children through. (Q.) Who made the line? - (A.) The stewards mostly - stewards and seamen; they were all together. (Q.) I think I caught you to say that though Mr. Wilde gave the order to keep the men back, there was really no necessity; they kept back themselves? - (A.) Yes. (Q.) Was the order good - the discipline good? - (A.) Splendid."

Then with regard to Number 12. Mr. Lightoller was there. That is at page 82, Questions 2914 and 2962. Question 2914 is, "(Q.) Was there anybody there looking after it? - (A.) Yes. (Q.) Who? - (A.) Mr. Lightoller. (Q.) Is he an officer? - (A.) Second Officer. (Q.) Was there anybody else with him? - (A.) No, only myself." That is Poingdestre speaking. Then Question 2961 is, "Now having lowered her down to the water, did Mr. Lightoller give you any orders as to what to do with the boat? - (A.) He gave me orders before the boat was lowered what to do. (Q.) What

orders did he give you? - (A.) To lay off and stand by close to the ship."

So that your Lordship sees that with regard to the starboard boats there is specific evidence in every case of that order to remain at hand. With regard to the boats on the port side there is that order in some cases; at least in one case it is specifically proved, and in another case there is no evidence of the order at all; we do not know what it was.

With regard to Number 8 the Captain said, "Pull for that light, land the passengers, and return," which comes to very much the same thing. And with regard to Number 6, Mr. Lightoller's evidence at page 314 certainly points to his having expected this boat to remain at hand because he was giving the order at the same time to open the gangway doors, and there are other answers which I have just read which indicate that that is what he meant the boat to do.

With regard to the other boats on the port side, 14, 16, 2, 4, and the collapsible, there is no evidence of an order at all. There may have been or may not have been.

Now, my Lord, my suggestion is this, that there is no ground for the charge put forward that there was want of discipline on the part of the officers and crew. Your Lordship will find that charge formulated at pages 760 and 761 of the Notes.

The Commissioner: The evidence of the witnesses is that good order was kept throughout.

Sir Robert Finlay: Yes, every witness.

The Attorney-General: Not quite as far as that; it is not every witness.

The Commissioner: Is there any evidence that there was confusion and disorder?

The Attorney-General: Yes, there is some. There certainly is some evidence of a rush by second and third class passengers for the boats.

The Commissioner: I am not talking about the passengers; I am talking about the crew, the people handling the boats.

The Attorney-General: Any evidence of a rush by the crew?

The Commissioner: No, any evidence of disorder or want of organisation among the crew. There was a rush of passengers, but I thought the suggestion made by the gentleman in that part of the Court was that by reason of the want of drill these boats had not been handled in an expeditious and orderly way.

The Attorney-General: I shall also make that comment, my Lord.

The Commissioner: Well, I say that so far as the oral evidence goes there is nothing to support that, if it is to be believed you know. I do not recall anything.

The Attorney-General: I do not quite understand what your Lordship means.

The Commissioner: The facts may point to disorder, but the oral evidence, as far as I remember it, always is that good order was kept.

The Attorney-General: Yes. There is no statement to the effect that there was disorder, I agree. What I am relying upon is the facts and the explanations of what happened.

Sir Robert Finlay: I think, my Lord, that I am correct in saying that the only evidence of any misconduct on the part even of passengers was that some two or three foreigners tried to rush into a boat as it was being lowered, and Mr. Lowe, the officer -

The Commissioner: Took out a pistol.

Sir Robert Finlay: Yes, a revolver, and fired one or two shots into the water by way of showing what any man who tried to transgress the Rules of order might expect.

The Commissioner: I remember it.

Sir Robert Finlay: And that was quite effective because there was nothing more of the kind.

The Commissioner: I am reminded of the cowardly attack that was made upon Phillips when he was busy, but that of course had nothing to do with the boats, and that I think was by a fireman.

Sir Robert Finlay: Yes, that incident is quite unexplained.

The Attorney-General: The criticism which I shall make upon the discipline and organisation is directed to the preparations that were made before the disaster and actually up to the time of the disaster. Of course it does involve Southampton principally because the time had not arrived apparently for the boat muster as they call it which was to take place. What I propose to say in reference to it is that if there had been better organisation and better preparation for such an event a number of people would have been saved in the boats who were lost. That is the criticism I am going to make. I am certainly not going to say that there was anything in the nature of a panic, or the kind of disorder amongst the crew which would have fostered or promoted panic. Quite the contrary. The submission which I shall make to the Court upon the evidence is that the crew, speaking generally, behaved extremely well on the deck.

The Commissioner: I am very glad to hear you say that because I think so too.

The Attorney-General: And so far from there being any panic in the circumstances order was maintained to an extraordinary degree. That is the view I have formed from reading the evidence, and I would add also that with one or two solitary exceptions the passengers seem to have behaved with extraordinary calmness, not to say heroism. I do not think myself that the evidence, except as to these one or two isolated cases which are said to relate to foreigners, would bear any criticism which would reflect either upon the passengers or the crew in that emergency, in which they suddenly found themselves. The kind of argument which I shall address to the Court is more with a view to the future, and also some criticism on the actual state of preparations in the "Titanic," not for the purpose of throwing blame upon them, because I can quite see that there are many circumstances to be taken into account; nor do I think that throwing blame on them in this particular matter would affect the Court's judgment. What I do want to say is that if greater care had been taken before the ship started that all the crew should know what particular boat they had to go to, and what part they were to play, and also with regard to manning the boats, there would have been a different state of things. I agree there are some balancing considerations to be set against that, but I am only indicating it for the purpose of showing my friend the nature of the criticism which I am going to make upon it. But apart from that my view is that discipline was very well maintained.

Sir Robert Finlay: I am much obliged to my friend, the Attorney-General, for what he has indicated as to the line he is going to take. I have listened with very great pleasure to what he said with regard to the behaviour of the officers and crew, and of the passengers. I must say, speaking for myself, it rather raised my ideas of human nature to find that such extraordinary order and such extraordinary courage prevailed among such a large body of people brought together in the miscellaneous fashion as the passengers on a vessel of this kind must be. There is one expression that occurs to my memory of how the passengers stood keeping back - the passengers stood at attention, I think one of the A.B.'s said, against the side of the saloon waiting for their turn.

May I refer to one other little incident which struck my mind at the time? One boat was putting off with two vacant places and two men got in. At the last moment two women came running up and those men at once got out and made room for the women, and themselves went down with the ship.

I was going to refer to the way Mr. Scanlan put it. I shall deal with the case substantially with reference to what the Attorney-General has said but it is right. I should also call attention to what was said by Mr. Scanlan. Your Lordship says to him at page 760: "*(The Commissioner.)* Is it your contention that if there had been more lifeboats on board this vessel more lives would have been saved, although the lifeboats that were there were not used more than to the extent of two-thirds of their capacity? *(Mr. Scanlan.)* I do say, my Lord, that if there had been discipline - *(The Commissioner.)* Yes, that may be. *(Mr. Scanlan.)* And if there had been a training of the officers

and crews in the manning and handling and navigation of the lifeboats, it would have been possible to have launched and lowered lifeboats sufficient to have rescued everyone on that ship. We are all glad to think that there was nothing in the nature of a panic on the "Titanic," but I think it would be blinding one's eyes to the real facts of the case if one were to accept the view that discipline, in any proper sense of the term, was observed after the accident in the filling and sending off of these boats. (*The Commissioner.*) Now I think what you must say you will probably agree with me - is that the facts speak for themselves, and that the evidence of the witnesses, who nearly all say that there was no panic and plenty of discipline, cannot be accepted in face of the facts."

The Commissioner: That is what I meant in speaking a minute or two ago.

Sir Robert Finlay: "(*Mr. Scanlan.*) That is my contention, my Lord. Of course, you might have panic in one sense if there had been a rush of the passengers past the officers to get into the boats; and the witnesses from the crew, and from amongst the officers, are quite justified probably in saying that there was no panic whatever in that sense, and that discipline was maintained in that way, and that the officers were respected by the members of the crew and by the passengers. But in the sense of the officers and the members of the crew realising the duty thrown upon them and the work they had to do in the circumstances of the disaster, I think I am justified in saying in that broad sense that there was a lamentable want of knowledge and want of discipline amongst the officers. (*The Commissioner.*) I want to follow you, and I want to have it clear. All the boats, except possibly one collapsible boat, were launched? (*Mr. Scanlan.*) Yes. (*The Commissioner.*) Let us leave out the one collapsible boat. And they were launched well before the ship foundered? (*Mr. Scanlan.*) Yes, my Lord. (*The Commissioner.*) So that, discipline or no discipline, the boats were got into the water? (*Mr. Scanlan.*) Yes, my Lord. (*The Commissioner.*) All of them, except the one collapsible. (*Mr. Scanlan.*) Yes. (*The Commissioner.*) The only fault, therefore, which was of any consequence, if it was a fault, was that they did not get the people into the boats? (*Mr. Scanlan.*) That is it, my Lord. (*The Commissioner.*) They managed, discipline or no discipline, to get all the boats into the water. (*Mr. Scanlan.*) Yes. (*The Commissioner.*) I leave out the one collapsible boat. What they did not do, for some reason, was to get the people into the boats. (*Mr. Scanlan.*) Yes, my Lord. (*The Commissioner.*) Now, have you thought about that? (*Mr. Scanlan.*) I have, my Lord. I have given a good deal of consideration to the suggestion that people would not go into the boats, and I daresay that at the beginning that was true; but I do think if, when the terrible seriousness of what had happened was recognised by those in charge of the ship, they had told the people plainly that the ship was doomed, and was sinking, and would sink in a very short time, I think there would have been no indisposition to get into the boats."

With regard to that last suggestion, I submit that Mr. Scanlan in making it did not realise what the probable effects of a communication of that kind would have been. Every step, as we know from the evidence, and as I shall show your Lordship in detail if necessary, was taken to get the passengers together on deck. But to raise a cry of *sauve qui peut* and say the ship was sinking with the women and children on board, besides the vast number of men on board, however well they behaved when they knew there was danger, if a cry of that kind had been started, there almost certainly would have been a rush for the boats, and the very object of those who wanted such information to be communicated to the passengers would have been defeated. I think the officers acted wisely and well in not adopting any such alarmist policy.

The Commissioner: In the case of a fire at a theatre, if a man came on the stage and shouted "The theatre is on fire, get out," I should think that would be about the best way to kill every person in the place.

Sir Robert Finlay: The danger at a fire, and the danger at a shipwreck is very much, if an alarm

is started, the rush. More people are killed by the crowding to get out at a fire than by the fire in very many cases; and on board ship, if there is a rush for the boats, the object of those who wish to save life is defeated.

Then, my Lord, with regard to not getting more people into the boats, not filling every boat to its full capacity, I submit with regard to the earlier boats that is abundantly accounted for by the fact that the intention was that they should stand by and fill up, coming to the gangway, and in the exercise of their discretion, the best of their judgment, the officers had those boats lowered - it was the earlier boats which had the smaller complement - intending and expecting that they would be able to come back and fill up from the vessel.

With regard to the later boats they were filled up and they carried their full complement, I think, in almost every case.

The Attorney-General: Not every case.

Sir Robert Finlay: I will not say every case, but I think speaking roughly it is true. I think the deficiency in the filling up of the boats related broadly speaking to the earlier boats.

Now why was it, my Lord, that there was a difficulty in getting the people to come? The women would not; they would not leave their husbands. Many of them could not realise that the vessel was going to sink. That was the second reason. When you are on board a vessel like the "Titanic" you feel that it is like the globe on which we stand. The globe, I suppose, will go to pieces some day, but one does not very much realise it, and when you are on board a vessel like the "Titanic" you have a sense of safety; and these people, to borrow an expression of one of the witnesses, said among themselves: "We do not like to trust ourselves in these little cockleshells; we prefer to stick by the ship."

The Commissioner: Rather than drop down 90 feet.

Sir Robert Finlay: Yes, it is an appalling prospect, and it quite accounts for the reluctance to go. I do not think that in the criticism suggested - I am not now speaking of the Attorney-General at all; I will deal with what he said about the propriety in future of having training beforehand - but in the criticism suggested by Mr. Scanlan, I do not think sufficient allowance is made for the extraordinary difficulty of the situation. Indiscipline among officers and crew there was none; the passengers themselves behaved splendidly, and one has to look about for another reason altogether for there not being more going off in the first boats. It is simply the reason that I have stated, that the people were most reluctant, particularly the women, to go; and that it was contemplated that these first boats should return to the ship - should stand off, should come to the gangway and should fill up.

The Attorney-General: Before my friend passes from the boats I think there is some criticism to be directed - I propose to address some observations to your Lordship upon it - as to the time taken in uncovering and launching these boats. I only wanted my friend to understand that I was going to say something about it so that he might deal with it, if he thought proper.

Sir Robert Finlay: I will not forget that. I am obliged to my friend. I think that the result, speaking generally, of the evidence is that the earlier boats must have had rather under 38 persons in each on an average; the later boats were filled up. The loading was superintended on the starboard side by Mr. Murdoch, the First Officer, and Mr. Lowe the Fifth Officer, at Nos. 7, 5, 3 and 1, and by Mr. Moody, the Sixth Officer at No. 9; on the port side Mr. Wilde, the Chief Officer, Mr. Lightoller, the Second Officer, Mr. Moody at No. 16 and by Mr. Lowe at No. 14. That is as far as we can trace. It is not possible to be perfectly accurate about it, but that is as far as we can trace it.

Something was said about the officers thinking that the boat was full enough - not when she should be water borne, but full enough for the purpose of transport through the air.

The Commissioner: From the davits?

Sir Robert Finlay: Yes. That, of course, raises a question of some nicety. As your Lordship said, it is a most nervous operation, being lowered down from that height. The boats were new, in perfect condition; the davits and the falls were everything that could be desired. No attack has been made upon them, or could be made. But at the same time the officer might, in addition to what was in his mind about the propriety of the boat standing by and returning, think it was just as well not to fill up too full while the boat was being lowered down. It is a very ticklish situation.

With regard to the later boats they did it; but it is a very ticklish situation lowering a boat for seventy feet through the air. If anything went wrong you might have a catastrophe of the most hideous kind; and if a panic seized the women in the boat and there was a rush from one side to the other you might have the boat turned over. I say it is perfectly impossible, with any reason, to censure officers who under those circumstances decided that the earlier boats should go away with, on the average, rather under 38 persons in each boat. Later, more passengers had come up ready to go into the boats, and the officers took the risk of filling up the boats and lowering them. The idea of opening the gangway had had to be abandoned; and there was nothing for it but to fill up the boats, and it says a very great deal, not only for the tackle and equipment, but for the manner in which the operation was carried out, that all these boats with these full complements of passengers in the later boats, were lowered without any accident whatever. I submit that it reflects very great credit upon the training and discipline of the men who were working, and upon the way in which they were directed by their officers.

I put it to the Court, and your Lordship has the highest assistance on this point, that it was an operation carried out in a manner that reflected very great credit upon all who were concerned in it, officers and men alike.

Now, my Lord, I propose to show your Lordship the steps that were taken, as soon as the collision occurred, in the way of warning passengers, and that everything was done to get them up on deck. A good deal was said at one period of the case about the impossibility of third class passengers getting up to the boat deck. I think that has all disappeared. It is one of those points upon which an inspection of the sister ship, the "Olympic," was of the greatest possible advantage. There was no difficulty about their getting up, and I am now going to show your Lordship what steps were taken by the stewards for the purpose of marshalling these people up. I forget who it was suggested in the course of one of the speeches to which the Court has listened that the stewards ought to have dragged the women up. I think your Lordship said that that would have been a very alarming spectacle. It may be suitable at a public meeting under certain circumstances, but it certainly would have been very undesirable in this case, and it might have led really to disastrous results. It is not a practical or businesslike proposal.

Now I propose to follow, taking it as shortly as possible, the sequence of events after the collision. The first thing that was done was naturally to close the watertight doors. I need not refer to the evidence about the watertight doors which were operated from the bridge, being closed by pulling over the lever and then touching the spring. That is clearly established. That was done at once. That applies to the lower watertight doors.

Then as regards the watertight doors in the alleyways, they are closed. May I just refer very shortly to the evidence that shows that. At page 147 there is the evidence with regard to E deck, Question 6335. This is in the evidence of Joughin: "(Q.) The only other thing is this. You say you saw men coming to close watertight doors; that is to say, those doors do not shut automatically? - (A.) That is right. (Q.) Was that on E deck? - (A.) Yes, immediately outside my room. (Q.) Watertight doors? - (A.) Yes. (Q.) On E deck? - (A.) Yes. (Q.) Was one aft of your room? - (A.) Immediately forward. (Q.) Immediately forward of your room? - (A.) Yes. (Q.) Then was it that watertight door, which you see on the plan is in the alleyway, which is in front

of your room? - (A.) I am not sure, but I think it is No. 23 door." I need not follow that further. Then on page 231, Question 10338, Pearcey, who was a pantryman on the "Titanic," is asked this question: "What was it that first indicated to you that there had been a collision with the iceberg? - (A.) There was just a small motion, but nothing to speak of. (Q.) What happened immediately after this motion? - (A.) The order was, "All watertight doors to be closed." (Q.) Are you referring to the watertight doors of this F deck? - (A.) Yes. (Q.) Were they closed? - (A.) Yes. (Q.) Did you help to close them? - (A.) Yes. (Q.) Did several other men help with you? - (A.) Yes. (Q.) Where did you close them? - (A.) I closed them on towards aft. I closed the pantry doors of my pantry on the starboard and port sides," and so on.

Then on page 236, in the evidence of Brown, Question 10669, he is examined by myself: "(Q.) Only one question. Did you hear an order given in the alleyway about the watertight doors? - (A.) That was the first order I heard after I was woke by the shock. (Q.) Just tell us what you heard? - (A.) Who gave it I do not know, but I heard an order in the alleyway outside our quarters to close all watertight doors. (Q.) There are watertight doors in the alleyway? - (A.) Yes, lower down, further aft than our quarters are. (Q.) And you heard that order given? - (A.) Yes.

Then on the same page Question 10691: "(Q.) What did you do next? - (A.) The first order I heard was from the Second Steward to close all watertight doors on F deck. (Q.) To close the watertight doors on F deck? - (A.) That was the first order I heard given. (Q.) How long after the accident was it you heard that order? - (A.) A matter of about a quarter of an hour. (Q.) And did you go to F deck to obey that order? - (A.) No. The Third class Chief Steward was sent for, for his men to do that order. (Q.) Was that Mr. Kieran? - (A.) Yes. (Q.) Did you see the Captain about this time? - (A.) No. I saw the Captain a matter of about 20 minutes after that." Then comes the order about the passengers going upstairs.

There are only two other questions on this point. They are in the evidence of Joseph Thomas Wheat on page 240, Question 10922. "(Q.) Then what did you do? Where did you go? - (A.) I went upstairs to E deck again and went down to F deck to close the bulkhead doors on F deck by the Turkish baths. There are two bulkhead doors there. (Q.) And did you close those? - (A.) Yes. (Q.) Did you do that alone, or did somebody help you? - (A.) I closed the inside one myself and then to close the other we had to go on top and turn that one with a key." Then Question 10937 on the next page: "(Q.) Could you give us some idea, how long after that was should you say, that you closed those watertight doors by the Turkish baths? - (A.) I do not suppose it would be more than five or six minutes. (Q.) Then you were a few minutes down looking at the water? - (A.) Yes."

Then, of course, the nature of the damage had to be ascertained. Mr. Boxhall speaks to that on pages 355 and 356. I do not propose to follow this in detail, but if your Lordship would look at page 355 and the following page, your Lordship will see that, beginning with Question 15358, he gives a description of what was done looking for the damage. It is a longish description and I am not going to occupy time by reading it. It runs over to page 356 down to Question 15377.

Then the carpenter, on the same page, 355, Question 15368, is referred to: "(Q.) Did the Captain then tell you to find the carpenter? - (A.) Yes, I think we stayed on the bridge just for a moment or two, probably a couple of minutes, and then he told me to find the carpenter and tell him to sound the ship forward. (Q.) Did you find the carpenter? - (A.) I met the carpenter, I think it would be on the ladder leading from the bridge down to A deck, and he wanted to know where the Captain was? I told him he was on the bridge. (Q.) Did the carpenter tell you anything about there being water? - (A.) Yes, he did; he said the ship was making water fast, and he passed it on to the bridge." Then the Witness continued on with the intention of finding out what the nature of the damage was and where the water was visible.

Then Mr. Andrews followed by the Captain goes to the engine room (your Lordship will find

that on page 89) to see what had happened there. And then the Captain and the purser and Mr. Andrews all go to the main room. That is described three times, I think, on pages 89, 90 and 299. I am not going to stop to read it in detail. Mr. Andrews at that time thought (page 422), as the boatswain told Hemming, that the ship had half an hour to live. According to Mr. Boxhall at page 361, Question 15610, it was one to one and a half hours. That is what the Captain told Mr. Boxhall.

Now I propose to take up the very important subject of the instructions given about getting the deckhands up to the boat deck and getting the passengers up there.

(Adjourned to tomorrow, at 10.30 o'clock.)

WRECK COMMISSIONER'S COURT,
SCOTTISH HALL,
BUCKINGHAM GATE,
Friday, 28th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

THIRTY-THIRD DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. w. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

Sir Robert Finlay: My Lord, I was dealing with what happened after the disaster in the way of preparing for launching and filling the boats. I do not propose to go through the evidence in detail with regard to the various steps taken by the boatswain in getting the deckhands ready and getting them on deck. All that is really a matter not in dispute.

Then with regard to the uncovering of the boats, having the falls made ready and having them swung out under the superintendence of the officers, there is a great body of evidence; but that again speaks for itself and I do not think it is necessary to go through it again. If desired I can give the references, but I really think it is almost common ground. I hope that I am not putting forward any contentious proposition when I say that that part of the work was excellently done. While this was going on, the stewards had orders to attend to the passengers and to get them on deck. The stewards did that work, then went to the passengers and warned them to come on deck, got them up on deck, and any delay that there was was due to the reluctance of some passengers, particularly of the women, to come up and afterwards to get into the boats. That is a point of some importance and I propose to offer to the Court some references to the evidence on that point because it really is the great cause of the boats going off in the first instance not filled up to their full complement. The discipline, so far as the officers and crew were concerned, was perfect. Any difficulty was in getting the women to realise that they must come up, that they must leave the ship and trust themselves to the boats under the circumstances.

Now before giving a few references - I have picked out with great care, with the assistance of my learned friend, the most important only - may I read what was said by Captain Rostron of the result of his conversation with the survivors which summarises the situation very fairly. It is on page 716, Question 25563, and the three following questions. Your Lordship says: - "It is said by, at all events, one of the witnesses that one reason why the lifeboats did not carry more than they in fact carried, was that all the people in the lifeboats were wearing lifebelts, and you cannot stow them so closely as you could stow people without lifebelts. I suppose there is some truth in it? - (A.) There is some truth in that. (Q.) You saw the passengers that you landed at New York, and must have conversed a good deal with them? - (A.) No. (Q.) Did you not? - (A.) No, I did not speak to half-a-dozen passengers the whole time. (Q.) Did you hear no explanation at all as to why these boats were not better filled? - (A.) No. The only explanation I got was when the boats first left the 'Titanic' the people really would not be put in the boats; they did not want to go in, and I understand that some of the boats that left first had fewer people in. That is all I know about it. (Q.) That is what I wanted to know. You heard that explanation given yourself? - (A.) Yes."

Although Captain Rostron speaks of that as not being very much, it really summarises the whole situation. They would not go in, they did not want to go, and the result was that the boats that left first had fewer than their full complement. And then, of course, there was also the intention of having them filled up from the gangway doors, an intention which afterwards had to be abandoned.

Now, by way of merely illustrating a little that general proposition which results from Captain Rostron's conversation with the passengers, may I invite your Lordship's attention to what was said by Lucas at page 50 and the following pages? I will pick out a few questions and answers there. Question 1478 is: "Was any order given about filling up? - (A.) Yes, but there was not anybody there handy, no women. I was singing out for women myself. (Q.) Had you received the order that women were to be put in the boats? - (A.) Yes. (Q.) Whom did you receive that from? - (A.) Moody, the Sixth Officer." That, I think, relates to boat No. 16, which, as a matter of fact, was somewhat later. Then Question 1501: "How many boats did you see filled? How many boats

did you take notice of as they were being filled? - (A.) About nine. (Q.) Could you see whether they were all filled to the full capacity? - (A.) They were not all filled. (Q.) Why was that? - (A.) Because there were no women knocking about."

Then on page 51, Question 1730: "But of the eight which you saw leaving, is it true that they were incompletely filled? - (A.) Some had more passengers in than others. (Q.) How many more do you think could have been accommodated in these? - (A.) In some of them they could have taken another 15 or 20. (*The Commissioner.*) Now, what I want to know is this: Why were they not filled up? - (A.) There were not any females on the deck to put in the boats? - (Q.) Or if they were they would not go? - (A.) Some would go in and some would not; they wanted to stay behind with their husbands."

My Lord, the deficiency was not in drill on the part of the officers and crew. All their work was admirably done with regard to the boats. If any drill were wanted, it was drill of the passengers, but it is clear you cannot have a rehearsal of a shipwreck from day to day while a liner is going across the Atlantic. Nervous people would find it very trying, and it is one of those things -

The Commissioner: I never heard it suggested yet that there was to be a shipwreck rehearsal on board a steamer.

Sir Robert Finlay: But it is what it really comes to, my Lord. I was dealing with the suggestion that there was a want of proper training. In the result, I say, the work could not have been done better than it was done by the officers and crew, and any training of the passengers for an emergency of this kind is, of course, out of the question.

The Commissioner: There was not in my present view of the matter proper drill of these men at any time. Whether that contributed to the loss of life I do not know, but I do not think the drill at Southampton was a drill which was of any real use.

Sir Robert Finlay: That is the drill when the Board of Trade inspection takes place?

The Commissioner: Yes, when they lowered the boats. There were six men employed about it.

Sir Robert Finlay: I appreciate entirely what your Lordship says in regard to that.

The Commissioner: I draw a distinction between a drill and a muster.

Sir Robert Finlay: Of course a great deal more might be done if the service were more continuous from voyage to voyage with vessels of this kind, and certainly the White Star Company, and I believe other companies as well, are most anxious to encourage as far as possible the permanence of employment.

The Commissioner: I think there is a great deal of force in that. It would be a very desirable thing to continue the employment of these men. Whether it is under the provisions of the Merchant Shipping Act or whether it is merely practice I do not know, but it appears to be the case that when these ships arrive in port, the men are all paid off, and they do not sign on again until the eve of another voyage.

Sir Robert Finlay: The White Star Company, as your Lordship has heard, have been very anxious indeed to secure continuity of employment more than it has existed. It has existed to a very great extent because I think some 60 or 70 percent of the men on board the "Titanic" had been in one of the White Star Company's vessels before. I certainly feel very strongly that the increase of such continuity of employment is evidently desirable and the more you can have the same men serving under the same officers in the same boat the better it is for all concerned. But the men do not always look at it in that way. It is very difficult to get them to stop, and it is a result that can be achieved really, as I hope it will be achieved to a great extent by the cooperation of the companies and of the unions of the men. It is a most desirable object. One can see in how many ways it would conduce to the greater excellence of the navigation of such liners; and the White Star Company have spared no effort so far as they are concerned to achieve

it. I think that all the A.B.'s with regard to whom we have any evidence had been in the service of the White Star Company before and stopped on. I think I am right in saying some 60 or 70 percent of the crew. I think it was Mr. Sanderson who said that and gave the figure. With regard to the absence of the drill, of course, if there were this greater continuity that as well as other good results would follow. But so far as the actual doing of the work is concerned, no bad results ensued after this collision from any defect or any insufficiency in the amount of drill given. The lowering of the boats could not have been better done, and the fact that not more passengers were put in them was due, not to any fault, not to any want of drill on the part of the officers and crew; it was due to the reluctance of the passengers, particularly the women, first to come on deck, and secondly, to get into the boats.

I think that the evidence justifies that observation, and I would ask your Lordship to look further on this point at what was said by Johnson at page 90, Question 3429: "Were there plenty of people on the boat deck? - (A.) Yes, plenty, but they would not go into our boat." Then on the next page, Question 3458, "Was there any call for women and children at that boat? - (A.) All the women and children that were there could have got in. We could have put more in; in fact, we had not a full complement. (Q.) Can you tell us at all what classes were represented? - (A.) I could not. (Q.) When all the women that wanted to go in were in was the boat lowered? - (A.) No, it was put down perhaps 3 or 4 feet. They were told to go down to A deck to see if anybody else wanted to come in. There was nobody came down to A deck. It stopped opposite A deck." Then Question 3470 on the same page, "Was she full, in your judgment? - (A.) She would not be full, but she would have been full in a heavy sea. She was not full according to how we were." That is, in the state of the sea. "(Q.) Was anybody that wanted to get on that boat kept back? - (A.) Not at all, certainly not."

Then on page 95 the same witness, at Question 3583 is asked: "Just one question. Have you any notion as to which class the majority of passengers in your boat belonged? - (A.) I think they belonged mostly to the third or second. I could not recognise them when I saw them in the first class, and I should have known them if there were any prominent people. (Q.) Most of them were in the boat when you came along? - (A.) No. (Q.) You put them in? - (A.) No. Mr. Ismay tried to walk round and get a lot of women to come to our boat. He took them across to the starboard side then - our boat was standing - I stood by my boat a good ten minutes or a quarter of an hour. (Q.) At that time did the women display a disinclination to enter the boat? - (A.) Yes." Then the same witness, at Question 3634, on page 96, is asked by Mr. Cotter: "Did any bugle go that night? - (A.) No. (Q.) If a bugle had gone, the men would have gone to their boat stations. I take it? - (A.) Some of them would have gone, and some would not, because they never thought about looking to their boat stations. (Q.) Not the stewards' department? - (A.) Some of them did not. (Q.) I am asking for your opinion. Supposing they had done so, was not there time to turn the spare men out of the boat, and say, 'Go down and show the women, second and third class, and also the first class, up here'? - (A.) If you had got them up - but you could not drive the women. (Q.) How do you know that? - (A.) Because I tried it. (Q.) Where did you try? - (A.) For our boat. (Q.) I mean down in the third class, in the rooms; that is what we want to get at - if the stewards had been told to go down and bring them up? - (A.) They were told, but they did not think she would go down, and they were laughing when the passengers were carrying their baggage about. (Q.) Your contention is that they were told, and that the women would not come up on deck? - (A.) I am certain of it. (Q.) How are you certain of it. It is a very serious answer you are giving now? - (A.) Well, I am certain by our boys" - that means the stewards, I think - "because some of our boys would have been saved if they had come to the boat stations. (Q.) You have had conversations since? - (A.) I have never spoken to the boys. (Q.) How do you know? - (A.) Because I know all the old ones were lost. (Q.) That is not the

point. You make a statement that a man was there and that the women would not come up, and then you said, 'some of our boys have been saved'? - (A.) I did not say they were saved; I said all the best of the boys went down. (Q.) How do you know the women and children would not come up? - (A.) Well, I could tell by the bedroom stewards. I saw them, driving, and I saw Mr. Ismay try to drive a few, and he had a pair of slippers on and his dust coat, and he was trying to get the women, and they would not go in for him into our boat. (Q.) That was on the boat deck. I am talking about down below - the third class quarters? - (A.) I was not down there, and I could not tell you. (*The Commissioner.*) This witness was not down below in the third class quarters. (*Mr. Cotter.*) He states there was a steward sent down there, and he also states that the women would not come up. (*The Commissioner.*) I suppose he only says that because he only saw some women come up. Some certainly did come up and got into his boat. (*Mr. Cotter.*) You are not sure what was going on down below? - (A.) No."

Then, on page 100, Dillon gives two answers bearing on this question, at Question 3838, "Can you point out what was the situation on the ship of the boat that you saw leave, the last boat? - (A.) No. (*The Commissioner.*) It was on the port side, I understand. The boat that you saw leave, the last boat, was on the port side? - (A.) They sung out it was the last boat. (Q.) Whichever it was, was it on the port side of the "Titanic"? - (A.) Yes, my Lord. (Q.) And was it in the forward part or aft? - (A.) I do not know, my Lord. (Q.) Were you on the after well deck when you saw it? - (A.) Yes, my Lord, I heard an order - the last boat was leaving the ship - 'Any more women there?' and we chased them up the ladder. (Q.) After that boat left did you see a number of passengers standing about still? - (A.) Yes. (Q.) Any women? - (A.) No (Q.) I did not quite hear the answer you gave just now. You said something about chasing women up the ladder? - (A.) There were two women on the well deck when we got up from below, and we heard the order - the last boat was leaving the ship - 'Are there any more women there?' and we chased them up the ladder. (Q.) Up to the boat deck? - (A.) Yes, I suppose they went up there. (Q.) And those were the women you saw there on the well deck? - (A.) Two women." Then he went up himself on the boat deck and describes what took place.

On page 140, Joughin, at Question 5951, is asked, "Now tell us about No. 10, in order. What happened? - (A.) It was swung out; the stewards, firemen, and sailors all got in a line. We passed the ladies and children through. (Q.) Into No. 10? - (A.) Into No. 10. Then we got it about half-full, and then we had difficulty in finding ladies for it. They ran away from the boat, and said they were safer where they were. (Q.) You heard ladies saying that? - (A.) I am sure of that. (*The Commissioner.*) When the boat was half-full we had difficulty in finding more ladies? - (A.) Right, Sir. (Q.) 'They ran away, saying they were safer where they were'? - (A.) Yes. (*The Solicitor-General.*) Up to this time, could you tell me, had you seen any third class passengers - women from the third class? - (A.) Yes, Sir, plenty. (Q.) So far as you saw, was any distinction made between the different classes - first class ladies or second class ladies or third class ladies? - (A.) None at all. (Q.) Of course, at ordinary times this boat deck is a first class deck, a promenade, is it not? - (A.) Yes. (Q.) And the third class people would not get on to it? - (A.) It is railed off just from the boats, and the saloon passengers use it as a sunning deck. (Q.) But at this time were there any barriers up? - (A.) No." The barriers were all taken down. Then the same witness, at Question 5981: "(Q.) Now, just let us go back to boat No. 10 and finish it. You said that when it was about half-full with women you could not find more women to pass along the line and put into the boat? - (A.) We had difficulty in finding them. (Q.) What was done; what happened? - (A.) I myself and three or four other chaps went on the next deck and forcibly brought up women and children. (Q.) You went down to the A deck? - (A.) Yes, to the A deck. (Q.) And you mean you brought them up to the boat deck? - (A.) Brought them up to the boat deck - there are only about ten stairs to go up. (Q.) Did not they want to go? - (A.) No, sir. They

were all sitting - squatting down on the deck. (Q.) And you and three or four others brought them up? - (A.) Yes. (Q.) Did you put them into the boat? - (A.) We threw them in. The boat was standing off about a yard and a half from the ship's side, with a slight list. We could not put them in; we could either hand them in or just drop them in."

Then Hart is a witness who gives some evidence of some importance beginning at page 222, Question 9882: "Can you tell us so far as your third class passengers are concerned, did you go to each third class compartment and rouse up your people? - (A.) I went to each third class room and roused them. (*The Commissioner.*) Were most of them up, or were they asleep? - (A.) The majority were up. They had been aroused before I got there. (*The Solicitor-General.*) They are not single cabins, these third class compartments, are they; not single berths? - (A.) They consisted of four-berthrooms and two-berthrooms, and two six-berthrooms. (Q.) And what did you do about the lifebelts? - (A.) I saw the lifebelts placed on them that were willing to have them put on them. (*The Commissioner.*) Some would not put them on? - (A.) Some refused to put them on. (*The Solicitor-General.*) Did they say why? - (A.) Yes, they said they saw no occasion for putting them on; they did not believe the ship was hurt in any way."

Then at page 223, Question 9915, and onwards: "(Q.) You would have colleagues, other third class stewards, of course; do you know whether they were doing what you were doing - that is, getting the people up? - (A.) All the men that had rooms were. (Q.) All the third class stewards who had got rooms? - (A.) The third class stewards do not all have rooms. The third class stewards that had rooms went round to their respective sections and were doing the same as I was doing. (*The Commissioner.*) You mean those who had charge of rooms? - (A.) Yes. (Q.) You mean to say they roused the passengers and tried to get them to put on lifebelts? - (A.) Yes. (*The Solicitor-General.*) How many third class stewards would there be who would have charge of rooms in the afterend of the ship? - (A.) Eight. (Q.) As far as you know, they were each engaged in doing this? - (A.) Yes. (Q.) Now, just tell us about the next thing? - (A.) I was standing by waiting for further instructions. After some little while the word came down, 'Pass your women up on the boat deck.' This was done. (Q.) That means the third class? - (A.) Yes, the third class. (Q.) Anything about children? - (A.) Yes. 'Pass the women and children.' (Q.) 'Pass the women and children up to the boat deck'? - (A.) Yes, those that were willing to go to the boat deck were shown the way. Some were not willing to go to the boat deck, and stayed behind. Some of them went to the boat deck, and found it rather cold, and saw the boats being lowered away, and thought themselves more secure on the ship, and consequently returned to their cabin. (Q.) You say they thought themselves more secure on the ship. Did you hear any of them say so? - (A.) Yes, I heard two or three say they preferred to remain on the ship than be tossed about on the water like a cockle-shell."

The same witness, on page 225, Question 10045, is asked, "Then it comes to this, that as far as you can tell us, it was either first or second class people who were in that boat before you got there. Then your people got in and some more people got in from A deck, and those people, you think, were third class people? - (A.) Yes. (Q.) When you left the third class part of the ship the second time, the last time, were there still some third class passengers down there? - (A.) Yes, there were some that would not come to the deck. (Q.) They would not come? - (A.) They would not leave their apartments. (Q.) Of course, by that time you at any rate had realised that this was a very serious accident? - (A.) Yes, but they would not be convinced. (Q.) Did you do your best to convince them? - (A.) Everybody did their best. (Q.) Did you hear other people trying to persuade them? - (A.) Yes. (Q.) On this second journey of yours, the last journey, did you see other stewards, or not, engaged in getting people? - (A.) Yes, I met several on the deck, directing them the way to the boat deck. There was one man at the foot of the companion leading from the sleeping accommodation to the after well deck; there was one man at the end of the companion

leading from the well deck to the E deck, and there were others along the saloon and second cabin deck, showing them the way to the boat deck. So that there was no difficulty for anybody who wanted to get to the boats to find their way there. (Q.) There is a third class interpreter is there not? - (A.) Yes. (Q.) Did you see him about? - (A.) Yes. (Q.) Some of your third class passengers are foreigners? - (A.) Yes. (Q.) What was he doing? - (A.) He was trying to keep some of the foreigners quiet."

At Question 10076, at the bottom of the same page, the Solicitor-General says this: "Lord Mersey has just pointed out that you told us, on the boat deck where the boat left there were some women and their husbands. How was it they did not get into the boats? - (A.) Because the cry was for the women and children, and the boat at that time was practically full of women and children, and these women would not leave their husbands. (Q.) That is what I wanted, that was the impression you got, was it? - (A.) Yes. (Q.) Did you hear any of them say so on the boat deck? - (A.) Yes. (Q.) You did? - (A.) Yes. (Q.) You have told us that you were one of a number of some 60 third class stewards? - (A.) Yes." Then he is asked how many were saved.

Hart's evidence ranges over the greater part of the boats because his first lot of passengers was taken to No. 8, the second on the port side to leave. This second lot was taken to No. 15, which was the last lifeboat to leave on the starboard side. So that his evidence covers a very wide range.

The last witness I am going to cite on this point, by way of supplementing Captain Rostron's general statement and the effect of what he heard, is Mr. Lowe, one of the officers at page 369. Mr. Harbinson is examining (Question 15931): "Did it take half an hour to launch these boats? - (A.) I do not know. It was not the launching of the boats that took the time. We got the whole boat out and in the water in less than 10 minutes. It was getting the people together that took the time. (Q.) Did you hear any orders given to the people brought up to the boat deck? - (A.) Yes, I forget now who I heard, but I heard the order given, anyhow: 'Everybody on the boat deck.' (Q.) Do you think there were sufficient seamen on board the "Titanic" adequately to carry out the operation of launching the boats? - (A.) Certainly, they did so. (Q.) Did they do it? - (A.) Yes. (Q.) Did they take what you consider a normal time or an abnormal time to do it? - (A.) It depends upon what you mean by an 'abnormal time,' less time or more time? (Q.) Do you think it would have been done quicker if there had been more men? - (A.) No. The thing was done as I do not suppose any other ship could do it. (Q.) In the same time? - (A.) No ship could have done it in better time, and better in all respects - in every respect." All the evidence is the same way, and, therefore, I do not propose further to elaborate this point.

I therefore submit that all the work that the officers and crew had to do was excellently done, and could not have been done better. I quite agree that more frequent boat drills than have been usual on any vessel of this type may be desirable, but the absence of such boat drill had nothing to do with any of the loss of life that took place on this occasion. The boat drills might have come in as being of importance if the sea had been rough, and you wanted to have a full complement of A.B.'s on board the boat in order to keep her in safety in a rough sea. But that was not the condition, and my submission is that, however desirable it may be that in the future there should be more frequent boat drills, which, of course, is closely connected with that continuity of service of which your Lordship was speaking just now, however desirable that may be, the absence of such drill had nothing to do with the loss of life which took place on this occasion.

With regard to the boat lists, your Lordship will recollect how it was proved by Mr. Sanderson that all the boat lists were stuck up - each department had them posted. I am speaking now of the information given to the men. On page 496, Question 19716, Mr. Sanderson was asked: "Now, with regard to another matter as to the boat drill. Are these the lists which you have - three of them, I think; one for the sailing department, one for the engine department, and one for the

victualling department - the stewards, I suppose, with reference to the boats? - (A.) Those are what are put up in the different departments. (Q.) These are documents? - (A.) Yes, they are." Those documents were handed to the Witness and your Lordship has them. "(Q.) Perhaps you will keep them for one moment. In addition to those, is there the general boat list? - (A.) There is a general boat list subdivided into these. (Q.) Are these put up or framed, or stuck up anywhere? - (A.) They are put up in the different departments. I am not sure where the general one goes; I think it goes in the chart room. These go in the departments. (Q.) Are those emergency lists in addition (*handing same to Witness.*)? - (A.) Yes, there are. *That* is an emergency boat list. (*The Commissioner.*) I see on this list that an officer is assigned to each boat, and then there are spaces for the names of four other men. That is so, is it not? - (A.) I think in practice they would have to put more names in than that, my Lord. The term 'Officer,' I think, is used for the purpose of a man who would go in command of the boat. It does not necessarily mean that he would be a ship's officer. He might be a petty officer. (Q.) It begins 'Commander, Chief Officer, First Officer, Second Officer, Carpenters, Boatswains, Quartermaster,' and so on; and then a space is left for four additional names, and they are bracketed together and described as 'Seamen.' What does that mean? - (A.) I suppose, technically, that every man who goes to sea is a seaman. They would distinguish between the sailors and the firemen. (Q.) It does not necessarily mean a deckhand? - (A.) I do not think so. (*Mr. Roche.*) The next page talks about the firemen. (*The Attorney-General.*) There is a special one for the firemen. (*Sir Robert Finlay.*) There are three departments. The first is the sailing department; the second the engineers' department; and the third is the victualling department. (*The Commissioner.*) I beg pardon, Sir Robert. That is quite so. So that there are a great many more than five men allocated to each boat. (*The Witness.*) I should think in the case of the 'Titanic' that there must have been between 30 and 40 to each boat."

Then Question 19724: "With regard to the question of boat drill and getting firemen to take part in it, had you moved in that matter long before the loss of the 'Titanic'? - (A.) We have always attempted to do it. (Q.) Of how old standing are the difficulties about getting firemen to take part in the boat drill? - (A.) I think our real difficulties have only been of recent years - in the last two years. I do not recall that we had any real difficulty before that. (Q.) Since this disaster you have been continuing your efforts to ensure proper drill? - (A.) We have increased them. (Q.) Can you tell us what is being done now? - (A.) Yes, we have asked the Board of Trade to make their inspection a more thorough one in so far as, instead of turning out two boats, to turn out a good many. We have turned out as many as 13 or 14, and we have had a large number of those boats manned and sent out, rowing some distance and back again. As I say, the stewards and deckhands have done that work. They do not seem to have had much success with the firemen." And then he reads a longish telegram which shows what they were doing and endeavouring to do.

Now, my Lord, it is very unfortunate that there should be this feeling amongst the firemen against taking part in a boat drill. It is a feeling which I hope will be overcome, and I trust the leaders of the men will co-operate with the Company in removing the feeling against taking part in the boat drill. One can quite understand a fireman saying, "My work is down below; what have I to do with the boats?" At the same time, in case of emergency, it may be very important that they should have had an adequate training as to boat drill, and they used to get it. It is only within the last two or three years, as Mr. Sanderson says, that the difficulty has emerged; and I trust that those who have influence with the men will assist in getting it removed, and that in the future there will be that more complete drill which your Lordship said was to be desired.

I am not going through the evidence as to the crew's knowledge of their boat stations; every step had been taken to apprise them and the majority of the witnesses called knew their boats

perfectly well. Some had not looked, and if they did not know what their boat was, it certainly was not the fault of the Company, for every pain had been taken to post up the notices in every department. I think every A.B. and every steward who was called did know their boat - every one who was asked about it.

There was one point to which your Lordship called attention while the case was going on, and that is that the numbers given by the witnesses of those who were in the boats do not agree with the actual numbers; they are too large. That is a thing that one would almost expect to occur. The estimate of the number is not very accurate. Witnesses, unconsciously and quite innocently, have a tendency rather to exaggerate the number, and the result is that when you come to sum them all up you find the total is an impossible total.

The Attorney-General: The more significant fact, if I may interpose for a moment, with regard to that, is that the proportions of the men and crew and women saved differ so materially. It is difficult to get at the exact figure, of course. The point that strikes me with regard to it is that whereas we know 711 was the total number saved, of which it is said 642, perhaps 645, were women and children, 71 were male passengers and 123 were male crew; in fact, it turns out that there were 189 male crew, 126 male passengers, and only 388 women saved instead of 642. That is the striking feature of it. According to the evidence, I agree with my friend there would naturally be some exaggeration or possibly some exaggeration of numbers, but it is certainly rather remarkable that in every case, so far as I can see from the evidence, the number of women and children given as saved in the boats is in excess of the fact; the number of the crew given is less than that saved, and the number of male passengers given is less than were in fact saved. That is the point.

Sir Robert Finlay: Of course, there were a good many picked up from the water. They would be, of course, men.

The Commissioner: Not very many, about 35.

The Attorney-General: Not more.

Sir Robert Finlay: I do not know exactly how many, but still all that were picked up from the water I think were men, I am told, except one, but I did not know there was even one exception.

I think I have now concluded my review of the evidence. On the whole, I respectfully submit to the Court that the true conclusion is this: The White Star Company is a company which until this disaster happened had a splendid record. They carried millions of passengers, and there had been only a loss of two lives during 11 years. Then comes this crushing disaster, which, of course, strikes the imagination of everyone. It is due to the emergence of new conditions in the North Atlantic and to very special circumstances to which I have called the attention of the Court in detail.

I submit that the result of the examination of the evidence as a whole is that that disaster was not due to any want of care or diligence on the part of those in control of the ship; that it was an accident which was not occasioned by any negligence or any want of due care on the part of the Captain or his officers, or anyone else on board. It was not due to any want of care with regard to the equipment of the ship. The ship was a splendid vessel and had been built regardless of expense, the commission given being to have the ship made in the best possible way, charging cost plus a percentage for the work of the builders. So that no pains and no money had been spared to make the ship as perfect as, humanly, a ship could be. And that result was achieved.

But, of course, owing to an extraordinary concatenation of circumstances it has proved, when some exceptional natural conditions arise, how vain are the efforts of human skill and science against the forces of nature. But for what happened, I submit, there is no fault whatever on the part of the Company, or those for whom they are responsible.

With regard to what happened after the collision I submit that not a life was lost owing to any

fault on the part of the Company, or those for whom they are responsible. A good deal was said about the boats not putting back when the poor people who remained on the ship were in the water. I think your Lordship will realise, and I am sure that the Assessors will be able to inform your Lordship on that point, that for a boat to put into a crowd of drowning people is absolutely fatal, the only result would be that the boat would be swamped, and those in it would be added to the number of victims. The only way in which some work of saving life could be done on such an occasion was that which was taken by Mr. Lowe, the officer who was called before your Lordship. He waited, an operation of the most painful character, requiring great nerve and great coolness, he waited until the sea had done its work with the great majority of people, and then put back and picked up a few of the survivors. But to suggest, as some questions which were put suggested, that there was inhumanity in not pushing into that crowd of drowning people in the hope of saving them, is, I submit, a course based upon ignorance of the fundamental conditions that attend on the endeavour to save people who are struggling in the water when, if you push your boat among them, the only result will be that those in the boat are added to the roll of victims.

On the whole, my Lord, I submit that the discipline on board the ship was perfect. The Company, of course, are not concerned with the passengers' behaviour. But the passengers behaved, taking them, as a whole, most admirably, and this tremendous catastrophe is one of those things that must happen every now and then, and do happen without any fault on the part of those concerned.

I respectfully ask the Court that the White Star Company and their officers should be acquitted of all blame in connection with this appalling calamity.

The Attorney-General: I was calling the attention of my friend to another wireless message, to which I shall direct attention when I come to address you, which has not yet formed the subject of discussion. It has been mentioned. In virtue of what your Lordship said at an earlier stage, it has not been thought necessary to go into it in detail. I think, in consequence of my friend's observations yesterday, it is of some importance now - the one I am referring to - I have called my friend's attention to it, so that, if he desires to say anything, it may be said. It is the message from the "Norrdam."

The Commissioner: Will you remind me what it was?

The Attorney-General: "Congratulations on new command. Had moderate Westerly winds, fair weather, no fog, large ice reported in latitude 42 deg. 24 min. to 42 deg. 45 min., and longitude 49 deg. 50 min. to 50 deg. 20 min." That is acknowledged by the Captain on page 5 of the telegrams received and sent.

The Commissioner: What is the date?

The Attorney-General: It is the 14th.

The Commissioner: What time?

The Attorney-General: Sent at 2.31, but any question as to the date is, I think, satisfactorily solved by seeing that the answer is received from the "Titanic" 3.29 p.m.

The Commissioner: That is the "Titanic's" time.

The Attorney-General: That is the "Titanic's" time.

The Commissioner: And whereabouts on the chart does that telegram indicate it?

The Attorney-General: It is to the Northward of the "Caronia" indication. Has your Lordship the chart that I handed up of the Marconi Company? It is the enlarged North Atlantic chart. Will your Lordship look at mine. (*Handing same.*)

The Commissioner: How many miles to the North of the spot of the "Titanic" disaster is this ice indicated.

Sir Robert Finlay: It is a good many miles North, my Lord; I am having it taken out exactly.

The Commissioner: Then I want to know whether it is E. or W.?

Sir Robert Finlay: I think, my Lord, it will be found - I am having it measured exactly - to be 38 miles -

The Attorney-General: That is what I make it.

Sir Robert Finlay: The most Southerly point, to the North of the scene of the disaster. This was reported on the afternoon of the Sunday, so that it could not possibly have got -

The Commissioner: Is it this, that one may say that deductions ought to have been drawn from the telegram.

The Attorney-General: That is the point.

The Commissioner: But it cannot be said that the actual ice recorded was of any significance.

Sir Robert Finlay: No.

The Commissioner: It may be said against Captain Smith that it was a warning that he was within reach of the ice, and therefore he ought to have known, but as far as the particular ice itself goes it is quite without the reach of the "Titanic."

Sir Robert Finlay: Nothing has hitherto been said about it.

The Commissioner: I have always supposed that that telegram was immaterial.

Sir Robert Finlay: I so treated it, my Lord.

The Attorney-General: Of course, that is my objection. That is why I am calling attention to it. I do not think it is immaterial by reason of what was said yesterday. At any rate, my object in calling attention to it is that I am going to found some observations upon it, and call your Lordship's attention to the fact that there were telegrams, and that there was this telegram showing ice to the Northward.

The Commissioner: Everyone knew there was ice to the Northward.

The Attorney-General: Yes, but I mean that he had had an ice report. I have already indicated the point that I am going to submit with regard to those responsible for the navigation, that, having got four telegrams of ice reports, it was not sufficient, even if the Captain was justified in coming to the conclusion that the ice was to the Southward of him after he had turned the corner.

The Commissioner: At present, Mr. Attorney, I do not see that the "Norrdam's" telegram carries it much further, because there was the "Baltic," the "Caronia," and the "Californian," all indicating ice to the North and much nearer than the "Norrdam."

The Attorney-General: Yes. I quite agree, my Lord, that is why, at an earlier stage, when your Lordship said you did not think it was worth dwelling upon the "Norrdam." I agreed, and the only reason I want it in now is because I am going to found some observations upon it, which I have indicated to my friend.

The Commissioner: The telegram is in evidence.

The Attorney-General: Yes, but I do not want it to be passed over, because originally we had said that three were the only ones that were material. I agree entirely when your Lordship said it has not anything like the direct materiality, but I think it has some.

Sir Robert Finlay: I will say a word upon it as my friend has called attention to it. Your Lordship will see that the "Norrdam" ice is to the North of the normal limit marked on the chart for field ice between March and July.

The Attorney-General: Yes.

The Commissioner: Yes.

Sir Robert Finlay: And sensibly to the North of that limit. That ice cannot possibly have been the ice which caused the disaster.

The Commissioner: Oh, no; that is not suggested. What is suggested is that it was another warning of ice.

The Attorney-General: Yes, that is the point.

The Commissioner: And it goes on, as it were, accumulating with the others.

The Attorney-General: Yes.

Sir Robert Finlay: The reply that I make to that suggestion that my friend, the Attorney-General, has called my attention to, is this; that the intimations that they had of ice which might be dangerous to them were the "Californian," the "Baltic," and the "Caronia." I have submitted that Captain Smith took a reasonable course with regard to that. I am not going to repeat that.

The Commissioner: And a fortiori he did with regard to the other?

Sir Robert Finlay: The "Norrdam" was absolutely negligible. So far from impugning Captain Smith's judgment in the matter, I submit that it rather confirms it, because, having taken reasonable steps with regard to the "Caronia," the "Baltic," and the "Californian" ice, he is entitled to say to himself, "All the ice that I have warnings of are these three and the 'Norrdam,' which is utterly beyond my range," and the fact that there is no warning of anything between the "Norrdam" and the "Caronia" which might complicate the situation is -

The Commissioner: I think I appreciate what you say upon that. Have you finished?

Sir Robert Finlay: Yes.

The Commissioner: Thank you very much for your assistance. It has been of great use to me - very great use.

Sir Robert Finlay: I feel any assistance I have been able to render is almost entirely due to my friends, Mr. Laing, Mr. Maurice Hill and Mr. Raeburn, who have been good enough to help me.

The Commissioner: I know their industry from experience.

Sir Robert Finlay: And their ability.

The Commissioner: Now, Mr. Attorney, I am thinking about how we are to go on with this work. I know you are engaged in many things, and some of them are engagements that cannot be neglected. I have some reason to believe that you must be away on Tuesday.

The Attorney-General: Yes.

The Commissioner: And possibly for further days.

The Attorney-General: Yes, my Lord, quite so.

The Commissioner: It is very undesirable that this case should be adjourned at all.

The Attorney-General: Quite.

The Commissioner: I remember what you said a few days ago, that you proposed to wait until the end of all the speeches before you addressed the Court. If that course is pursued it may land us in the difficulty of having to adjourn for a considerable period.

The Attorney-General: I have been considering it, and I am much obliged to your Lordship for the suggestion. I do not think there is any danger of it. Your Lordship now has to hear my friend, Mr. Laing, who I know will be very short, and then there is only Mr. Dunlop, and I shall certainly be able to compress my observations within the limits of tomorrow and Monday, if your Lordship will sit tomorrow.

The Commissioner: Yes, certainly I will.

Mr. Laing: I do not wish to add anything to the words of Sir Robert Finlay on the description of this vessel, as built for her owners, the White Star Line. I only want to deal with a few technical matters that have been raised in this case by the cross-examination of Mr. Edwards, and to answer a question which your Lordship put to me a day or two ago.

The design of this vessel was that she was to be built and so spaced as to float with any two compartments open to the sea. That was the design that the builders had before them and it is the highest standard of any shipbuilding firm, certainly in this country, and also in Germany, as the evidence shows. The two other great vessels which one naturally thinks of in this connection, the "Lusitania" and the "Mauretania," are built on the same plan, too. Mr. Peskett, when he was in the box, said she was designed and built to float with two compartments open to the sea, and he

thought that she could float with three. So with the "Titanic" - Mr. Wilding has proved that she undoubtedly could have floated with any two compartments open to the sea, and that on his flooding plans she certainly would have floated with three, provided they were forward ones, as they were in this case. Not only could she float, on her design, so flooded, but so flooded she would float with the tops of her bulkheads above the waterline by double the amount of the margin required by the Board of Trade. I think their margin is something like 18 inches and she would float from 2 feet 6 inches, I think, is the figure, to 3 feet. So she very fully complied certainly with the design which the builders set themselves to carry out when they started to build this vessel.

I should have been almost content to read one answer from Mr. Carruthers as to the supervision by the Board of Trade of the building of this vessel and the assurance from Mr. Carruthers that she in fact fulfilled every requirement and regulation of the Board of Trade. He says so in specific terms and I should have been content to leave it there had it not been for the points suggested over and over again by Mr. Edwards and repeated in his speech to your Lordship on the close of this case. On that account I feel that I must touch, by simply giving your Lordship the references on the several points which he raised and which were answered in the evidence which was given.

The first point that he raised was that there was no testing of the bulkheads, no actual testing by water test of the bulkheads, of this vessel, with the exception of the forepeak, and, I think, the tanks, while the vessel was under construction. The answer to that was given that it never is done, and that neither Lloyd's nor the Board of Trade require any testing by water pressure of bulkheads, and that the practice is not to do so. I will not trouble to read the evidence, but I will give your Lordship the reference, because your Lordship might like to have it. It is page 525, Questions 20597 to 20600.

The Commissioner: I am told it is done in the Navy.

Mr. Laing: Yes. I was dealing entirely with the Merchant Service. I know it was said it was done in the Navy. The next point Mr. Edwards made was this. His cross-examination was directed to show that the bulkhead plating of this vessel was insufficient in strength according to Lloyd's Standard, and your Lordship remembers that putting the questions to Mr. Wilding, Mr. Edwards reached a conclusion which he did not expect, that instead of demonstrating that they were short of Lloyd's requirements, he demonstrated that they exceeded Lloyd's requirements.

The Commissioner: I think Mr. Edwards was a little confused with the arithmetic.

Mr. Laing: My Lord, I think he was. At all events he escaped with great agility from the situation. But the fact remains that what he did establish was that the bulkhead plating was in excess of Lloyd's requirements, and not below them; and the passage in the evidence which refers to that is at page 528, Question 20661. Again, a point which he made and which he also escaped from, was that the stiffeners in this vessel were not sufficiently spaced or properly spaced according to the requirements of Lloyd's Rules. There, again, he demonstrated in the course of his cross-examination, that, so far from being short of the requirements, they exceeded the requirements; and the passage which refers to that is at page 527, Question 20640.

My Lord, in fact, it was proved on these two heads that the ship, as built, was 50 percent over the requirements of Lloyd's, and in excess of the Board of Trade requirements, and the passages which show that are page 539, Questions 20907-8.

The next point that Mr. Edwards made was this. He suggested not once, but certainly more than once, that the bulkhead between No. 5 and 6 boiler sections broke down and gave way, and more than once during the course of this Enquiry the evidence as to that has been summarised and the conclusion arrived at was that it had not broken down. But Mr. Edwards reiterated the charge in his address to your Lordship, and my submission upon it is that there is absolutely no

evidence at all that the bulkhead broke down, but that the evidence is the other way, that it did not break down. The evidence about it is all summarised on page 527, where the matter was gone into at some little length, and also at page 673.

The Commissioner: Will you give me the numbers?

Mr. Laing: I do not think there are any numbers; it is a discussion I think below 26625. It starts after that and the matter is threshed out again.

The Commissioner: It starts on page 526, does it?

Mr. Laing: Yes, my Lord.

The Commissioner: How far does it extend?

Mr. Laing: It extends right up to page 527, Question 26629.

The Commissioner: And there it stops, does it?

Mr. Laing: And there it stops. It breaks out again at page 673.

The Commissioner: It is a sort of intermittent fever apparently.

Mr. Laing: It frequently crops up, my Lord. On page 673 it commences at Question 23974 and goes down to 23975.

The Commissioner: Mr. Edwards says, "I think there is some evidence. (*The Commissioner.*) Well, will you tell me what it is? (*Mr. Clement Edwards.*) There is the evidence of Barrett, my Lord. (*The Commissioner.*) What is that, that he saw some water coming in. (*Mr. Clement Edwards.*) No, the evidence of Barrett is this, that in Section 6 he saw water coming in, and in Section 5 he saw it trickling in, and that afterwards, when he skipped up out of Section 5, he did it because there was a great rush of water as if something had given way."

Mr. Laing: The result of the evidence, which I think I can summarise quite shortly, was that Barrett saw that the plating of this vessel was fractured abaft the bulkhead which separated No. 5 from No. 6, and that some water trickling, or variously described, ran into an empty bunker which adjoined this fracture; thereupon Barrett lowered the door of the bunker, which was not a watertight door, and the water then accumulated in the bunker until it forced the light plating of the bunker door, and came in with what was described as a rush. On the rush Barrett escaped up a ladder. That is how it stood, and I am quite satisfied that your Lordship came to the conclusion, at least so it appears from the various discussions we have had, that the bulkhead did not in fact carry away, but that the bunker door carried away, and so it came in with a rush.

Mr. Edwards' next point was a more serious one, because he in terms said that Messrs. Harland and Wolff had either defied the Board of Trade, and had refused to carry out their regulations, or that the Board of Trade, in face of Messrs. Harland and Wolff had given way and had refused to carry out their own regulations or had been persuaded not to carry out their own regulations. The point which Mr. Edwards raises on this is of a very elaborate character, and it is very difficult to disentangle; but it all turns upon the correspondence which he so often referred to between Messrs. Harland and Wolff and the Board of Trade Surveyors, and between the Board of Trade Surveyors and their Department in London.

The two points so far as I follow it which evolve from this correspondence, according to Mr. Edwards, are these. The first one is that the intermediate bulkheads in the "Titanic" were all carried up a deck too low, that instead of stopping at E deck they ought to have gone up to D deck. That is his first point. His second point was that, as he described it, the watertighting of the fore part of the ship had not been done according to the requirements which the Board of Trade themselves had put forward.

Now, I think on the correspondence Mr. Edwards discovered a mare's nest of exceptional dimensions, because there is absolutely nothing in it which supports the two charges which he makes; in fact, it disposes of them. In order to arrive at the height to which the bulkheads ought to be carried. You have, first of all, to arrive at what the freeboard of this vessel is according to

her deep-load draught. Mr. Edwards was perfectly right in this: If the freeboard assigned to this vessel does not exceed the requirements of Table C of the Regulations, the whole of those bulkheads ought to have been carried up to D deck. I accept that without any qualification. The whole question is whether they did equal or exceed the regulations of Table C. Mr. Edwards says they did not, and I submit with some confidence that they undoubtedly did. And if they did then these bulkheads were rightly carried up to E and not to D, that is the point.

The point emerges in this way. Mr. Edwards has given us some figures - where he got them from I do not know - but in his argument he gives us the following figures: He says Table C requires a freeboard of 11 feet 1 inch for this vessel, that she had in fact a freeboard assigned to her of 10 feet 11 1/2 inches, and that she was therefore 1 1/2 inches short of the requirements of Table C. But the true figures are that Table C requires a freeboard of 10 feet 11 1/2 inches.

The Commissioner: Will you show me that?

Mr. Laing: Yes, my Lord; I will show it you as far as I can, because these figures were never put in cross-examination at all. This matter has been evolved at a very late period. 10 feet 11 1/2 inches is what Table C requires.

The Commissioner: No witness was examined on this subject at all.

Mr. Pringle: May I explain, on behalf of Mr. Edwards, that this correspondence was only produced when the Board of Trade Surveyor was in the box, and it was only possible to cross-examine after that.

The Commissioner: I am quite aware of that; it was either a great point, or, as Mr. Laing says, a mare's nest, which you discovered at the last moment.

Mr. Pringle: Mr. Laing says he has a difficulty in discovering where the figures were got. The figures are in the correspondence.

Mr. Laing: I will show your Lordship the correspondence.

The Commissioner: The first thing I want to find out is where the freeboard which this vessel ought to have had is indicated in Table C.

Mr. Laing: I will show your Lordship the figures. They have never been given in evidence, but the actual measurements exist, and I have no doubt the Board of Trade have them. In fact, we have had them supplied. If I may just complete, just to show the fallacy of this argument, Table C requires a freeboard of 10 feet 11 1/2 inches.

The Commissioner: Where do you get that from?

Mr. Laing: I will show you the figures; it is a most elaborate calculation. The actual freeboard assigned to this vessel was 11 feet 2 1/2 inches; therefore, instead of being 1 1/2 inches short of the requirements of Table C, she is 3 inches in excess of the requirements of Table C.

The Commissioner: According to you, she was better instead of worse.

Mr. Laing: Certainly; and the result is, if she is 3 inches better than Table C, then undoubtedly these decks were rightly taken up to E, and not to D, and the whole thing comes to an end.

Mr. Pringle: It may save a little time if I say a word or two.

The Commissioner: I will tell you why I think you may not at present. Mr. Laing is putting something to me at present which I do not understand, and if you get up to explain it I am afraid you will make me understand it less. You may interrupt afterwards, after Mr. Laing has made me understand what he is saying.

Mr. Laing: My point is that on the figures - and I will show you how they are arrived at - this ship was 3 inches in excess of the requirements of Table C, and I think Mr. Edwards would agree, if he were here, that if that were so these bulkheads were properly carried up to E and not to D.

The Commissioner: I am not sure about that. Perhaps he ought to agree, but I am not at all sure that he would.

Mr. Laing: So far as the evidence goes, if your Lordship will look at page 672, Question 23945, Mr. Carruthers says that in fact this vessel was 3 inches in excess of the requirements of Table C.

The Commissioner: Is that where he says, "I think the margin was 3 inches; at all events it was almost 3 inches"?

Mr. Laing: Yes, it is Question 23945.

The Commissioner: "And when it is placed as low as is required by Table C of the freeboard tables for awning deck vessels the remaining bulkheads may terminate at the deck next below the upper deck." Is that what you are referring to?

Mr. Laing: Yes, that is E deck; that is where they did in fact terminate. Now, keeping away from the figures for a moment, because they are terribly complicated, there is evidence to show that in the opinion of Mr. Carruthers, the gentleman in charge of these operations, the vessel did in fact exceed the requirements of Table C by 3 inches.

Let me see if I can carry that a little further. The load draught at that freeboard is 34 feet 7 inches. That is at page 499, Question 19796. That is for the deep water loadline. That shows her load draught is 34 feet 7. That is one of the factors in this complicated calculation. Before I go again to the figures, in order to satisfy your Lordship on the evidence, Mr. Archer said that he was satisfied that these bulkheads were carried to the required height, and he, of course, had the whole problem before him and all the figures. He said that at page 692, Question 24433. Perhaps I had better read that question, because it covers the whole ground: "Were you yourself satisfied when the question of the bulkheads was referred to you, that Messrs. Harland and Wolff in the building of the 'Titanic' were taking the bulkheads to as high a deck as you thought was required by your regulations in Circular 1401? - (A.) Yes. (Q.) You were satisfied? - (A.) Yes. (Q.) Mr. Carruthers was not satisfied? - (A.) I do not understand that at all." That is quite a misleading question, because Mr. Carruthers was perfectly satisfied.

The Commissioner: The Attorney-General adds: "No, I did not understand that."

Mr. Laing: I have given your Lordship the reference to Mr. Carruthers, that all the Rules and Regulations were fully satisfied, so that must be some error.

Then Mr. Archer, at page 693, Questions 24511 to 24513, said that the "Titanic," when she left, fully complied with all the Regulations and Rules of the Board of Trade, and, as far as he knew, with Lloyd's Rules too.

The root error of Mr. Edwards' calculation, I think is - it is difficult quite to put one's hand on it - that he has taken the moulded depth of the "Titanic" as 45 feet, whereas in truth and in fact it was 45 feet 1 1/2 inches, and it looks uncommonly like one of his 1 1/2 inches. The reason why I think my friend has gone wrong in his calculation is this. I will show your Lordship a series of figures which were submitted for the purpose of obtaining a freeboard, the approximate figures arrived at by calculation before the ship was finished. When the ship was in fact finished, and the actual calculations were applied to the actual measurements of the ship, the differences, which were worked out to a few inches - this 1 1/2 inches is one of them - resulted in the figure which I have given you, and I think Mr. Edwards must have based his calculation on the assumed figures and not upon the actual figures at all.

Now, if I may turn to these which refer to the correspondence - there are two volumes of it - one is called "Collision Bulkhead," which I daresay your Lordship has -

The Commissioner: Yes.

Mr. Laing: On page 2 of that document you will find a very complicated calculation which I think Mr. Edwards has taken as a basis for his own calculation. Your Lordship will see that they are assumed figures and work out at a result different from the result arrived at on the actual measurements of the vessel which I believe the Board of Trade have.

Now, if I may refer to some at all events of the figures which differ to a small extent. It is headed, "The Olympic," there being a note on page 1 of this volume to this effect, "The steamship 'Titanic' and the steamship 'Olympic' were sister ships, and the points raised in connection with the construction of the latter applied equally to the 'Titanic.'" On page 2 Mr. Archer is sending a letter to the assistant-secretary of the Marine Department, and he is giving a series of calculations for the purpose of arriving at the upper deck of this vessel, and he starts by saying, "Draught 34 feet 9 inches." The loadline of this vessel was 34 feet 7 inches, so there is a variation at once. The freeboard to upper deck is given as 10 feet 9 inches, making 45 feet 6 inches. Then the moulded depth is taken as 45 feet, whereas in truth and in fact the moulded depth was 45 feet 1 1/2 inches, which again would, I should imagine, disturb this calculation.

The Commissioner: This letter was written long before the vessel was completed.

Mr. Laing: This is on the 30th April, 1910.

The Commissioner: And she was not completed until 1912.

Mr. Laing: No, and I am told - of course, no evidence has really been directed upon this point, because it has not been raised - that when you make these calculations on assumed or designed measurements, they are very apt to, and do, vary from the actual measurements taken of the ship when completed - by small figures, but they do vary, and vary sufficiently to upset this very nice calculation. My friend, Mr. Edwards, calculating with all the errors which I am pointing out on these figures, has only made a difference of 1.06, I think he said.

The Commissioner: That is right.

Mr. Laing: 1.06 inches.

The Commissioner: He said 1.06 was quite sufficient to bring it over the line.

Mr. Laing: Yes, that is what his point is, that she was 1 inch or something below the requirements of Table C.

The Commissioner: And therefore the deck ought to have gone up?

Mr. Laing: Yes. It is all very well for Mr. Edwards to say so, calculating the best he can, but when your Lordship has Mr. Archer, the Senior Surveyor, and Mr. Carruthers, the gentleman at Belfast, all saying that is not true, and that in fact she exceeded the requirements of Table C instead of being under them, there is only one possible conclusion on the evidence as it stands, that Mr. Edwards is wrong, and I am pointing out how he is wrong.

I have had supplied to me, which I believe came from the Board of Trade, the corrected figures in red of these black calculations, and if one works them out you arrive at the actual freeboard assigned to this vessel and the actual figures required under Table C, of 10 feet 11 1/2 inches.

The Commissioner: Is the 10 feet 11 1/2 inches in lieu of the 11 feet?

Mr. Laing: Eleven feet 1 inch.

The Commissioner: There is no 11 feet 1 inch.

Mr. Laing: Mr. Edwards' figures are that Table C requires a freeboard of 11 feet 1 inch. I say that is wrong. In truth, Table C requires a freeboard of 10 feet 11 1/2 inches.

The Commissioner: And the 10 feet 11 1/2 inches, what figure is that represented by in the letter of 30th April, 1910?

Mr. Laing: That is represented by a figure of 10 feet 9 inches, I think - minus 5. Your Lordship will see it is a most elaborate calculation.

The Commissioner: What do you say that ought to be?

Mr. Laing: It ought to be, in truth, 10 feet 11 1/2 inches, the requirements of Table C.

The Commissioner: Then, if 10 feet 11 1/2 inches is right, instead of requiring the deck to go up above E, it might conceivably have been taken some very short space below deck E, or deck E might be lowered.

Mr. Laing: Yes, your Lordship will observe an error in Mr. Edwards' theory. He says the

actual freeboard assigned was 10 feet 11 1/2 inches. If you take that 10 feet 11 1/2 inches it is simply equal to the requirements of Table C, but the real freeboard assigned was 11 feet 2 1/2 inches. Therefore she exceeded the requirements of Table C by 3 inches. Everybody is agreed that that is true.

The Commissioner: The actual freeboard is what?

Mr. Laing: 11 feet 2 1/2 inches.

The Commissioner: Where do you get that from?

Mr. Laing: I prove that by showing, as I just have done, that Mr. Carruthers said that she was 3 inches in excess of Table C Regulations.

The Commissioner: But some calculation was put before me which I never understood and do not understand now.

Mr. Laing: I can prove it in a sort of way, but it is very difficult.

The Commissioner: I suppose Mr. Edwards' contention involves saying that the freeboard certificate is wrong.

Mr. Laing: Yes, it must do.

The Attorney-General: The point I am going to take with regard to that is this: I am not going to repeat one word my friend, Mr. Laing, has said. I have sufficient confidence in Mr. Laing from experience, and I am quite certain when he has done with it he has said all there is to be said on the technical aspect of it; but the point to which I shall direct attention is this. As I understand my friend, Mr. Edwards' contention, this is not a charge of negligence against the Department of the Board of Trade. It is a charge, if it means anything, against one particular official of the Board of Trade. I am drawing the distinction, which your Lordship will appreciate, between saying the Board of Trade is negligent in not framing regulations for certain purposes, and saying that the Board of Trade has framed regulations and proper regulations, but a particular official has not in this case carried out those regulations. Of course, there is all the difference in the world between the two charges. The second is the charge which is to be gathered from what my friend, Mr. Edwards, has said, that is to say his whole contention is that "these regulations are quite right and proper. I make no attack upon them - indeed, I rely upon them."

The Commissioner: That is Table C.

The Attorney-General: Yes, he says they ought to have been carried out, and in this particular case they were not carried out, and he says there was no discretion to be exercised by the Surveyor. Your Lordship will remember there was a little discussion as to what was the meaning of these Regulations and suggestions, and obviously the answer was that if there was any discretion left to the Surveyor no attack could be made upon the exercise of that discretion. If there was - and it seems to me really that is all that results from it so far as I have been able to follow this point which really was made for the first time when my friend, Mr. Edwards, came to address your Lordship -

The Commissioner: I doubt whether it was Mr. Edwards' point.

The Attorney-General: I doubt it, because he did not succeed in making it clear, and I am not quite sure that he fully grasped the meaning of the point and the calculations which would have to be made. But I certainly would admit this, that he indicated the point when both Mr. Archer and Mr. Carruthers were in the box, and then he asked for correspondence about it. Your Lordship will remember I said the correspondence should be produced, and it was produced, and it is that correspondence to which my friend is referring. The point I want to make is this: From the moment that my friend had the correspondence he has never put a single question, or asked to put a question, to either of the witnesses, whichever it may be, against whom he is making this charge of negligence.

The Commissioner: It is said they did not get the correspondence in time to examine it and to put the questions.

The Attorney-General: I quite agree that my friend had not it at the time; but when he asked for it it was produced, and I do think it is a matter for comment that if he meant to charge either of the two gentlemen who spoke upon this matter with dereliction of duty founded upon the correspondence, at least the point ought to have been put to him.

Mr. Laing: While Mr. Wilding was recalled.

The Attorney-General: Yes. It is very difficult, of course, to see exactly at all times what was in my friend's mind on this point.

The Commissioner: Whom do you call your friend now?

The Attorney-General: Mr. Edwards.

The Commissioner: Oh!

The Attorney-General: My impression, from what took place, is that when the correspondence was produced there was an end of the point. I had no notion that when my friend came to address your Lordship he was going to say that Mr. Carruthers had made some miscalculation, which had never been put to him. That is the difficulty I have; it is all based upon an argument and upon calculations which have not been put to the witness who is involved.

The Commissioner: Mr. Laing is demonstrating - I cannot say in such a way that I can understand - that Mr. Edwards' calculations were wrong. I know that Mr. Edwards' calculations have been wrong in other respects, and that may be some evidence that they are wrong in this, but I do not profess at present to understand them.

The Attorney-General: Neither do I.

The Commissioner: Do you understand them, Mr. Laing?

Mr. Laing: Very indifferently, my Lord. There is very little information to be gleaned out of this book about these matters.

The Commissioner: I shall not be at all offended if you give me a candid answer, but do you think you are ever going to make me understand them?

Mr. Laing: On the material before your Lordship, so far as the figures and calculations are concerned, I certainly do not, because I have not the means of putting the calculation before you; it is not on the evidence, but I have the results of the calculations in evidence. I pointed out that the freeboard exceeded by 3 inches the requirements of Table C, and all these gentlemen from the Board of Trade have been called, and say that every regulation was complied with. Your Lordship has the certificate which was handed in at a very early stage of this case - the certificate of the freeboard of this vessel; and it is astounding, it is monstrous to think that this vessel should have been allowed to go away with her bulkheads a deck below where they ought to be. That cannot be conceived.

The Commissioner: Have the underwriters paid on the policy?

Mr. Laing: I believe they have.

The Commissioner: I do not think they can get their money back.

Mr. Laing: Your Lordship is asked to find this vessel unseaworthy on no evidence at all except on a calculation the factors of which I have showed are not correct. I have a method which has been shown to me of demonstrating how my 11 feet 2 1/2 inches is correct.

The Commissioner: Do you question 11 feet 2 1/2 inches, Mr. Pringle?

Mr. Pringle: If you had permitted me earlier, my Lord, I was going to explain that it was not really now in dispute - at least, so far as I am concerned.

The Commissioner: Then I am sorry I did not ask you earlier. Does that correction disturb Mr. Edwards' calculation?

Mr. Pringle: I think it does. Mr. Edwards was not quite sure himself, I think.

The Commissioner: That is a very candid and a very fair admission, and I really do not think, after that, we need go any further on this point.

Mr. Pringle: If your Lordship will allow me to make an explanation -

The Commissioner: Certainly.

Mr. Pringle: The only figures before these were the figures in the correspondence.

The Commissioner: That is, the black figures in this letter.

Mr. Pringle: Yes, and we thought it only right to test those figures to see exactly on what basis a new freeboard had been assigned to this vessel, because undoubtedly the new assignment of freeboard was a matter of considerable consequence, as it was going to make a difference in respect of the decks or deck to which the bulkheads should be carried, as those were the bulkheads which were the vital bulkheads in connection with the vessel, and we thought it right that the matter should be tested.

On the figures given there, a moulded depth of 45 feet and a load draught of 34 feet 9 inches, we found there was a deficiency which has been already mentioned. Then it was stated in evidence - I think it was by Mr. Archer - or it is stated in the correspondence, that a difference was made on the freeboard, and on testing this difference with the figures in the correspondence we found that that was not sufficient to bring it below Table C; and undoubtedly, I think it will be admitted that it was not sufficient on the figures which were used in the calculations.

The Commissioner: Let us assume for a moment that it was not.

Mr. Pringle: If it were not sufficient, then these bulkheads should have been carried to deck D instead of to deck E, and it was with a view to testing that that this matter was gone into, and I think it was perfectly fair.

The Commissioner: I am not complaining of that at all. I only wanted to know about the accuracy now of the contention having regard to the corrected figures.

Mr. Pringle: At the time we tested the calculation we had not the loadline forms in our possession.

The Commissioner: But now you have them.

Mr. Pringle: I have seen the loadline forms.

The Commissioner: Having procured them, are you now satisfied that the requirements only necessitated carrying the bulkhead up to deck E?

Mr. Pringle: Yes, my Lord.

The Commissioner: Then that disposes of that point.

Mr. Pringle: Yes, I think it does.

The Commissioner: Then you need not trouble any more about that, Mr. Laing.

Mr. Laing: If your Lordship pleases. Then I pass on to the next point that was made by Mr. Edwards, which was this. He says the correspondence shows that the Board of Trade objected to the cranking forward, I think it has been called, of the collision bulkhead. They said that the cranking forward between the D and the E decks infringed one of their Rules about the length it ought to be abaft the stem. There was considerable discussion over this matter, and finally the builders, Messrs. Harland and Wolff, said: To get rid of all these troubles we will carry up the next bulkhead abaft it to D deck, instead of stopping it at E deck. The Board of Trade thought that was a reasonable and proper suggestion, and they finally confirmed it and accepted it, and stepped it aft; and arranged it as it is now arranged. There can be no complaint about that.

The Commissioner: I am advised that that was quite a reasonable and proper thing to do.

Mr. Laing: If your Lordship pleases. Then I pass away from that. The next point was, that having raised this second bulkhead abaft the stem up to D deck the Board of Trade raised difficulties, or rather suggested difficulties, that the spiral stairway in the No. 1 hatchway ought to be trunked up. There was some considerable correspondence and discussion about that, and

finally Messrs. Harland and Wolff said to the Board of Trade: We will send you a calculation which will satisfy you that if these two matters are not done which you are pressing for and which will inconvenience us - we will satisfy you that the ship cannot possibly hurt in consequence; in other words, that the result will be negligible. They sent their calculations; the Board of Trade considered them and accepted them; and said: "We are satisfied that our previous point was negligible and we abandon our objection." In consequence, the firemen's stairway was not trunked up and the hatch was not trunked up with the full approval of the Board of Trade. How does the matter stand with regard to this? Mr. Edwards pressed Mr. Archer with a view of establishing that if his suggestions to trunk up these two places had been carried out the ship would never have sunk.

The evidence about that is absolutely conclusive. Mr. Archer, at page 693, Question 24452, said the non-trunking had absolutely no effect at all upon the loss of this vessel, and he said the same thing at 24454, two questions lower down. Mr. Wilding's evidence at page 518, Question 20384, is to the same effect. At page 806 of Mr. Edwards' argument he says that Mr. Archer, in answer to him, had said that if this trunkway had been fitted it would have had a very different effect, the suggestion being that the sinking of this vessel might have been saved. You will find that about the middle of the right-hand column on page 806: "You remember, perhaps, my Lord, that Mr. Archer, who had made this recommendation, gave certain evidence, and he stated in reply to a question of mine, that he thought, in the light of the 'Titanic' disaster, it would have been very much better if these requirements at that time had been insisted upon." That is a complete misconception of the answer of Mr. Archer, as one can see if you refer to it on page 693, Question 24457 - your Lordship had better, perhaps, in order to appreciate my point, read again the answer at the top of page 693 too. He is asked what bearing the trunking had on the sinking, and he says: "Not the very slightest effect. (Q.) You do not think so? - (A.) Not the very slightest." Then at 24457 Mr. Edwards presses Mr. Archer, and the witness told him why he did not insist on this trunking being done; and at the bottom of that answer, 24457, Mr. Archer says this: "And when I had ascertained myself that the top of *this* bulkhead would then be 15 1/2 feet above the water, I felt I had insufficient ground for insisting that that should be done, and withholding the declaration." Then follows the question about which I consider there is a great misconception. Mr. Edwards says: "24458. Now, in the light of what has happened to the 'Titanic,' do you think that your view was the best one, or the builders' view was the best one? - (A.) I think that my view was the only right one within our powers under the Merchant Shipping Act." What Mr. Archer obviously means is that in his view he should give way, having had this calculation put forward - that having studied it, he was bound to give way under his powers under the Merchant Shipping Act. But Mr. Edwards has misconceived that answer, and has considered that it means that Mr. Archer on reflection thinks that he was wrong in giving way. That cannot be so in the light of the question which I have just read, 24452, where he says it had not the slightest possible effect on the sinking. I think there is a misconception there.

My Lord, I think I have dealt with the points raised by Mr. Edwards in his argument, with the exception of one, and I will deal with that very shortly, because your Lordship has sent, as I understand, to the other Committee the question of whether bulkheads should be led up to a watertight deck. Your Lordship remembers the argument about that. Some passage was quoted from the Memorandum of the Board of Trade to the Bulkhead Committee and the Report of the Bulkhead Committee of 1891, in which the expression is used: "The bulkhead shall be carried to the bulkhead or watertight deck." Mr. Archer says: I need not trouble your Lordship with the references about this - that the wording of that Memorandum has always appeared to him to be inaccurate, and that in point of practice these vessels, in the mercantile marine at all events, never have a watertight deck; and that they do not apply that part of the recommendations of the

Bulkhead Committee which says the bulkheads ought to be taken up to a watertight deck. They do not do that in practice, and have never done it; and, therefore, as the recommendation of the Bulkhead Committee is only a recommendation and not statutory at all, the Board of Trade are perfectly within their powers in not enforcing this so-called watertight deck, which they do not believe was intended to mean what it apparently does mean. Mr. Archer thought it meant watertight from above; Mr. Edwards thought it meant watertight from below; and having engaged in a discussion over the matter for some hours your Lordship determined to send the matter to the other Committee in order that it might be discussed and perhaps decided there. So that I do not think I need say anything more about the watertight decks.

Now, the last point I have to deal with is the question which your Lordship asked me to look up, whether if the bulkhead between No. 4 and 5 boiler sections had been carried to C deck the "Titanic" would have remained longer afloat, unless it is true that the No. 4 section was holed to such an extent that the pumps could have kept the water down. My Lord, I have looked carefully into the evidence upon this point, and so far as I can see there is no direct evidence except perhaps an answer by the Attorney-General, when the question was being asked, that he thought probably the vessel might have floated.

The Attorney-General: I do not think I did say it. It says so, I know, but I did not say it.

The Commissioner: Was the Attorney-General giving evidence?

Mr. Laing: I think he was, my Lord, on this occasion.

The Attorney-General: I do not think I can have said it, because I certainly would not know it.

Mr. Laing: It is on page 518, Question 20372: "(*The Commissioner.*) If it had been carried up to C deck the ship would have been saved, or might have been saved? - (*The Attorney-General.*) Yes, I think it would."

The Attorney-General: It must be wrong.

Mr. Laing: I hope I have now justified the charge which I brought against the Attorney-General.

The Attorney-General: I think the last thing on which I would venture to give an opinion is as to flotability. That is wrong.

Mr. Laing: Mr. Wilding has put in, as your Lordship knows, what has been called the flooding plan, which is a very elaborate and most ingenious plan, showing the flooding of the various compartments; and as the Attorney-General disowns this answer, which he has given, I took the opportunity of getting Mr. Wilding to answer it. It is not in the evidence, but it is on the plan, and Mr. Wilding's answer is that had the bulkhead in question been carried up to C, as your Lordship's question suggests, the ship might have floated six to twelve hours longer. That is the answer.

But I should like to point out in that connection that there is no reason I can see, nor has any reason been suggested during the course of this case, why that particular bulkhead should have been carried up to deck C, because it is in violation of the whole scheme of the design of the ship. And if you carry up the watertight bulkheads to deck C, as Mr. Wilding has pointed out, the ship as a commercial object becomes of very little use, because they want to have deck C free. Your Lordship will remember - I need not trouble you with the reference - that Mr. Wilding said that they would not be able to supply the exits which were required by the Board of Trade for emigrant vessels and so forth if these bulkheads were carried up to deck C. I have answered that question so far as I can; it is one of the questions upon which there is no evidence, but a plan and the answer which I have read, and that is the only answer I can give, namely, what Mr. Wilding has told me. I do not want to go into the matter because it has been gone into more than once. The evidence shows that No. 4 boiler section was holed, and that water was rising into it from the skin of the ship. That is the result, I submit, of the evidence which I read to your Lordship of

Dillon and Cavell, who both were in that particular compartment and who spoke to the water rising. My Lord, I do not think there is anything further I have to say.

The Commissioner: The Witness said nothing about the locality from which the water came.

Mr. Laing: I think that all came out. I did not say anything about it because Mr. Wilding went into it fully when he was in the box. There was no cross-examination in my remembrance of anything he said about it. I can give your Lordship the reference to the passage.

The Commissioner: Do so, please.

The Attorney-General: Is your Lordship's question directed to No. 4 or generally?

The Commissioner: No. 4, I think.

Mr. Laing: I thought your Lordship meant generally.

The Commissioner: No. 4.

Mr. Laing: I will give your Lordship the passage about that. You will find it on page 517, and from Questions 20346 to 20350 you will find Mr. Wilding's view as to whether this compartment was holed or not from his knowledge of the evidence as it had been delivered.

The Commissioner: Just read it, Mr. Laing. "20346: Have you got any theory as to the extent to which the outside of the ship was damaged in No. 4? - (A.) There is a space between the stokehold plate on which the men stand and the tank top, and the inference that I drew from the evidence that was given by Dillon was that an attempt was being made to pump out this water which the engineers found coming in, and that that was the reason why they sent aft. They had only one pump in No. 4 boiler room, and the reason they sent aft for those additional pumps was to get additional pumping power on to No. 4 boiler room, with a view to keeping it down. That would, in general terms, agree with the evidence given by Mr. Ismay as to his conversation with the Chief Engineer, that he hoped to keep it under by pumping. I admit the evidence is circumstantial." Will you go on reading that, please?

Mr. Laing: I will read the next Question: "20347: What I wanted to ask you is this. A difficulty is felt as to how No. 4 could have been injured in the skin of the ship if the wound terminated, as from Barrett's evidence apparently it did terminate, just above the watertight compartment forward of No. 5? - (A.) From a calculation which I will refer to in a moment, I cannot believe that the wound was absolutely continuous the whole way. I believe that it was in a series of steps, and that from what we heard Barrett say in his evidence it was the end of one of the series of wounds which flooded the different spaces; that before the ship finally cleared the iceberg as the helm was put over she would be tending to swing her side into the iceberg, and that a very light contact was made in No. 4. It seemed very probable, quite apart from actual direct evidence of the fact; that is, that after the ship had finished tearing herself at the forward end of No. 5, she would tend to push herself against the iceberg a little, or push herself up the iceberg, and there would be a certain tendency, as the stern came round to aft under the helm, to bang against the iceberg again further aft. (Q.) Is the ship broadening at all as far aft as that (*Pointing to the model.*)? - (A.) Practically parallel." Then your Lordship asks him about Cavell's evidence at 20349: "If this evidence of Cavell's is correct, do you draw the inference that in some way or other there was an injury to the skin of the ship as far aft as the No. 4 boiler section? - (A.) I believe that to be correct the whole body of evidence tends that way, Barrett's in particular. (Q.) If the double skin had been carried up higher" - and then it passes off to another point. Your Lordship remembers the evidence quite generally, that they were pumping in No. 4, and that they brought a section of some pipe from aft in order to couple up, as Mr. Wilding thought from the evidence, and pump from No. 3 section, so as to increase the pumping power on that particular division, and that they were pumping up there until practically the last, because, as Dillon and Cavell say, the water was rising as they left. Would your Lordship like me to read Dillon's and Cavell's evidence again?

The Commissioner: No, I think not. Now, Mr. Dunlop, how long do you think you will take to convince us that the "Californian" did not see the "Titanic's" lights?

Mr. Dunlop: I think, my Lord, I will take about two hours.

May it please your Lordship, I am instructed by the Leyland Line, the owners of the "Californian," to appear on their behalf and on behalf of the Master, and I desire at the outset to express on their behalf their profound regret that the "Californian" was unable to, or did not render any assistance to the "Titanic." If, when they heard of the loss of the "Titanic," they had also learned that the "Californian" had either been the means of saving some of those whose lives were unfortunately lost, or had been the means of relieving the sufferings of those who by a merciful providence, were saved, it would, my Lord, have been a great source of consolation to them. I do not desire for one moment, nor is it their intention that I should, in any way minimise the importance of the duty which, in accordance with the best traditions of the sea, rests upon the masters of all ships, to render, if they can, assistance to others who may be in distress. My Lord, I think I might be allowed to read a telegram, which I find in "Lloyd's Weekly Shipping Index," which the Leyland Line sent to the "Californian" as soon as they heard of this disaster, because it shows what their attitude was towards the "Titanic": "The Leyland Company" - the telegram reads - "have instructed the Captain of the 'Californian' by wireless telegraphy to remain near the scene of the wreck and render whatever aid is possible until he is relieved or until his coal supply runs low." My Lord, this shows their desire and their anxiety that the "Californian" should render whatever assistance was at that time possible. If the "Californian" had rendered any assistance to the "Titanic," not only would she have been rendering a service to humanity, but she would also have been rendering a service to the owners themselves, because the "Californian" and the "Titanic" both belonged to the same great International Mercantile Marine Company. So much, my Lord, for the owners.

Now, I wish to say a word on behalf of myself, because although I have been present very rarely during the course of this Enquiry some of my friends who have been present have told me that my position as an advocate for the "Californian" is not altogether an enviable one, and I appreciate that in addressing your Lordship now, I am to some extent appealing from your Lordship to your Lordship, because I have seen from time to time the observations that have been made with reference to what has been compendiously called the "Californian" incident. My Lord, all I desire is, if I may be allowed, with your Lordship's permission, to put before you a number of considerations which I ask your Lordship to entertain, and to give them whatever weight your Lordship may, on reflection, think they deserve. And the first submission which I have to make to your Lordship is that the vessel whose lights or whose rockets were seen by those on board the "Californian" was not the "Titanic," and the vessel whose lights were seen by those on board the "Titanic" was not the Californian," and I hope to satisfy your Lordship that the evidence, in whatever way the evidence is tested, leads to no other conclusion. My Lord, may I first deal with the position of the "Californian" herself, and invite your Lordship's attention to the logbook. According to the logbook, the "Californian" was lying stopped in latitude 42 degrees 5 minutes North, which is admitted to be about 20 miles North by East of the place where the "Titanic" had struck the iceberg. This position was given by the Master at Question 6704, and while the Master was in the witness-box no one challenged the accuracy of that position. It was fixed by dead reckoning, and verified from time to time by observations. In the first place, there was the observation at noon. I have a chart here, my Lord, in which I have traced the course of the "Californian" back from the position at which she was lying stopped, and I should like to hand that up to your Lordship in order that your Lordship may compare it with the corresponding track of the "Titanic" at the various times. (*The chart was handed to his Lordship.*) That is the chart I have prepared for my own guidance I have not another copy, but I

have a rough copy here which will enable me to explain. Your Lordship will see the noon position, 42.5 North and 47.25 West.

The Commissioner: Is this document that we have had handed in the log or a copy of the log?

Mr. Dunlop: My Lord, it was the original log that was produced by the witnesses. If it is the same log it would be the original.

The Commissioner: It appears to be all in the handwriting of the mate.

Mr. Dunlop: The Chief Officer. He was the man who said he wrote up the log.

The Attorney-General: He wrote it up from the scrap.

Mr. Dunlop: He wrote it up from the scrap log, in which was entered at the time the various entries which were subsequently copied into the log before your Lordship. The first observation that day appears to have been taken at 9.40 a.m., latitude 42 North, longitude 47 West. Your Lordship will see that at that time is also recorded a reading of the patent log. The log showed 47 1/2 miles. It does not appear on this day when the log was set. At 9.55 the course is altered, and at noon observations are taken by the officers on the bridge, verified by the Master, and her position fixed at 42.5 and 47.25, as recorded in the log. From there a course of South 89 true is set, practically true West.

The Commissioner: Where do you get that from?

Mr. Dunlop: That is from the evidence of the officer as to the deviation on the steering compass North 59. 9.55, altered course at noon North 61 degrees West, equivalent to South 89 degrees true, practically true West.

The Commissioner: Where is the variation?

Mr. Dunlop: The variation you will find in the log, 24 3/4 West.

The Commissioner: Where is the deviation?

Mr. Dunlop: That is given in the evidence of the officer on page 158.

The Commissioner: Read it.

Mr. Dunlop: It is Question 6782. "(The Attorney-General.) What variation? - (A.) The variation that day at noon was 24 3/4. She was about 24 when we were stopped."

The Commissioner: Where is the deviation?

Mr. Dunlop: The deviation would be about 2 E., making an error of 22 W."

The Commissioner: Is there no book in which the deviation would be recorded?

Mr. Dunlop: Yes, I think there would be.

The Commissioner: Where is it?

Mr. Dunlop: I have not got it. I believe it is kept on board the ship. I can get it, no doubt. This point was not challenged.

The Commissioner: I daresay it was not. It is only that I want the gentlemen who advise me to follow what you are saying.

Mr. Dunlop: The Master has translated his compass course into the true course, enabling me to lay it down upon that chart. North 61 degrees West by compass corresponds to South 89 degrees true. No doubt he had the information before him which enabled him to translate it. And that is the course which you would expect it to be. It is about the course the "Titanic" herself was on - a course of about true West. That was the course in fact made good. Whatever the course steered was is made clear by the observation taken at 7.30 that evening. According to the evidence of the Chief Officer, at Question 8798, he took, at 7.30 in the evening, an observation of the Pole Star, which gave him his latitude. That latitude is shown on the chart before your Lordship, and it was as a result of the observation which he then got that he corrected in his logbook the 6.30 position, which he had already communicated to the "Antillian" and to the "Titanic." At 6.30, if your Lordship will be good enough to look at the log, it is recorded that they passed two large icebergs in latitude 40.5 North and longitude 49.9 West. I have to give the deviation on a South-

South-East heading because it is to that heading that the question of the Attorney-General is directed. The deviation would probably be entirely different upon a westerly course. I am on the question of the course now.

The Attorney-General: It is for the purpose of distance.

Mr. Dunlop: I must get both.

The Commissioner: You have not at present satisfied the gentlemen who are with me that the course that you have marked on this plan is the course that you were making.

The Attorney-General: May I see that plan? I have not had a look at it yet - because we have some evidence from the Captain himself who drew this course. (*The plan was handed to the Attorney-General.*)

The Commissioner: You will see what it leads to. There is a straight red line, and if you take the straight red line along to your left you will see it is just over the spot where the "Titanic" is supposed to have sunk, and it is said that is a distance of 20 miles.

Mr. Dunlop: At least 20 miles.

The Commissioner: But then, you know, the Admiral, who sits on my right, tells me that the information to be obtained from the log does not enable anyone to lay down that track.

Mr. Dunlop: That is quite obvious.

The Commissioner: And the deviation does not give the course.

Mr. Dunlop: The reason for that is that the course which was mentioned in the log is the course by compass, and until your Lordship has the deviation book you cannot obtain the magnetic course.

The Commissioner: I am told that there ought not to be a log of this kind without the error of deviation being put down.

Mr. Dunlop: There is no column in it, that I can see, for entering the deviation, I think. There is a column for the variation, which is recorded.

The Commissioner: Is it not as a Rule put in the remarks column?

Mr. Dunlop: Sometimes it is, my Lord. I do not know whether it is done on board the "Californian." The logbook will show that.

The Commissioner: Apparently it is not done on board the "Californian."

Mr. Dunlop: Apparently not.

The Commissioner: It was not done on this occasion.

Mr. Dunlop: Your Lordship has the logbook, is it recorded on any other occasion?

The Commissioner: I am sure I do not know. This logbook, I presume, only refers to this voyage; that is so, is it not?

Mr. Dunlop: My Lord, I have not seen the original. I think if any question was to be raised about the course -

The Commissioner: I am sorry I have to interrupt you again for a moment, but are you going to say that you saw the signals or did not see them?

Mr. Dunlop: We saw certain signals.

The Commissioner: Are you going to say that they were or were not distress signals?

Mr. Dunlop: I am going to say that they were not distress signals; if they were distress signals they were not signals from a vessel herself in distress; or if they were distress signals from a vessel in distress that vessel was not the "Titanic."

The Commissioner: That may be. Were they, according to you, distress signals?

Mr. Dunlop: No, my Lord.

The Commissioner: What were they?

Mr. Dunlop: They were supposed to be private night signals.

The Attorney-General: The evidence is all against that.

Mr. Dunlop: I will deal with the evidence.

The Commissioner: You will have a great deal of difficulty in persuading me of that. If they were distress signals, whether they came from the "Titanic" or not, you ought to have made for them.

Mr. Dunlop: It does not concern me whether they were distress signals or whether they were not, for the moment. What concerns me is, were they the signals of the "Titanic"? If they were not the signals of the "Titanic," we do not know what signals they were, or why they were fired, until we have the vessel which fired them.

The Commissioner: I know that; if they were distress signals - you say they were not, but that they were some sort of ship's signals, whatever that means - if they were distress signals, you know, you ought to have made for the lights.

Mr. Dunlop: I will deal later, my Lord, with the circumstances under which these lights were seen, and I hope to satisfy your Lordship, when the time comes, that assuming the signals were what these men believe them to be, they did nothing wrong in remaining where they were until daylight.

The Commissioner: Where is the deviation table?

Mr. Dunlop: It ought to be on board the ship.

The Commissioner: I know where it ought to be - but I am asking where it is. Have you not thought it worthwhile to ask for it?

Mr. Dunlop: No, my Lord, because I asked the Master -

The Commissioner: Because I am told that you cannot get the course accurately unless you have it.

Mr. Dunlop: I asked the Master to translate his compass course into his true course. He did so, and I have no reason to doubt that he did so accurately. If there is any doubt about it, we will send for the deviation book and ascertain.

The Commissioner: But you know it is as necessary it seems to me, to have that table, as it is to have the log.

Mr. Dunlop: Yes, my Lord, but the log was put in and the deviation book was not.

The Commissioner: Why did not he come provided with the other book?

Mr. Dunlop: My Lord, I will deal with that later. He did not come provided with anything. He did not even come with his logbook - the logbook had to be sent for - he came as a witness to give evidence on other matters, entirely.

The Commissioner: Where is this table at present?

Mr. Dunlop: My Lord, we will communicate with Liverpool and ascertain where the table is.

The Commissioner: You had better telegraph for it.

Mr. Dunlop: We will telegraph for it, my Lord.

The Commissioner: So that we may have it here tomorrow morning.

Mr. Dunlop: If it can be got, my Lord, it will be got. If I may continue, your Lordship has the noon position, your Lordship also has the latitude communicated to the "Antillian" and the "Titanic" by wireless telegraphy at 6.30 in the evening. Your Lordship also has the observation, taken by the Chief Officer, of the Pole Star, at 7.30, all agreeing in the latitude 42.5 North, which is only consistent with a course of about West true; and the vessel at that time is steaming full speed, making something between 11 and 12 knots, and from the 7.30 position she runs until 10.21, when she stops owing to the ice.

There is no record in the log of any alteration of course between 7.30 and the time when she stopped, nor is there any suggestion that she did alter her course, between these times. My Lord, these were recorded at the time in the scrap log according to the evidence and copied into the log from the scrap log. They appeared in the scrap log long before the "Titanic" was lost - several

hours before the "Titanic" was lost and, therefore, before there was any inducement whatever to those on board the "Californian" to make their log appear as if their vessel was further North than she in fact was. It was not suggested to the Master or the officers of the "Californian," nor are there any grounds for the suggestion, that the log before your Lordship has been "cooked." The log on the face of it appears to be a perfectly genuine log.

The Attorney-General: I think you are putting that too high - you say there is no suggestion.

Mr. Dunlop: No question was put, my Lord, to the Master.

The Commissioner: Just a moment, please. The scrap log is gone.

Mr. Dunlop: The scrap log is gone, and the explanation of that was given by the witnesses when they were asked about it.

The Commissioner: And as far as I remember it was given in a way that satisfied me that it had gone.

Mr. Dunlop: Yes, your Lordship was satisfied at the time.

The Commissioner: Yes, I thought so. The log places the latitude when the bergs were passed two miles further North, and therefore two miles further away from the "Titanic" than the message places them.

Mr. Dunlop: That is so, and the explanation of that is this -

The Commissioner: Why should you make your log show a position two miles further North?

Mr. Dunlop: The explanation, my Lord, of that is this, that the bergs were passed at 6.30. At 7.30 the observation was taken which enabled them to check their latitude. At 7.30 they found their latitude to be 42.5 North.

The Commissioner: That was the Pole Star observation.

Mr. Dunlop: That was the Pole Star observation at 7.30. 6.30, an hour before, was the time when they passed the icebergs and when they communicated the position of these icebergs to the "Titanic" and the "Antillian" they communicated 42.3 North.

The Commissioner: They did.

Mr. Dunlop: The explanation of the Chief Officer was that his 7.30 observation enabled him to ascertain that the 6.30 position was wrong by two miles.

The Commissioner: So that you say he entered up the log later on and entered it up as he thought correctly.

Mr. Dunlop: Yes, he entered it up correctly. From the 7.30 position, running as they say they were running at nearly full speed takes them at 10.21 to the place where they stopped - into the position which is recorded in the log as 42.5 North and 50.7 West. My Lord, I submit that the Master of the "Californian," if he is to be judged at all, must get the benefit of his logbook, which, after all, is not his log. It is the log kept by the Chief Officer, a person whose conduct is not in any way the object of this Enquiry and who is not concerned in the result of what your Lordship's views may be. We are dealing now with the Master, and I submit the Master is entitled to have his conduct judged, amongst other things, in the light of what is recorded in the Chief Officer's log. But that is further confirmed by what appears in the entries on the following morning. If you test it, my Lord, by the distance which he ran from 6 o'clock in the morning, when he heard of the "Titanic's" loss, until 8.30, when he came up to the "Titanic's" position, your Lordship will see that he must have run a distance very considerably over 20 miles.

The Commissioner: Can you tell us what course he was making?

Mr. Dunlop: He told us, my Lord, in his evidence. He steered various courses to the South-West, and then he carried down along the edge of the ice-field, turned round and steered West.

The Commissioner: But the number of miles that he made in a bee-line towards the "Titanic" cannot be ascertained from that.

Mr. Dunlop: My Lord, he steamed, in fact, something over 30 miles the next morning, making

allowance for the fact that he did not go by the direct route.

The Commissioner: Where is the evidence of that?

Mr. Dunlop: That is the evidence of the Master, Captain Lord.

The Commissioner: Yes, I daresay; he said so, but I would like you to refer me to it, and then tell me why it is not to be found in the log.

Mr. Dunlop: Because you would not expect to find it there.

The Commissioner: Would not you expect to find the course that he was making, and would not you expect to find the speed?

Mr. Dunlop: My Lord, he tells us what he was doing; he tells us in the log what he is doing. He is proceeding slowly to a position given, latitude 41.46 North, "proceeding slow, pushing through thick field ice, cleared the thickest ice, proceeding full speed, pushing ice." He is steering various courses.

The Commissioner: I daresay he is, but would not you expect to find in the log some information as to the courses that he was steering, and some information as to the speed at which he was going?

Mr. Dunlop: I would not expect to find any record of his speed. If he was going various courses I would expect to find that recorded, and we do find that, because we find under the column "Course" - "Course various," which is in accordance with the evidence which he gave, and it is not until 11.20, when he proceeds on his real course, that he states what that course was. My Lord, according to the log, he is running for 30 minutes slow through ice, and for 2 hours at full speed, which he said was about 13 knots, his engineer reported to him that it was 13 1/2 knots. Making allowance for the fact that he was not able to proceed direct to the "Titanic's" position, but had to go round the edge of the ice-field, it confirms the statement in my submission that he was at least 20 miles to the northward of the "Titanic's" position. Your Lordship asked me if he had stated in his evidence the distance which he ran the next morning. I see that is at Question 7378: "How many miles had you, in fact, to steam to get to the place where the wreckage was found? - (A.) I should think 30 miles at the least." But apart altogether from the question of speed, judging it from the record of the interval of time that there was between his position and that of the "Titanic," that is 2 1/2 hours' steaming from the "Titanic's" position - if there is one point on which all the evidence agrees it is this, that as soon as they did hear of the "Titanic's" loss they with all speed went to her assistance. They went in the direction reported by the "Carpathia," and did so at full speed. If you allow for 2 hours at full speed and 30 minutes at slow, and her full speed is something like 13 knots or 13 1/2 knots, I submit, my Lord, it follows that the position recorded in the log as the place where the "Californian" was stopped must be approximately accurate.

The Commissioner: That is about 20 miles North of the place of the disaster.

Mr. Dunlop: North by east of the place where the "Titanic" struck. I invite those who assist your Lordship to check the logbook. We will send for and get if we can the deviation-book, and I submit that the logbook will bear that investigation and will establish that the "Californian" was, in fact, in the position which her log records. That also, my Lord, is corroborated by the distance which you would ordinarily expect to find between vessels bound respectively to New York, as the "Titanic" was, and to Boston, as the "Californian" was, at the 50th Meridian of longitude. You would expect to find them at about 20 to 30 miles apart, if they were both steering the course to the port to which each was respectively bound. If the log is approximately right, it follows that neither vessel could possibly have been at any time in sight of the other. They were separated by so great a distance and so great an interval of time that the "Californian" could not possibly have been of any assistance had she steamed to the "Titanic" as soon as the "Titanic" struck the iceberg. So much, my Lord, for the log.

I further submit to your Lordship that the fact the vessel seen was not the "Titanic" is borne out by what the witnesses from the "Californian" have themselves described as what they saw. And in this connection I think it is important to remember that the witnesses from the "Californian," when they were watching this steamer, had in their minds the "Titanic," because they had shortly before been in wireless communication with the "Titanic." Now, my Lord, what did the witnesses see? First, with regard to the class of vessel which they saw, the Master had her under observation for at least an hour. He said in his evidence that he remarked to the Third Officer, who was standing beside him at the time: "She is not the 'Titanic'; she is not even a passenger steamer." It was impossible to mistake the "Titanic" for the steamer he was seeing. My Lord, that is his evidence at Questions 6724, 6755, and 8197. Stone, the Second Officer, and Gibson, the Apprentice, were the two who were on watch from midnight till 4 a.m. Those were the two witnesses who had this steamer longest under observation, and the better opportunity of judging what she was. They both said in their evidence, and both agreed at the time, when they were watching this steamer, that she had no appearance at all of being a passenger boat. They both agreed to this, my Lord, when they were discussing her, that she was a tramp, and they were looking at her through glasses. My Lord, that is not only their evidence, the views they expressed here, but it is what both say that they expressed to each other at the time they were looking at her, and when, as I say, they had the "Titanic" present to their minds. Stone's evidence you will find at Questions 7863 and 8088; and Gibson's, the Apprentice, at 7545, 7706, 7728, and 7792. Gill, the donkeyman, who your Lordship may remember went forward at the end of his watch to call his mate at about midnight, had a momentary and passing glimpse of a steamer which he associated with the "Titanic," of whose loss he heard next morning. But even Gill, the donkeyman, with his imagination stimulated by what had taken place in New York, could not and did not say that she was the "Titanic." He judged her to be a passenger steamer because of the glare of lights - her saloon lights and her port lights.

The Commissioner: What did Gill say about the vessel that he saw being a tramp?

Mr. Dunlop: Gill did not say so, my Lord.

The Commissioner: What did he say?

Mr. Dunlop: Gill thought she was a passenger steamer.

The Commissioner: What did Groves say?

Mr. Dunlop: I am coming to Groves, the Third Officer. He thought she was a passenger steamer too. I will deal with that in a moment. I have dealt with Stone, the Second Officer; I am now dealing with Gill; Gill thought she was a passenger steamer. He thought so because of her row of deck lights and port lights. And it is important, my Lord, to remember that he says he saw her shortly after 12 o'clock, which was the end of his watch, as he was going forward to call his mate. According to Groves, the Third Officer, whose evidence was the more dramatic of the two, he said he saw the deck lights and this glare of lights go out at 11.40. That is when they disappeared, according to him. Groves, my Lord, at Question 8203, says the lights disappeared at 11.40. Gill, nevertheless, sees them all ablaze, at Question 18136, a few minutes after 12. If Groves is right Gill must be wrong, and if Gill is right Groves cannot be right. So much, my Lord, for Gill. Groves, the Third Officer, was the gentleman who was on watch from 8 till midnight. When he was pressed at the end of his evidence - I will not say by whom - to say he thought it was the "Titanic," my Lord, he answered this.

The Commissioner: Did I press him?

Mr. Dunlop: Your Lordship asked the question.

The Commissioner: I thought so.

Mr. Dunlop: Up to that moment, my Lord, he had not the courage to say that she was the "Titanic," but, thus stimulated, he said this: "From what I have heard subsequently I do, but I do

not put myself forward as an experienced man." That was the best answer, my Lord, he was able to give. Question 8442. My Lord, it is perfectly clear, I submit, that Groves did not think so at the time, because at the end of his watch he went to have his usual chat with the Marconi operator, who was a kind of "Evening News" to him. He went there to find what vessels there were and what news there was, and, according to the operator's version of the conversation which took place at the end of Groves' watch, not a word was said about the steamer which Groves described in the witness-box. He did not mention her - nothing about seeing a large passenger steamer and her lights going out at 11.40. He did not ask: "Is this vessel the 'Titanic'?" or anything of the kind. My Lord, that appears in the Marconi operator's evidence at Questions 9034 to 9050, where the Marconi operator told your Lordship that there was no reference at all by Groves to the steamer which he had seen, and both went off to bed. Groves attached no importance at the time to the vessel which he had seen, and he attached no importance at all to any of the incidents which he described when here in the witness-box; and I submit that his evidence was largely the result of imagination stimulated by vanity. So much with regard to the class of vessels seen.

(After a short adjournment.)

Mr. Dunlop: My Lord, the next point I wanted to deal with was what navigation lights the witnesses from the "Californian" saw. They only saw one masthead light; the "Titanic" had two. The evidence on that point is the Master's evidence, Q. 6805; the Second Officer, Q. 8079; Gibson, Q. 7791; Gill did not notice any masthead lights; the Third Officer said he thought he saw two, no doubt, because he thought that the vessel he was seeing was a passenger steamer; but the Second Officer, Gibson, and the Master were all very emphatic that the vessel which they saw was only exhibiting one masthead light, and they said that if she in fact had been carrying two masthead lights they could not have failed to pick up the second light.

That it was not the "Titanic" is, I submit, also clear from the description which the witnesses gave and the direction in which the steamer they saw was moving. Before 11.40 that night the "Titanic" was steering about due west, and to every vessel to the northward of her she would be showing her green light. The sidelight which the witnesses from the "Californian" in fact saw, or said they saw, was the red light. That is the Third Officer, Question 8228; the Second Officer, 7814; and Gibson, 7425. It may be said that the "Titanic" may have opened her red light after 11.40, when she struck the iceberg, but that is not borne out by the evidence. According to the evidence, she starboarded about two points before she struck the berg, and after her engines were stopped, according to the evidence of her officers, her head did not alter its position at all. The effect of starboarding would not be to open the red light to any vessel to the northward of the "Titanic's" position. Therefore, both before the "Titanic" struck the berg and after, if she had been within sight of the "Californian," it is the green light and not the red light which the witnesses from the "Californian" would have seen.

The Commissioner: Have you this in your mind. Question 6759: "By this time had you been able to detect her sidelights at all? - (A.) I could see her green light then."

Mr. Dunlop: Yes; that is the evidence of the Master.

The Commissioner: Yes, Captain Lord.

Mr. Dunlop: Yes, Captain Lord; but the Third Officer who saw her up till 12; the Second Officer, and Gibson, who saw her from 12 till about 2, described the red light; they never saw a green light.

The Commissioner: Then one or other must be mistaken?

Mr. Dunlop: One or other must be mistaken, but the weight of the evidence is that it was the

red light or different vessels.

The Commissioner: Or the "Titanic" swinging?

Mr. Dunlop: No, it could not be the "Titanic" swinging, because Captain Lord is referring to a period before the "Titanic" struck the iceberg.

The Commissioner: He said about half-past 11, did he not?

Mr. Dunlop: He says here at 11 o'clock; he keeps her in view until she stops, about 11.30. During the time she is approaching him she is showing a green light; that is his evidence. The evidence of the others is that she was not showing her green light, but was showing her red light.

The Commissioner: She would show her green light, I suppose, before the collision?

Mr. Dunlop: Yes.

The Commissioner: But after the collision we cannot tell what she showed.

Mr. Dunlop: Yes, my Lord, according to the evidence; the evidence is she starboarded two points for the iceberg.

The Commissioner: Yes, but you do not know what happened to her after that?

Mr. Dunlop: According to the evidence of Boxhall the Fourth Officer, Question 15419: "She did not swing at all after the engines were stopped." He was asked that question whether her head did fall off either to starboard or port, and the answer was no; her helm was starboarded, and after the engines were stopped, her heading did not alter.

The Attorney-General: There is some evidence about it which I think your Lordship has in mind. That is Rowe's evidence on page 419.

Mr. Dunlop: As far as I can see there is no reliable evidence from any witnesses -

The Commissioner: I do not know what that means.

Mr. Dunlop: There is no evidence from anyone on the bridge. The Fourth Officer was the man who after the collision happened ascertained the "Titanic's" position with a view to communicating by wireless telegraphy with other vessels. He was the person who, if the vessel did alter her heading, would be the person most likely to know, and he was asked specifically the question. He said: no, she did not alter her heading after the engines were stopped. After that time the alteration of heading was to port, under a starboard helm, an alteration which could not possibly open the red light to any vessel to the northward of her. But I am not so much concerned with the sidelight seen after the "Titanic" struck the iceberg as the sidelight which was seen before 11.40, while the vessel which they describe came up and stopped in the ice; because that is the time when we know that the "Titanic" was steering West and would, if she was in sight, be showing to the "Californian" her green light. At that time the body of the evidence is that she was showing her red light.

The Commissioner: Of course, if that was before the collision the steamer that the Captain of the "Californian" saw would be in the same position that the "Titanic" would be in, showing her green light.

Mr. Dunlop: She would be a vessel to the Southward.

The Commissioner: Showing the green light.

Mr. Dunlop: Yes, any vessel to the Southward of him, bound West, would be showing the green light.

The Commissioner: And, therefore, so far as it goes, she was showing the light that the "Titanic" would be showing.

Mr. Dunlop: Showing that light to him at the time he had it under observation between 11 and 11.30.

The Commissioner: Yes.

Mr. Dunlop: But the Third Officer - and it was the Third Officer on whose evidence your Lordship seemed to be placing most reliance at the time -

The Commissioner: What is his name?

Mr. Dunlop: Groves. Groves, at Question 8228, is very emphatic about it; she was never showing her green light, but she was showing her red light, and he was the gentleman who went off duty at twelve o'clock. He had her under observation from eleven to twelve; and on that point his evidence was supported by that of the Second Officer and Gibson, who were watching her between 12 and 2, and the sidelight these three saw was the red light and not the green.

The Commissioner: What Groves says at Question 8228 is this: "Did you see any navigation lights?" He has just said, you know, that he saw two masthead lights. "Did you see any navigation lights - sidelights? - (A.) I saw the red port lights. (*The Commissioner.*) When did you see that? - (A.) As soon as her deck light disappeared from my view." That would be possible, I should say probable, when her helm was being starboarded.

Mr. Dunlop: But, my Lord, she could not open her red light.

The Commissioner: But you do not know. Her deck lights would disappear very likely, she might be pointing stern on towards the "Californian."

Mr. Dunlop: Not as the result of starboarding her helm, if she starboards two points from W. to W. S. W.

The Commissioner: No, that is true.

Mr. Dunlop: To every vessel to the northward of her she would be showing her green light. The effect of starboarding might be to show her stern lights, but it could not bring her bow round so as to show the port light. That is carried out by the bearings which the Third Officer gave. He said the steamer, when he first saw her, was about 12 miles off, bearing South. It does not matter, for this purpose, what the heading of the "Californian" was. Half an hour later he sees her about six miles distant, bearing S.S.E. That indicates a vessel steering somewhere about N. E., not a vessel during that time going to the westward as the "Titanic" was. The movements which the witnesses from the "Californian" described as to what the vessel which they saw did, were not what the "Titanic" did. They saw a steamer navigating, apparently slowly, through field ice; they give the bearings, and they give the time between these bearings. The "Titanic" was, in fact, going 22 knots in clear water; according to her evidence, she was not in the neighbourhood of field ice at all. She continued going at this speed until shortly before she struck the iceberg. What the witnesses from the "Californian" saw was a vessel coming up from the field ice and then stopping, and apparently they see a vessel which is bound, not to America, as the "Titanic" was, but bound to some European port, and, therefore, showing to them her red light, and, apparently, to the Third Officer, steering about N. E. And that is also what Gill, the donkeyman, described, because, although his glimpse was only a momentary one, what he saw of the vessel was a vessel apparently heading in the same way as the "Californian" was, and the evidence from the "Californian" is that at that time she was heading about N. N. E. by the compass, which would be about N. E. true. The vessel, therefore, which Gill saw would not be the "Titanic," but heading in the opposite direction. There is no evidence that the "Titanic" turned round before she sank and headed in the direction of Europe.

The Commissioner: Gill appears to have thought that the steamer that was visible was out of the field ice. That is so, is it not? He says he looked and he could see the edge of the field ice, in which they were, about five miles away.

Mr. Dunlop: Yes.

The Commissioner: And the steamer that he saw was five miles further away and, therefore, would be in open water.

Mr. Dunlop: My Lord, I should have thought that evidence was extremely unreliable; the evidence of a donkeyman going forward to call his mate at midnight. He would not in the ordinary course of things notice how far the ice extended and whether the vessel that he saw was

navigating in clear water or not.

The Commissioner: Gill did not give me the impression of a man who wanted to make a case against his ship.

Mr. Dunlop: My Lord, he may not have given your Lordship that impression, but -

The Commissioner: Do you suggest he came here with a desire, I will not say with an intention to deceive, but with a desire to make out that it was the "Titanic" they did see?

Mr. Dunlop: Yes, my Lord, I think he did, and I think he did for this reason. This donkeyman hearing of the loss of the "Titanic" the next morning, a few days later arrived in New York, interviewed by New York reporters, giving evidence at the American Inquiry, his imagination got fired by all this excitement and he began to imagine that the steamer of which he had a momentary glimpse was in fact the "Titanic." I submit that from whatever point of view you test the evidence of the "Californian," either as regards the class of vessels seen, the lights seen, the movements which they describe as having seen, they all point to the same conclusion that the vessel which they saw was not and could not have been the "Titanic."

That is further corroborated by the evidence of the Master of the "Carpathia," whose evidence your Lordship will probably be inclined to accept. In his depositions, which your Lordship will find at page 746, Question 25551, he says: "I approached the position of the "Titanic," 41.46 N.L. 50.14 W.L. on a course substantially N. 52 W. (true), reaching the first boat shortly after 4 a.m. It was daylight at about 4.20 a.m." That is of importance. "At five o'clock it was light enough to see all round the horizon. We then saw two steamships to the northwards, perhaps 7 or 8 miles distant. Neither of them was the 'Californian.' One of them was a four-masted steamer with one funnel, and the other a two-masted steamer with one funnel. I never saw the "Mount Temple" to identify her. The first time that I saw the "Californian" was about 8 o'clock on the morning of 15th April. She was then about 5 to 6 six miles distant, bearing W.S.W. (true), and steaming towards the 'Carpathia.'" It is not until 8 o'clock in the morning that the "Californian" comes within sight of the "Carpathia"; at that time she was about 6 miles distant. She is about half an hour's steaming away from the "Californian" at that time. Put the "Californian" back an hour and a half steaming, one hour at full speed and thirty minutes at slow, and it follows in my submission that the "Californian," before she came in sight of the "Carpathia," must have come from a position some 20 miles north of the "Titanic's" position. If the vessel which was seen was the "Titanic," if the "Titanic" was in sight of the "Californian," it is impossible that the Master of the "Carpathia" could have missed seeing the "Californian" as soon as he came up to the "Titanic's" position at about 4 o'clock in the morning. Instead of that, there were four hours during which the "Californian" was not in sight at all.

The evidence from the "Titanic" also shows that the "Californian" was not in sight at any time. Before 11.40 your Lordship has the evidence of the look-out men who were in the crow's-nest, Lee and Fleet. Neither of those men at any time between 10 and 12, when they were in the crow's-nest, saw the lights of any steamer, and if the "Californian" had then been 10 or 5 miles, or whatever distance, the witnesses from the "Californian" have stated the vessel which they saw was, they could not have helped seeing the lights of the "Californian." But neither of them saw anything of the kind. Hogg relieved Fleet and Lee at midnight, and went into the crow's-nest, and was there until he was called out of the crow's-nest and went away in one of the boats. During the time he was in the crow's-nest, and no doubt anxiously looking for lights, he did not see any lights; he did not see the "Californian's" lights, nor did he see the Morse signals of the "Californian," which would, of course, show a greater distance than the ordinary navigation lights. So that up to the time when the "Titanic" struck the berg, the "Californian" was not in sight of the "Titanic." But a number of witnesses from the "Titanic" have described the lights which they either saw from the "Titanic" after the vessel struck or which they saw when they

were in the boats. Most of the witnesses from the "Titanic" who saw any lights at all saw the light or lights of a fishing vessel, that is the light which most of them speak of - that is the Second Officer at Questions 13984 and 14137; the Third Officer of the "Titanic" at Question 15061; the two Quartermasters at Questions 1338 and 17660; the three look-out men at Questions 2566 and 11478 and 17363, and also Mr. Ismay at Question 18584. The only lights which these witnesses saw, representing as I say two officers, two quartermasters, three look-out men, and Mr. Ismay, were the lights of a fishing boat or fishing boats. Others, like Scott, the greaser, saw a light on another of the "Titanic's" own lifeboats. Scott, at Question 5663; Beauchamp, the fireman, and I think some others saw lights which afterwards proved to be the lights of the "Carpathia," but no other lights. That is Question 810. But Boxhall, the Fourth Officer; Lucas, an A.B.; and Hart, a Steward, saw some time between 1 and 2 a steamer which approached, and to which they signalled by Morse signals; they saw her approach, and later on they saw her steam away. They are the only witnesses who mentioned seeing a steamer at all, and that was not until some time between 1 and 2. They saw a steamer which approached at that time between 1 and 2, obviously not the "Californian," because the "Californian" at that time was lying stopped in the ice. She unfortunately was stopped until 6 o'clock in the morning. The steamer which they saw approached, and then steamed away. The "Californian" when she began to approach the scene of the disaster continued to approach until she actually got there; she never steamed away. The steamer which Boxhall said he saw was never seen or heard of again. The "Californian" came up to the "Carpathia" about 8.30. The steamer which they saw was not using Morse signals; the "Californian" was.

The Commissioner: My attention is drawn here to Boxhall's evidence at page 357, Question 15409: "What distance do you suppose her to be away? - (A.) I judged her to be between 5 and 6 miles when I Morsed to her, and then she turned round. She was turning very, very slowly, until at last I only saw her stern light, and that was just before I went away in the boat." And I think there is evidence from the "Californian" that the "Californian" turned slowly.

The Attorney-General: Certainly.

Mr. Dunlop: She turned slowly at 10.21 or half-past 10.

The Commissioner: She went on turning, I think?

Mr. Dunlop: Until her head came about N.N.E. Her head went round because the Master, when he stopped his engines for the ice, at the same time put his helm hard over and turned his vessel's head round. But there is no evidence that her head went round to such a position as to show to a vessel to the Southward of her stern light. Boxhall, Lucas, and Hart, when describing a vessel which appeared to steam towards them and then go away again, and that is not the "Californian." That is the whole of the evidence which seems to bear upon this question.

The Commissioner: Is there any evidence to show that the "Californian" saw this steamer or the vessel or the lights that the witnesses from the "Titanic" say they saw.

Mr. Dunlop: I do not know whether this steamer which Boxhall is referring to is or is not the steamer which the Chief Officer of the "Californian" saw at four o'clock, a vessel which had been steaming to the S.W. and afterwards was seen steaming to the N.E. or steaming in a Northerly and Easterly direction. That is the only evidence which seems to connect the vessel which Boxhall saw with any vessel which the "Californian" saw.

But I will deal later with the vessels which were in this vicinity at about this time. That is the whole of the evidence which seems to bear upon this question whether the "Californian" and the "Titanic" were ever in sight of each other, and I submit to your Lordship that the conclusion of the whole evidence, the "Titanic's" evidence, the "Carpathia's" evidence, and the "Californian's" evidence, all point to the same conclusion that they were never in sight of each other. If that is so, then the whole foundation of the charge against Captain Lord disappears. The

whole significance of what is described as the "Californian" incident at once vanishes if the vessels were never in fact in sight of each other. In that case the rockets seen could not possibly have been the rockets of the "Titanic," but must have been the rockets of another vessel which we have not, unfortunately, got before the Court.

The next question to which I desire to address myself is what steamer was it which the "Californian" saw and the Fourth Officer of the "Titanic" saw and signalled to. Probably they were different steamers. If it was not the "Titanic" it does not concern me what the steamer was.

The Commissioner: Have you made any attempt to find out what the steamers were?

Mr. Dunlop: Personally, my Lord, I have from the only source available to me, namely, Lloyd's weekly index.

The Commissioner: And have you found out?

Mr. Dunlop: Yes, my Lord, I have found out some vessels which I have put on your Lordship's chart; but, of course, it would ill become the Leyland Line to endeavour to ascertain the name of a steamer which may have seen the "Titanic's" rockets and did not in fact go to her assistance; it is no part of my purpose. It would ill become the Leyland Line to make enquiries from the Masters or owners of other vessels with a view to showing that there was a vessel nearer to the "Titanic" than the "Californian" herself was, and, therefore, we have made no effort.

The Commissioner: Why would it ill become them?

Mr. Dunlop: I submit that for them to bring evidence with a view to showing that there was a vessel nearer to the "Titanic" than the "Californian" was, which we know did not in fact go to the "Titanic's" assistance, or did not in fact render any effective assistance, would only be to involve some other vessel in the criticisms which have been made in the course of this Enquiry.

The Commissioner: I think it would be your duty to do it.

Mr. Dunlop: Well, my Lord, the view which my clients have taken, and I respectfully agree with them, is that for one shipowner to endeavour to throw blame upon a steamer belonging to some other owner is not what I should have thought would be the loyalty owed by one shipowner to another. It is no part of my purpose and certainly no part of theirs to attempt to throw blame upon any other vessel.

The Commissioner: This is a very high sense of duty; I do not appreciate it at all.

Mr. Dunlop: My Lord, they have not, in fact, done so, but I have had sent to me Lloyd's Shipping Index, which records the reports of vessels which were in the ice at about this time, and from that index I have been able to locate the position of certain vessels which may or may not have been the vessels which were in sight of the "Californian" or in sight of the "Titanic." The reason why we cannot put the name to this steamer which we saw is that the evidence before your Lordship is wholly incomplete on this part of the case. When this Enquiry was instituted this question was not formulated. No evidence was directed to ascertaining what vessels were in the vicinity. The only evidence before the Court is the evidence of vessels which were provided with and were, in fact, using the Marconi apparatus. We know the names of a number of vessels that were somewhere in this neighbourhood because we have heard the names in connection with these Marconi messages and some of the Masters of those steamers have as a result been called as witnesses. But there are a great many - there must have been other steamers navigating in this busy highway - which were not provided with Marconi apparatus, and which were not, in fact, if they were provided with it, using the Marconi apparatus, just as the "Californian" was not during the midnight hours; and unless they had Marconi apparatus we are not able to ascertain their names.

No attempt has apparently been made by the Board of Trade to obtain a list of the vessels which were somewhere in this neighbourhood on the night in question; information which no doubt it would be difficult to obtain; but if it had been obtained your Lordship might have been

able to get the name of the vessel which I can do no more than describe, a vessel which was apparently bound to Europe, which appeared to be a tramp steamer, which was not provided with Marconi apparatus, and apparently did not use or did not understand Morse signalling. We can only describe the vessel we saw; we cannot put a name to her, and we have not got this vessel before the Court. There is no reason why this vessel should have come before this Court. The circumstances of the "Californian" are such as I think would rather induce Masters to keep away from the Court; they have excellent reasons for keeping away rather than for coming here to say that they were in the vicinity and had an opportunity of rendering assistance, but for some reason or another they were not, in fact, able to do so. The steamers seen by the "Californian" or the "Titanic" may have been either of the two which are mentioned in the deposition of the Master of the "Carpathia."

Now, may I refer your Lordship again to the deposition of the Master of the "Carpathia," on page 746, when he speaks of two vessels other than the "Mount Temple," which he saw at or about five o'clock in the morning - one a four-masted steamer with one funnel and the other a two-masted steamer with one funnel. We do not know the names of either of those two steamers; we do not know to whom they belonged, where they were bound, or where they came from; but clearly these two vessels were at this time near the neighbourhood of the scene of the "Titanic's" loss. It may well have been that the vessel which was seen from the "Californian" was one or other of these two vessels, and it may have been that the vessel which the Fourth Officer of the "Titanic" saw was one or other of these two vessels.

Further, the evidence from the "Californian" shows that there were three, or possibly four, other steamers in this neighbourhood whose names we do not know. The Master described at Question 7400 a vessel which he says - a two-masted steamer with a pink funnel and a black top, apparently steering to the North-West. Stone, the Chief Officer, at Question 8017, saw, just after 4 o'clock, a steamer with two masthead lights heading to the Eastward or North-East; and at Question 8095 saw three other steamers next morning. Groves, at Question 650, saw a four-masted steamer which he thought afterwards was the "Carpathia," but he must be wrong about that because, according to the "Carpathia" the "Carpathia" and the "Californian" were not in sight of each other until 8 o'clock in the morning. Therefore the steamer that he saw was probably not the "Carpathia." At Question 8339 he says he saw two other vessels. That is Groves, my Lord.

The Chief Officer, Stewart, says at 4 a.m. he saw two masthead lights at Question 8598, and at 8905 he says that at daylight he saw that she had a yellow funnel, and was not the "Carpathia." It is impossible for your Lordship to say, that the vessel which the "Californian" saw was not one or other of the two vessels mentioned by the Master of the "Carpathia" or one or other of the three or four vessels which were seen next morning by those on board the "Californian." As I say, we do not know their names, because they were not mentioned in the Marconi messages. They either had not themselves or were not using the wireless telegraphy.

I have looked through Lloyd's Weekly Shipping Index for the months of April and May. They mostly contain the reports of vessels that were bound to America. The reports of vessels bound to Europe would not be received at Lloyd's till probably a good deal later. I have only seen those five numbers of Lloyd's Weekly Shipping Index, but the Index, so far as it goes, does mention certain vessels and states the position in which they were, and if I may just refer to one or two of these vessels and describe what their movements were as recorded by themselves, then your Lordship will see that there were vessels in this neighbourhood between the "Californian" and the "Titanic." Has your Lordship the chart before you.

The Commissioner: Yes.

Mr. Dunlop: When I read through this Shipping Index, I did so with that chart, and I plotted at

the time on that chart the positions in order that I might follow the significance of what I was reading. I first take the "Trautenfels."

The Commissioner: What is the "Trautenfels"?

Mr. Dunlop: She is a two-masted black funnel steamer with red stripes, belonging to the Hansa Line at Bremen, and she is mentioned in Lloyd's Weekly Shipping Index of Thursday, the 2nd May, 1912.

The Commissioner: Has she any Marconi apparatus?

Mr. Dunlop: No, my Lord, she has not.

The Commissioner: What is her size?

Mr. Dunlop: My Lord, I do not know that; she is not in Lloyd's book.

The Commissioner: Is she a passenger ship?

Mr. Dunlop: I do not think so, my Lord; she carries petroleum, I think.

The Commissioner: Then I should think she is not a passenger ship.

Mr. Dunlop: I am told she is not the petroleum one; she belongs to the Hansa Line. She may or may not be a passenger steamer. It does not say in the Shipping Index.

The Commissioner: What is her size, and where is she registered?

Mr. Dunlop: Two thousand nine hundred and thirty-two tons is her tonnage.

The Commissioner: She is a big ship.

Mr. Dunlop: She was from Hamburg bound to New York.

The Commissioner: What was she carrying; she was not carrying petroleum then you know.

Mr. Dunlop: I am told she is not the petroleum steamer; that is the next one.

The Commissioner: Well what is she?

Mr. Dunlop: I do not know what she is. I only know what I am told here, and I will tell your Lordship what I am told here: "Trautenfels," Hansa, tonnage 2,932, left Hamburg 31st March, bound for New York, spoken on the 7th of April, and then she sends a report which I am going to read to your Lordship.

The Commissioner: How do you find out she was at this particular spot?

Mr. Dunlop: May I come to that now?

The Commissioner: Yes.

Mr. Dunlop: I will hand up to your Lordship the Index. Will your Lordship look at page 8 of Lloyd's Weekly Shipping Index under date 2nd May, 1912.

The Commissioner: Now let us see that (*The same was handed to the Commissioner.*)

Mr. Dunlop: The F is a mistake for T, because in the same number she is described as the "Frautenfels." There is no such vessel as the "Frautenfels"; there is one "Trautenfels." "Reports April 14th in latitude 42.1, longitude 49.53; sighted two icebergs fully 200 feet long and 50 feet high; soon after heavy field ice was encountered which extended for a distance of 30 miles and made it necessary for the steamer to run in a S.W. direction for 25 miles to clear it. In the field ice 30 bergs were counted, some very large. In the Northward no clear water was seen, so that the Captain estimated that the ice in that direction must have extended fully 30 miles long."

The Attorney-General: What is it you are reading from?

Mr. Dunlop: From Lloyd's Weekly Shipping Index under date 2nd May, 1912.

The Commissioner: What time?

Mr. Dunlop: We have not got that.

The Commissioner: Then why have you marked her down on this chart?

Mr. Dunlop: That is the latitude in which she is reported on the 14th April. I have not got the time. I can only mark there the latitude which she has given. It may have been any time. It may not have been the vessel which we saw. I cannot put it as high as that, because we do not know at what time she was in this latitude. All we do know is she was there at some time on the 14th

April, and she did what the witnesses from the "Californian" described the vessel which they saw did. They saw a vessel encounter ice and then run in a S.W. direction until she went out of sight.

The Commissioner: What light of this vessel did you see, a green light, or a red light?

Mr. Dunlop: She would be showing her green light.

The Commissioner: Yes, but what is your evidence of the light that you saw? One of the witnesses said the green light.

Mr. Dunlop: The Master saw a green light.

The Commissioner: Two of the witnesses saw a red light.

Mr. Dunlop: Three. The others all saw a red light.

The Commissioner: Then you know this cannot be the ship if the red light is the right thing - this cannot be the one you saw.

Mr. Dunlop: I am quite content if it is not. If your Lordship takes it as the red light we saw of a steamer, then it is clearly not the "Titanic." That throws the "Titanic" out.

The Commissioner: I quite appreciate that.

Mr. Dunlop: I am assuming for this purpose a vessel showing a green light, and the only significance of this is the extraordinary coincidence that what this vessel describes as having done on the 14th April is what the witnesses from the "Californian" say the steamer which they saw did.

The Commissioner: Where did you first come across the "Lloyd's Weekly Shipping Index" of the 2nd of May?

Mr. Dunlop: Well, I asked for it, my Lord, because I knew that reports were received, and I asked Messrs. Cooper, who instruct me, to get for me some copies of "Lloyd's Weekly Index" for about this period.

The Commissioner: It is very nearly two months ago. Where is the "Trautenfels" now?

Mr. Dunlop: I do not know, my Lord.

The Commissioner: Have you found out her owners?

Mr. Dunlop: She appears to belong to the Hansa Line.

The Commissioner: Have you communicated with the Hansa Line?

Mr. Dunlop: No.

The Commissioner: Was that because you did not want to know what they would say?

Mr. Dunlop: No, my Lord.

The Commissioner: Then, why did you not communicate with them?

Mr. Dunlop: Because it is no part of our purpose; it is no part of the object with which we are here to say the "Trautenfels" did anything wrong, and I do not want to suggest that "Trautenfels" failed to render assistance or had any opportunity of rendering assistance.

The Commissioner: She would not be likely, I agree, to assist you if that was your object.

Mr. Dunlop: No, and it would be unfair to approach them.

The Commissioner: I do not agree with you about being unfair at all, but I do agree to this, that if she knew what you were about she would not be likely to help you.

Mr. Dunlop: No, my Lord, and we could not have asked them without telling them what our object was.

The Commissioner: At all events you have not attempted to get any information from her.

Mr. Dunlop: No, my Lord, because I have found from the "Index" this information, and when I found it from reading this through one evening with that chart before me, I put the marks on the chart which your Lordship has before you now. So much for the "Trautenfels."

The Attorney-General: I think I ought to tell your Lordship - I did not know it till this moment - that we have been making some inquiries with reference to it. There is a reference to the

"Trautenfels" in consequence of the funnels - the colour of the funnels and description - we traced that it might be one of the Hansa line, and we have been in communication about it to see if we could ascertain. The letter that I have is from the Treasury Department of the United States Customs Service at the Port of Boston, to which the "Trautenfels" was bound, a letter of the 23rd May. I will read it so that your Lordship may have such information as we have got.

The Commissioner: Would you like to have it read?

Mr. Dunlop: Oh, yes.

The Commissioner: I think perhaps it had better be read.

The Attorney-General: We have made a great number of enquiries for the purpose of ascertaining if we can find out what the vessels were.

The Commissioner: What question is expressly directed to the conduct of the "Californian"?

The Attorney-General: Well, I think it is 24.

Mr. Dunlop: It is wide enough to cover the "Trautenfels."

The Commissioner: That is not the one.

The Attorney-General: It is the one that covers the "Californian"; that is, if your Lordship has the amended question.

The Commissioner: I am afraid I have not.

The Attorney-General: I amended it so as to include the "Californian."

The Commissioner: What was the amendment?

The Attorney-General: "What vessels had an opportunity of rendering assistance to the 'Titanic,' and, if any, how was it that assistance did not reach the 'Titanic' before the 'Carpathia' arrived?" It is the second of those two questions that really is the material one. I do not think the first is material at all.

The Commissioner: What is the second?

The Attorney-General: The second of those two questions I just read, "How was it that assistance did not reach the 'Titanic' before the 'Carpathia' arrived?" It was framed for the purpose of meeting this point and putting a question to cover it.

The letter is from the Treasury Department, United States Customs Service Boston, to the Commissioner of Navigation at Washington, dated 23rd May, 1912. "In reply to Bureau letter (62052), dated 21st instant, I beg to report that the only steamships known to this office which have a funnel resembling the one described in Bureau letter are those of the Hansa Line. There is an illustration in Part VI. of the list of merchant vessels for 1911. The 'Trautenfels' of that line arrived at this port early in the morning on 18th April, and the 'Lindenfels' on 20th April. As I am informed that the voyage from the locality mentioned by the Bureau to this port is from three to five days, according to the speed of the steamer, the 'Trautenfels' would probably not have been in that locality on 15th April. The steamers of this line do not clear foreign from this port, but proceed to New York with residue of cargo. The s.s. "Inverclyde," sailing on the American and Oriental Line arrived 22nd April. I have been unable to obtain a description of her funnel. I presume that it can be obtained from the agents in New York. No vessel having a funnel like that described by the Bureau cleared foreign from this port within a period of two weeks prior to 15th April."

Mr. Dunlop: That does not seem to carry the matter much further. What we are dealing with here is a vessel which has given us her position on the 14th of April.

The Commissioner: At some time.

Mr. Dunlop: Yes, at some time. I cannot put it higher than that, and do not wish to - at some time on the 14th April, and the funnel bears a remarkable resemblance to the funnel of one of the steamers which the witnesses described, black with a red top.

The Attorney-General: It is the 15th of April, is it not?

Mr. Dunlop: The report is the 14th. She reports that on that date.

The Commissioner: Will you refer me to the evidence as to the colour of the funnel.

Mr. Dunlop: Yes. It is Question 7400.

The Commissioner: Read it to me.

Mr. Dunlop: "Was there another vessel near the 'Mount Temple'? - (A.) There was a two-masted steamer, pink funnel, black top, steering North down to the North-West."

The Commissioner: Will you tell me when that was?

Mr. Dunlop: That was on the morning of the 15th.

The Commissioner: What time?

Mr. Dunlop: Between 6.30 and 7.30.

The Commissioner: Could that possibly be this vessel?

Mr. Dunlop: Yes, my Lord, it could. It depends entirely at what time this vessel was in the position which I have marked on your Lordship's chart. We do not know what that time was.

The Commissioner: That was on the 14th.

Mr. Dunlop: If that was on the night of the 14th, then the position at which this vessel was seen

The Commissioner: Supposing it was on the night of the 14th.

Mr. Dunlop: If it was the night of the 14th she would be in the position -

The Commissioner: She then began to steer a South-Westerly course.

Mr. Dunlop: Yes, to try to get out of the ice, apparently.

The Commissioner: How many knots does she make?

Mr. Dunlop: I do not know.

The Commissioner: You could not tell where she had got to by 6 o'clock in the morning?

Mr. Dunlop: No, it depends upon what speed she was going, and we do not know that; and that depends upon what ice she was encountering which she describes in the report. She apparently steamed 25 miles through ice, through an ice-field which he describes as heavy field ice containing some 30 bergs. I cannot put this higher than that with the information contained in Lloyd's Index it is possible that was the vessel which those on board the "Californian" saw.

Then, my Lord, there is the steamship "Paula." She is the petroleum steamer.

The Commissioner: Is she also in this same newspaper?

Mr. Dunlop: On page 11 of the 9th of May number.

The Commissioner: Have you given us the best one?

Mr. Dunlop: Yes, the "Trautenfels" is the best, because she steams to the S.W.

The Commissioner: The "Trautenfels" is the best you have got, you say?

Mr. Dunlop: Yes; the "Paula" is very good.

The Commissioner: Are they all very good?

Mr. Dunlop: These are the two best, my Lord, because these are the only two which gave us their position on the 14th April.

The Attorney-General: Have you a description of the "Paula"?

Mr. Dunlop: Yes. The "Paula" is a three masted oil tank steamer of 2,748 tons gross with a black funnel and a red R. I have got her funnel here. It is a black funnel with yellow and a red R on the yellow, and she belongs to the Deutscher-Americana Petroleum Company of Hamburg.

The Commissioner: What size was she?

Mr. Dunlop: She is 2,748 tons. She gives her position.

The Commissioner: She is a petroleum ship.

Mr. Dunlop: Yes.

The Commissioner: She is not likely to look like a passenger boat?

Mr. Dunlop: No, she would look more like what the Master and Second Officer and Gibson

say, a medium-sized vessel, apparently a tramp, not having the appearance of a passenger steamer.

The Commissioner: Would she have her funnel aft?

Mr. Dunlop: That I do not know, my Lord; I think not.

The Commissioner: I am told a tank steamer always has its machinery and funnel aft?

Mr. Dunlop: Well, your Lordship is informed about that. It may not have been. I do not wish to take up time going through the position she gives, but your Lordship will see on the number of the Index that I have handed up.

The Commissioner: I see where you have marked her on the chart.

Mr. Dunlop: That is transferring to the chart the latitude and longitude which she gives. Again, my Lord, we are not told the times; we only know those were the positions which she reported as having been in at some time on the 14th of April. There, again, your Lordship will see a steamer going to the Westward and then apparently steaming a South-Westerly direction in order to avoid the ice-field. In addition to these vessels there are some others, the "Memphian," the "Campanillo," and the "President Lincoln." I have put their positions on the chart.

The Commissioner: Is the "Memphian" on the chart.

Mr. Dunlop: Yes, I think so. I do not know anything about the "Memphian." She is not in Lloyd's Register. I am told the "Paula," and the "Trautenfels," are both in Lloyd's Register, but the "Memphian" is not. I ought to say that the "Campanillo" and the "President Lincoln" both had Marconi apparatus.

The Attorney-General: I have some information about the "Paula," if it is of any use. Enquiries have been made of a very extensive character for the purpose of dealing with this point. This has gone through the Board of Trade to the Foreign Office to America to make enquiries. This is the answer on May 27th, from the Treasury Department of the United States Customs Service, Port of Arthur, Texas: "I have the honour to reply to your letter 62052-N of May 21st, 1912, relative to a vessel in the vicinity of the "Titanic" disaster, and to say that I am unable to find any vessel with a black funnel and white band that has entered here since the disaster that would have been in the vicinity at or about the time of the disaster. The German steamer "Paula" (oil tank), Rieke, Master, and owned by the Deutscher-Americana Petroleum Gesellschaft, of Hamburg, W. T. Worden, 26, Broadway, New York, American agent, arrived at the Port of Sabine, this district, on April 29th, and the Master stated that he passed through the ice-field on Sunday a few hours before the "Titanic," and that, finding the ice getting worse, he changed course directly to the South for 25 or more miles. It may be possible that Captain Rieke may have seen the vessel of which you request information. The "Paula" cleared hence for Ozelosund, Sweden," I do not think it helps very much.

Mr. Dunlop: What I submit is that the evidence before your Lordship on this part of the case is so imperfect, so incomplete, that it would be wrong to infer that the vessel which was seen was the "Californian," because your Lordship is not able to put a name to the other vessels which the witnesses have described. That is the reason why I have mentioned these other vessels.

Then there is the question: Why did the steamer which the "Californian" saw exhibit rockets? The answer to that question is that we do not know, because nobody has been called from that steamer, whatever she was. All we can do is to speculate.

The Commissioner: You may be wrong about that. A number of people were called from the "Titanic."

Mr. Dunlop: Yes, but if it was not the "Titanic"?

The Commissioner: I agree that if it was not the "Titanic," nobody has been called from this steamer.

Mr. Dunlop: Nobody has been called from the steamer and therefore we can only speculate as

to why it was that this steamer which the "Californian" witnesses describe was seen exhibiting rockets. They have given their explanation and put forward their theories, and I want to mention the theories which have been put forward to your Lordship, because I submit that the theories of the men who were on the spot, who not only saw the rockets, but also saw the movements and the class of vessel that was exhibiting the rockets, is very much more likely to be right than the opinion of people who like ourselves were not there. The explanation of these rockets in the first place may be that they were answering rockets, that they were rockets fired by a vessel which was between the "Californian" and the "Titanic," fired in answer to some other vessel which may have been in distress; or, it may be that the vessel which fired the rockets had sustained the kind of damage which a vessel is likely to sustain in field ice; she may have broken a blade or two of her propeller or damaged her rudder and wanted a tow in daylight. She may have been signaling to the "Californian" to stand by till daylight with a view to towing her if she required towage in the morning.

The Commissioner: I do not know; do people signal by means of rockets in such a way as to indicate a request to stand by?

Mr. Dunlop: It is the only means.

The Commissioner: I thought the signals were "Come to our assistance," not to stand by.

Mr. Dunlop: My Lord, there is no other signal to the eye, if you exclude Morse signalling, than rockets.

The Commissioner: Would rockets mean, or may they mean, "We are foundering"?

Mr. Dunlop: It may mean that and it may mean a great deal less than that.

The Commissioner: You do not stand by at a distance of 10 miles for that.

Mr. Dunlop: The evidence is 6 miles.

The Commissioner: You go to the vessel, at least, I should think so. What is the use of standing by 6 miles away when a vessel is going down to the bottom? I do not know.

Mr. Dunlop: No, my Lord, but supposing this vessel was not going down to the bottom?

The Commissioner: We do not know whether she was or was not.

Mr. Dunlop: No.

The Commissioner: Are you going to stand off 6 miles away and trust to chance and say to yourselves "She may be going down to the bottom or she may not, so we will stay here"?

Mr. Dunlop: What these witnesses saw was this: they saw a vessel steaming through field ice and then stopping, and they had this vessel under observation. It may well have been that this steamer stopped because owing to moving in field ice she had damaged her propeller or her rudder, stops for the purpose of making an examination, discovers on examination that she has damaged her rudder or propeller, sees a vessel some five or six miles away which she may want to tow her when towage is possible, and signals to her for that purpose. She has no other means of conveying to that other vessel the request that that other vessel shall stand by her. At least, I know of no other signal. If she has wireless telegraphy she may do it by wireless or she may use Morse signals, but this vessel was not in fact using Morse signals while she was under observation. Eliminating wireless telegraphy and Morse signalling she was using the only means of communication that would be at her disposal.

The first theory, namely, that these signals were not signals of distress in the sense of not being signals from a vessel which was herself in distress, was the theory of the witnesses from the "Californian," the witnesses who saw the rockets. It is the view which they say they formed at the time; it is the view which they stated in the witness-box here. I will give your Lordship a reference to Stone's evidence on this point, because Stone and Gibson were the two men on duty at the time these rockets were seen. Stone is Questions 7844, 7856, 7866, 7896 to 7898, 7970, 7993, and 7997. Gibson is Question 7696.

Not only is it the view, they say, they formed at the time, and adhere to here, but it is the view which their reports conveyed at the time to the Master, Question 6917, and the view which their reports conveyed to the Chief Officer when they were relieved by the Chief Officer at 4 o'clock in the morning. That appears in the Chief Officer's evidence at Questions 8582, 8586, 8611, 8862, and 8868.

Ridicule was thrown at the time on this suggestion that a vessel would fire distress rockets as a means of answering some other vessel, but this theory obtained remarkable confirmation a day or two after the "Californian" witnesses left the witness-box, when we got the evidence from the "Carpathia." The "Carpathia" sent up rockets in order to indicate to those in the "Titanic" that the "Titanic's" distress signals had been recognised and that the "Carpathia" was going to her assistance. I should have thought it was the only means at night if a vessel sees another sending up distress rockets, and wishes to acknowledge that she has seen them and is going to act upon them.

The Commissioner: Then why did not you send up rockets?

Mr. Dunlop: We were Morse signalling to her, and we were standing by, so that the theory of the witnesses themselves is supported by what the "Carpathia" is said to have done at Question 9570; in other words, to sum it up, those rockets were not signals from a vessel in distress; they were answering signals, signals of reply, and not signals of request for assistance. That is their theory. If the Second Officer, who was the only officer who saw the rockets, had thought they were signals from a vessel herself in distress, what would his conduct have been?

The Commissioner: That is what I wondered.

Mr. Dunlop: In the first place, I submit he would have reported to the Master that he saw a ship in distress and signalling for assistance. He made no such report; he stopped and discussed whether they were private night signals, or whether they were signals of distress.

The Commissioner: He should not have stopped to discuss anything about it; he should have gone to the Master at once.

Mr. Dunlop: He did not do so, my Lord, because he did not think that they were signals from a vessel herself in distress. That is his view. His view may have been wrong or it may have been right, but he was there.

The Commissioner: Was he the man who said "I do not suppose that ship is sending up those signals for nothing"?

Mr. Dunlop: I think there was some discussion of that kind with Gibson, the Apprentice, or Gibson said so. What I wish to point out is that the conduct of the Second Officer at the time is quite inconsistent with the conduct of a man who has seen rockets which he thinks to be signals from a vessel herself in distress.

The Commissioner: I agree with you there - it is.

Mr. Dunlop: And therefore one has to look in order to ascertain what it really was they saw, one has to test it by what they did at the time, by their conduct, and their conduct at the time is the best indication in my submission, of what it really was that they saw, what impression was conveyed to their minds by the rocket which they saw, and the movements of the steamer which they saw.

In the second place he would take effective measures to call the Master and get him to come on deck if for no other higher motive than that of shifting the responsibility for inaction from his own shoulders to that of the Master. He was quite content to remain during that watch with the knowledge that the Master was sleeping in the chart room alone, and he made no attempt to bring the Master on to the deck. I say he would certainly have called the Master on deck and communicated with him and taken measures to see that the Master did come on deck if he had for one moment thought there was a vessel in distress and wanting assistance. He would also

have called the Marconi operator. It would have been no trouble for him to do so; he would have done that, and not remained content with signalling to her by Morse signals.

The Commissioner: What was the colour of the rockets that you saw?

Mr. Dunlop: I do not know, my Lord; they were said to be white rockets, and there was a discussion as to whether they had any colours in them or not.

The Commissioner: They were white rockets.

Mr. Dunlop: I think the evidence is they were white rockets.

The Commissioner: What was the colour of the rockets from the "Titanic"?

Mr. Dunlop: Oh, white rockets.

The Commissioner: At all events, the rockets you saw were the same colour.

Mr. Dunlop: Oh, yes, they were the same colour as, I suppose, most of the rockets that exist in the world are. Most rockets are white rockets.

The Commissioner: Are there not some green and red?

Mr. Dunlop: Yes. Some use what are called private night signals which consist of different coloured balls thrown up, red and green and blue. There are coloured rockets in use, but I think I am right in saying the rocket most generally used is the white rocket.

The Commissioner: Distress rockets may, according to the Rules, be anything?

Mr. Dunlop: Yes, they may be any colour.

The Commissioner: They are generally white.

Mr. Dunlop: I expect they are generally white because most rockets are white. My Lord, he did not call the Marconi operator; he was content to go on signalling to this vessel by Morse signals and getting no reply. That I submit he would not have done had he thought this vessel was a vessel in distress and wanted assistance. He would not have been content with the steps he took to get into communication with her. And lastly, if they had been distress rockets, you would have found those signals entered in the scrap log. According to the evidence they were not entered there.

The Commissioner: We have never seen the scrap log.

Mr. Dunlop: No, my Lord, and the Third Officer, Groves, who had no responsibility in the matter at all because at all material times he was below, was asked if he saw the scrap log on the following morning and he said he did. He was asked was there any entry in the scrap log of those signals.

The Commissioner: I have forgotten what your explanation is, or was, of the fact that rockets are not referred to in the log at all. What is the explanation?

Mr. Dunlop: The explanation is because they did not think that the rockets were signals of distress. They thought they were what they call private night signals.

The Attorney-General: They did the next morning when they knew what had happened to the "Titanic."

Mr. Dunlop: Not the officers.

The Attorney-General: Oh, yes.

Mr. Dunlop: They still in the witness-box denied that they were distress rockets in the sense of being rockets from a vessel in distress. The whole of their evidence is to the effect that they were not. In one sense distress rockets, true, because they are rockets which show a white light, but in the sense of being rockets from a vessel in distress their answer is no, and there is no evidence to the contrary.

The Commissioner: How many rockets did you see?

Mr. Dunlop: I think, my Lord, the evidence is about eight.

The Commissioner: How many rockets did the "Titanic" send up?

Mr. Dunlop: We do not know. She said she was sending up rockets for about an hour.

The Attorney-General: From 12.45.

Mr. Dunlop: For about an hour, I think, the Fourth Officer said.

The Commissioner: Is not there any evidence as to the number they sent up; does not one witness say about 8.

Mr. Dunlop: I think one witness did say about 8.

The Commissioner: You saw eight, and the "Titanic," according to some of her witnesses, sent up eight.

Mr. Dunlop: That is so, but I do not suppose that the man who sent them up was counting them. I think, on the whole, we saw more than that, because, after seeing the eight the witness described seeing three more.

The Commissioner: One of the "Titanic's" witnesses said they sent up eight to twelve, I think.

Mr. Dunlop: And the witnesses from the "Californian" describe seeing rockets a considerable time after the "Titanic" had ceased to exhibit rockets. They saw rockets till nearly 4 o'clock in the morning.

The Attorney-General: It is suggested they came from the boats.

The Commissioner: The "Carpathia" was sending up rockets then, was she not?

Mr. Dunlop: The "Carpathia" was a long way off, steaming up towards the "Californian" at that time. I do not think it was suggested that the rockets which were seen about 4 in the morning were the "Carpathia's" rockets.

The Commissioner: At all events, does not it come to this, that the "Titanic" was sending out white rockets and you saw white rockets; that the "Titanic" sent up about eight rockets, and you saw about eight rockets?

Mr. Dunlop: Yes, it is a coincidence.

The Commissioner: Yes, it is a coincidence.

Mr. Dunlop: As to the colour, it is not of importance, because that is the colour of rocket you would expect if a rocket was sent up at all. The number, again, my Lord, is purely guesswork on the part of the officer who was firing them, because he was not counting them. What he said was, "I was sending up rockets during the course of an hour."

The Commissioner: And did not you see the rockets just at the same time that the "Titanic" was sending her rockets up?

Mr. Dunlop: I have looked through the evidence in order to try to fix the time at which the Fourth Officer of the "Titanic" sent up those rockets, and I have not been able to fix the time.

The Commissioner: At all events, we know it was not before the collision with the iceberg.

Mr. Dunlop: Oh, no; somewhere between 1 and 2.

The Commissioner: Did not you see them somewhere between 1 and 2?

Mr. Dunlop: We saw some between 1 and 2 and some between 2 and 3.

The Commissioner: Oh, yes, and some between 2 and 3 possibly, but you see the same colour that the "Titanic" sent up; the same number that the "Titanic" sent up, and you see them just about the same time that the "Titanic" is sending them up.

Mr. Dunlop: Yes.

The Commissioner: Those are all coincidences.

Mr. Dunlop: Is not that perfectly consistent with the view that the vessel firing rockets was firing answering rockets? If so, the numbers and the colours would coincide.

The Commissioner: I was on a different point. I was on the question as to whether you saw the "Titanic's" rockets.

Mr. Dunlop: Yes, and I submit not. The fact that we saw eight and saw white rockets does not show they were the "Titanic's" rockets because that happens to be the number which her witnesses say they sent up, or the colour which they sent up, because if they were answering

rockets as is the theory of the witnesses from the "Californian," you would expect to find precisely the same coincidence; or you might find the same coincidence. For every rocket on the "Californian" sent up there was one sent up in reply from the intermediate steamer.

The Commissioner: But you do not signal at night by means of rockets in the same way that you would signal in the daytime by means of flags, do you?

Mr. Dunlop: Oh, no.

The Commissioner: I mean you do not carry on conversations by means of rockets.

Mr. Dunlop: No, but if rockets are sent from a vessel herself in distress and the steamer seeing them wishes to acknowledge them, if she has not got the means of acknowledging them in any other way she will or may very likely fire rockets. At any rate that is the theory of the witnesses from the "Californian." That is the view they formed at the time. It may be now that we know what, in fact, was happening that their theory was wrong, but we are now dealing with the conduct of the men at the time, and we must judge that conduct, I submit, by the views that they formed at the time. Their theory is, I submit, quite consistent with the colour of the rockets and the number of the rockets, if, as they say, these were rockets fired in answer to rockets from a vessel herself in distress. It may be the vessel which the "Californian" saw firing these rockets, being between the "Californian" and the "Titanic," was herself seeing the rockets from the "Titanic" and taking that means of acknowledging that she had seen them.

The Attorney-General: When I was putting some questions to Gill, the donkeyman, dissented from the suggestions which I have made that nobody who saw the rockets attached any importance to them at the time or thought they were signals calling on the "Californian" to render immediate or any assistance.

The Commissioner: That is not in accordance with the conversation that took place - "A ship does not fire up rockets for nothing." There was a conversation between the two men to that effect. The one says to the other, "A ship is not sending up rockets for nothing."

Mr. Dunlop: Those men have their conversation. Both said to each other, and said when they came here, that they were not signals from a vessel in distress. True, they made that observation that they were not sending them up for fun, and I do not suggest that she was. On their theory, it was far from fun she was indulging in, but this vessel was sending up rockets in answer, as they thought, to some other vessel which may have been in distress. So satisfied were Stone, the Second Officer, and Gibson, the Apprentice, that the vessel whose rockets they were seeing was not in distress that although after five minutes past two they saw two or three more rockets, according to their evidence, they thought there was no need to tell the Master, much less to call him. I submit that is very significant that they should have seen two or three more, knowing that the Master was remaining below, and should not have reported these additional rockets to him. That only shows that what they were seeing did not at the time convey to their minds that the rockets were rockets from a vessel in distress. That appears at Questions 7588 and 7601.

It is easy for critics who were not there, speaking with the knowledge that comes after the event, to say that these men ought to have attached importance to them at the time. It is very easy to say that, but one must remember that these men were watching the steamer herself. They saw what her movements were, and what she was doing, and the rockets, taken in conjunction with what they saw led them to think that the steamer which they saw was not in distress. And the opinion of men on the spot is generally more reliable and more accurate than the opinion of persons who were not.

The steamer they saw disappearing in the distance as she steamed away to the South-West may or may not have been the steamer which the Fourth Officer of the "Titanic" said he saw approaching not answering his Morse signals, and afterwards steaming away. It is significant that the same witnesses who described the firing of these rockets say that as soon as the vessel which

they saw began to fire rockets she at the same time began to steam away to the South-West and steamed away until gradually her lights were lost sight of in the distance. That is the evidence, and the reports made at the time by the Second Officer and by Gibson. If that is true the vessel that was firing these rockets cannot have been the "Titanic," because the "Titanic" at this time was lying stopped, and the fact that they saw this vessel steaming away at the same time as they saw the rockets no doubt was the factor which led them to suppose that the vessel that they saw was not herself in distress, but was going off in answer to some other vessel which was away to the Southward of her.

Now, my Lord, I want to deal, if I may quite shortly, with the case on the assumption that the vessel which was seen, and whose rockets were seen was the "Titanic." I am going to ask your Lordship to judge of Captain Lord's conduct by the circumstances as they were present to his mind at the time these events happened. Captain Lord was a young Captain, some 35 years of age, who had worked himself up in the Leyland Line by his care as a navigator. For some six years he had been in command of Leyland Line steamers, and he had shortly before been promoted to command the "Californian," a fairly large passenger steamer of over 6000 tons. As a Captain, his first care and duty was the safety of his own vessel. On the 14th of April he was on duty all day. He had never been in ice before or in the neighbourhood of icebergs. Icebergs had been reported to him by East-bound steamers. He was keeping a sharp look-out for ice, and he passed various icebergs that day, as are recorded in the log. After darkness set in he ran into thick field ice, which obliged him to stop his ship at 10.21. While taking every precaution for the safety of his own vessel and her crew, he was not unmindful of the safety of other vessels. He was in no way callous up to that time, because by means of his wireless apparatus he communicated to vessels in the neighbourhood the position of the icebergs that he had passed earlier in the evening, and when he stopped in the ice he communicated the fact to the "Titanic," which he knew was somewhere in the neighbourhood, showing that he had regard for the safety of other vessels besides his own. Between 10.21 and 12.15 he saw that the field ice extended in all directions. He said it extended as far as the eye could reach. It was thick ice; it was ice that was crunching and grinding against the ship's sides with such a noise that the donkeyman, Gill, was unable to sleep. He was, therefore, in a position in which it was obviously dangerous to move his ship or his rudder or propeller, a danger which he would not have been justified in running especially in the dark except in the case of clear and unmistakable necessity.

At 11 o'clock he sees this mysterious steamer which, rightly or wrongly, he judged at the time and said at the time was a cargo boat and not a passenger boat. He watched her approach. At 11.30 he saw her stop owing to the field ice, as he thought, and the fact that she did stop just as he had stopped would no doubt confirm the wisdom of his resolution not to move his engines till daylight. At 12.10, according to the evidence, the Third Officer was relieved by the Second Officer. The Third Officer goes to bed. So does the Marconi operator; neither of those two are suspicious at all that anything was taking place. At 12.15 the Master goes to his chart room with his clothes and boots on, to lie down after he had been 17 hours on duty. He gives orders to be called at daybreak, because he had decided not to get underway before daybreak; and he told the Second Officer to tell him if the mysterious steamer either came nearer or moved away. If it came nearer he might have to shift his position. If she steamed away, and it was safe for her to do so, that might affect his decision not to proceed on his voyage till daylight; therefore, he gives this direction to be informed as to the steamer's movements, not that he has any idea that the vessel is in danger, but because her movements may affect his.

At about 1 o'clock in the morning the Second Officer, speaking through the speaking tube, reports that he has seen rockets, but the Second Officer did not think and did not report that the steamer which was firing these rockets was in distress. That report did not convey, and was not

intended to convey to the mind of the Master, that the vessel was in distress. The Master then told the Second Officer to Morse signal to her and find out why she was firing rockets and to send Gibson to report the result. At five minutes past two in the morning Gibson reports that she would not answer the Morse signals, that she had fired more rockets, and was steaming away to the South-West. At this point there is a conflict of evidence as to whether the Master was asleep, as he says he was, or was awake, as Gibson says he was. The truth probably lies between the two; the man was half asleep, and in that condition the Master repeated the question which he had put earlier in the evening to the Second Officer as to the colour of the rockets.

I am going to submit he put that question because he could not understand how the steamer which he himself had seen and which was then reported to him to be steaming away to the South-West could be wanting assistance, and the description of her movements, therefore, created a doubt in his mind as to whether they were signals of distress or not, and, therefore, he enquired as to the colour of the rockets. He also asked what o'clock it was. I venture to think he asked that question because he wanted to know how long it was before daybreak, in case assistance might be wanted.

The attitude of his mind was this: "If she is steaming away to the South-West, then these are not distress signals and she is not in need of my assistance. If she is lying stopped she may have sustained some damage to her propeller or her rudder. I can do nothing for her until daylight; I am stopped here in the ice and so is she. I will wait till daylight." That appears to have been the attitude of his mind as the result of the communications made to him by the Second Officer and by the Apprentice Gibson. In any case, he was entitled to rely on the watch on deck sending for him if they thought there was any need for him to be on deck. They were the judges of the situation, and he was entitled to rely, and did rely, on their judgment.

I should like to read two answers which he gave to Question 7373 and the following questions, because I submit those answers are the explanation of his inactivity. "(Q.) Did you question your Second Officer as to why you had not been called? - (A.) I did. (Q.) What was his explanation to you? - (A.) He said that he had sent down and called me; he had sent Gibson down, and Gibson had told him I was awake and I had said, 'All right, let me know if anything is wanted.' I was surprised at him not getting me out, considering rockets had been fired. He said if they had been distress rockets he would most certainly have come down and called me himself, but he was not a little bit worried about it at all. (Q.) If they had been distress rockets he would have called you? - (A.) He would have come down and insisted upon my getting up." He was relying upon the Second Officer and Gibson, and if any erroneous impression was drawn by these men who were on watch, it was not Captain Lord's fault. He was entitled to rely upon them, and he was lulled into a state of security and unsuspection by the reports that he got and the way in which those reports were made. He is allowed to continue his sleep and is called at daybreak, in accordance with the orders he had given the night before. Then he hears of the loss of the "Titanic." As soon as he hears of the loss of the "Titanic" he proceeds towards her with all possible speed, and all the witnesses are agreed that as soon as the necessity for taking action was brought home to Captain Lord's mind he at once took action, and extreme action. He steamed at full speed through the field ice which has been described, and successfully did so, and at 8.30 he arrived at the "Carpathia's" position.

At 7.30 he passed a vessel blocked in the ice. He thought at the time it was the "Mount Temple." It is quite clear now, from the evidence given by the Master of the "Mount Temple," that the "Mount Temple" was a good deal further to the Southward, and, therefore, the vessel he saw stopped in the ice must have been some vessel other than the "Mount Temple." But that is what he sees at 7.30, a vessel which although comparatively near the scene of the tragedy is herself so involved in ice that she is unable to force a passage through it. Captain Lord, however,

does so, and he eventually gets alongside the "Carpathia" at highest speed at 8.30 in the morning. When he gets alongside he is told by the "Carpathia" that she has picked up all the survivors. Captain Lord is not content with this assurance. For two hours after that he searches amongst the wreckage in the hope that he may pick up any of those who may happen to survive. The conduct of Captain Lord that morning was not the conduct of a man who was callous or indifferent to the duties which he owes to humanity. I submit that his inaction was purely the result of ignorance of the conditions that were actually existing some two or three miles away from him on this particular night. He was entirely ignorant of what was going on during the time he was resting in the chart-house. Had he only known, he would have rushed to the "Titanic's" assistance, and no one regrets more than he does that he did not do so, but the remorse for his apparent inactivity during these fatal hours of midnight is relieved by the knowledge that if he had gone to this vessel's assistance when called by Gibson at five minutes past two he could not by any possibility have got to her before the "Carpathia" had herself arrived upon the scene.

As I have already explained to your Lordship the "Californian" was distant two and a half hours steaming from the position of the "Titanic" and if he had gone to her assistance at 5 minutes past 2 it is perfectly obvious that he could not have reached her until after about 4.30 which was half an hour after the "Carpathia" got there. That is assuming that he could have made at night the progress which he was able to make in the daytime, and it is very unlikely if at night he had proceeded in the direction in which the "Titanic" was that with this field of ice in front of him he would ever have got there. But I submit that on this evidence it is abundantly clear that even if he had taken action at 2.5 which is the time it is suggested he ought to have taken action, he could not possibly, by reason of the distance and the time intervening between himself and the "Titanic," have reached the "Titanic" in time to have been of any assistance at all. Even if he had gone at 1 o'clock in the morning, which was the time when first rockets were seen he could not have arrived there until 3.30, more than an hour after the "Titanic" had sunk. So that in no view, as I submit of this case, would the conclusion be a fair one that any life would have been saved or any suffering relieved had the master of the "Californian" not remained inactive between 1 and 6 o'clock in the morning. My Lord, that is his evidence at Question 7406, if I may read one or two answers to your Lordship on this part of the case because they put what his view is. (*Mr. Dunlop.*) Assuming that she sank somewhere between 2 and 3, could you in fact, if you had known at 1.15 a.m. in the morning that the "Titanic" was in distress to the southward and westward of you, have reached her before, say, 3 a.m.? - (A.) No, most certainly not. (Q.) Could you have navigated with any degree of safety to your vessel at night through the ice that you had encountered? - (A.) It would have been most dangerous. (*The Commissioner.*) Am I to understand that this is what you mean to say, that if he had known that the vessel was the "Titanic" he would have made no attempt whatever to reach it. (*Mr. Dunlop.*) No, my Lord. I do not suggest that. (*To the Witness.*) What would you have done? No doubt you would have made an attempt? - (A.) Most certainly I would have made every effort to go down to her. (Q.) Would the attempt from what you now know in fact have succeeded? - (A.) I do not think we would have got there before the "Carpathia" did if we would have got there as soon." His attempt would have failed. As I say he laments that he did not make the effort, but I submit also that if he had made the effort it is one which certainly would not have done any good to the "Titanic" and might possibly have only added the "Californian" to the "Titanic" tragedy.

There are reasons why in my submission your Lordship, even although you may take an unfavourable view of Captain Lord's conduct, ought to refrain in your report from censuring him. There are three grounds on which I submit that your Lordship, even although you think that his conduct merits rebuke, ought in your report to refrain from rebuking him. The first ground is, I venture to think, the ground of public policy. I submit it would be a grave mistake to introduce

into your report a topic which cannot but affect the prestige of the British Mercantile Marine if the topic is introduced for the purpose of censuring the conduct of Captain Lord. Your Lordship's report will have an international interest and importance. It will be circulated by the press in all foreign countries, or in most foreign countries, and if it contains any censure of the "Californian," it will put into the hands of foreign critics a weapon of attack on the reputation of the British Mercantile Marine, of which we are very justly proud and jealous. I mention this in order that your Lordship may have present to your mind this aspect of the case, and consider whether it is in the public interest that publicity and advertisement should be given to what has been called the "Californian" incident.

But in the interests of justice the report ought not to pass any censure on Captain Lord. In the first place the Commission was not appointed to enquire into his conduct at all. His conduct had absolutely nothing to do with the objects of this Enquiry as stated by the Attorney-General in his opening speech. There was no jurisdiction to hold any Enquiry into Captain Lord's conduct. Under the Merchant Shipping Act an Enquiry may be held into the conduct of a Master who, after being in collision with another ship unreasonably fails to stand by her or give her his name. But apart from that section there is no power to hold an Enquiry into the conduct of a Master who, after being in unreasonably withheld assistance from a vessel in distress. It is admitted that there is no jurisdiction here to suspend or cancel Captain Lord's certificate. If it has not that jurisdiction, it has no jurisdiction to censure him, because censure is merely ancillary to the jurisdiction which the Court possesses if it has jurisdiction of cancelling or suspending his certificate. Censure is frequently an alternative to the power which the Court has of suspending or cancelling a certificate in a fit case. But if the Court has no jurisdiction to deal with his certificate it cannot have a jurisdiction to express censure on his conduct. Whatever we may think, they are merely opinions which ought not to have the sanction which your Lordship's report would give to the opinions which your Lordship may possibly hold. If the Board of Trade had power to order an Enquiry into Captain Lord's conduct, it did not exercise the power, and it cannot now treat the Enquiry, which was not into his conduct, as if it had been.

Under the Rules which regulate proceedings at these enquiries, if a charge is made against a Master, he must be told what the charge is. That is required by the Merchant Shipping Act, and is also required by the Rules which govern the procedure on these enquiries. The Rules are set out at page 723, and under Rule 3 he must, when an Enquiry is ordered, be served by the Board of Trade with a notice in the form which your Lordship will find on page 729, containing a statement of the questions which, on the information then in possession of the Board of Trade, they intend to raise on the hearing of the investigation, and service of this notice is essential in order to make a Master a party to an Enquiry.

From the little experience I have had of Board of Trade enquiries, the very first step taken in a Board of Trade Enquiry is to formally prove service of these notices upon the men whose conduct may be called in question. No such notice was given to the Master of the "Californian." On the 26th of April, Captain Lord and Gill gave their evidence at the American Court of Enquiry, and a transcript of that evidence was in due course transmitted to the Board of Trade. On the 11th of May, on the arrival of the "Californian" in Liverpool, statements were taken by the officers of the Board of Trade from Captain Lord, the three officers, two Apprentices, an A.B. and some of the engine room staff. On the 14th of May, Captain Lord attended here and gave his evidence, and his testimony was relevant to some of the questions which have been submitted to your Lordship. I asked on that occasion to be allowed to appear on behalf of the "Californian" and the Master, and my application was very properly resisted by the Attorney-General and objected to by your Lordship. My application was resisted or certainly not assented to by the Attorney-General, who properly explained that although the evidence showed that

rockets were seen by the "Californian," and the evidence showed that the "Titanic" was not very far from the "Californian," it was very difficult to say that that evidence had any bearing upon the questions submitted to your Lordship, and, therefore, as the "Californian" was sailing, he proposed to put a few questions to the witnesses. That is, on the 14th of May after the Board of Trade had all the information which they now have bearing on the "Californian" incident. No charge at that time was made against Captain Lord, no intimation was made that any charge would be made, and he was not made a party to the Enquiry. He appeared here in no other capacity than as a witness to give to the Court such assistance as he could in answering questions which had then been submitted by the Board of Trade for your Lordship to answer. And the capacity in which I appeared is properly stated on the front page of the various records of the day's proceedings "as having watched the proceedings on behalf of the owners and officers of the "Californian," as distinct from "appearing on behalf of the 'Californian,'" which are the words I see opposite more distinguished names. It is not until the 14th of June, a month after Captain Lord has left the witness-box, that an intimation is given that the Board of Trade propose to formulate a question relating to the "Californian," which would give the Court an opportunity of censuring Captain Lord. It is not my province nor my purpose to criticise the procedure which has been adopted with relation to the "Californian," but it is manifest from the statement of facts as I have stated them, that Captain Lord has been treated here in a way which is absolutely contrary to the principles on which justice is usually administered, or on which these enquiries are generally conducted.

I respectfully urge the Attorney-General to consider whether this question ought really to be put at all. The object of it is explained by the Attorney-General on page 649. There it is stated that the object of this question is that the Law Officers of the Crown should get from your Lordship a finding of the facts relating to the "Californian" incident in order to enable them to make up their minds whether, in the public interest, they ought to institute criminal proceedings which may be instituted under Section 6 of the Maritime Convention Act. If that is the object of the question, I submit it is a wholly unfair object. If this man may be prosecuted hereafter, he ought to have had notice of this question before he entered the witness-box; he ought to have known precisely what the charge made against him was, and he ought to have had an opportunity of hearing the evidence given by the other witnesses before he himself had to give his own evidence.

If you deal with this question, my Lord, and find the facts against Captain Lord, what chance would he have of a fair and impartial trial before a jury which had read your Lordship's report? If that is the object, my Lord, of this Question, this invitation to your Lordship to find the facts with regard to the "Californian" incident, if the object is with a view to future proceedings, I respectfully and strongly urge that it is a most unfair object. If that is not the object, then I do not know what the object of the question is. If it is not in the public interest that Captain Lord should be charged with a failure to render assistance, then the question ought not to be raised so publicly here in the form of the question which has been submitted to you.

Captain Lord has already been sorely and severely punished for his apparent inactivity during these fatal midnight hours. That inactivity, whichever view your Lordship may take of the facts, is, I venture to submit, an inactivity due to mere thoughtlessness or error of judgment and not to any willful disregard of duty. He may have relied too much on his Second Officer and Gibson, the Apprentice; he may have erroneously drawn a wrong inference from the reports which they made to him. Whatever his conduct was it was conduct due to a want of appreciation of what the real circumstances at that time were, and not to any willful disregard of duty.

The ordeal of public criticism and public censure, through which he has already passed, will, without further censure, be a sufficient warning to him and to other Masters of the strict duty that

lies upon those who go down to the sea in ships of rendering assistance if they can to other vessels in distress. It requires no further rebuke to impress upon Master Mariners the importance of that duty. That counsel should have to appear here to vindicate his reputation and defend his honour is not the least humiliation that this man has had to undergo.

For all the reasons that I have urged, I do ask your Lordship not to pass any censure upon this man, and I venture to think that if your Lordship does not censure him then truth and justice and mercy will meet together in your Lordship's report.

(Adjourned to tomorrow at 10.30 o'clock.)

WRECK COMMISSIONER'S COURT,
SCOTTISH HALL,
BUCKINGHAM GATE,
Saturday, 29th June, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

THIRTY-FOURTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on

application.)

The Attorney-General: Before we proceed I understand that your Lordship proposes to sit on Monday in another place?

The Commissioner: Well, I believe so; I am told this hall is not available on Monday. If it is, so much the better. I would rather go on and finish here.

The Attorney-General: Then, my Lord, today, I think, subject to your Lordship's view, it would be sufficient if we sat till half-past one, and then if I resume on Monday I have very little doubt I should conclude.

The Commissioner: If I do that, what I shall do on Monday is to sit until we have finished. You cannot come on Tuesday?

The Attorney-General: No, I think there is no doubt we can finish on Monday. The utmost that might happen might be that I should have to conclude on Wednesday; I could not come on Tuesday.

The Commissioner: Are you sure you could come on Wednesday?

The Attorney-General: I understand so from the House of Lords.

The Commissioner: Because I do not want the thing to stand over?

The Attorney-General: Neither do I; I want to get rid of it. It is quite safe for Wednesday, but I do not anticipate really going into Wednesday.

The Commissioner: Rather than risk it I would rather sit later today unless you have some engagement, which I daresay you have?

The Attorney-General: It was because I thought we should finish on Monday that I suggested we should rise early today.

The Commissioner: I only want to do what is convenient to all.

The Attorney-General: I thought by taking this course we should finish quite well on Monday. It will not be necessary for me to refer so much in detail to the evidence.

There is one further point I wish to direct attention to so that your Lordship may have the figures before you. If you come to answer the question with regard to the number of passengers and classes of passengers saved by reference to the Table which was put in at page 479*a* there would be a difficulty, because the figures have been a little altered. What I wish to direct attention to is that we have now an agreed statement which I am going to hand in, which is not printed, which will give your Lordship all the information that you would require to answer to the question as to the number of persons saved and the classification of those persons. It might be quite convenient to print the two Tables I am going to hand in at the end of today's Note, so that your Lordship will have them before you.

The Commissioner: Yes.

The Attorney-General: We may treat this Table which was put in at page 479*a* as cancelled - 703 was the number taken as saved originally; it has now turned out that it is 711, and of course that necessitates some alteration.

(The Table was handed in. See Appendix.)

Now before I proceed to address your Lordship in detail upon this case I desire to express my thanks to the White Star Line, and in particular to Mr. Wilding, for the assistance which they have given us during the Enquiry. I think it is only right to say that, although to some extent their conduct is under review and criticism by the Court, every possible assistance has been given by them, and also by my friend Mr. Laing's clients, Messrs. Harland and Wolff, so that all available material has been placed before your Lordship and the Court.

In discussing the evidence and putting before your Lordship certain conclusions which I will

ask you to consider, I do not propose to travel in great detail through the evidence upon which comment has already been made at considerable length by my friends who have already addressed you. As your Lordship has appreciated, more particularly with reference to the task which Sir Robert Finlay undertook, he has, so far as it affected the case which he was presenting to you, gathered together all the available evidence on those points, whether for or against the view for which he was contending, and, therefore, the references which I shall make will be only by way of comment, and, except on very important matters, when I shall refer to the specific answers, I shall pass over the particular answers that are given and summarise what my submission is as the result of the evidence. I cannot think that any useful purpose would be served by my doing again in a different form what has already been done and is before the Court.

Now, my Lord, speaking generally, the Questions which your Lordship has to answer relate to what has happened in the past and what is to happen in the future. And no doubt different considerations must apply when you are forming a judgment as to past events, or making any recommendations as to what shall happen in the future for the guidance of those who have to navigate the North Atlantic. The main questions resolve themselves into two, I think. The first is whether there was any failure to take proper precautions which, if taken, would have avoided or would have materially minimised the loss both of life and property. That, of course, is the question that affects the past. Then the other, and I cannot help saying it appears to me to be the more important question in relation to this Enquiry, is: What precautions shall be taken in the future to guard against any similar calamity.

Your Lordship certainly has not begrudged the time which has been spent upon this Enquiry, although I am fain to admit that I think we have travelled over much ground which it is unnecessary for me now to consider in addressing your Lordship and which it will be unnecessary for you to consider. The very fact that we have gone into these questions at such length, and, I think, with such minuteness, has brought out this, that save as regards a few questions there is really no controversy at all.

The question to which I propose to address myself first and which, together with perhaps the question relating to boat accommodation, is, in my view, the most important, is that relating to the speed of the vessel at the time of the casualty.

The Commissioner: I did not quite hear what you said; you said something about boat accommodation.

The Attorney-General: I said except for the question relating to boat accommodation, to my mind speed is the most important one. There are two main questions: one is the speed and the other is boat accommodation. That is what I mean speaking quite generally, and I propose to address myself at first to the speed question; that is Question 14, which carries with it a good many other Questions which your Lordship will have to answer.

I preface the observations which I am going to make with this proposition, which I submit is really beyond controversy, that had the speed been materially reduced on this night of the 14th April, the "Titanic" would not have been lost, or if she had been lost, no lives would have been lost. I submit in formulating that proposition I am really only putting before the Court what is established beyond all doubt by the evidence in this case. I will deal with it a little more in detail when I come to analyse the evidence, but substantially what I mean is, that supposing this vessel, instead of going at 22 knots per hour had proceeded at a moderate speed, say, of eight to ten knots per hour, although it might have been that she would not have avoided collision with the iceberg, yet she would not have sunk, or if she did sink, she would have been kept afloat for a sufficient time for the "Carpathia" to have reached her and saved all her passengers. That is a view which I submit plain from the evidence which has been given.

In the observations which I am about to make to you in reference to speed, I want to make it

quite clear that although I am going to put before the Court considerations based upon the evidence which, if accepted by the Court, will mean that there was negligent navigation of this vessel on the part of those who were responsible for the navigation. I have no desire, nor is it any part of my duty, to press that except in so far as it is necessary to bring clearly before the Court various statements of witnesses which to my mind ought to have a serious bearing on the judgment which the Court should form with regard to the navigation.

The Commissioner: Which is the question which invites me to express an opinion upon negligence?

The Attorney-General: There is no question which asks you whether there was negligence or not, but there is Question 14, which asks you whether the speed was excessive.

The Commissioner: Yes, that appears to me to be quite a different thing.

The Attorney-General: It may be, of course. That question can be answered without saying anything further with regard to negligence; I can only say that is a matter for your Lordship to determine. When you come to answer that question, I can conceive that the Court might come to the conclusion that it preferred not to deal with any argument which may have been addressed based upon this proposition that there was negligent navigation, and that the Court might be satisfied in saying that the speed was excessive. Of course, that is a matter which your Lordship must determine.

The Commissioner: I do not consider that I am bound by the form of the questions.

The Attorney-General: No.

The Commissioner: But at the same time I do not want to enter into an Enquiry which is not necessary, and perhaps is one which I ought not to enter upon.

The Attorney-General: Of course you have to bear in mind also Question 24: "What was the cause of the loss of the 'Titanic,' and of the loss of life which thereby ensued or occurred?"

The Commissioner: Assuming you are right, there is no difficulty, in my opinion, in answering that question. Assuming you are right that the speed was excessive - the cause was the excessive speed - that was the effective cause.

The Attorney-General: I quite understand.

The Commissioner: Whether the people who permitted that cause to operate were negligent or not appears to me to be quite a different question from the cause of the accident. It may be refining, but it occurs to me that if the speed was excessive, so excessive that an alteration would have avoided the accident, then the cause of the accident was the excessive speed.

The Attorney-General: Yes, but that still leaves open the question whether the excessive speed was, in your Lordship's view, negligent navigation.

The Commissioner: What, does it matter? If it was excessive it was wrong navigation, but whether it was negligent is another matter. I draw a distinction between a thing which is wrong and a thing which is negligent. Negligence may cover both, but a thing which is wrong does not necessarily mean a thing that is negligent.

The Attorney-General: Of course, there may be two courses open, and the one selected may turn out to be the worse; the wrong course of those two may be selected. Nevertheless, I quite appreciate that that may have been an error of judgment which is not negligence, because either of the two courses might have been a course which any prudent commander might have taken, and the fact that it turned out badly naturally would not make your Lordship come to the conclusion that there was negligence. I quite appreciate that. But there is the further point, which certainly is involved, covered by the questions, although I quite appreciate that you might not think fit to answer it or may not think it is necessary to answer it, and that is whether the speed should have been reduced; whether the person responsible -

The Commissioner: We are quarrelling about words, I think. If I think the speed was excessive

it follows that I think it should have been reduced.

The Attorney-General: Yes.

The Commissioner: But it does not follow that because it was not reduced the man who failed to reduce it was negligent.

The Attorney-General: No.

The Commissioner: Do you follow what I mean? It sounds a little casuistical, but to my mind it is true.

The Attorney-General: I agree.

The Commissioner: I am very much disposed at present - I will not commit myself to anything about it, and I do not desire to do that - but I am very much disposed at present to think that the whole of this disaster was due to the excessive speed.

The Attorney-General: That is the view I am going to present.

The Commissioner: That is the view I am disposed to take at present; I do not commit myself to it, of course.

The Attorney-General: I quite understand what is in your Lordship's mind with regard to it, but I want to put certain considerations before you, and then your Lordship will determine whether it is necessary to say anything about it.

The Commissioner: Certainly. I only wish to point out what my mind is at present about it.

The Attorney-General: What I am particularly anxious is, in dealing with this matter, after the very full and exhaustive Enquiry which we have had into the circumstances, if your Lordship has a very definite view upon the aspect of the question, that is whether there was negligent navigation, that if you think fit, it should be expressed in answering the questions. I mean, whichever judgment you may form, if your Lordship comes to the conclusion that on the whole you think, having reviewed all the circumstances, you will not express any opinion upon it, of course I am equally satisfied, if I may say so, provided that the considerations have been put before you which will enable you to come to the conclusion. That is the course I desire to take.

At the outset of these observations I want to put one further proposition before your Lordship which I think must govern, to a large extent, the view which your Lordship will take of the evidence, which is that the reduction of speed which would certainly have avoided the very grave character of this disaster was a very small precaution to be taken. I respectfully submit to your Lordship this: What strikes me here upon the whole of this evidence is that for a great number of days we have been discussing the cause and the effect of the disaster of this vessel coming into collision with an iceberg at night at a speed of 22 knots per hour when we know in point of fact, beyond all controversy, that ice reports (which I must analyse very closely later) had been received by the Captain - that he and his officers knew that he was approaching the vicinity of ice, that he was quite aware that at any moment he might expect to meet an iceberg, and notwithstanding that they continued at this speed of 22 knots when, so far as I am able to judge, there was not the faintest reason why they should have continued at that speed on that night. The striking thing about it is that they did not desire to make a record passage; I think the White Star Line have proved that conclusively, and if they had arrived at the time which was intended it would not have been a record passage. What they did intend was to arrive on the Wednesday morning at five o'clock. That is what was planned, and certainly it was not necessary to push this vessel at its extreme speed in order to do that. Your Lordship will remember how the evidence stands. I think I may put it quite shortly when I say this, that 22 knots an hour was the speed at which she was going on this night, that what was necessary to bring her to New York at five o'clock on Wednesday morning was 20 knots an hour from that time and no more. That was given in evidence by one of the witnesses and was accepted. Therefore, if only we had had this reduction of speed for a few hours till daybreak, so far as I can gather from the evidence before

us, there would have been still plenty of time for the vessel to arrive at the time intended and all possibility of this disaster would have been avoided.

My object in making these observations to your Lordship is this: Of course I know you would take into account in deciding a question of that character whether it was reasonable in all the circumstances to expect this particular precaution to be taken. That is, no doubt, a very guiding factor in arriving at a conclusion, at any rate as to whether there was any lack of reasonable precautions, which is only another way of expressing whether there was any negligence.

If you were being asked to say that the disaster occurred by reason of their having omitted to take some precaution which would have made it impossible for this vessel to travel between the United States and this country because the precaution to be taken would have necessitated such expenditure as would have prevented this "Titanic" being a commercial venture, of course I can quite understand that you would say: "Oh, no; what I am dealing with is a matter of commerce, and there may be some risks which have to be taken, which everybody has to take, and it certainly is not for me to insist upon such a precaution as would destroy the mercantile marine of this country." Of course, I quite appreciate that. What I am pointing out is that it is no precaution of that character which I say was not taken in this case, but it was the simplest precaution which was omitted, and that was the reduction of speed for a few hours. That impresses itself upon my mind very strikingly upon a review of the whole evidence, and more especially when I come to call your Lordship's attention to the indications that there were, that they were dealing on that night with abnormal and not with normal conditions.

The Commissioner: Is it your view that the existence of abnormal conditions is established? I rather gather that it is.

The Attorney-General: It depends what you mean by abnormal.

The Commissioner: You know it is important, if I have to consider the question of negligence, to consider whether there were abnormal conditions.

The Attorney-General: I agree. I have given attention to it and I am going to call your Lordship's attention to particular passages in the evidence which bear upon it. I attribute myself so much importance to this question regarding speed that I have no doubt most of what I have to say will be directed to that point. It has not been gone into exhaustively by the other side, by any of my learned friends who, of course, have dealt with other questions which more particularly affected them, leaving this particular question to me. Observations and arguments have been addressed to your Lordship, and I think of a very pertinent character, but both my friends, Mr. Scanlan and Mr. Clement Edwards, who touched upon this question, indicated that they were not going into it at length because they knew that I was proposing to do it.

The question which I think you would put to yourself at the outset of an Enquiry into the evidence is, What is the standard of care to be taken in navigating a vessel of this kind on this track. I desire to make only one observation with reference to that, and one which I am quite sure will not be controverted and will be acceptable to your Lordship, and then to pass from it. The answer I would make is that it is the highest standard of care which is required in a case of this kind. I do not shrink, of course, from this observation, that I think greater care is required when you are dealing with a passenger and emigrant vessel of this character than when you are dealing with a cargo vessel. I quite understand that the observation might be made: "Well, but it is just as important in a cargo vessel that there should be no risk of loss of life of the crew or of the loss of the vessel as in the case of a passenger and emigrant steamer." I do not think that is quite a correct view to take of it, with submission, and I do not expect it is the view which your Lordship would take. When a vessel is trading with passengers and emigrants there is a greater responsibility upon the Captain who is in charge of and responsible for some 2,201 persons, than if he is merely trading in a tramp steamer dealing with persons and in charge of persons who are

used to the sea and who are more able to take care of themselves in times of difficulty than passengers, and particularly emigrants, who, perhaps, have never been to sea before. I do think that I am entitled to say that the highest standard of care has to be applied to passenger and emigrant ships.

The Commissioner: I think it has to be applied on both cases; in both cases the highest standard, whatever it is, ought to be applied. I do not see why you should risk the lives of the men on a tramp steamer any more than you should risk the lives of emigrants.

The Attorney-General: No.

The Commissioner: You risk more lives on the one, of course.

The Attorney-General: Yes, and you risk the lives of those who are not used to the sea in the one case; I mean there is more difficulty for the passengers, as indeed is shown, to realise the peril in which they are placed than there would be with the crew. But it is not necessary, so long as your Lordship accepts the view that it is the highest standard of care that is to be applied, for me to argue it at any length.

The Commissioner: I accept it, though I do not understand it. What "the highest standard" means I do not know. It means reasonable care based on experience and skill. That is what it means, I think.

The Attorney-General: I think it means that you exact more care and skill in the particular case, and that you are entitled to exact it in this particular case or in similar cases.

The Commissioner: You cannot drive it to extremes, otherwise a vessel would never put to sea at all.

The Attorney-General: That is what I pointed out. You may say that so many or such precautions would have to be taken that the commercial venture would be destroyed; of course, I quite agree to that, and I am not suggesting that you must take that line.

The Commissioner: Some risk must be taken.

The Attorney-General: Oh, certainly. Now, my Lord, in this particular case all that it is necessary to say - and I think I am entitled to say this - is that every precaution should have been taken to guard against collision with ice. There can be no doubt about that, and that is the only standard which I am asking the Court to apply in this case. When we come to the concrete proposition that is what it resolves itself into.

The Commissioner: It does.

The Attorney-General: And that is, no doubt, one upon which there will be no question between your Lordship and myself or between myself and my friends. Now collision with an iceberg is a well known danger of navigation. Your Lordship asked a question which, at the time, we were unable to answer, as to whether there were any reported cases which dealt with collisions with icebergs and you were referred to the "Arizona." My Lord, there is another - I only mention it in answer to what was put by your Lordship - there was the "Cretic" in 1891, which was the subject of another Enquiry, with regard to a vessel which had come into collision with an iceberg. There was no look-out; that was what was found as the cause.

The Commissioner: There is no difficulty about that.

The Attorney-General: No, but what your Lordship had in mind was whether there were questions of this kind which had been discussed. Also it is quite clear from the book to which reference has been made, and it is a fact so well known, so well accepted by everybody that I need not labour the point, that on this track, on this North Atlantic track, icebergs at least, without saying ice-fields, are dangerous for which every prudent Commander must also be on the look-out.

Further, in this particular case there were warnings that in this year, 1912, the ice would travel South at an earlier period than usual. That is the true meaning of the ice reports which were sent

to the Commander, Captain Smith. They were clear indications to him which any Captain who is used to navigating this track would know meant not only that there were one, or two, or three isolated icebergs which he might meet, but that in fact he must expect ice to be travelling across his track because icebergs and ice-fields had been reported during this month, which was an unusual month. Although in May and June sometimes on this track, since the track was established, which, I think, was in 1898, they have met icebergs still in April they did not expect it. That is the way in which the evidence stands, and I will give your Lordship the exact references.

The Commissioner: April is too early?

The Attorney-General: Yes. Substantially it comes to this, as your Lordship says, April is a little too early. In May and June it does happen. I do not mean it happens every year, but since 1898 it had happened, and it was the kind of thing they expected might happen, and which at least had happened three times since 1898. That is how it stands. But in April it was thought very unusual. Now the Commander was aware of these ice reports which he had got, which were four on this particular date (I am leaving out the "Mesaba"), the "Caronia," the "Baltic," the "Californian," and the "Norrdam," which give quite clear indications to him.

Now, my Lord, Sir Robert Finlay has dealt with this by the argument that at any rate as regards the ice reports of the "Caronia" and the "Baltic," the Captain might reasonably have expected that he had passed to the North of the ice reported by them in consequence of the time that had elapsed and the position in which the "Titanic" was when they got the news and the reports of the latitude and longitude in which the ice had been found. Of course, I shall have to deal with that a little more in detail, but the view which I take of the whole of the evidence is this (and this is the answer to the question which your Lordship put to me just now as to whether I formed the opinion and put forward the view to your Lordship that the conditions were abnormal), that I am prepared to accept and think it right to accept on the evidence the description given that it was an exceptional night.

What is exactly meant by saying that the conditions were abnormal, I am not quite sure. If it means they were infrequent, I agree; if it means - that is the position I am taking. I do agree that is the position I am taking. I do not agree with this, that it was a specially calm night on this night of the 14th April undoubtedly. But that there had been such specially calm nights before I think is established by evidence to which I am going to call your Lordship's attention. It was not the first time in the experience of navigators that they had had such a night as this with a flat calm which is the distinctive feature of it so far as it has any bearing upon this case. Other navigators have said, of course, that they have seen this kind of thing before. It is very unusual at this time of year, but it does happen. The submission I make to the Court is that those conditions were unusual in the sense that they were infrequent; but unusual conditions necessitate unusual precautions. And whereas it may be perfectly right to go full speed ahead on an ordinary night when everything can be seen and there is no difficulty whatever in clearing an iceberg when it has been reported, it is a totally different state of things when you are dealing with unusual conditions, such conditions as existed on this night.

It is very much open to question whether it is a right thing in any circumstance to go at full speed, even though you can see perfectly clearly, but no doubt it is right to say this as your Lordship indicated at an early stage, and I ventured to assent then, as I do now, that if you can see an iceberg at sufficient distance to navigate your vessel clear of it within a sufficient time, well, of course, there is no necessity to reduce speed. If you can depend upon seeing an iceberg five miles distant and that gives you ample time to clear it, I agree there would be no necessity to reduce your speed. But when you have conditions, particularly at night, which cannot make it certain that you will be able to see an iceberg at a great distance, then it becomes a very different

question. The evidence establishes this, that according to the experience of those who have been in the habit of navigating on this track, and among ice, you could see an iceberg at night, on a fine clear night, at a distance of from five miles to one and a half miles. That is the closest I think it has been put. Of course I am summarising the whole of the evidence. As your Lordship is aware, there has been a great deal of difference of opinion about this distance. Perhaps the majority put it at something like three miles in fine weather, conditions such as were assumed in the question put to them; but some go so far as to say that you might not see it unless it was a distance of something like one and a half miles.

Then again, one has to bear in mind that when they say that, the view of some of the Commanders is that you would expect among icebergs to find some of a dark blue colour. It does not much matter what the particular colour is; it presents a dark appearance, and that those which present that dark appearance, that is the dark side to you, would naturally be less easy of detection, and would be seen at any rate according to their view, at a less distance than those that present the lighter and whiter appearance. I think this is an important point in view of one argument which has been addressed to you by Sir Robert - that you must expect, when you get among icebergs, to find some of this dark blue colour, or some which present a dark appearance to you, and, therefore, you must expect that there will be some icebergs which will be very difficult to detect at night. I notice one witness went so far as to say that he did not think you would detect an iceberg of that kind at night at a greater distance than a mile; that was Captain Cannons. If you once get to them and you have to bear in mind that amongst the ice through which you are going to travel you may meet a dark-faced iceberg, which you will only see when it is very close to you. I submit that that makes it abundantly clear that it can never be safe to go at full speed at night in a region in which you expect to meet icebergs.

The Commissioner: Is it your view of this case that there was a good look-out or a bad look-out?

The Attorney-General: I am going to deal with that. The view that I take of it is that the men on the look-out were qualified men, specially engaged as look-out men, and I see no reason for doubting their capabilities as look-out men. Then there were the officers on the bridge.

The Commissioner: Only one, Murdoch.

The Attorney-General: I say there were officers on the bridge, one of whom was actually on the look-out; one of them might be on the look-out or might not, but it was the duty of one. I think that is the position. That they failed to detect this iceberg, of course, is beyond all controversy. The difficulty one has, and which has confronted the Court from the first, is how is it they failed to detect it until it was so close upon them?

The Commissioner: That is my difficulty.

The Attorney-General: Of course, and it is a real difficulty in the case and it is one I want to deal with because I quite appreciate it is the difficulty here.

The Commissioner: One of your witnesses said a mile. This was, I suppose, a third of a mile or a fourth of a mile.

The Attorney-General: A fourth of a mile. The best estimate one can form of it is this. Of course to some extent in the observations I am going to make, we are dealing with seconds, and it is important to bear in mind that it is in consequence of the speed of this vessel that we are dealing with seconds. We never ought to have to consider a question of three or four or ten seconds in determining whether or not there is going to be a collision with an iceberg. The only reason why we have to do it here is because this vessel was travelling at the rate of at least 700 yards a minute. That is the position quite clearly. It was at least that, and in the observations I am going to make I will assume that 700 yards per minute is the pace at which she was proceeding. That is a little less than 22 knots really but it is sufficient for the purpose. According to the

evidence, I think the utmost that you can give this vessel in point of time, judging from the events that happened, and also the pace that she was going, is 40 seconds. I do not think that you can from any point of view say that she had more than 40 seconds between the time of the iceberg being seen and the time of the impact.

The Commissioner: The difficulty is the one pointed out just now, to reconcile that with a good look-out.

The Attorney-General: I know. I am going to deal with that and deal with it also from the view put forward by my friend. Taking into account that she is travelling at this speed of 700 yards and what was done during the time (it is almost impossible to be quite precise about it, but we know what happened), I will take the order of events without referring to the evidence which no doubt is present to your Lordship's mind and those who are assisting you. Fleet, one of the two look-out men in the crow's-nest sees the iceberg, he sees it after being told at half-past nine - or rather the preceding look-out man having been told at half-past nine - to keep this special look-out for icebergs and growlers, which is passed on to him at ten o'clock, when he goes on duty. He has been on duty for an hour and forty minutes with his mate Lee in the crow's-nest, looking out for ice, the ship travelling all the time at this speed of 22 knots. I should think if you have to peer into the darkness with the vessel proceeding at that pace, an hour and forty minutes must be rather a strain, but two hours seems to be accepted as quite a fair time for a man to be acting on the look-out, and I make no comment on that except this, that it might have a tendency to make a man a little slacker during his last half hour. But that is all surmise. We have no evidence to indicate that it was, except the fact of what happened; but at 11.40 he suddenly sees an iceberg. He then goes to the bell. He strikes it with a signal three times, "Something ahead." Your Lordship remembers he then goes immediately to the telephone, he telephones to the bridge - they have one of those loud-speaking telephones there - he reports through the telephone to the bridge, "Iceberg ahead." The answer is, "Thank you," and then the helm is hard-a-starboarded. According to the evidence of Hichens, the Quartermaster, the order is given "Hard-a-starboard," at once when the telephone message comes through. It is so close in point of seconds that it is really very difficult to say whether that did actually happen or whether the order may have been given by Mr. Murdoch, having seen the iceberg himself - it is so close in point of time that really I do not think anyone can determine that, and if it assists in any way the case of the White Star, I am perfectly ready to assume that Mr. Murdoch saw it quite as quickly as the look-out men, and that the order was given by him "Hard-a-starboard" on his own initiative, and not on the report that was given from the look-out. It really is only a question of two or three seconds, and you cannot do more than to say that the helm was hard-a-starboarded at once. Your Lordship will remember he had just got it over - I think it is 40 degrees to get it hard a-starboard - he had, in fact, just got the helm right over when the vessel struck. She had meanwhile veered two points to port - that is the position. We know according to the evidence of the turning circle how long it would take her. I have not the figures before me, but I think I am right in saying it takes 37 seconds at this pace for her to turn the two points to port. Therefore, she, having turned the two points to port must have taken 37 seconds, and I do not think that I am adding too much or treating them unfairly when I say if you add three seconds for the report of what takes place you get as nearly as you will ever be able to get the time that had elapsed between the report of Fleet and the striking of the iceberg; that is between the sighting of the iceberg and the striking of the iceberg at most 40 seconds must have elapsed. That I think is the position of the discussion on the evidence such as we know it. Now that means this, that the furthest distance at which the iceberg was seen from the vessel was 466 yards - anything from 450 to 500 yards is the extreme distance that you can put it. I say 466 because it is two-thirds of 700 yards which I was assuming she was travelling per minute. Therefore, what we have got established is that this vessel going

along at this pace, travelling at this 700 yards a minute, only sees the iceberg at a distance of 466 yards, and that that is not enough. However quickly the men may act at the helm, however swiftly the order is given, and however quickly the officer in charge acts, you cannot navigate that vessel with her 850 feet length out of the way of that iceberg in time. In the statements which I have been making in regard to these matters, I think I am stating facts proved on the evidence which are beyond all question and beyond all controversy.

It has been suggested during the course of the case - I only make the reference to get rid of it so far as I am concerned - that if the order had not been given "Hard a-starboard" and the vessel had gone straight on to the iceberg, it was indicated by Mr. Wilding as in his opinion, and, of course, I accept it not only as the opinion of a highly skilled gentleman who has been of the greatest assistance to us in the course of the case, but equally as his honest opinion formed, apart altogether from this case and the consequences of it - that the vessel would have telescoped to the extent of 100 feet or more. That is his view. I only wish to make this one observation with reference to it, speaking with the experience of some of these cases, I do not mean only shipping cases - not nearly so many as your Lordship has had before you - I think the one thing which it is impossible to foretell, even for gentlemen of the highest scientific evidence, is exactly what will happen if you take a different course from that which was taken, a course such as nobody has ever seen put into practice and which is the course which is assumed for the purpose of arriving on this conclusion. I am sure there is every reason for supposing Mr. Wilding would be right in saying she would be telescoped for 100 feet or a little more, and that would have been the extent of the disaster. I can only speak as a person who has not scientific training, but I should have thought if that happened - (I am saying this, of course, more especially to your Lordship and to those skilled gentlemen who are associated with you) - I should have thought that if a vessel telescoped 100 feet or more it is a very difficult thing to say what would have happened to the ship - whether her plates would not have been so started that the water would have come in, or what damage otherwise would have been caused - and it can only be surmised. I do not dwell upon it, because no one will suggest - certainly I should not suggest - that what Captain Smith ought to have done was to have gone head on, stem on to this iceberg.

The Commissioner: I do not think you need trouble yourself about that.

The Attorney-General: No; I should never have dreamed of doing so.

The Commissioner: I think the gentlemen who are sitting with me are of opinion, and certainly I am, that in starboarding the helm the proper thing was done in face of the iceberg.

The Attorney-General: As your Lordship pleases. That is the view I have formed, and I am very glad to hear it is also the view of the Court. Now, what one has to grapple with in this case is, assuming that you have competent men on the look-out, why this iceberg was not detected earlier. That is really the crux of the case.

The Commissioner: To my mind it seems a question of the alleged abnormal conditions of the night. It brings one right up against it. If the look-out was good what was it that prevented them from seeing the iceberg at a greater distance?

The Attorney-General: Quite. I think one has to bear in mind also when you say: Was the look-out good, that it has to be very good for a vessel travelling at this pace. I do not think you can separate the two. I have tried to do it myself and have found it difficult. I do not think you can say: "Well now, let us look at it from the point of view of the look-out and let us look at it from the point of view of speed." My submission to the Court is that you have to consider whether or not the look-out was sufficient and whether or not speed ought to have been reduced, by the consideration of the actual facts, that is the speed of 700 yards a minute and look-out men in the crow's-nest and on the bridge. It is the combination. I think your Lordship indicated it earlier.

The Commissioner: What I understand is this, that the possibility of even a good look-out not

detecting the iceberg must be taken into consideration.

The Attorney-General: That is so. When you are going at this pace you must take into account that a man may have his eyes or both men might have both their eyes directed to starboard in the crow's-nest, their attention attracted by some light or something which they thought was a light.

The Commissioner: Some ship's light.

The Attorney-General: Yes, and here is this vessel travelling ahead at 700 yards a minute. I will assume they might have seen it at a distance of a mile and a half, which would mean that if they were looking at the light for only a minute, by the time they got back to looking ahead they would already have been within only 450 yards of that iceberg. That is the difficulty of that situation, and that is why it is I say that you must take into consideration in considering the look-out the speed at which the vessel was travelling.

Now, I am going to make some observations with regard to that because I am going to suggest that in any event on this night, expecting ice as they were, they ought to have had a look-out on the stem as well as in the crow's-nest. I am going to base that on the evidence which has been given. I am not unmindful of a good deal of evidence which said that that is only done in a haze.

The Commissioner: That seems to involve the contention that the look-out was bad.

The Attorney-General: Well, not necessarily. I do not think it necessarily does.

The Commissioner: If it was necessary to supplement the men in the crow's-nest, then it must have been that the men in the crow's-nest did not constitute a sufficient and proper look-out. If they did they would not have to be supplemented.

The Attorney-General: When you said the look-out was bad I thought you meant they were negligent, but I see what you mean.

The Commissioner: No, I mean that the look-out provided by the officers on the ship was not sufficient.

The Attorney-General: Yes, my Lord, I am going to contend that the look-out was not sufficient, taking into consideration the rate of speed and, moreover, the conditions on that night - what I will call the unusual conditions, because I prefer the term, if I may say so respectfully, to the one which has been used during the course of the discussion of "abnormal" conditions, as "abnormal" may imply something more than I mean, but I accept "unusual conditions" - I am going to deal with those. They are as I understand it, two and only two which have been suggested during the course of this Enquiry. I mean the fact that the night was fine, that there was no wind, that the sea was calm, had nothing unusual in it, you might not expect to find it in April-

The Commissioner: I should have thought all those circumstances were favourable circumstances, not circumstances that created any difficulty.

The Attorney-General: No; but I wanted to deal with what they said were the conditions. I agree, if I may say so, those are not the conditions which I think are relied upon as making the difficulty - I was dealing with the conditions of that night. But the two conditions which are urged in favour of the White Star Line are, first, that the iceberg was dark in colour and, therefore, not easily seen, and second, that there was a flat calm. Those are the only two conditions which I have been able to discover from the evidence as the usual conditions of that night.

The Commissioner: I suggest that when the evidence is tested, the only abnormal condition not known to Lightoller and not known to the Captain was the alleged absence of any swell.

The Attorney-General: May I say with respect, I know that has been put forward, but I do not think that is the evidence. It has been accepted, I know, during the course of the case and I agree there is a statement to that effect. I am going to call your Lordship's attention to it, because my submission is that from the very first Lightoller was perfectly aware that there was a flat calm.

He may not have known the full extent of the flatness of the calm, if I may use that expression, he may not have been aware of this, that when the boats were lowered into the water on that night the sea was so flat that they had actually no lift in the boat at all at any moment so as to free the tackle. That is his explanation. But, my Lord, that is of comparatively little importance, the circumstance in itself that there was no lift. What is of importance is that there was substantially no swell, and my submission is that Lightoller quite recognised that from the earliest moment.

The Commissioner: Is it not the same thing - no lift and no swell? He wants to make out at all events that it is the same thing.

The Attorney-General: Yes, the only distinction I draw between them is this, so far as I can judge of the evidence. I will call your Lordship's attention to it because I think it is of the highest importance, and it is almost the only portion of the evidence I am going to call your Lordship's attention to in detail. According to the view which I am going to put before you, if you read Lightoller's evidence it destroys the argument which has been put forward on behalf of the Company by my friend that there were those two unusual conditions, unknown to the officers on board the "Titanic."

The Commissioner: What are the two?

The Attorney-General: I am giving them full credit; the two are that the iceberg was of a dark colour, and the other was the flat calm.

The Commissioner: The absence of swell.

The Attorney-General: That is what is meant by the flat calm.

The Commissioner: That is what is meant by the flat calm; yes, those are the two.

The Attorney-General: Yes.

The Commissioner: And the others they had recognised already.

The Attorney-General: Yes, I agree. Those are the two that, according to my view, are the ones that are relied upon. Now the flat calm is relied upon for this reason. One has to consider it closely. It is said by Lightoller, or rather by those who are arguing on behalf of the Company, that if it had not been a flat calm there would have been a ripple. That was the expression used - there would have been a swell, a swell which would have caused a ripple or a break of the water at the base of the berg on the waterline, and that would have indicated to anyone who was on the look-out at a considerable distance that there was an iceberg ahead. That is the whole point, the whole substance of the argument based upon the flat calm.

Now, my Lord, the answer which I think must be made to that, or which at any rate I am going to submit for your Lordship's consideration, is that if it is true that you ought and you could as a reasonably prudent man in such circumstances rely upon this ripple or break of the wave as an indication, Lightoller knew about it, that is to say, he knew it was absent on that night. Lightoller knew - and when I say Lightoller, of course, I include the other officers - already at 9 o'clock in the evening that the weather was so unusually calm, that the water was so flat, that it formed the subject of conversation between him and the Captain of the vessel, so struck were they by it. And why was it they would discuss such a question as that? Because, apparently, they both thought it was a pity that there was not a little wind to make a little sea to create a ripple or wave which would break at the base of the iceberg as they were approaching ice and they wanted that extra indication. That is their own view of it. I will go at once to this passage.

The Commissioner: I suppose I am obliged to accept Lightoller's statement about that conversation?

The Attorney-General: Well, I do not know.

The Commissioner: I do not like these precise memories; I doubt their existence. However, there it is.

The Attorney-General: There it is, and we have to deal with it on the evidence. The reason why I am dealing with Lightoller's evidence is because Lightoller is the only person who makes this excuse.

The Commissioner: Yes, and it sounds to me so like an excuse.

The Attorney-General: Well, that is the view I am going to put forward, that it is only an excuse.

The Commissioner: Yes, and it sounds to me so like an excuse.

The Attorney-General: Well, that is the view I am going to put forward, that it is only an excuse.

The Commissioner: Oh no, I do not think it will suit your argument to do that.

The Attorney-General: I think it does - at least I do not know what is in your Lordship's mind - if I have got rid for the purpose of this argument of the view put forward that they did not know on board that the calm was a flat calm - then there is an end of the argument with regard to that unusual condition.

The Commissioner: You can say if that conversation did take place, the greatest precautions ought to have been taken.

The Attorney-General: That is the point I am making.

The Commissioner: But what occurs to me is this - did it take place? If you want to dwell upon your argument you must stick to the conversation and say it did take place. My difficulty is that it is not contradicted in any way.

The Attorney-General: I can only deal with it upon the evidence which is before the Court.

The Commissioner: Yes, quite right. I have read most carefully Lightoller's evidence, not only that part of it but the whole of it, and I must say that it does not make a completely favourable impression on my mind. I have read it very carefully.

The Attorney-General: Of course, it is very difficult, you must deal with the evidence before you.

The Commissioner: I am afraid I must deal with it as I find it.

The Attorney-General: Yes, if you eliminate altogether from consideration Lightoller's evidence. Suppose you said this conversation did not take place, the result of it would be this, that there would be nothing to indicate that there was anything so exceptional on that night. His is the only evidence of it.

The Commissioner: Has it occurred to you that the conversation about what I call the abnormality, the abnormal condition, perhaps came to the mind of Mr. Lightoller by way of enforcing the fact that there was an abnormal condition? Do you follow what I mean? However, perhaps it is not worthwhile discussing it. What I mean is this; I will be quite plain about it. He wants to make out an abnormal condition and it occurs to him that if he speaks of a conversation in which the abnormal conditions were referred to, that is evidence that there were abnormal conditions; and he has not seen that by the very conversation that he speaks to he shows that they were warned of the abnormal conditions.

The Attorney-General: Of course, the dilemma is this. The dilemma is apparent from what your Lordship has said. If there were no abnormal conditions, then all this argument which has been addressed as an excuse falls to the ground; if there were abnormal conditions then the argument which I am putting to your Lordship is that they had full notice of it and that that necessitated unusual precautions.

The Commissioner: So far as I am concerned, the White Star Company's case would have been very much better without that conversation.

The Attorney-General: It might be, but there it is. If no such conversation took place -

The Commissioner: If no such conversation took place and they came here and said, "We

discovered afterwards that we were in the middle of abnormal conditions," that would be one thing; but here the case put forward by Lightoller was, "We were in the middle of abnormal conditions and were actually talking about them."

The Attorney-General: We must deal with the statement by him which is the only evidence we have got, given in a good deal of detail as your Lordship remembers. Just see what he says about this. The passage is at page 306, Question 13615. The whole of his evidence for five or six pages is of very great importance. I deal with it particularly because by this I am attacking the evidence which bears most against the view for which I am contending at the moment. Your Lordship will remember it begins by a very sharp drop of temperature of something like ten degrees; it gets to freezing point, that you have got in the earlier questions on that page which I do not trouble your Lordship to read because I know you have it in mind. It begins by this - that during a couple of hours that evening the temperature dropped from 43 degrees to 33 degrees, and subsequently dropped again to freezing. That is the position. He is on deck: "(13615.) At five minutes to nine, when the Commander came on the bridge (I will give it to you as near as I remember) he remarked that it was cold, and as far as I remember I said, 'Yes, it is very cold, sir.'"

The Commissioner: Read that slowly.

The Attorney-General: Yes. "In fact,' I said, 'it is only one degree above freezing. I have sent word down to the carpenter and rung up the engine room, and told them that it is freezing, or will be during the night.'" There is no doubt about that, because there was somebody else who took the message.

The Commissioner: There is no doubt about that. I am talking of the conversation.

The Attorney-General: I mean there is no doubt about the message, and I suppose there is no doubt he would have reported it.

The Commissioner: I have no doubt about that, but this man purports to remember immaterial little observations that took place on the bridge that night: "It is very cold. Yes, it is freezing." I doubt very much whether he remembers anything of the kind.

The Attorney-General: The exact words it may be, but your Lordship sees the temperature is of some importance. It is not to be exaggerated, I agree.

The Commissioner: I am talking about his memory about this conversation.

The Attorney-General: "We then commenced to speak about the weather. He said" - that is the Captain - "There is not much wind." Now look at these words: "I said, 'No.'"

The Commissioner: That is one abnormal thing. "There is not much wind" - abnormal in this sense, you know, that there would be an absence of fringe round the base of the berg.

The Attorney-General: Yes, but I do not think you can say that that is abnormal.

The Commissioner: No, it is not abnormal; but that is one of the things which he relies on subsequently. No wind, no swell, black ice - they did not talk about black ice in this conversation.

The Attorney-General: They do talk about black ice; but may I point out - I do not want to be hypercritical about it, but I think it is important to bear it in mind - that there is a difference, as of course your Lordship appreciates, between no wind and no swell.

The Commissioner: Oh, yes.

The Attorney-General: He does not say that no wind would be an abnormal condition.

The Commissioner: No.

The Attorney-General: What he says is no swell would be an abnormal condition.

The Commissioner: It is one of the points, however, that he relies upon.

The Attorney-General: Yes; "It is a flat calm, as a matter of fact." He repeated it. He said "a flat calm."

The Commissioner: Yes, there are the two of them making the point.

The Attorney-General: Yes. "I said 'Yes,' quite flat; there is no wind."

The Commissioner: He makes the point the third time.

Mr. Laing: I am very unwilling to intervene, my Lord, but -

The Commissioner: I am doing this in your favour, Mr. Laing.

Mr. Laing: I only wanted to point out that the witness is evidently meaning a flat calm to be no wind. He is distinguishing between no swell and no wind.

The Attorney-General: I will call attention later to what he has said modifying it. But it seems to me there is all the difference in the world between talking of a flat calm which is the expression that he uses throughout as indicating that not only is it a calm but quite a flat calm in the sense that there is no swell; because he says so directly.

The Commissioner: I am advised that a sailor would not use the expression "flat calm" as meaning no swell.

The Attorney-General: You will see what he says about it.

The Commissioner: He repeated it "'He said a flat calm' I said 'Yes, quite flat; there is no wind.'"

The Attorney-General: I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course my reason was obvious; he knew I meant the water ripples breaking on the base of the berg." That is the point. "(Q.) You said it was a pity there was not a breeze? - (A.) Yes, I said, 'It is a pity there is not a breeze,' and we went on to discuss the weather. He was then getting his eyesight, you know, and he said, 'Yes, it seems quite clear, and I said, 'Yes, it is perfectly clear.' It was a beautiful night, there was not a cloud in the sky. The sea was apparently smooth, and there was no wind, but at that time you could see the stars rising and setting with absolute distinctness." Then you get to the other point. I will read it - the other abnormal condition of the blue iceberg.

The Commissioner: Yes, about the reflection of light.

The Attorney-General: "We then discussed the indications of ice. I remember saying, 'In any case there will be a certain amount of reflected light from the bergs.' He said, 'Oh, yes, there will be a certain amount of reflected light.' I said, or he said - it was said between us - that even though the blue side of the berg was towards us, probably the outline, the white outline would give us sufficient warning, that we should be able to see it at a good distance, and, as far as we could see, we should be able to see it. Of course, it was just with regard to that possibility of the blue side being towards us, and that if it did happen to be turned with the purely blue side towards us, there would still be the white outline." That is at the top. Your Lordship has said you have read it and you have realised that this is gone into and discussed in question and answer in some detail.

The Commissioner: Great detail.

The Attorney-General: Yes. He explains the natural precautions; "We knew we were in the vicinity of ice," and he says, at Question 13622, in answer to my friend the Solicitor-General, "Then you both realised at the time did you, that since it was a flat calm" - that is the question and answer I wanted particularly to get before you - "it would be more difficult to see the ice? - (A.) As far as the case of the berg was concerned, yes, it would be more difficult; naturally you would not see the water breaking on it if there were no wind; and so you would not have that to look for."

Now, my Lord, those questions and answers to which I have referred make this, I submit, perfectly clear, that in Mr. Lightoller's view, when he is speaking of a flat calm and of the ripple round the base, what he means is, without analysing too closely the exact meaning of the words used by him, that he will not that night get the benefit of the ripple which breaks round the base of a berg. That is clear.

The Commissioner: No doubt.

The Attorney-General: Whether you put it as wind or whether you put it as the result of a swell it comes to the same thing. He knew he would not get that and that is what I rely upon, and I submit that destroys the point; and without going into it in any elaborate detail and without taking up the various pieces of evidence to which my friend referred, those answers of his destroy the case made that those were unusual conditions, because unusual conditions have no value as an excuse unless it means that they were so unusual that they did not know of them at the time.

The Commissioner: The way I look at it is this; even if they were unusual conditions, even if they were abnormal, if he knew the fact it removes the value to the officers of the abnormal conditions as an excuse.

The Attorney-General: Yes, that is what I mean.

The Commissioner: It destroys its value if they knew it.

The Attorney-General: It does.

The Commissioner: I am disposed to agree with you that whether he meant swell or whether he meant a motion on the sea distinguished from swell, in either case he pointed it out according to his own account (an apocryphal account), in his conversation with the Captain, and, therefore, the excuse was gone.

The Attorney-General: It is a little difficult to deal with the view which is in your Lordship's mind about the conversation.

The Commissioner: Well, I have got the view and I have had it for a long time. But there it is; there is the evidence.

The Attorney-General: It is right to say this is it not - your Lordship is a better judge than I am from every point of view, and I was not here during the whole of the time when Lightoller was giving his evidence - that he did give it very well.

The Commissioner: It is to be remembered that he told exactly or practically the same story in America.

The Attorney-General: Yes, from the first. I think it is right to say with regard to Lightoller, is it not, that he gave his evidence very well.

The Commissioner: He gave it remarkably well.

The Attorney-General: Too well your Lordship thinks?

The Commissioner: Well, remarkably well.

The Attorney-General: The earlier question and answer to which I called your Lordship's attention, 13617, deals with the dark colour of the iceberg. There is a body of evidence besides that with which I am not going to deal in detail, but to which I will give the reference and which I will indicate to you. The result of it all is this, that according to the view which I present to your Lordship, not only did Lightoller (who was not on the bridge at the time, it is said) know that there would be no ripple, to use a more neutral phrase with regard to it, at the base of the berg on the waterline, but he also knew that he might expect to meet an iceberg which would present this dark appearance. Those are the two things which he knew. He says that quite clearly himself. Those are the two things which we have to deal with in this case, and which are suggested as the abnormal conditions.

Now, before I proceed to call your Lordship's attention to a few more passages in the evidence - they will be very few - I want to see what it was that they did know. I have made this point about Lightoller. In order to establish (before we get to the precautions that were taken) what it was they knew, one wants to get at the frame of mind of the officers on this night before the actual collision happened, and, therefore, it is that I have called attention to what they did know. Now, my Lord, what else did they know? They knew of the warnings of those four wireless

telegrams to which reference has been made. They knew that the temperature had fallen very considerably during that evening; and although I am not going to contend on the evidence that a mere fall of the temperature is an indication of ice region, I do submit that when you know you are approaching an ice region, a fall within two hours of ten degrees in the month of April is at least some indication that you are getting near to ice. That is all. I do not wish to push it any further than that.

The Commissioner: I am not sure there is much in that.

The Attorney-General: I do not think it is very important; it emphasises the fact that they knew they were approaching ice, that is all.

The Commissioner: I am not sure about that. I am not sure that proximity to an iceberg necessarily means cold air.

The Attorney-General: No, my Lord, nor am I, with respect, suggesting it; I am drawing the distinction; I say not necessarily.

The Commissioner: It is not the cold air that proves an iceberg. The iceberg comes down from the North, but I am not at all satisfied that it creates a large atmosphere round itself which becomes cold.

The Attorney-General: Oh, no.

The Commissioner: It may do.

The Attorney-General: I quite understand that view if you are dealing with an isolated iceberg, but that is not what they expected. One has to get rid of the notion that they were expecting they might meet an isolated iceberg or two. That is not what they were expecting. They had had definite notification of icebergs and ice-fields, which is a very different thing.

The Commissioner: Yes, but some miles away.

The Attorney-General: Yes.

The Commissioner: The ice-fields were a considerable distance away, and although it would be, of course, a large field of ice, I doubt whether it would affect the atmosphere miles away so as to make itself obvious.

The Attorney-General: As I said just now, I am not attempting to press it any further than this; that knowing they were approaching the vicinity of ice, that they had reason to expect to come upon ice, that that sudden drop of temperature was some indication to them that they might be then just upon it. I do not want to put it any higher than that, and that is the sole use I am making of it. It is only to get at the state of mind they were in had to take the precautions.

Further, they knew that ice was coming South earlier than usual; they knew that, of course, from the reports, not only from the specific reports of the particular position of these icebergs and ice-fields which were signaled to them by wireless telegraphy, but they knew from that very fact that the ice was coming south earlier than they would ordinarily expect. It amounts to this, therefore: that on that particular night in the month of April it behoved them to take extraordinary care, because they must expect, or at any rate they might expect to meet considerable quantities of ice coming down Southward. That is the highest I want to put it.

Then further, although with the change of course which had been made between 5 and 5.50 that evening of proceeding some seven to ten miles to the Southward before they turned the corner, they might have expected to have avoided some of the ice which was reported, they had no reason to expect that they had avoided all the actual ice reported to them; and they had certainly no reason to expect that they had avoided all ice, even though they avoided all ice reported. That depended, of course, upon the argument that I addressed to your Lordship just now, that they must have known the ice was coming to the South, and although they had avoided the particular ice reported to them by those messages, they might still well have anticipated that ice would be drifting South across the track.

The Commissioner: Sir Robert Finlay's case, of course, was that the alteration of the course was such as to lead them to the conclusion that they had cleared the ice, that they were passing some bergs under their stern, as it were, and that the others were too far away to be of any consequence. But I am at a loss to reconcile that argument with the fact that Lightoller and Moody were making a calculation which led one of them to the conclusion that they would reach ice, or might expect to reach ice, about 9.30 and the other one about eleven.

The Attorney-General: And Murdoch says to Lightoller when Murdoch relieves him at 10 o'clock (page 308, Question 13707): "It is pretty cold.' I said 'Yes, it is freezing.' I said something about we might be up around the ice any time now."

The Commissioner: Yes, I did not draw Sir Robert Finlay's attention to that, and I do not think he dealt with it.

The Attorney-General: May I finish that answer? I meant to deal with it in another connection, but it just bears out what your Lordship is saying: "I said something about we might be up around the ice any time now, as far as I remember. I cannot remember the exact words, but suggested that we should be naturally round the ice. I passed the word on to him. Of course, I knew we were up to the 49 degrees by, roughly, half-past 9"; but this conversation about what took place in the future was 10 o'clock, and then in this last answer your Lordship intervened and said to him: "You yourself knew the boat was already in the ice region at this time? - (A.) Yes. (Q.) Did you tell Murdoch so? - (A.) Yes, my Lord, as I say, when he came on deck. (Q.) What did you say to him? - (A.) That we were up around the ice, or something to that effect; that we were within the region of where the ice had been reported. The actual words I cannot remember; but I gave him to understand that we were within the region where ice had been reported."

Mr. Laing: Your Lordship asked what our view about that was. It was this: that they plot down, or are supposed to plot down, on the chart, these ice messages they get, and that all that was meant by these conversations is, as appears quite clearly here, that at 9 or 9.30 in one case, and at 11 o'clock in the other case, they would be within the region where the ice was reported. That is all it comes to. It says so in terms.

The Commissioner: Here, again, Mr. Lightoller's memory is remarkably accurate. I think the impression he wanted to produce on my mind was that they were making calculations which showed them that they were then about the place where the ice existed, not about the place where it had existed, but about the place where it did then exist.

Mr. Laing: May I read that answer again?

The Commissioner: Certainly, by all means.

Mr. Laing: "What did you say to him? - (A.) That we were up around the ice, or something to that effect, that we were within the region of where the ice had been reported. The actual words I cannot remember, but I gave him to understand that we were within the region where ice had been reported." That is what he says.

The Attorney-General: I am afraid that will not do. I quite agree with my friend that if you take those words alone they would bear at any rate, or are capable of bearing, the meaning which he desires to attribute to them, but there is a lot which has preceded that.

The Commissioner: Let us look at page 309.

The Attorney-General: I think your Lordship ought to read a little earlier. The only view which it is possible to take from Mr. Lightoller's evidence - on pages: 307, 308 and 309, not taking isolated passages from them, is that he knew they were approaching ice; and therefore he had a conversation on the point that they were approaching ice, not approaching the region where it was reported, but his view was they were approaching it, and therefore he had this conversation with the Captain and with Mr. Murdoch. Let us see what he says.

The Commissioner: I put the question to him (13618): "Then you had both made up your minds at that time that you were about to encounter icebergs? - (A.) No, my Lord, not necessarily. (Q.) It sounds very like it, you know? - (A.) No, not necessarily, my Lord. (Q.) You were both talking about what those icebergs would show to you? - (A.) As a natural precaution. We knew we were in the vicinity of ice, and though you cross the Atlantic for years and have ice reported and never see it, and at other times it is not reported and you do see it, you nevertheless do take necessary precautions, all you can, to make perfectly sure that the weather is clear and that the officers understand the indications of ice and all that sort of thing."

The Attorney-General: If my friend is right in the suggestion that all he meant was he was within the reported region, what is the object of his talking about "it is a pity there is no breeze to create a ripple" to show the ice which he was not expecting to encounter, according to my friend?

The Commissioner: There, again, comes in the misfortune of that conversation.

The Attorney-General: Why is it a misfortune, with respect?

The Commissioner: Misfortune to them.

The Attorney-General: I know it may be. It may be it is a misfortune that he has to state the fact.

The Commissioner: The Solicitor-General says to him at Question 13480: "Here was a message shown you which referred to ice in latitude 42 N.? - (A.) Yes. (Q.) Do you recollect, or can you help us at all, did that indication 42 N. indicate to you that it was near where you were likely to go? - (A.) It would, had I taken particular notice of the latitude, though, as a matter of fact, latitude with regard to ice conveys so very little. (Q.) Is that because it tends to set North or South? - (A.) North and South, yes." He means to say it is coming down South, I suppose?

The Attorney-General: Yes.

The Commissioner: "(The Commissioner.) I do not follow that? - (A.) We take very little notice of the latitude because it conveys very little. You cannot rely on latitude. (Q.) (The Solicitor-General.) For ice? - (A.) Yes. (Q.) (The Solicitor-General.) He answered that 'Because the ice tends to set North and South. (To the Witness) Then do you attach more importance to the longitude? - (A.) Far more.'"

Mr. Laing: Will your Lordship look at Question 13487?

The Commissioner: Yes: "(Q.) That is longitude. Did you form any sort of impression at that time as to what time of day or night you were likely to reach the area indicated? - (A.) Not at that time."

Mr. Laing: That is all, my Lord. "The area indicated."

The Commissioner: You know there is a singular omission on the part of Mr. Lightoller to tell Murdoch that Moody's calculation was, according to him, wrong.

The Attorney-General: He seems to have acted upon it as if it were right. I think this matter is put at rest so far as Mr. Lightoller is concerned, without reading the three or four pages to which I have referred, if you look at page 328, your Lordship's own questions, and the answers when Mr. Scanlan was examining him.

The Commissioner: Will you read it to me?

The Attorney-General: Yes. It is page 328, Question 14352. I was only going to read two questions and answers that are quite material, but one can follow it a little more easily if I read these few questions and answers preceding; it will save me reading the pages to which I have given the reference. If you look at page 327, Question 14346, leading up to what I said just now: "(Q.) Did the course which you followed lead you into the region from which the presence of ice was reported to you? - (A.) The course set at noon? (Q.) Yes? - (A.) No. (Q.) Did the course you were following up to the time you left your watch at ten o'clock lead necessarily to a place

where you expected ice? - (A.) Where there was a possibility of seeing ice? (Q.) Not only a possibility of seeing it, but a possibility, and almost a certainty, of running into it? - (A.) Oh, no. (*The Commissioner.*) I do not think he could say that. (*To the Witness.*) Before you left the bridge did you know you were making for a locality in which ice was to be expected? - (A.) Quite so. (*Mr. Scanlan.*) Because you so stated to Mr. Murdoch when you were leaving the watch, according to your evidence here yesterday? - (A.) Yes. Let me explain my point, and we will get it far clearer. You see, we were making for a vicinity where ice had been reported, as you say year after year, and time and again, and I do not think for the last two or three years I have seen an iceberg, although ships ahead of us have reported ice time and time again. There was no absolute certainty that we were running into an ice-field, or running amongst icebergs or anything else, and it might have been as it has been in years before ice reported inside a certain longitude."

Now come the two questions and answers on which I rely. Your Lordship says: "I can understand that; it does not follow that because ice is reported you are going to have a collision with an iceberg? - (A.) That is what I wish to convey. (Q.) You need not trouble about that at all as far as I am concerned. The point which I understand is being put to you at present is this, that you knew you were steering into what I may call an ice-field, a district in which there were icebergs and growlers and field-ice. That is what you want to put, Mr. Scanlan? (*Mr. Scanlan.*) Yes, it is, my Lord. (*To the Witness.*) You knew you were heading there when you left the watch" - that is 10 o'clock, and he says, 'Yes.'" Now that is the point.

Mr. Laing: Reading the ones you have read surely it only means he was going into a place where ice had been reported.

The Attorney-General: Oh, no; it means more than that.

The Commissioner: It did not give me that impression at the time, Mr. Laing, at all; it gave me the impression at the time that what he meant to convey to me was that they were running into a place where they might expect to encounter ice; not that they were running into a place where they had been advised that ice had been previously.

The Attorney-General: May I remind your Lordship further upon this. That discussion which Mr. Lightoller had with the Captain, which he explained as referable to a possible haze, is now, so far as I am concerned at any rate, out of the case. I mean that I have given the greatest consideration to all that my friend, Mr. Scanlan, said, and if I may say so, I do not think anyone could add anything to what he said about it. No one could add anything to what was said, and said very well, by him, but it does not go quite far enough. It only indicates that there was evidence of it and I agree, if I may say so, with the view your Lordship expressed as your own opinion and that of the gentlemen assisting you, that there was no haze.

Now my reason for referring to that is this. There was a good deal of discussion during this evidence about the haze and Mr. Lightoller was asked about it, and his point is - I am not going into detail about the haze - that there was some doubt. My suggestion on this evidence is that Captain Smith was very uneasy about this; he was certainly not comfortable in his mind. He was doubtful about it and the conversation that he has with Mr. Lightoller indicates it, because the Captain says: "If it becomes at all doubtful, in the least doubtful, let me know at once." Now what did that mean? They knew that they were approaching a region in which they might expect - I do not want to put it any higher than that - and there might possibly be a haze, as sometimes happens, and at any rate there might be difficulties; but if the conditions changed at all, if they were in the slightest degree worse than they were, then he wanted to be called and only wanted to be called because he knew they were approaching a region in which they might expect to find ice; that is the full extent to which I desire to push this evidence; and that, I submit, is the absolute, clear and logical conclusion from what has been stated.

The Commissioner: Then you really think that that conversation did take place; I do not want you to answer that question.

The Attorney-General: I do, my Lord. It is certainly very difficult to say what the exact words were.

The Commissioner: My difficulty is that I cannot reject it.

The Attorney-General: No, my Lord, and in one sense my difficulty is that I have got to deal with it. I mean to say all this is the evidence which is relied upon against me. When I say against me, I mean against the view for which I am contending now.

The Commissioner: My difficulty is that it seems to me to support your view.

The Attorney-General: That is my contention, but that is not why it was introduced.

The Commissioner: Unless you think it worthwhile, I do not think you need dwell upon this part of the case any more.

The Attorney-General: Your Lordship means with regard to Lightoller's evidence?

The Commissioner: Yes.

The Attorney-General: I have called attention to those pages.

The Commissioner: I have read it very carefully indeed, and have got it all in my mind.

The Attorney-General: Very well. Then I do not propose to deal with it any further.

Now, my Lord, there are just one or two references that I would like to give to support the view which I have presented to you of the state of knowledge of those who were on board the vessel, apart from the questions we have just been discussing, and this I can do very shortly and without troubling your Lordship to read the reference, but just simply getting it on the Note, because it is beyond question that the fact that the ice might be expected in June, but would not be expected in April, is proved definitely by Mr. Sanderson at page 477, at Questions 19294 to 19311.

The Commissioner: What is the significance of that in face of the telegrams?

The Attorney-General: The significance, my Lord, is as explaining that even though - I am dealing with the argument of my learned friend Sir Robert Finlay, that is the way I am using it in answer to him - even though, and contrary to the view I am putting to the Court, the Captain was justified in thinking that he had passed to the Northward of the ice which had been reported to him, he should have expected that further ice would have been coming South. That is the point of it.

The Commissioner: That is a perfectly legitimate observation.

The Attorney-General: And that is all I want to say with reference to it.

The Commissioner: If some bergs were coming down and he managed to go to the North of them, it was not an unreasonable thing to say there may be others coming.

The Attorney-General: Quite.

Now, my Lord, there is also this observation to be made about it. Of course the alteration of the course, proceeding below the corner, to the Southward of the corner 7 to 10 miles was before they had got the "Californian" telegram at all; the "Californian" telegram did not come till 7.35 or something like that, by the "Titanic's" time, and the course had been altered and changed afterwards at 5.50, and from 5 to 5.50 they continue. Now, my Lord, may I just say a word; and it shall not be more in view of what your Lordship has been good enough to indicate, with reference to these telegrams, the wireless messages. They have been referred to so much that it is only necessary for me to call attention to this, that what they do report is bergs, growlers, and field-ice. That is the first one that was received, the one from the "Caronia," and says 42° North" and "49° to 51° West. April 12th." The second one from the "Baltic," which evidently was thought to be of extreme importance (I will indicate why I say that in a moment), is because there the Greek steamer reports passing icebergs - "a large quantity of field ice today," and then

it gives the latitude and longitude; and as we know that is very close to the spot at which the "Titanic" did actually strike the iceberg - very close indeed. That is a message which the "Titanic" would have received at about twenty minutes to two. Your Lordship will remember the evidence turns upon this. According to Mr. Ismay, at about twenty minutes to two or a quarter to two, just before he was going in to lunch, Captain Smith came and handed him this Marconigram which he then put in his pocket and retained till somewhere about 7 o'clock in the evening when he was asked for it again, and, my Lord, the only reference I want to make to that, the only one which I think is really relevant to the question which you have to answer now, is that Captain Smith evidently thought (as he must have thought) that that was a most important message, but we are left a great deal to surmise as to what happened. We have had Mr. Ismay's recollection as to what happened - not of the conversation, because there was none - but of the handing of the telegram; and we are left, I must say, in some difficulty in understanding what actually took place between him and Captain Smith in view of what he stated. But all we know about it, and we must accept the evidence (I accept that in this case as I took Mr. Lightoller's in the other) as it stands; we have no other. And what Mr. Ismay says is, that it was handed to him, and he admits it was handed to him because it was so important. Now, as affecting Mr. Ismay, I am making no comment. The use I am making of this is to show what value Captain Smith attached to that message; that is the point - that he showed it to Mr. Ismay, and of course it is idle, as it seems to me, to suggest that Mr. Ismay was there on board as an ordinary passenger, and it was only because of his statement to that effect that it became necessary to go into so much detail as to what his position was; but I am not suggesting and did not suggest at the time your Lordship asked me the question at an earlier stage in the case, that he interfered in the navigation. That is not the point of it at all. The point of the observation is that he was here on board the vessel and that Captain Smith when he received that Marconigram thought it was of such importance that he took it to him, gave it to him and fetched it away again by 7 o'clock in the evening; and I doubt whether it adds much to what one can see, or in fact anything, when you look at the context of the telegram, because it is so perfectly plain that it is just exactly within the region within which they must pass within the next few hours, so that nobody could afford to look upon that telegram lightly, and certainly I know your Lordship has not from the first moment that it was brought to your attention.

Now, my Lord, when they had got all that knowledge the question that arises upon it is, what ought they to have done?

The Commissioner: The only precaution taken, as far as I remember, was to tell the man that he was to keep a sharp look-out for ice.

The Attorney-General: Yes. There is just one slight incident, I think, to which I would like to refer in fairness to Mr. Murdoch. He had the fore-scuttle hatch closed because it made a glow, and he wanted to prevent that so that they would get a better view of the ice; I mean he was careful about that. I doubt whether it has been referred to much in the evidence.

The Commissioner: I remember the evidence, but it has not been referred to.

The Attorney-General: I will give the reference to it as it has not been referred to. It certainly shows that he had it in mind and took that precaution. One cannot leave it out in considering what they did. It is at page 421, Questions 17706 to 17709. What it comes to is that he ordered Hemming at a quarter-past 7 on that evening to close the fore-scuttle hatch to shut off the glow, as he wanted it to be all dark before the bridge so that they could see the ice more easily. That is the position, and that is all that was done.

Now, my Lord, the two suggestions I am going to make are, first of all that what they ought to have done was to have reduced their speed; and secondly, that they ought to have doubled the look-out and put a look-out in the eyes of the vessel as close to the stem as they could get him. I

will deal first with the latter question about the look-out. The evidence is quite short upon it. Your Lordship had your attention called in detail to it by my learned friend, Sir Robert Finlay, who travelled through all the evidence about this; I am not proposing to do that. Your Lordship will understand when I give these references that they are selections which tell in favour of the view for which I am contending. There is a body of evidence which takes the other view. I am not referring to that, and I will show your Lordship why in a minute - it may be difficult to say. Possibly your Lordship may think it right to express your view about it when you come to report, as to whether in such circumstances there ought to have been a look-out man stationed on the stem. I suggest, that it is well worthy of consideration, that according to the evidence of very experienced men, it is the best way of detecting ice, and I am only going to trouble your Lordship with the evidence of Captain Rostron of the "Carpathia" who dealt with this at page 745. If your Lordship would look at Question 25534 on page 745, you will see he was asked: "You would attempt to keep out of the way of ice-fields and alter your course, but for icebergs you would go on your course, and depend upon picking them up with your eye, and then avoiding them when you have picked them up? - (A.) Yes. (Q.) I think you have already told me, but I should like to make just sure of it, that you would take special precautions with regard to the look-out by putting men in the eyes of the vessel? - (A.) Yes. (Q.) When you had an ice report? - (A.) Yes. (Q.) As well as having a man in the crow's-nest? - (A.) Yes." Then your Lordship says: "Do you put two men in the crow's-nest? - (A.) I only put one." And then I put to him, "And two in the eyes?" And he said, "Yes." And at page 734, my Lord, Captain Fairfull, of the Allan Line, takes the same view at Question 25272: "Is your practice in accordance with theirs? - (A.) All except that when we get to the ice track in an Allan steamer, besides having a look-out in the crow's-nest, we put a man on the stem head at night." Then your Lordship says: "I do not hear what you are saying," and he says, "Besides having a look-out in the crow's-nest in crossing the ice track, I put a man on the stem head at night. (Q.) Whether it is clear or not? - (A.) Yes." Your Lordship sees that I am only referring you to the passages that show that whether it is clear, or whether it is not clear, the practice of some experienced men is to put them on the stem because it is so important.

The Commissioner: There is, of course, a good deal of evidence the other way.

The Attorney-General: Yes. I say so, my Lord. Then comes Sir Ernest Shackleton, who dealt with it at page 721. He took a very definite view. He says that the nearer you get to the waterline the better position you are in to detect ice. That is the substance of what he says. It is at pages 720 and again on 721. The question on page 720 is No. 25043: "What I want you to tell my Lord is: Do you think it is of advantage in clear weather to have a man stationed right ahead at the stem as well as in the crow's-nest?" And he says, "Undoubtedly, if you are in the danger zone; in the ice zone. (Q.) And supposing you were passing through a zone where you had ice reported to you, would you take precautions as to the look-out? Supposing you only had men in the crow's-nest, would you take any other precautions? - (A.) I would take the ordinary precaution of slowing down, whether I was in a ship equipped for ice or any other, compatible with keeping steege way for the size of the ship." And then he said also that he would put the man in the stem of the vessel. He says the same thing at page 721, Question 25087. And Captain Jones, who, your Lordship may recollect, was asked some questions, says the same at page 675, Questions 23653 to 23658.

Mr. Laing: Was he a captain of the Allan Line?

The Attorney-General: No, I do not think so; it is the Dominion Line. He says the same thing - one in the crow's-nest and one in the stem head. I need not trouble your Lordship, having given you the references, by reading it all. In one of those questions and answers to which I referred, he said that it had always been their custom to do that - to put one in the crow's-nest and one in the

stem at night. Then Mr. Lightoller, at page 304, says something to which I want to refer upon this. He says this: that in anything but clear weather they put on extra look-outs, and they put them in the stem on the "Titanic," and the only reason apparently -

The Commissioner: They actually had a watch on the stem of the "Titanic" during the voyage?

The Attorney-General: They had, during the voyage from Southampton. That is quite right. And if that is the case your Lordship has got the evidence clearly before you - it is at Question 13520, at page 304. If that is the case, my Lord, one cannot understand, I submit, why, in these circumstances, with this anxiety, which undoubtedly was operating upon the minds of those who were responsible for the navigation, of approaching a region where ice might be expected - to put it no higher - I say, one cannot understand why the precaution was not taken of putting a man in the stem of the vessel, because the object of it is that clearly the look-out man may be able to see in the stem earlier than the man in the crow's-nest; and that in any event what it does is gives an added security. That is done as soon as the weather is not clear. Even although the weather is clear and you are approaching the region of ice or are in the region of ice, in the vicinity of ice or where you may expect ice at nighttime, travelling at 700 yards a minute, I do submit it is impossible to understand why this precaution of putting men on the look-out in the stem of the vessel was not adopted by them. It is difficult to say (I do not profess to be able to say - of course no one can) whether, if you had them in the stem, that would have prevented this disaster; I do not know. But at least one can say this, that according to the evidence of all those, or of a number of those who are experts in detecting ice, that that would be a precaution which certainly was taken or would be taken by them, and is an advantage. And it was not in this case even necessary to carry further men. All that they had to do was to give the order when they got to this time of night, and were discussing it - all that they had to do was to say that these two men, or one man, should have gone forward into the stem; and when you bear in mind the rate at which they were progressing I do submit that they ought to have done it, and that it was a precaution that they ought to have taken; and then, my Lord, I get further to this, that as regards the speed it is quite clear what it was. According to the evidence of one witness, it was 45 knots for two hours, according to cherub log - it does not matter very much about the exact speed; it is sufficient to say that, according to the evidence of another witness (Mr. Boxhall) he said he was quite satisfied that the speed was 22 knots. And according to the evidence of one further witness, one of the Quartermasters, he said after he took up the log after the vessel had been in the casualty, he found she had made the 260 knots from noon that day, when the log had been set; that he took it up at about 11.45, and that would give a speed of 21 3/4 to 22 knots. And, therefore, it is that I have allowed something lower than that, in the test I have been taking, without doing any injustice to the White Star Line by taking 700 yards a minute, which is less than the evidence so far established.

Then, my Lord, a great deal has been said during the course of the case, particularly at one time, about the lighting up of the two or three boilers at 8 o'clock on Sunday morning. Your Lordship will remember the discussion. Certainly now, having had the advantage of hearing the evidence, or gone into it very carefully, it seems to me that there is no importance to be attributed to it. I do not suggest upon the evidence, indeed I do not think that one can suggest, that the vessel was travelling at more than 75 revolutions, and 75 revolutions would give us 22 knots, and no doubt they had in mind that they were going to travel at 78 or 80 revolutions either on Monday or Tuesday, wherever they found a favourable moment to test the speed of the vessel for two or three hours, but it had nothing to do with the record passage, as we know now that it was never done before, and I do not think it is necessary to trouble your Lordship with any further observations upon it, for it throws really no light upon what actually did take place.

Now, my Lord, I think the precautions that were taken are sufficiently indicated by what your

Lordship has already said, and that you have them present to your mind, and I am not going to dwell upon them. So far as I can make out altogether from the time of the first indication by Marconigram of the presence of ice, there was first the precaution taken by the Captain, which I will assume was taken in consequence of the Marconigrams, of proceeding the seven to ten miles to the Southward before he turned the corner; I will assume that.

Then there is the direction given to the look-out men, which they were to pass on, to keep a sharp look-out for ice and growlers, the exact words are "icebergs, small ice, and growlers."

My Lord, there is just one more point upon that to which attention has not been directed, which I think it is worth bearing in mind in connection with this, and that is that Mr. Lightoller says that his recollection of it was that he said that that order was to be passed on till daylight. That is at Question 13658 at page 307. Its value, of course, is obvious to your Lordship, that during the night there was this anxiety about going through this region of ice, and that this sharp look-out was to be kept - this precaution - right through until they got to daylight and could see better.

Now, my Lord, I think that really brings me very near the end of what I want to say about the speed. My Lord, I will not trouble you with passages as to the speed, because there is really no controversy, it is so well established by the evidence that I think the short statement I have made and the reference to the evidence is sufficient up it.

The Commissioner: You are entitled to assume that the speed was from 21 to 22 knots.

The Attorney-General: Yes, and, as I say, I have assumed a little less than that.

Now, my Lord, what are the answers that are made? Upon that state of facts to which I have been referring - no doubting of the look-out, no reduction of speed, and substantially, except for telling the look-out to keep a sharp look-out, no precaution taken - I say advisedly no precaution taken - to spot the ice which they might expect to meet during the night. What is the answer that is made to the Court? Well, my Lord, really it is only this: it always gets back to the two points, that the conditions were so extraordinary that night, and so unknown to them, as they must say to make it of any value, that they did not know that they would be upon an iceberg so soon.

The Commissioner: It was, as Sir Robert Finlay says, an accident.

The Attorney-General: Yes, an accident; and I think my learned friend added, the kind of thing that must occur. Now, my Lord, I join issue most emphatically with that. I think this is just the kind of thing that must not occur, which need never occur. There are accidents no doubt against which you cannot possibly provide, but this is not one of them. If they had had no knowledge of ice, if they did not know that they were approaching a region of ice, if they had not had the Marconigrams and this had been suddenly, quite unexpectedly, an iceberg which had come down upon them, there is more reason for the excuse. But in view of what had happened, and what they knew about the region through which they were travelling, I do submit that it is idle for my learned friend to suggest that this is "just the kind of accident that must occur."

The Commissioner: I do not think, Mr. Attorney, Sir Robert said it must occur; I do not think he meant it in that sense.

The Attorney-General: It was the phrase he used; I think what he meant was that it was the kind of thing against which you cannot provide.

The Commissioner: Yes; it is a kind of thing which you cannot foresee.

The Attorney-General: Yes. That is what I am objecting so strongly to. That is exactly what I mean. I did not mean more than that. This is just exactly the kind of thing that you can foresee, which ought to have been foreseen, and that in the circumstances we are dealing with in this case, should have been foreseen, and all that you have to do in order to take precautions about it was what I ventured to point out was this very simple and slight precaution, but having very great effect upon the reduction of speed.

Now, my Lord, it has been said, I know, during the course of the case, and much reliance has

been placed upon it by my learned friend Sir Robert Finlay and by the witnesses who were called - a great body of evidence has been called before you to establish that it is the practice of Captains of liners to proceed at this or any other great rate of speed; in other words, not to reduce their speed, although they may expect to meet icebergs, and at night, provided that the weather is clear and think one must add also this, that in all probability what these masters of vessels meant was that, provided they could see the iceberg at a sufficient distance to avoid it, they would not reduce speed; I doubt whether it comes really, when you analyse it, to more than that. If it does, my Lord, then I do beg respectfully to protest emphatically against it being accepted as the practice.

The Commissioner: I do not think it was - I do not know. You must not assume that what I say is final, but it appears to me that what they mean is this: We always do go full speed though we have notice that there is ice in the vicinity, because we believe that it will always be possible for us to avoid the ice when we see it.

The Attorney-General: Yes.

The Commissioner: As you said some time ago, if that is all that is meant it is quite right.

The Attorney-General: Yes; of course, I have nothing to say against it. But of course, there is another possible view; it has been indicated by some of them, and I will only say a word about it. I do not want to take up time with it. It is said that one of the reasons why they do it is in order to get away from the possibility of fog.

The Commissioner: Yes, I know.

The Attorney-General: That is one of the things they say, and certainly Mr. Ismay was very emphatic about it, and why I am referring to it, and dwelling upon it a little, is because some of the witnesses (I will not trouble to give your Lordship the reference to them) certainly take the view that that would be right now, notwithstanding what had happened with reference to the "Titanic."

The Commissioner: One witness did.

The Attorney-General: Yes. I think it was Mr. Passow, and certainly Mr. Ismay did as I understood him, and his evidence establishes it, and Mr. Sanderson was taking the same view, and really what they are saying and the way they are looking at it (and that is the reason why I am dwelling upon it) does strike one as rather strange, because I think it is a little appalling that they should take the view that that would be right now notwithstanding what has happened and notwithstanding the lesson that they have learned, for we now know that not only on board one vessel, the "Titanic," did they not see this iceberg, but they got into all this difficulty through the speed that they were going. And yet, notwithstanding all that, this is to be treated, apparently, as one of those very rare and exceptional things which one cannot be expected to foresee, and which would not alter their practice. The only reason why I am dwelling upon it is that I do ask your Lordship in any event and with all respect, at any rate to condemn the continuance of such a practice, so that not only may you make it possible to foresee, but that we may foresee. If that is not done we may have another similar catastrophe; and therefore it is that I am asking your Lordship to state emphatically what your view, if you agree with it, and the view of those assisting you, would be upon this.

My Lord, one other distinction has been drawn by these witnesses, and it is not unimportant; I have no doubt it is present to your Lordship's mind. Witnesses were asked questions: Supposing you had a report of an iceberg or icebergs, would you reduce your speed? and then they have said, with the qualifications and assumptions to which I have just referred, that they would not, but they made this qualification, some of them at any rate, that that would not apply to an ice-field. Your Lordship will remember the broad distinction that was drawn between the ice-field and the icebergs. Of course, I am not an expert in these matters, but, so far as I am able to gather

from the evidence, the reason is this, that you may be meeting an iceberg, or two icebergs, or three icebergs, without the proximity of an ice-field; but if you know that there are icebergs and ice-fields in the vicinity, then you do know that you are in the region in which there must be a considerable amount of ice. And there is the further difficulty which has been explained by some of those who were on the Canadian Lines, that if you get into an ice-field and are surrounded by it there may be trouble to your propeller if you continue along your way; you may get into a lane and find it closed, and you may not be able to get in, or you may not be able to get out, and you have got ice close up against the propeller of your vessel which may affect the vessel, and which at any rate it is very advisable to avoid.

Now, my Lord, in this case the reports that the Captain had got were of both ice-fields and icebergs, and therefore all those precautions which ought to have been taken and which would have been taken by those who thought icebergs or ice-fields were to be avoided, should have been taken in this particular case. I am not going to make any comment upon the instructions that were issued. Your Lordship will remember that we have had a good deal of evidence about them. Apparently both with the Oceanic Steam Navigation Company and other Canadian lines, where they would presumably expect to meet more field ice, there is a specific direction with regard to field ice. With the lines trading with the United States they have merely a general one - I say general because it has no specific reference to ice. I am not inclined myself to quarrel with that view, at any rate, so far as to suggest that there is anything wrong or blameworthy in their not having given specific instructions as to ice. No doubt these vessels would encounter, and do encounter ice, and the Commanders have to exercise their judgment it is left to them, and, if necessary, they have to deviate their course in order to avoid the ice. Your Lordship will remember we were told that that is what they do, and there were some reports produced with regard to it. I am not going into that matter save to say this: that it certainly would be desirable in any event, whatever view your Lordship may take of this case and of the conduct of those who were responsible for the navigation, that some instructions should be given, if you think fit to make the recommendation to the Masters of vessels, that when they have reports of this character they should go at a moderate speed during the night. I know the difficulty, and I am fully aware that your Lordship appreciates it, of saying at what speed; none can say that. The reason why I use the term "moderate" is because it was found in the International Regulations which were made for preventing collisions at sea, and in the Article - I think it is Article 16 - which refers to what a vessel must do in mist, or fog, or falling snow, the order given by the Rule is to go at moderate speed, and then it is left to the Courts to interpret what that should be in the particular conditions of day. I do not think one can be more precise about it than that, and I called your Lordship's attention to it as I thought you might like to have it.

The Commissioner: I am much obliged to you. Have you got a copy of it?

The Attorney-General: Yes, it shall be handed up to you, my Lord. It is Article 16: "Every vessel shall in a fog, falling snow, or heavy rainstorms go at a moderate speed, having careful regard to the existing circumstances and conditions."

The Commissioner: Has every Captain a copy of this in his cabin?

The Attorney-General: Oh, yes, my Lord, I think so. Of course, it is a thing he is bound to know.

The Commissioner: Then I do not see what the advantage is of putting it into the Sailing Directions. It is issued, as I understand, by the Company.

The Attorney-General: The point of it is - I am only referring to it for this reason - that it does not relate to ice - that is the point of it.

The Commissioner: Oh, yes; I beg your pardon.

The Attorney-General: The only reason I am referring to it is to show what is done when you

are dealing with fog. I thought it would give some sort of guidance to the Court when you are dealing with these things, bearing in mind that those Rules are the result of International conference.

The Commissioner: How did they come to omit ice?

The Attorney-General: I did not know, my Lord. They do not seem to have considered it at all. And of course you have got to bear in mind that it is only for preventing collisions at sea; under the Merchant Shipping Act those regulations have to be made only for preventing collisions between vessels at sea. They have no application except that.

The Commissioner: It is a sort of sailing article, Article 29.

The Attorney-General: Yes, that is seamanship, really. That means, of course, that there might be such exceptional circumstances (which I have no doubt your Lordship has had to consider when you were President of the Admiralty Court) which relieve a man when he did not obey a particular Rule.

The Commissioner: It is not quite that I mean. What I mean is this. Article 29 says: "Nothing in this Rule shall exonerate any person from the neglect of any precaution which may be required by the ordinary practice of the sea or by the special circumstances of the case."

The Attorney-General: Yes, my Lord, but still that would not apply to this case. It has no application to the impact of a vessel with an iceberg.

The Commissioner: No.

The Attorney-General: My Lord, I will just remind you of what was done for the purpose of meeting the serious and grave difficulties raised by the foundering of the "Titanic" subsequently, as something which also has to be borne in mind, and which your Lordship will have to consider with regard to one of the questions (it comes in its proper order now), and I will be very brief about it, because there is no controversy, and that is with regard to tracks. There is a specific question directed to it, and of course your Lordship will have to consider it. Your Lordship will remember that the way it stands is this, that subsequently, after the "Titanic" disaster was reported, there was an alteration made which lengthened the voyage about 220 miles. That is at page 602 of the Note, Question 23588. A chart was handed up which showed your Lordship what had been done. The consequence of that alteration is that they proceed much more to the Southward, and it has the effect of lengthening this voyage some 220 miles, and apparently, as I gather from reference to the chart, that was arrived at on the 19th of April by the Hydrographic Office in the United States - according to their chart.

The Commissioner: Can you give me the reference to the question?

The Attorney-General: It is Question 23588, page 602, my Lord, and page 603 too. My Lord, the way that matter stands, if I may state it to your Lordship quite shortly, is that in 1908 there was the agreement arrived at by which what I may call a main highway was made out to the United States, and another main highway for vessels home from the States by agreement - that is 1898; and from that time and at that time there was an alternative Southern route taken which would be resorted to when they expected much ice during these months. That has, in fact, been resorted to three times since 1898, and that your Lordship will find at page 477, Questions 19293 and 19311.

The Commissioner: By whom?

The Attorney-General: By these lines who were parties.

The Commissioner: By one or other of the lines, do you mean?

The Attorney-General: No, by all. As I understand it, what had happened was that reports came in of ice along the track, what I may call the normal Southern track, and in consequence of that the lines agreed to an alternative Southern track for the time being, and then what they did was to deviate. And I was going to make this observation about it, that it does look as if that kind of

thing is only done when they do agree, and one can see the difficulties that there are - competition between the lines in the one lengthening the voyage if the other does not; just in the same way if one reduced his speed and the other did not; and one can understand therefore very well why it is that many of these Captains (many of the Captains of competing steamers) say, "Oh, we do not reduce our speed; we go full speed ahead at night." There is keen competition no doubt to make a short voyage. It may be said that the public wishes it; but I think, as your Lordship said earlier, that cannot excuse or justify anybody in going at an excessive speed when he knows there is danger ahead. But that is the position - it applies both to the track and to the speed.

Then, my Lord, at page 663 there is a discussion that shows what I have just referred to - that on the 19th April, 1912, the new track, making 220 miles more voyage, was resorted to. It is only to give your Lordship the reference. It is after the event, of course, to show what actually happened.

The Commissioner: That would lengthen, as I understand, the passage to New York by about 12 hours, by the quicker boats?

The Attorney-General: Yes, it makes it to that extent safer.

Now, my Lord, I think the only other thing to which I want to direct your attention in this connection, and that I can do very shortly, is what the evidence is as to the colour of the particular iceberg seen. Of course if you come to the conclusion that whether it was a black or a dark iceberg or not is immaterial for this purpose, then it is unnecessary for me to refer to this evidence; but if you think that which is relied upon as an abnormal condition - that is the dark colour of the iceberg - is of any importance, then it will be necessary to consider what the evidence is about, and I will state it really in a sentence, and give the reference to it, so that they may appear upon the Note so as not to take up time unnecessarily with it. The effect of it is this, that there are only two witnesses who state positively that they saw it, they are Fleet and Lee and they are the only ones. Mr. Boxhall says he fancies he saw it after the event, after he came up, but it is very difficult to place much reliance upon that. He saw it, he says, about two minutes after he came up on deck, or he thinks he saw it. But I think that really exhausts the evidence upon it. It is very curious that there is so very little evidence. That is all the evidence you have got in this case as to the colour of that iceberg, except perhaps one fact which I do not think adds anything to it, but I will mention it in case my learned friend thinks it does, and that is that Lucas, one of the witnesses, says he saw ice on the well deck where it fell, and that it was of a darkish white. I do not know that it adds anything to it, because what a piece of ice that had fallen from the berg on to the deck would show as a colour is not necessarily a key as to what you would see in the mass, and I do not think it adds anything. Lee is at page 83, Question 2441 to 2444, and Fleet is at page 410; he is the one who first saw it, Question 17277. The passage I referred to in Mr. Boxhall's evidence is at page 359, Questions 15496 to 15501. And really that is all the evidence you have got about it and what I am going to submit to you, if your Lordship pleases, is that really you have not apparently reliable evidence to find as a fact, if it were necessary to determine it, that this was one of those icebergs which capsized, or which was presenting its dark face. I think the only explanation of why it is said that it was that kind of iceberg, was that there was not any phosphorescent light about this iceberg. There was certainly no ice-blink according to the evidence, and I do not suppose there would be on any iceberg of this character, and I do not think there has been any suggestion that there was - but there was none; there was no ripple around the base of the berg at the waterline. That is independent of the colour of the berg, but it is one of the things relied upon; and there was no white outline at the top of the berg above the water, and that I think is the whole of the evidence about it.

Now, my Lord, when you are dealing with it on a night of this kind, I think that all you can say

about it is, when you bear in mind that this was a low-lying berg, 60 to 80 feet high.

The Commissioner: Who was the witness who saw it vanishing on the starboard side of the ship?

The Attorney-General: That is Shiers, my Lord, but I did not think that that came to anything.

The Commissioner: I think he describes it as something of a grey colour.

The Attorney-General: Yes, I did not think his evidence was of any value.

The Commissioner: Perhaps he did not. I am sorry to disturb you, but it struck me he did say that he had seen it when it was vanishing.

The Attorney-General: He did say it, my Lord. It is at page 111. It is quite plain that he is speaking about it there. It is the colour I wanted, and I do not fancy he says anything about that. I do not think he said anything about colour. He did say: "I saw the berg that was going away." You are quite right in that, my Lord.

The Commissioner: Yes.

The Attorney-General: But I do not think it threw any light upon it. This is the nearest I think we shall ever get to it - that is why I did not pay any attention to it - Question 4544, at page 111: "About how far off? - (A.) I could not say; it was very dim then; I could just see it."

The Commissioner: Yes, that is what I had in my mind. "It was very dim; I could just see it." You need not trouble any further about it.

The Attorney-General: Very well, my Lord. Now, my Lord, there is a little evidence and of value upon this question of icebergs, which your Lordship no doubt has in mind, of Captain Rostron, of the "Carpathia," and Sir Ernest Shackleton. I mean upon the point, the specific point, which was also deposed to by some other witnesses, of the dark iceberg; and showing that it was the kind of thing that you ought to expect; and there was also the evidence of Mr. Lightoller, to which I have referred. Now, my Lord, I only want to call your attention to the passages there again, because I have summarised it. I have stated what the effect of it is, and I have no doubt it is present to your Lordship's mind. The effect of it really is this, that it is the kind of thing that every reasonable man must expect when he gets amongst ice, that some of the icebergs, or one of the icebergs, may present this dark appearance and will be difficult to detect. That is all that is necessary for the point that I am upon.

The Commissioner: This dark colour is seen, is it not, after the berg has turned turtle?

The Attorney-General: Yes, it is; but I am not sure that it is confined to that. Certainly that is the evidence that that is what happened. One witness, Captain Cannons, I think, told us that he was watching and he saw it happen to one; he saw it turn turtle, and when he saw a projection above the water it was a much darker colour; and Lightoller refers to it in the same way. The natural consequence of all that is that you must expect icebergs to turn turtle as they are travelling South, and that it is just one of the things against which you must guard. That is all that is necessary for me to say. Captain Rostron did refer to it at page 743, Question 25461 to 25465. They are very short; perhaps I might just read them. I had been dealing with icebergs which present a dark appearance, and I said: "That is what you would ordinarily expect when you are looking out for icebergs, is it? - (A.) Yes. (Q.) You cannot tell from which side you are going to see it? - (A.) No. (Q.) Nor how it is going to present itself to you in appearance? - (A.) No. (Q.) So that if I follow what you have said, you would always have to be prepared for an iceberg which presented a dark appearance to those who were looking out for it," and he says, "Yes." Now, my Lord, I submit that that is conclusive upon the point, and quite clear.

Sir Ernest Shackleton, at page 719, was quite definite and emphatic about it, too, in the light of his very great experience, and he gave two instances, your Lordship may recollect. They were rather slightly referred to by my learned friend, Sir Robert Finlay - no doubt, a little pressed by them - but they were instances by Sir Ernest Shackleton of what had happened to him when

he was an ordinary passenger on a vessel, not on the "Nimrod," but when he was an ordinary passenger on a vessel going across the Atlantic, and he says this at page 719, that in April, 1897, he saw a blue-black berg, a low-lying berg, he calls it, when he was crossing on this very track; and he says that in 1903 he saw the same thing again, and he says he saw several bergs in the track. The first one I referred to was in the month of April, 1897; the other was in the month of May, 1903, and there the difference was that he saw several bergs, and amongst them a black berg - that is the position. And in the light more especially of the passage to which I have called attention of Mr. Lightoller's evidence, also showing that he was well aware of the same object, of the existence of this kind of iceberg - I think it is page 307 - I do not propose to trouble your Lordship with any detail with regard to it.

Now, my Lord, my submission upon this part of the case, upon which I have concluded what I desire to say now is this, that in view of all those facts and circumstances to which I have called your attention that preceded the sighting of the berg, a reasonably prudent navigator ought to have reduced his speed, and I say further that he ought to have doubled his look-out, and that the reasonable precautions to have taken would have been both; but certainly he ought not to have neglected either the one or the other. My Lord, then I say further, that in assuming your Lordship hesitates to come to that conclusion, and you think, if the direction of your mind was that way, that you would not express any view upon it because you were not called upon to do so.

The Commissioner: That is what occurs to me just as it occurs to me in the case of the Captain of the "Californian."

The Attorney-General: Yes, my Lord. Well, I have put the consideration before your Lordship and of course I leave it there, and your Lordship will decide of course as you think fit.

The Commissioner: It does not prevent me finding that the cause of the accident was what you suggest it was.

The Attorney-General: No. Still, your Lordship, of course will answer the questions as you think fit, but having taken over 30 days in the case, and having gone into all the facts, it did seem to me right that I should put it before you so that if you come to the conclusion - and I know you would not come to a conclusion unless you were driven to it, because you are dealing with the case of a man who is dead -

The Commissioner: I said a long time ago that I doubted whether I ought to find a dead man, or a man who is not represented, guilty of negligence.

The Attorney-General: Your Lordship will decide upon that when you come to your judgment.

The Commissioner: Taking the "Californian," that man is not represented. He came here merely as a witness.

The Attorney-General: Who?

The Commissioner: Captain Lord.

The Attorney-General: Oh, yes, my Lord, he was represented.

The Commissioner: Yes, he is here in the sense that somebody sent by his owners did speak for him.

The Attorney-General: Then, my Lord, I would sooner deal with that separate, if I may; I know what your Lordship has in your mind.

The Commissioner: What I mean is that he has not been cited here to defend himself against the charge made against him of negligence.

The Attorney-General: Your Lordship is speaking now of the Captain of the "Californian"?

The Commissioner: Yes, Captain Lord.

The Attorney-General: But that is quite a different thing.

The Commissioner: I am not sure. You are talking at present about Captain Smith. What I am pointing out is this, that Captain Smith could not be here; he is dead; he could not have been

cited. But the Captain of the "Californian" is here really merely as a witness. He has not been cited to answer a charge of negligence, and I have great reluctance to find people guilty of negligence when they are not cited and charged with it, and have not had a proper opportunity of answering the charge.

The Attorney-General: I will deal with Captain Lord's case, my Lord.

The Commissioner: Later on. I am only suggesting that there is an analogy between the two cases; I may be wrong, you know, but that is what I am suggesting.

The Attorney-General: Well, so long as your Lordship has present to your mind what the position is with regard to the case and you have all the considerations, at any rate, which have occurred to me to present to you, that the speed was excessive, I should submit that it is beyond all question in this case upon the evidence as it stands; but naturally that does not dispose of the other points. It is quite possible, as your Lordship says, to treat that simply for the purpose of this case as a fact, and to leave it there.

Now, my Lord, that is really all I need trouble you about with regard to that. The result of it in any event is that the question as to the cause of the disaster, and Question 14 as to the speed are, I submit, plain apart from all these considerations that I have put to you, and, my Lord, having placed all the facts before you I am content to leave it. It certainly is no part of my duty, and it is the last thing I should desire to press your Lordship to find negligence against Captain Smith, and I quite appreciate what your Lordship says, that he is not represented. At the same time as I leave it, I do think it necessary to put before you this, that having enquired into all these facts and circumstances, we have gone into all that has happened with regard to the navigation of this vessel, and if you do come to the conclusion that it was negligent navigation I submit there is nothing to prevent the Court from saying it. That is the point I want to make clear.

Now, my Lord, I am going to other matters, and probably your Lordship would think it right to adjourn.

The Commissioner: Do you intend to come back this afternoon?

The Attorney-General: No, my Lord.

Mr. Laing: May I correct a statement of the Attorney-General (I did not want to interrupt him) which arose about Mr. Ismay's opinion. My Lord, my friend the Attorney-General said in the course of his argument that Mr. Ismay's view had been expressed that the question of speed in future was one which he had formed an opinion about. That is incorrect. May I read what Mr. Ismay said, because I wish to correct it. He was asked: "Is it still your view that your Captains and officers are discharging their duty in crossing the Atlantic, when ice is reported to them, in going ahead at full speed and taking no extra precautions? - (A.) So long as they can see the object far enough ahead to be able to avoid it." That is all that Mr. Ismay said.

The Attorney-General: I agree that that is what he said, and I am not putting it any higher than that.

Mr. Laing: I thought you did.

The Attorney-General: No; that is exactly what I was saying.

(Adjourned to Monday next at 10.30 o'clock at Caxton Hall.)

The following document was put in by the Board of Trade, and agreed to by the White Star Line:-

"Titanic Numbers"

1. When the "Titanic" left Queenstown on or about 11th April last -

TOTAL NUMBER OF CREW ON BOARD

(a) The total number of persons employed
in any capacity on board the "Titanic" was ... **885**

The respective ratings of these persons were as follows:-

Deck Department	...	...	...	...	68
Engine Department	...	...	...	...	325

Victualling Department	...	...	...	494	
				----	885

N. B.-The eight bandsmen are not included in this number as their names appear in the 2nd Class Passenger List.

TOTAL NUMBER OF PASSENGERS

(b) The total number of passengers was **1316**
Of these :-

	Male	Female			
1st Class	180	145	=	325	
2nd Class	179	106	=	285	
3rdClass	510	196	=	706	

					1316

Of the above six children were in the 1st Class, 24 2nd Class, and 79 3rd Class. Total, 109.

S.S. "TITANIC." - Totals On Board

711 lives were saved }	
1,490 lives were lost }	2,201 total on board.

PASSENGERS SAVED

1st Class.

Adult Males	57	Out of 144, or 97.22 per cent.
Adult Females	147	Out of 175, or 32.57 per cent.
Male Children	5	All saved.
Female Children	1	All saved.

203

2nd Class.

Adult Males	11	Out of 168, or 8.33 per cent.
Adult Females ...	80	Out of 93, Or 86.02 per cent.
Male Children ...	11	All saved.
Female Children ...	13	All saved.

118

3rd Class

Adult Males	... 75	Out of 464, or 16.16 per cent.
Adult Females	... 76	Out of 163, or 46.62 per cent.
Male Children	... 13	Out of 48, or 27.08 per cent.
Female Children	... 14	Out of 31, or 45.16 per cent.

178

Crew

The number of the Crew that were saved was 212.

Of these:--

43 belonging to the Deck Department.
 72 to the Engine Room Department, and
 97 to the Victualling Department.

212

Victualling Department

Of the 97 belonging to the Victualling Department 20 were women.

Out of the total number of 66 belonging to the Deck Department on board immediately before the Casualty, 43, *i.e.*, 65.15 per cent were saved.

Out of the total number of 253 belonging to Engine Room Department, 72, *i.e.*, 28.45 per cent were saved

Out of the total number of 397 belonging to Victualling Department, 97, *i.e.*, 24.43 per cent was saved.

Out of 23 women belonging to the Victualling Department, 20, *i.e.*, 86.95 per cent was saved.

Queenstown Passengers Saved

The passengers who embarked at Queenstown were presumably all Irish and amounted in numbers to **113**

Of these: --

Males, were 57

Females 56

----- 113

Of these 5 were male children.

Men saved	7		
Women saved	33		40
Men Lost	45		
Women Lost	23		68
Children lost			5
			113

THIRD CLASS PASSENGERS

Foreign Passengers	British Passengers (including Irish)		British Passengers (excluding Irish)		Irish Passengers		
Embarked	410	Embarked	296	Embarked	183	Embarked	113
Missing	310	Missing	218	Missing	144	Missing	75
Saved	100	Saved	78	Saved	38	Saved	40
% Saved	24.39	% Saved	26.35	% Saved	20.76	% Saved	35.39

SUMMARY OF THIRD CLASS PASSENGERS SAVED

Total Embarked	706
“ Missing	528
“ Saved	178
Percentage Saved	25.21

WRECK COMMISSIONER'S COURT,
SCOTTISH HALL,
BUCKINGHAM GATE,
Monday, 1st July, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE
LOSS OF THE S. S. "TITANIC."

THIRTY-FIFTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on application.)

The Commissioner: Sir Robert, I was asking Mr. Laing in your absence on Saturday about Lightoller's evidence; it presents, if it is to be accepted, in my opinion, considerable difficulties with regard to your theory. First of all there was clearly in my mind the discussion about every so-called abnormality which is relied upon before the Commission, except the swell, and the swell does not appear to me to make any difficulty, because they were not anticipating seeing any fringe round the bergs. That is the effect of the conversation. They did not anticipate any fringe round the bergs, and it was one of the difficulties they discussed. Therefore, it seems to me the absence of swell is not of any importance. The other difficulty that I had with reference to your theory is this. Lightoller made a calculation and came to the conclusion that they would reach ice at half-past 9. Now Mr. Laing suggested that that was not the true effect of this evidence; that all that he meant was that they would reach the region in which ice had been notified. That does not seem to me to be the effect of his evidence. I think his evidence means that in his opinion they would come where they might expect to see ice, and if he did make a calculation of that kind, and it was properly made, it is inconsistent with your theory that all the notified ice had, by the time of the collision, passed away.

Sir Robert Finlay: May I deal with both those points?

The Commissioner: If you please.

Sir Robert Finlay: I will take the second first, because I submit it admits of a short answer. Will your Lordship kindly look at the large chart which I handed up where the time is marked at which the "Titanic" reached 49 degrees and also the time when she reached 11 o'clock when she would be further on her course. Your Lordship will see soon after 9 o'clock the "Titanic" gets just beyond 49 degrees. Your Lordship sees the line down there does not mean any meridian; it is a line dividing the chart into 20 mile squares. At the top your Lordship will see longitude 49, and then if your Lordship goes down to the track which the "Titanic" took your Lordship will see that at 9 she was short of 49 degrees.

The Commissioner: I do not follow you.

Sir Robert Finlay: The track where the "Titanic" was proceeding where you have the legend "'Titanic's' course after 5.50 p.m., S. 50 W. true, speed 22 knots." Your Lordship sees "9 p.m." marked there. That is short of 49 degrees.

The Commissioner: It is slightly short of 49 degrees; about 3 miles.

Sir Robert Finlay: I think about 3 minutes.

The Commissioner: It is three miles in distance.

Sir Robert Finlay: Exactly. One calculation by which they would get soon after 9, to the region to which the "Caronia" message referred, is one of those which Lightoller referred to, that is his own calculation. He said: I made a mental note - I remember the expression - of 49 deg., because I considered the longitude of importance. That relates to the "Caronia."

The other, the 11 o'clock, relates to the "Baltic." Your Lordship will see that almost immediately below the position of the iceberg reported by the "Baltic" is "11 p.m.," as the position of the "Titanic"; so that it is quite clear that the explanation as I submit of the discrepancy is what Lightoller himself suggested, that Moody must have been dealing with the "Baltic" ice, while he, Lightoller, was dealing with the "Caronia" ice.

The Commissioner: Yes. It does not seem to me to matter which they were dealing with. Both of them came to the conclusion that they would possibly sight ice, and the calculations were based on one or other of the three telegrams.

Sir Robert Finlay: Yes.

The Commissioner: And that calculation, if it is accurate, seems to me to be inconsistent with your theory that they could not have sighted ice at that time, that none of the ice of the three

messages could be sighted, because, as you put it to me, the ice had gone further South, and they were passing round the stern of the bergs.

Sir Robert Finlay: I submit there is no inconsistency at all, my Lord. What they apprehended was, although no other ice had been reported, and although the course that they took would avoid, and did avoid, the ice which had been reported, yet they had got to the longitude where this ice had been reported, and it was, of course, always possible that there might be other ice.

The Commissioner: Do not you see the danger of that? If they knew that they were in the region where ice might be, where icebergs might be, then they ought to have taken that circumstance into consideration.

Sir Robert Finlay: I think they did, my Lord, as I shall show in answering your Lordship's other question; but I hope that I have made clear that the explanation which Lightoller gave of that discrepancy between the two calculations is a correct one.

The Commissioner: I remember very well what he said, and a very unsatisfactory explanation it was.

Sir Robert Finlay: But, my Lord, it exactly fits in with the position of the "Titanic" at 9 o'clock and at 11 o'clock.

The Commissioner: It may be, but if you remember he said when Moody told him that he expected to meet ice about 11 o'clock, "I noticed that it was wrong, but I did not say so; he was busy at the time and I did not want to disturb him." It appears to me a most unsatisfactory explanation, but that is what he says. Then he says. "I thought" - he said this subsequently and seems very like an afterthought - "I thought that Moody's calculation was based on some other telegram."

Sir Robert Finlay: My Lord, I do not know whether Mr. Lightoller is now in the country. If your Lordship thinks it might conduce to the interests of truth to recall him -

The Commissioner: I do not want to have Mr. Lightoller back; I am quite satisfied with the evidence as far as it goes.

Sir Robert Finlay: If your Lordship pleases.

The Commissioner: I should not care for any evidence of Lightoller coming after the discussion.

Sir Robert Finlay: If your Lordship pleases.

The Commissioner: If you follow what I mean -

Sir Robert Finlay: I follow perfectly. My submission is that Lightoller's evidence as it stands is clear and consistent with the facts so far as relates to these two messages, and I submit it does not touch the point which I made that all this ice that was reported - the "Baltic" ice and the "Caronia" ice, as well, of course, as the "Californian" ice which was far to the Eastward - was successfully avoided, and the course taken was one which would avoid it, because, while the field ice and the smaller bergs would be well to the Northward, the big bergs must have gone to the South.

The Commissioner: I have been thinking very anxiously about your theory about the Labrador Current taking these big bergs to the South, and I shall give it great consideration. But it seems to me that your admission that there might have been other bergs in the track which they were following, put upon them, if it be true, the obligation to do more than they did.

Sir Robert Finlay: My Lord, I submit not for this reason. As soon as you have had a report of ice in a particular longitude, although you have taken a course which avoids the ice which is reported, every prudent navigator will take into account that there may possibly be other bergs; and then it comes back to the question whether, by following the course which is invariably adopted in North Atlantic navigation, of keeping the speed at which the vessel was going, there was anything in the slightest degree blameworthy.

The Commissioner: Then you come to the abnormality?

Sir Robert Finlay: I do, my Lord. I shall deal with that in answering your Lordship's second question.

The Commissioner: Let me make it clear as we go along. There is a vast amount of evidence, and very good evidence too, good in quality and a great deal in quantity, to show that it has not been for a quarter of a century or more the practice to alter the speed merely because ice is to be seen, because experience tells them that they can always avoid it. But then there arises the natural question: then why did not you avoid this?

Sir Robert Finlay: That brings us to the abnormality.

The Commissioner: Yes, then comes the excuse for not avoiding it, the abnormality.

Sir Robert Finlay: May I put it as the reason why we were not successful in avoiding it? But before I pass from the practice, might I call attention to the fact that not only is there a vast body of evidence all consistent, but there is no contradiction from anyone engaged in that trade?

The Commissioner: It may be that I am quite satisfied that they were following a well known practice which was justified by experience - as you pointed out in your speech, justified by the excellent results in the absence of accidents, in following that course. That may be; but why did not they see it?

Sir Robert Finlay: That brings me to answer your Lordship's second question, and that relates to this. The circumstances were abnormal in two respects: in the first place the swell, if it had existed, as everyone believed it did exist, would have shown a distinct ripple at the foot of the berg, not so great, of course, as there would have been if there had been wind, but still perfectly noticeable. May I state one other point - that there would have been a second indication, which was also referred to, between Mr. Lightoller and the Captain, and that is this, that if you have got a berg which turns its black side to you, you get a light over the top, owing to the fact that the other side is white: but here we had that very rare phenomenon, a black berg with no white side.

Now, what I am putting to your Lordship is this - and I submit, when the evidence is looked at, it is clear - that this catastrophe arose from the fact that the "Titanic" was properly pursuing the regular practice in relying on what experience has shown to be the case, that you can see the bergs in time to avoid them. She did not see the berg in time to avoid it, because you had the extraordinary fact that two things, each rare in itself, a black berg and no swell, coincided; and thereby the ship did not get warning before she was upon it.

May I say one word with regard to the conversation with the Captain. We are now entirely in your Lordship's hands as to what took place upon that occasion, but what I wish to put before your Lordship is that it is clear that conversation related only to the absence of wind. I will show your Lordship - I am not going to make a speech, of course, but to refer to one or two questions and answers - that they never knew until they got to the water that there was no swell, and the combination - the extraordinary combination - was a black berg and not even a swell.

Will your Lordship kindly look at page 305, Question 13569. The Solicitor-General is examining. "Tell us what you were going to say? - (A.) In the event of meeting ice there are many things we look for. In the first place a slight breeze. Of course, the stronger the breeze the more visible will the ice be, or rather the breakers on the ice. Therefore at any time when there is a slight breeze you will always see at nighttime a phosphorescent line round a berg, growler, or whatever it may be; the slight swell which we invariably look for in the North Atlantic causes the same effect, the break on the base of the berg, so showing a phosphorescent glow. All bergs - all ice more or less have a crystallised side. (Q.) Is it white? - (A.) Yes; it has been crystallised through exposure and that in all cases will reflect a certain amount of light, what is termed ice-blink, and that ice-blink from a fairly large berg you will frequently see before the bergs comes above the horizon. (Q.) Now let me follow. Was there any breeze on this night? - (A.) When I

left the deck at 10 o'clock there was a slight breeze - Oh, pardon me, no. I take that back. No, it was calm, perfectly calm. (Q.) And there was no breeze. Was there any? - (A.) As far as we could see from the bridge the sea was comparatively smooth. Not that we expected it to be smooth, because looking from the ship's bridge very frequently with quite a swell on the sea will appear just as smooth as a billiard table, perfectly smooth; you cannot detect the swell. The higher you are the more difficult it is to detect a slight swell. (Q.) That means, then, does it not, that if you are on the bridge and you are relying on the fact that there may be a slight swell, you really cannot tell from the bridge whether there is a swell or not - a slight swell? - (A.) We look at it rather the other way - that, though the sea may appear smooth, we pretty well know that there is a swell, though it may not be visible to the eye, nor yet have any effect on the ship. It is a most rare occurrence - (Q.) You mean there nearly always is a swell in the North Atlantic? - (A.) This is the first time in my experience in the Atlantic in 24 years, and I have been going across the Atlantic nearly all the time, of seeing an absolutely flat sea. (Q.) Do you agree from that experience that this was an occasion when it was an absolutely flat sea? - (A.) Absolutely flat. (*The Commissioner.*) Not in fact, but to all appearance? - (A.) In fact, my Lord. (*The Solicitor-General.*) He means in fact, my Lord. (*The Commissioner.*) Do you mean there was no swell at all? - (A.) I mean to say that the sea was so absolutely flat that when we lowered the boats down we had to actually overhaul the tackles to unhook them, because there was not the slightest lift on the boat to allow for slacking, unhooked." That the absence of swell they detected afterwards when they got down to the water; they did not know it from the deck. I think your Lordship will recollect that one of the Assessors, I think it was Captain Clarke, informed your Lordship in the course of the case, as your Lordship stated, that sailors talk of it as calm although there is a swell on.

Then, on page 306, the witness goes on at Question 13615: "At five minutes to 9, when the Commander came on the bridge (I will give it to you as near as I can remember) he remarked that it was cold, and as far as I remember, I said, 'Yes, it is very cold, sir.' In fact, I said, 'it is only 1 deg. above freezing. I have sent word down to the carpenter,'" and so on - "We then commenced to speak about the weather. He said, 'There is not much wind.' I said, 'No, it is a flat calm as a matter of fact.' He repeated it; he said, 'A flat calm.' I said, 'Yes, quite flat, there is no wind.' I said something about it was rather a pity the breeze had not kept up whilst we were going through the ice region. Of course, my reason was obvious; he knew I meant the water ripples breaking on the base of the berg. (Q.) You said it was a pity there was not a breeze? - (A.) Yes, I said, 'It is a pity there is not a breeze,' and we went on to discuss the weather. He was then getting his eyesight, you know, and he said, 'Yes, it seems quite clear,' and I said, 'Yes, it is perfectly clear.' It was a beautiful night, there was not a cloud in the sky. The sea was apparently smooth, and there was no wind, but at that time you could see the stars rising and setting with absolute distinctness. (Q.) On the horizon? - (A.) On the horizon. We then discussed the indications of ice. I remember saying, 'In any case there will be a certain amount of reflected lights from the bergs.' He said, 'Oh yes, there will be a certain amount of reflected light.' I said, or he said; blue was said between us - that even though the blue side of the berg was towards us, probably the outline, the white outline would give us sufficient warning, that we should be able to see it a good distance, and, as far as we could see, we should be able to see it. Of course, it was just with regard to that possibility of the blue side being towards us, and that if it did happen to be turned with the purely blue side towards us, there would still be the white outline. (*The Commissioner.*) Then you had both made up your minds at that time that you were about to encounter icebergs? - (A.) No, my Lord, not necessarily."

That merely means they were in the region where the possibility must be taken into account.

"(Q.) It sounds very like it, you know? - (A.) No, not necessarily, my Lord. (Q.) You were both

talking about what those icebergs would show to you? - (A.) As a natural precaution. We knew we were in the vicinity of ice, and though you cross the Atlantic for years and have ice reported and never see it, and at other times it is not reported and you do see it, you nevertheless do take necessary precautions, all you can, to make perfectly sure that the weather is clear and that the officers understand the indications of ice and all that sort of thing. That is a necessary precaution that is always taken. (*The Solicitor-General.*) There are one or two things about that I should like to be clear about. I caught you saying that you, or the Captain, said it was a pity there was not a little breeze because it would have shown the iceberg? - (A.) Yes, it would have assisted. (Q.) Then you both realised at the time, did you, that since it was a flat calm it would be more difficult to see the ice? - (A.) As far as the case of the berg was concerned, yes, it would be more difficult; naturally you would not see the water breaking on it if there was no wind; and so you would not have that to look for. (Q.) Do you remember when the Captain was on the bridge with you, did you tell him that, as you made it out, you would get to the danger zone - to the ice region - about half-past 9? - (A.) No. (Q.) Was anything said about the time when you would get to it? - (A.) No, not that I remember." And then follows a good deal about Mr. Moody and his calculation.

So that your Lordship sees that that conversation with the Captain referred to the two things, the two indications they would get if they came across an iceberg - the one was the white fringe on the top even though the dark side of the iceberg were turned towards them, they would see the white light over the top from the other side, it being crystalline and white from exposure to the weather. They did not get that because this was a quite black berg. The other indication was the indication from the breaking of the water at the foot of the berg, that they would have if there were wind, and that they would have too, in a less degree, if there were a swell. They knew there was no wind, and they discussed that it was unlucky, because that would have accentuated it.

The Commissioner: This conversation reads to me as if they knew there would be no breaking of water on the base of the iceberg.

Sir Robert Finlay: That is quite inconsistent with a great deal of the other evidence, my Lord; it is quite inconsistent with what Mr. Lightoller said on the previous page.

The Commissioner: Naturally you would not see the water breaking if there was no wind.

Sir Robert Finlay: Will your Lordship look at what he said on the previous page, at Question 13569: "Of course, the stronger the breeze the more visible will the ice be, or rather the breakers on the ice. Therefore, at any time when there is a slight breeze you will always see at nighttime a phosphorescent line round a berg, growler, or whatever it may be; the slight swell which we invariably look for in the North Atlantic causes the same effect, the break on the base of the berg, so showing a phosphorescent glow."

The Commissioner: Then why were they discussing the absence of wind if they believed there was a swell as you say they did at that time; and if the swell would have produced the same effect on the bottom of the berg, why was it material to discuss the question of the absence of wind?

Sir Robert Finlay: That brings us back to the consideration which comes up every time. We have not here Captain Smith to give us what was in his mind, but one can, I think, see what Mr. Lightoller meant. If there were wind there would be a much more marked ripple, phosphorescent light at the foot of the berg, than if you had only a swell; but if you had a swell there would be that light, enough to give warning. It would not be nearly so marked as if there was wind. I do most respectfully put it to your Lordship that that is the effect of the evidence.

Now, will your Lordship kindly look at what Sir Ernest Shackleton says at the top of page 721. The earlier part of the answer relates to another matter. I am on Question 25063, the last sentence of which is at the top of page 721. Sir Ernest says, "Of course, that particular night was an

abnormal night at sea in being a flat calm; it is a thing that might never occur again. (Q.) That is what Mr. Lightoller says. You say apparently it is very rare to get such a flat calm as there was that night?"

The Attorney-General: That means there, a calm without a swell.

Sir Robert Finlay: Clearly; that is the whole point. "(A.) I only remember it once or twice in about 20 years' experience - the sea absolutely calm, without a swell, as it was recorded to have been."

The Commissioner: It is not an unknown thing according to Sir Ernest Shackleton; he says once or twice in 20 years. It appears to me that is a matter that a good sailor would take into consideration.

Sir Robert Finlay: But you must also take the other circumstance, that it is a black berg, all black.

The Commissioner: They had been discussing something which appears to me to have been very nearly the same as a black berg, that is to say, a berg presenting what they call its blue side.

Sir Robert Finlay: But there is this notable difference, that if it is a berg with a blue side, the other side is white.

The Commissioner: And they get the fringe?

Sir Robert Finlay: And you see the fringe. They were entitled to rely upon the overwhelming probability that they would have one or other of these indications even if the berg were turning its black side. Of course, the enormous probability was that the berg would be white, as it was described by men who have spent their lives in the Atlantic, who told your Lordship over and over again, many of them, that they saw a white berg, a great thing as white as that great white cartoon there. That is what they have seen. That is what in all but the rarest cases they do see. If they do by any chance see the blue side, the dark side of a berg which has been torn off, then they have the glimmer at the top. Here they did not have that, but they had the extraordinary combination of a totally black berg, with not even a swell to show the presence of the berg by the ripple that that would have produced - not nearly so strong as if there had been wind, but still quite strong enough to have given an indication.

I therefore most respectfully submit to your Lordship that it would not be right to find that there was anything blameworthy in following the practice which every man who has sailed the Atlantic for a long period past would have adopted.

That leads me to one other observation. My friend, the Attorney-General, I am told, said Mr. Ismay asserted it would be right to go on at the same speed. Mr. Ismay is most anxious that it should be made clear that he never intended to say anything of the kind, and when his answer is looked at, I submit it is clear he did not. I will not trouble your Lordship with it, because your Lordship said I need not trouble about it; but what Mr. Ismay, of course, means is this. This accident has revealed in the first place the encroachment of ice much further to the South; in the second place, it is brought home to every one that there may be this extraordinary combination of circumstances, and as regards the practice in the future it may very well be that your Lordship will think it right to recommend that that practice should be modified in the view of what has happened. What I do respectfully submit is that it is impossible to say there was anything blameworthy in the course that was taken by Captain Smith.

The Commissioner: I am much obliged to you, Sir Robert.

The Attorney-General: The questions to which my friend, Sir Robert, has been addressing himself are matters upon which I addressed you at length on Saturday, and the only one observation I desire to make in answer to my friend's remarks this morning is this: If you look at page 73, Question 2442, the evidence of Lee, one of the look-out men, you will see that there was the white fringe on the top, of which my friend was speaking.

Sir Robert Finlay: Oh, no, not at all.

The Attorney-General: It is really no good saying "not at all." I am going to read the question and answer.

Sir Robert Finlay: It is every good; when you have read it, you will see it is not.

The Attorney-General: I am not speaking of the ripple. This is not the ripple at the base of the berg; this what is at the top. "(Q.) It was a dark mass that appeared, you say? - (A.) Through this haze, and as she moved away from it, there was just a white fringe along the top."

Sir Robert Finlay: Yes, but then you must take 2441 with it.

The Attorney-General: "Can you give us any idea of the breadth. What did it look like? It was something which was above the forecandle? - (A.) It was a dark mass that came through that haze and there was no white appearing until it was just close alongside the ship and that was just a fringe at the top. (Q.) It was a dark mass that appeared, you say? - (A.) Through this haze, and as she moved away from it, there was just a white fringe along the top. That was the only white about it, until she passed by, and then you could see she was white; one side of it seemed to be black, and the other side seemed to be white. When I had a look at it going astern it appeared to be white."

The Commissioner: You must remember that the iceberg at this time was in the glare of the lights of the "Titanic."

Sir Robert Finlay: Yes, my Lord, the next question shows that: "At that time the ship would be throwing some light upon it; there were lights on your own ship? - (A.) It might have been that." I submit that entirely disproves my friend's view.

The Attorney-General: I am not dealing with that. With respect, it does not seem to me that what my friend has said this morning has in the slightest degree affected the view that was put before your Lordship, at least the argument that I addressed to you on Saturday, because all that my friend has said this morning, and, if I may say so, has said with all the force that he commands, only adds this, that there were these two abnormal or unusual conditions which I accepted on Saturday, when I argued the case before you, as the two abnormal conditions upon which my friend relied. They were all, however, matters which I dealt with then, and I agree with him that the result of the evidence shows that the excuse put forward must depend upon those two conditions. I analysed them then, and I do not propose to go into them at any further length. The only supplementary reference that I will make to what was said then, and I only make it because in consequence of what your Lordship said on the last occasion, I did not refer to the evidence upon it is this: My friend said to me just now, and said quite rightly - I call your Lordship's particular attention to it - that when Sir Ernest Shackleton is talking of a flat calm he means what I meant by a flat calm on Saturday when I referred to the evidence. I said a flat calm is a calm in which there is no swell. My friend agrees with me certainly, that when Sir Ernest Shackleton is speaking of it, that when he speaks of a flat calm -

Sir Robert Finlay: It is used in both senses.

The Attorney-General: I know it is, but it is no answer to the point I am making. I quite agree, and my friend is quite entitled to say that it may be when you speak of a flat calm in consequence of certain answers that Lightoller gave, that he is speaking there of a calm, a perfectly smooth sea, apparently presenting a flat surface, and nevertheless with a swell, and it may be he is speaking of it without a swell. It is a little difficult to tell, but he uses the expression "flat calm." Lightoller does in the first instance - it is his expression.

The Commissioner: And the Captain's expression.

The Attorney-General: Yes; as I said to my friend, Sir Robert Finlay, this morning, you observe that Sir Ernest Shackleton, who, at any rate, is a seaman, when he is speaking of a flat calm means what I suggest it does mean. There is all the difference in the world - at least I

suggest it - between speaking of a calm and a flat calm. However, I do not want to lay too much stress upon the meaning of a particular phrase that is used in connection with it; all I want to show is that when he is speaking of a flat calm he must have in his mind that at least there must have been practically no movement although there might have been the slightest swell. That, I think, is the highest it can be put. And if there had been this very slight swell - I will concede in favour of Mr. Lightoller's proposition - that when he is speaking of a flat calm he means only with a slight swell - that would not have given any ripple upon the base of the berg upon which he would be entitled to rely as indicating to him at some distance ahead the presence of an iceberg.

That really exhausts what I desire to add upon that subject, and I will now address myself to the other point to which it is desirable that I should call your Lordship's attention. So far we have been dealing with the vessel up to the time of the report of the iceberg and the striking of the iceberg. It is unnecessary that I should call your Lordship's attention in any detail - so it occurs to me, but, of course, I will take any course your Lordship thinks right - as to what happened from the report by the look-out men of iceberg ahead and the striking of three bells and the telephone message, and then what happens on board the ship with the order to Hichens, the quartermaster; it is unnecessary that I should go into detail upon that, because I am accepting literally the evidence as it was given, and that you may treat the two things - that is, the sighting by the look-out man of the iceberg and by the officer in charge, Mr. Murdoch - as simultaneous. That is the fairest way, at any rate to Mr. Murdoch, to deal with it, that he saw it at the same time, and that immediately an order is given, "Hard-a-starboard," and if your Lordship will remember Mr. Moody's evidence, he said that she was hard-a-starboard, the helm right over, just as the impact took place.

One has to bear in mind, and I will only ask your Lordship to consider what all this means - that it has taken me pretty nearly three times as long to recapitulate this story as to what happened after the sighting of the iceberg as the actual occurrence took, as the actual time that elapsed between the sighting of the iceberg and the striking of the berg, which I say at most is 40 seconds.

What I mentioned just now is the evidence of what Hichens said that Moody had said. I said the evidence of Moody, but I did not mean that Moody had been called.

Now, my Lord, that brings us to consider what the effect of the collision was. Of course we have gone into that with considerable minuteness, having regard to its importance; we have examined the plans with the model and in particular with that large plan. Now that we have got it indicated as we have, your Lordship can see there on the section where exactly the wounds were inflicted, and I do not propose, unless you think it desirable (I am quite prepared to do it with references in detail to the actual evidence upon it, with the pages) to go into it.

The Commissioner: I do not think it will be useful.

The Attorney-General: No, my Lord. It did not seem so to me, because when you have located the spot there is very little importance in going through the evidence which tells you where the spot is which is now indicated on the section. Your Lordship will see that this ship, as she is veering to port under the starboard helm during this period of something like 40 seconds - because that is what it must be now; I am dealing with the wounds inflicted - strikes at about five places indicated on the section, and it is worth noting that she is considerably torn. I will indicate what they were. I have no doubt your Lordship has them well in mind, and I do not wish to dwell at any length upon the detail because I cannot conceive it will be of any assistance.

The Commissioner: No.

The Attorney-General: But what I want to do is to point out what the result of the whole evidence is, beyond all question, and therefore it is unnecessary to dilate upon it at any length. In

the first place you have a blow struck in the forepeak tank. There is an undoubted puncture of the skin there - penetration. Then you have it further in 1, 2 and 3 holds; you have that clearly proved. Then you have a very serious blow which was struck in the firemen's passage. That I say was very serious for this reason. Your Lordship will remember according to the evidence the blow struck there must have penetrated through the outer skin and through the inner skin of the firemen's passage and the distance between the inner skin and the outer skin at the nearest point was 3 feet 6 inches. So that one can form some conception of the force of the blow, and also of the penetration which must have taken place there if you realise that at least - we do not know the exact spot - 3 feet 6 inches of that ship was penetrated by some spur or something on that iceberg, which was under water; that is plain because otherwise you would not have got the blow struck which went right through the two skins and opened up that part of the firemen's passage through which, as your Lordship remembers, the water was coming in such great gushes.

Later we have the evidence also of the blow struck between No. 6 and No. 5 boiler sections. There again we have evidence which is very plain, at least as to this, that there were external wounds which were proved in the side of the vessel. They must have been struck outside and probably between the bulkheads, or at a distance, which penetrated both, before the after bulkhead of No. 6 section, and also abaft of it, and the consequence of that would be that as the blow struck the bulkhead as the ship struck like that, of course, it would hole both No. 5 and No. 6, and there is no doubt water came through that part in No. 6 and No. 5.

The only element of doubt that is left in the case as to actual penetration of the outer skin of the vessel is in No. 4 boiler section. We do not know really what happened there, and I do not think, as far as I am able to judge, anything in the evidence enables us to say, at any rate with any precision, what happened. What we do know is that water was rising there. That we have got quite clearly proved by the evidence. It is indicated on the plan that the blow was under the stokehold plates, and I think that must be plain also. The water was coming in under the stokehold plates, because your Lordship will remember it was rising there; we have very clear indications of that.

The Commissioner: I am reminded that it was something like an hour and three quarters before they were driven out of that stokehold by the water.

The Attorney-General: Yes.

The Commissioner: It seems to support the suggestion that the water came over the top and then found its way down into the bunker, and then gradually rose from the bunker so as to rise above the plates.

The Attorney-General: No doubt that is a possible view, but I think the evidence shows the water was rising above the plates.

The Commissioner: Yes, but an hour and three-quarters afterwards; it was that that drove the men away.

The Attorney-General: After a time, yes.

The Commissioner: It is suggested that it was so long after the collision that the water was found coming up above the plates, that the probability is the water found its way from the top and went down into the bunker and filled the bunker, and then rose.

The Attorney-General: That depends on the evidence of Dillon and Cavell.

The Commissioner: However, I do not think you need dwell upon it.

The Attorney-General: I quite appreciate it may be so; it is well to bear it in mind, because no doubt the result of the evidence shows that eventually, as the water was rising, the firemen were driven out of that particular section, and they had to get up the escape in order to get clear. I do not think that it is of very great importance, because we know certainly from Mr. Wilding's evidence that, supposing you stop at the wound inflicted in No. 5 boiler section, and do not travel

further aft than that, it is quite sufficient, apparently, to show that with the wounds that there were, the vessel was irretrievably doomed; that is quite plain. The only question is how long she would float.

The Commissioner: What is your theory as to the number of sections filled with water at the time she sank?

The Attorney-General: At the time she plunged down?

The Commissioner: Yes, at the time of the foundering.

The Attorney-General: According to Mr. Wilding's view - I am speaking from his view - I do not profess to be able to say anything, except what is based upon his evidence to your Lordship - according to him the water must by that time have got as far aft as the reciprocating-engine room. That I think is shown by the plan which he handed up to you with the coloured pencil upon it, because the doors are open by that time, your Lordship will remember.

The Commissioner: Yes.

The Attorney-General: The watertight doors are open. It is not as if you could say the watertight doors are all closed and then up to a certain section you get the water coming in, because your Lordship will remember once the water gets over the bulkheads and begins to flow in, - these watertight doors were open all the way aft.

Mr. Laing: They all shut mechanically.

The Attorney-General: Only with the float, yes - but that is as the water rises.

The Commissioner: There is, of course, the automatic effect of the rising waters upon the doors.

The Attorney-General: Yes, the float we have heard about; that is quite right. Assuming that operated, and I see no reason to doubt it (there is no evidence to show it failed and I do not see why it should), it certainly would have the effect of closing the door before the water got above the stokehold plates. That I have seen put into operation, and I have no doubt your Lordship did, upon the "Olympic."

The Commissioner: That does not answer my question. How many sections do you think were filled at the time she foundered?

The Attorney-General: I put it up to No. 4.

The Commissioner: Inclusive?

The Attorney-General: Yes, because the water is rising there your Lordship sees, and when we have got to No. 4 the water was rising, quite clearly and drove the men up. It got up to their knees and drove them away.

The Commissioner: That means to say that this vessel, which was constructed to float with any two compartments filled, did float until four had practically been filled. That is what it comes to?

The Attorney-General: Yes. May I add this to it, my Lord, that, according to Mr. Wilding's evidence - your Lordship has those who are more familiar than ever we can hope to be, after a lifelong study of these questions - but as I follow Mr. Wilding's evidence the effect was this, that, loaded as she was at the time she sailed on this voyage, she would have floated with three compartments filled. That is what he said, and I see no reason to doubt it. She was constructed, as your Lordship will remember, to float with any two adjoining compartments flooded - that is not unimportant and when so flooded she would have floated with the waterline 2 1/2 to 3 feet below the height of the bulkheads. That is the position. That is what the design was with the vessel loaded in a certain way; but he pointed out that, loaded as she was at that particular time for that particular voyage, although she was not designed for that purpose, she would actually have floated with three compartments flooded.

The Commissioner: That is to say, she was lighter in the water?

The Attorney-General: Yes. Your Lordship will remember - I only give the reference in

passing - this is all dealt with by Mr. Wilding at page 515. He explains his view and how the water overcame the vessel, and how it was that she sank. It is all dealt with very well, and your Lordship will remember he gave us a very graphic explanation of it.

I think the result quite clearly, beyond controversy, of this evidence is this, that no height of bulkheads would have saved that vessel, holed as she was. I think that is established.

The Commissioner: It is said that if the bulkhead on the after-side of No. 5 boiler section had been taken higher it would have prevented the flooding of No. 4 boiler section, and the ship would either have floated, or have floated, at all events, longer than she did.

The Attorney-General: That, assumes, of course, that there is no injury to No. 4. That assumes that.

The Commissioner: Yes, it does.

The Attorney-General: Yes, it must.

The Commissioner: It really comes to this, that if No. 4 boiler section was holed, no bulkhead would have saved the ship.

The Attorney-General: That is it.

The Commissioner: But if No. 4 boiler section was not holed, and the bulkhead aft of No. 5 boiler section would have saved the ship or kept her longer afloat if it had been carried higher.

The Attorney-General: Yes.

The Commissioner: I think that was admitted by Mr. Wilding.

The Attorney-General: Yes, I agree; he deals with it at page 518.

The Commissioner: If this part of the case is really important - I do not know that it is - it is important to ascertain as nearly as we can whether No. 4 was holed or not.

The Attorney-General: Yes. That depends upon the evidence of Dillon and Cavell. Dillon's evidence begins at page 98. He is the trimmer. He gives evidence, first of all, about opening the watertight doors after they had been closed, with which I am not going to trouble you, because that is quite clear in your Lordship's mind. Then at page 100, Question 3817, we get, I think, to the point which is material upon the question we are now examining. Perhaps I had better read a question or two before to introduce it: "Did you see any water before you went up in any of the boiler rooms or the engine room? - (A.) Yes, there was water coming in forward. (Q.) The furthest point forward you reached was No. 4 boiler section? - (A.) Yes. (Q.) Was it coming in there? - (A.) Yes. (Q.) Where was it coming in? - (A.) Coming from underneath. (Q.) From underneath the floor? - (A.) Yes. (Q.) And from what part of the floor, the forward part or the afterpart? - (A.) The forward part. (Q.) Did it come in large quantities or only in small quantities? - (A.) Small quantities. (Q.) Was there any depth of water standing on the floor? - (A.) No. (Q.) Do you mean the floor was just damp? - (A.) That is all. (Q.) And it seemed to be coming through the floor? - (A.) Yes. (Q.) Did you see any coming through the side of the ship at all? - (A.) I never noticed. (Q.) Was there any water anywhere else in any of the other sections? - (A.) No. (Q.) Then you got this order about a quarter-past 1, and you went up on deck."

If you look also at Questions 3810 and 3811, just preceding those, there is evidence of the time which your Lordship commented upon just now: "Can you give us any idea of how long it was after the ship had struck that you got the order to go on deck? - (A.) Yes. (Q.) About how long was it? - (A.) An hour and 40 minutes. (Q.) That would make it about 1 o'clock? - (A.) No. (Q.) After that - a quarter-past one? - (A.) Yes."

Then Cavell is at page 107, Question 4247: "When you came back to No. 4, and you found the lights were on again, did you see any water in No. 4? - (A.) No. (Q.) When you got back to No. 4, do you remember hearing an order being given? - (A.) Yes. (Q.) What was it? - (A.) Draw fires. (Q.) Is that any part of a trimmer's work, , as a Rule? - (A.) In an emergency. (Q.) In an

emergency you would do it, of course? - (A.) Yes. (Q.) And did you lend a hand to draw the fires in No. 4? - (A.) Yes. (Q.) And were they drawn? - (A.) Partly drawn. (Q.) What would there be - 30 furnaces? - (A.) Yes. (Q.) Were the firemen there helping to draw, too? - (A.) Yes. (Q.) You say they were only partly drawn? - (A.) Yes. (Q.) What happened then? - (A.) The water started coming up over her stokehold plates. (Q.) In No. 4? - (A.) Yes. (Q.) Did that happen gradually or did it happen suddenly? - (A.) It came gradually. (Q.) The water - you moved your hand, you raised it; did it seem to come up from below? - (A.) Yes. (Q.) As far as you saw in No. 4, did any water come in from the side of the ship? - (A.) Not so far as I saw. (Q.) When the water came up through the plates what was done then? - (A.) We stopped as long as we could. (Q.) That is right? - (A.) And then I thought to myself it was time I went for the escape ladder. (Q.) They were still drawing the fires, these men, were they? - (A.) Yes. (Q.) How high did the water get above the plates they were standing on? How much water were they standing in before they left? - (A.) About a foot. (Q.) Working up to their knees? - (A.) Yes. (Q.) Scraping the cinders out? - (A.) Yes." I think that is all the evidence there is.

The Commissioner: What that comes to, it appears to me, is this, that the water, as far as these two witnesses could tell, was not coming from the side of the ship.

The Attorney-General: Yes, neither of them certainly saw it coming from there.

The Commissioner: That looks as if that part of the ship was not holed, and if that part of the ship was not holed then that water that they saw must have come over the bulkhead.

The Attorney-General: Of course, there is another possibility which you must take into account, that they are standing on the plates; they would not see whether the water was coming in below the plate; they would not see whether the water was coming in at the side of the ship below the plate.

The Commissioner: No, their impression is apparently - that is all I can say - that the water was not coming in from the side of the ship. That seems to me to show if their impression is a well-formed impression that that part of the ship was not holed. I quite agree it is speculation, because that part of the ship might be holed and might have been holed below the plates on which they were standing.

The Attorney-General: Yes.

The Commissioner: But they do not seem to have thought there was any water coming in from the side of the ship, and if it was not it must have been coming in over the bulkhead.

The Attorney-General: I do not think really that is the effect of the evidence, with all respect. Look at what Cavell said. I do not know that it is of any importance, but if it is -

The Commissioner: It is only important upon this question whether the ship would have been saved by having a higher bulkhead.

The Attorney-General: Yes, but it is a question you will not have to decide.

The Commissioner: I do not think it is necessary to decide that.

The Attorney-General: I rather understood that you were not going to decide that.

The Commissioner: But if I am to give a description as well as I can of the circumstances which sent this ship down to the bottom, I should have to consider that, I think.

The Attorney-General: All I want to observe with reference to it is this: If your Lordship notices the form of the question which is put to both witnesses, Dillon and Cavell, and the answer, what they are asked is whether they saw water coming in.

The Commissioner: And what you say is she may have been holed all the same.

The Attorney-General: Quite; the water was coming up the stokehold plates.

The Commissioner: And the hole might have been beneath the plates from which they saw water coming up.

The Attorney-General: Yes.

The Commissioner: All I mean is the answer "We saw no water coming in from the side," that probably meant they did not believe the ship was holed in the side at that place. It is pointed out to me, it is of no importance unless it is maintained that putting the bulkhead higher would not have saved the ship or prolonged the life of the ship.

The Attorney-General: I am going to point out the position we are in with regard to it. I will deal with it at once, because it will be an answer to what your Lordship was putting. That part of the case as to whether it is desirable to carry the bulkheads higher or whether it is desired to have a watertight deck, so far as I understood from what your Lordship said at an early period, is a part of the case which you do not intend to deal with; that is to say, that you do not intend to make any specific recommendation with regard to that. Your Lordship's view, as I follow it, is that there is a Special Committee which has been appointed for the purpose of considering the spacing and construction of the watertight compartments, and as I followed your Lordship's view, it was that you could not and would not go into that matter in this Enquiry; it would take a very long time, and necessitate naturally the examination of a great many witnesses in order to enable you to deal with it; but no doubt, if you thought right, your Lordship would make some general recommendation with regard to that. I presume, of course, I am only stating now what occurs to me with regard to it - that your Lordship would ask the Committee to deal with those two questions into which we have examined, in some little detail, without arriving at some conclusion in consequence of the view your Lordship did take.

The Commissioner: I am thinking of the description which I may have to give of the circumstances which brought the ship down to the bottom of the sea, and one of the things I must consider, I think, is whether the water in No. 4 came from the hole in the side of the ship, or whether it came over the bulkhead.

The Attorney-General: I quite follow for that purpose it would be necessary.

The Commissioner: It is for the Committee to say whether it is desirable that the bulkhead should be necessary.

The Attorney-General: I quite agree, my Lord, it would be necessary.

The Commissioner: As far as I can go, I must make up my mind upon the question whether No. 4 was holed or not. But you will remember this - if the evidence is so vague and uncertain that I cannot form any opinion upon the question which will be of any value, I shall say so.

The Attorney-General: I was going to say this, my Lord, and I will leave it with this observation: That so far as I am able to gather from the evidence, there is not sufficient to make it clear - I suggest to your Lordship, and one must be clear about it before coming to a conclusion - whether or not she was holed in No. 4. There is not sufficient to make it clear. I believe really that is the true effect of the evidence. I certainly cannot say that it is made clear that she was holed, because there is not any evidence of that. But from what we know of the water rising it is quite possible that she was holed below, and therefore that nobody would have seen it, and there is no evidence before you to explain it. I submit that is how the matter stands.

Now, my Lord, I do not propose to dwell any further upon that part of the case. I want to deal at once with the steps that were taken after the collision. We have proceeded by stages, first of all, of the vessel approaching the iceberg, then she struck the iceberg, she has been injured, and now I want to see what steps were taken after that. That involves a consideration in the main of two matters - one is what was done with regard to the watertight doors and the other is with regard to the boats. Substantially those are the two questions. There are minor points, but of no real importance because certainly they had no effect whatever upon the saving of life.

Now, my Lord, in the first instance, as to the closing of the watertight doors. I think the evidence is fairly clear and establishes this, that immediately after the impact the watertight doors were closed from the bridge in a way with which your Lordship has become familiar, and I

also have become familiar, on the "Olympic." These watertight doors were closed, and it is equally clear that these watertight doors were opened some time after from No. 4 aft so as to enable a suction pipe to be brought from the aftermost tunnel. Those doors I was just referring to, are those which would no doubt have been closed, so far as one is able to judge, when the water rose sufficiently high by means of the float to liberate the clutch and allow the door to drop down again. I will assume that was done. The only other questions which have arisen as to watertight doors are as to those doors on decks E and F. There has been a good deal of question with regard to that, and, of course, I can give you what happened - the evidence in detail - with reference to that. But so far as I have followed all the criticism that has been directed to what happened afterwards, no complaint was made, if I understand aright, by my friend Mr. Edwards, who specially dealt with the question of bulkheads, and watertight doors, with regard to these two decks after the examination that we have had. And it seems fairly plain that those doors were closed. It is gone into by the witnesses up to a point that the emergency doors were opened and that there was access along the alleyway.

As your Lordship is going to deal with the history of what was done, I will just give your Lordship the reference to it. I do not think it is of sufficient importance for me to dwell upon it in detail, but I will state shortly what happened, and give you the pages and questions. At page 236, Brown, in Question 10669 to 10672, says that the first order he got after he was wakened by the shock was to close all the watertight doors. That is what first happens: "Did you hear an order given in the alleyway about the watertight doors? - (A.) That was the first order I heard after I was woke by the shock. (Q.) Just tell us what you heard? - (A.) Who gave it I do not know, but I heard an order in the alleyway outside our quarters, to close all watertight doors. (Q.) There are watertight doors in the alleyway? - (A.) Yes, lower down, further aft than our quarters are. (Q.) And you heard that order given? - (A.) Yes.

Then, Mackay, on page 236, Questions 10691 to 10694 - he was the bath room steward - says: "The first order I heard was from the second steward to close all watertight doors on F deck.

The Commissioner: These references were all given to me by Sir Robert Finlay.

The Attorney-General: All I wanted to do was to show your Lordship what had happened. I do not want to go through them, because I attribute very little importance to this part of the evidence.

The Commissioner: I have them all marked.

The Attorney-General: Very well, my Lord. I am very glad because it will save me dealing with it. The conclusion of the whole matter is in Wilding's evidence on page 517, and that is the only evidence your Lordship need be troubled with.

The Commissioner: I will see whether I have that reference.

The Attorney-General: I have no doubt your Lordship has it. It has been referred to several times. At Question 20360 you get the conclusion of the matter and I only call attention to it because it does summarise what had happened. He is asked: "Does it throw any light to your mind upon the question of whether the watertight doors in the bulkheads were or were not shut." That is on the question of the wounds and how long she floated, and he says, "No." The same scale, if I may so use it, of the sinking is not sufficiently definite, because closing the watertight doors between E and F deck would only have made a delay of a few minutes, perhaps five or ten minutes. The evidence is not accurate enough upon that. That is really the substance of the matter.

I would like to make one observation in passing, not so much to bring it to your Lordship's notice, as because I know some comment has been made with regard to it. There is no question in this case but were the pumping arrangements were satisfactory and worked satisfactorily. Your Lordship will remember we began to go into it and it was made quite clear that there was

no complaint about it, and therefore your Lordship thought it was unnecessary to go into it, and also that you were satisfied, and those who were assisting you, that the pumping arrangements were satisfactory; so that we need not deal in any detail with that. No question was put to your Lordship with regard to it.

But what I do want to address myself to now, in dealing with the steps that were taken immediately after the collision, is how soon after the collision it was realised that the injury or injuries were very serious.

The Commissioner: How soon it was realised?

The Attorney-General: Yes. My view of the evidence which I submit for your Lordship's consideration, is that it was realised immediately, or almost immediately, by the Captain.

The Commissioner: Within 20 minutes.

The Attorney-General: Yes, certainly, within 20 minutes, but I think one might even say within a shorter time; but it is sufficient to say within 20 minutes certainly, by the Captain and by the Chief Engineer, by Mr. Andrews, who represented the builders, by those, of course, who spoke to Mr. Andrews who were only taking his view, and by Mr. Ismay himself. The only importance of that is to show that we do get from Mr. Ismay's questions to the Captain and to the Chief Engineer within a short time after the impact, conversations which show what their view was of the injury. I will not trouble your Lordship with references to it, because I have no doubt it is present to your Lordship's mind. It is stated really in a couple of sentences. The effect of it was that the Captain said, "It is very serious." The effect from the conversations with the Chief Engineer was: "It is very serious; I hope that I may be able to keep it under with the pumps." That is how it stands. And, of course, there is further evidence of the conversations with Mr. Andrews, to which reference has been made, but which indicate, in any event, that he put the life of the vessel at the moment that he was asked as 1 1/2 hours only. I am taking the extreme view. According to one witness he said half an hour, but according to another witness he said an hour-and-a-half, and I will take the longer time.

There are just a few passages upon it to which I wish to direct your Lordship's attention. Mr. Lightoller says that he realised that it was serious when Mr. Boxhall came to him half an hour after the impact and told him that the water was up to F deck. That is at page 310, Questions 13784 to 13791. My friend the Solicitor-General says: "Time is very difficult to calculate, especially when you are trying to go to sleep, but seriously, do you think it was half an hour? - (A.) That I was in my bunk after that? (Q.) Yes? - (A.) Well, I did not think it was half an hour, but we have been talking this matter over a very great deal, and I judge it is half an hour, because it was Mr. Boxhall who came to inform me afterwards we had struck ice, and previous to him coming to inform me, as you will find out in his evidence, he had been a considerable way round the ship on various duties, which must have taken him a good while. It might be less, it might be a quarter of an hour. You will be able to form your judgment. (Q.) He is the Fourth Officer? - (A.) Yes. (Q.) How would his time of duty run? - (A.) He was on duty till 12 o'clock. (Q.) 10 to 12? - (A.) 8 to 12. (Q.) It was Mr. Boxhall who came to your room and gave you the information? - (A.) Yes. (Q.) What was it he told you? - (A.) He just came in and quietly remarked, 'You know we have struck an iceberg.' I said, 'I know we have struck something.' He then said, 'The water is up to F deck in the mail-room.' (*The Commissioner.*) Well, that was rather alarming, was it not? - (A.) He had no need to say anything further then, sir."

The Commissioner: By F deck he meant G deck; is not that so?

The Attorney-General: Yes, that is quite right.

The Solicitor-General: Yes, it was cleared up afterwards. He said Boxhall did say F deck, but he meant G deck.

The Attorney-General: Then at page 316, Mr. Pitman says, at Questions 14931 to 14956: "(Q.)

You were aroused, and at first did you think much had happened? - (A.) No, I did not. (Q.) What was it aroused you; was it a noise, or a jar, or what? - (A.) A noise; I thought the ship was coming to anchor. (Q.) Did you lie on in your bunk for some few minutes? - (A.) I did. (Q.) At the end of those few minutes did you do anything? - (A.) Yes, I went on deck. (Q.) Was that curiosity, or what took you there? - (A.) Yes, I suppose it was. (Q.) Getting on deck, what did you see or hear? - (A.) I saw nothing and heard nothing. (Q.) Did you go to the forward part of the navigation bridge? - (A.) No, I only just went outside the quarters." It comes a little later: I will leave out the intervening part. Question 14948 is: "(Q.) While you were dressing did you receive any information? - (A.) Mr. Boxhall came to my room and said the mail room was afloat. (Q.) How long do you think had elapsed between the time you were aroused and Mr. Boxhall coming and telling you this? - (A.) I should think it must be 20 minutes. (Q.) Did he give you any information as to what had caused the mail-room to be afloat? - (A.) Yes; I asked him what we had struck, and he said an iceberg. (Q.) After that did you quickly proceed with your dressing? - (A.) Yes, I put my coat on and went on deck. (Q.) When you got on deck, did you see anything being done? - (A.) The men were uncovering the boats."

Then Mr. Boxhall, at page 361, Questions 15607 to 15613.

The Commissioner: I have read all you want to read on the subject: "Mr. Andrews tells me he gives her from an hour to an hour and a half" to live.

The Attorney-General: Yes, that is the passage I was going to refer to. I do not think it is worth calling your Lordship's attention to what another witness said because I am taking the longest time. You will remember one witness said Mr. Andrews only gave it half an hour. That was Hemming.

The Commissioner: On what page is that?

The Attorney-General: It is at the bottom of page 421. The actual passage is on 422, at Questions 17738 to 17741. It starts at the bottom of page 421. "Shortly after that, did you" that is Hemming, the lamp trimmer - "see the boatswain? - (A.) Yes. (Q.) What did he say to you? - (A.) He told us to turn out; that the ship had half an hour to live, from Mr. Andrews; but not to tell anyone, but to keep it to ourselves. (Q.) I did not hear what you said about Mr. Andrews? - (A.) The boatswain told us to turn out; the ship had only half an hour to live, from Mr. Andrews, but not to tell anyone. The boatswain heard it from Mr. Andrews, and he told us. (*The Commissioner.*) When was this; how long after the jar which you heard? - (A.) About 10 minutes, I should say."

The Commissioner: That brings it nearer to what you were saying; I said 20 minutes.

The Attorney-General: Yes, I think 10 minutes is the time, on the evidence. One may say within 10 minutes they knew it. Then there is Mr. Lowe at page 366, Questions 15791 to 15794. This concludes the evidence of the officers upon this point, I think: "(Q.) Just tell us what woke you up? - (A.) I was half awakened by hearing voices in our quarters, because it is an unusual thing, and it woke me up. I suppose I lay down there for a little while until I fully realised, and then I jumped out of bed and opened my door a bit, and looked out, and I saw ladies in our quarters with lifebelts on. (Q.) When you first looked out people had got their lifebelts on? - (A.) They had. (Q.) Do you know the time? - (A.) I do not. I have not the remotest idea of the time right throughout. (Q.) Were the boats being attended to?" - this marks the time - "(A.) As soon as I looked out through the door I jumped back and got dressed and went out on deck, and the boats were being cleared."

Now, I have exhausted the officers' evidence upon it, and at page 442 you find the passage I recalled to your Lordship's recollection in Mr. Ismay's evidence, Question 18513 - Captain Smith was there - "Did you ask him anything further" - he is dealing there with Captain Smith. Perhaps your Lordship will look at 18509. - "(A.) I went back to my room and I put a coat on,

and I went up on to the bridge. (Q.) Was Captain Smith there? - (A.) He was. (Q.) Then did you ask him what had happened? - (A.) I did. (Q.) And what did he tell you? - (A.) He told me we had struck ice. (Q.) Did you ask him anything further? - (A.) I asked him whether he thought the damage was serious, and he said he thought it was. (Q.) What did you do then? - (A.) I then went downstairs again - down below. (Q.) Did you meet Mr. Bell, the Chief Engineer? - (A.) I met the Chief Engineer at the top of the staircase. (Q.) Did you have some conversation with him? Will you tell us what it was? - (A.) I asked him whether he thought the ship was seriously damaged and he said he thought she was, but, as far as I remember, he thought the pumps would control the water." Then I read to him the question and the answer which he had given in the American evidence: "(A.) He said he thought the damage was serious, but that he hoped the pumps would be able to control the water? - (A.) I do not know whether he said 'he hoped' or 'he thought'; it is to the best of my recollection. I cannot remember every word he said." That is how it stands.

Now, of course, there is some importance to be attributed to that from two aspects. The one is as to what steps were taken by those on board and the time that it took them to get the boats away with the passengers on board; and the other is because of some criticism which has been directed to the omission of the Captain and officers to inform the passengers that the danger was so serious. I mean, there are those aspects upon which this evidence is material.

The first thing that I want to say with reference to it is that the uncovering of the boats, clearing the boats for use, and getting them ready to put into the water does seem to have taken a long time. Your Lordship will remember how the evidence stands upon this. There are other considerations to be taken into account in determining whether or not there was too much time occupied in clearing the boats; but one has to remember this, that the order to lower the boats was given within some 20 minutes of the impact, which would bring us to 12 o'clock. In point of fact, no boat was lowered at the earliest till 12.45. That was boat No. 7.

Mr. Laing: The order to uncover, you mean; you said to lower.

The Attorney-General: Yes, quite right; my friend is quite right; the order to uncover, and subsequently the order to lower. But the first boat lowered, so far as we are able to gauge from the evidence, is at 12.45; that is boat No. 7. Of course, by that time, as your Lordship observes, more than an hour had elapsed. She struck at 11.40 and the first boat is put into the water at 12.45. No doubt there are those who will assist your Lordship who are more familiar with the time that it ought to take to get a boat ready and to lower into the water in an emergency such as this than I, but it does strike one as a long time.

The Commissioner: What is the significance of it?

The Attorney-General: In this case?

The Commissioner: Yes.

The Attorney-General: So far as it affects the loss of life in this case, I do not think it is of any significance.

The Commissioner: It had no effect at all. They managed, before the ship went down, to get all of the boats out.

The Attorney-General: I am not sure but what I was a little hasty in saying "no effect," because, after all, one has to remember there was a difficulty in getting the last collapsible boat out.

The Commissioner: Yes, I remember that very well, and perhaps an exception ought to be made in reference to the last collapsible boat; but why should we trouble ourselves about enquiring into that, unless, indeed, I want to enquire into the boat drills these men had gone through.

The Attorney-General: Of course, that does open up a somewhat wide question which I should be prepared to take your Lordship's view about. Although it is quite true that it may be said, or I

will assume it may be said, that the fact that it took a long time did not result in any loss of life - I will assume that for the purpose; and I will assume also that the fact that they had no boat drill did not result in any loss of life - I have got something to say about it - but I say I will assume it, the question is whether your Lordship, notwithstanding that, in view of the facts you have had brought before you, would think it necessary to make some recommendation, for example, with regard to boat drill which would affect both the considerations which I am now putting to you. The suggestion I am going to make is that if that had been the effect of boat drill, it never would have taken so long to discover the boats or to lower them.

The Commissioner: Whether it would have taken longer or not to lower them there ought to have been boat drill.

The Attorney-General: I quite agree, if you arrive at the fact that there ought to be boat drill, which is impressed upon one from the evidence.

The Commissioner: I do not think at present it would have made the least difference in the time that they took to get the boats down into the water. It does not affect the question of lowering. There ought to be boat drill.

The Attorney-General: Certainly.

The Commissioner: There is no doubt about that.

The Attorney-General: I do not think it is suggested that there is.

The Commissioner: Luckily in this case it did not matter because, subject to the comment about the loss of the collapsible boats, you could get all the boats into the water.

The Attorney-General: Yes. I am going to say something to your Lordship about the boat drill before I leave the case, but I pass from it at the moment I only want to call attention to the fact of the time that was taken. I certainly do not want to spend any time upon it if your Lordship has made up your mind that there should be boat drill. That is the only point to which I was going to direct my criticisms upon the time taken. Curiously enough under the Merchant Shipping Act of 1906 there is a provision that there must be an entry in the logbook of the boat drill and a penalty for not entering it; I think it is Section 9, but there is no statutory provision that you must hold a boat drill. That is how the law stands at present upon it. It is Section 9 of the Act of 1906. An entry must be made by the Master in the official logbook of every occasion on which boat drill is practiced on board the ship and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use. The Master shall, if and when required by any officer of the Board of Trade, produce for inspection any record kept by him for the purposes of this Section. If the Master of a ship fails to comply with any requirement of this Section he shall be liable on summary conviction for each offence to a fine not exceeding £10."

The Commissioner: What section is that?

The Attorney-General: Section 9 of the Merchant Shipping Act of 1906. What it amounts to is that if there is boat drill, it must be entered in the logbook and if it is not entered in the log a penalty ensues.

The Commissioner: There is no provision that there must be boat drill.

The Attorney-General: No, that is a point to which I shall direct attention by and by. Parliament at any rate has only provided a penalty for not entering it in the log, but we do know this with regard to boat muster for boat drill: The Emigration Officer called Clarke in this case at Southampton did make, and is in the habit of making, a requirement that boats shall be put into the water - that is, for the purpose of giving his certificate. My Lord, obviously, I should say, that that is not sufficient, because all that that amounts to is picking out two boats which are manned by seamen and put into the water just for the purpose of seeing, as I should imagine, that the davits and tackle are in order and that the boat can be lowered -

The Commissioner: And that the boats were sound.

The Attorney-General: Yes; that is all it comes to; but, really, it is not of very great practical value, because you would never get your boats manned as they were on these two occasions and lowered full of seamen. What you have to remember is that when the boats have to be lowered at sea there are the proper number of firemen and trimmers and stewards to man them when they are lowered.

The Commissioner: Are you going to suggest that it should have been incumbent on the officers of this ship to have taken part in the boat drill, because, if you did, you would produce a state of things that would be almost impossible.

The Attorney-General: Yes.

The Commissioner: All you want is eight or nine of the men.

The Attorney-General: I do not think there is any great difficulty in it. There is a boat muster which, in the ordinary course, would have been held on board this ship; it would have been held on the Sunday, apparently; it was never held before the vessel started. It is not a boat drill, but it has some of the elements of a boat drill, and that is what took place, apparently.

The Commissioner: It enables the men to be mustered ready for action in an emergency, but they get no practice in the lowering of the boats.

The Attorney-General: I agree, but it gets them there, and it tells each man what his place is in the boat; that is the object of it. Each man would know his boat, and know where he is to go in the boat, and there it ends, and after all, the ship is travelling at the time, and there is no question of lowering the boats into the water and practicing; they cannot do that, but it has just that element in it which is of itself of some importance.

The Commissioner: Must every man of the thousand who constitute the crew take part in lowering the boats, or is it confined to the deckhands?

The Attorney-General: Yes, the seamen.

The Commissioner: I am told that at a boat muster the boats are swung out.

The Attorney-General: Yes, swung out, but not lowered.

The Commissioner: I do not think it is suggested that when they get out into the ocean the boats are lowered.

The Attorney-General: No, because the vessel is travelling at 22 knots at the time, but they are swung out, certainly; I think we have heard something about that.

Mr. Cotter: My experience of 18 years is that the men get a boat badge, and the number of the boat is on the badge; for instance, No. 2 lifeboat would be on the badge, and the man would have to go to No. 2. A bugle goes, and they know by the bugle, and they go to their boat stations, and the order goes, "All hands to the deck." The men stand by the boats, and the officer in charge of the boat has a small book, with the list of names of that boat in that book, and he calls out the names of the men, and each man has to reply what he is, whether he is a fireman, steward, or cook; every man has to answer to his name. The officer who is in charge of the drill gives the order so many men in the boats; there are eight men told off for a boat; each seat in the boat is numbered. No. 1 is a sailor, No. 2 is a fireman, No. 3 is a steward, No. 4 is a fireman, No. 5 is a sailor, No. 6 is a steward, and No. 7 and No. 8 is a sailor and fireman. That makes three stewards, three firemen and two sailors in a boat. The sailors' duty is chiefly to look after the falls and tackles; then order for swinging out the boats comes, and the whole of the men, the spare men, stand by, and launch the boats out. They may lower some right down to the water's edge.

The Commissioner: Do you mean out at sea?

Mr. Cotter: No; this is only done in port, and that is how the men get knowledge of how to handle the boats. This is done regularly in the Cunard Line, both in New York and in Liverpool.

The Commissioner: Do all the stewards take part in that?

Mr. Cotter: Every steward, every fireman and every sailor.

The Commissioner: Then 900 men take part in it.

Mr. Cotter: Yes, 900 men.

The Commissioner: Do the 900 men take part in this work in the boats?

Mr. Cotter: Not in the boats, but in the handling of the boat drill.

The Commissioner: Nine hundred men take part in the handling.

Mr. Cotter: Yes.

The Commissioner: All the stewards?

Mr. Cotter: Yes, the stewards, the sailors and the firemen.

The Commissioner: Supposing the firemen will not come on board till just within a few minutes of the boat being launched, what happens then?

Mr. Cotter: It is a bad system to have in any case in any company. That has happened in the case of the White Star Line, but in the Cunard Line it does not happen.

The Commissioner: I am not sure about that.

Mr. Cotter: I am positive.

The Commissioner: I doubt whether there is any big difference between the Cunard Line and the White Star Line.

Mr. Cotter: There is a big difference, my Lord; I have sailed in both.

The Commissioner: Now, Mr. Attorney, will you proceed.

The Attorney-General: My Lord, we have gone off the track a little. I was only going to say that I should hesitate a little to say that it is only the seamen who ought to take part in the boat drill. I should certainly hesitate to say that it is only seamen who ought to take part in the boat drill, but after all those are the men who least require the drill.

The Commissioner: Is it not the usual thing for those men to go through a course of boat drill?

The Attorney-General: No

The Commissioner: Does the Captain of the vessel ever go through boat drill?

The Attorney-General: I should imagine not, I do not suppose that he requires it.

The Commissioner: Does the head steward go through it?

The Attorney-General: I do not see why not, my Lord; I do not see why his degree of head steward should prevent him.

The Commissioner: But does he?

The Attorney-General: That I cannot say.

Mr. Cotter: Yes, he does, my Lord.

The Commissioner: I am told he does.

The Attorney-General: Well, that satisfactorily answers the question.

The Commissioner: I will tell you what I am advised about this, and that is, that in long voyages to the East, where you are at sea for several weeks, it can be done, but you cannot get through the whole of the crew, through the stewards and firemen and A. B.'s. you cannot get through them all; but when you are out on an Atlantic voyage which lasts only five days, is it practically impossible, and that you would have to do nothing else but working at the boats You could scarcely do it in five days, and you would have the people doing other work besides working at the boats.

The Attorney-General: I suppose what it means is that you would have to do it the day before if you do it at all?

The Commissioner: Then you would want more officers and men?

The Attorney-General: That is the difficulty that has been pointed out to me.

The Commissioner: It is quite obvious it is desirable that there should be some sort of drill, and

in this case, as far as I can make out, it is admitted there was none.

The Attorney-General: Yes.

The Commissioner: There was this inspection of the two boats.

The Attorney-General: Yes, there was the inspection of the two boats in Southampton. Well, my Lord, that really was the object of the criticism that I was going to direct to the time taken up.

The Commissioner: Are you going to say anything to me as to the value of the boats?

The Attorney-General: Yes, my Lord.

The Commissioner: They were very valuable on this occasion?

The Attorney-General: Yes, I am going to say that, but, of course, that comes to the other question which is involved, about the boat accommodation.

The Commissioner: But my own impression at present is that the collision happened in such a way that boats were not wanted.

The Attorney-General: I agree; and when I deal with that part of the case I shall say that has been the policy, not only of the Board of Trade, but of the Advisory Committee which has been sitting under the Merchant Shipping Act and giving expert advice to the Board of Trade, but I will come to that in the proper order when I come to deal with the boat accommodation required by the Board of Trade.

Now, my Lord, the point that I was upon just now about the clearing of the boats from the ship, and the time that was taken, proves this, that altogether (I do not think you can be precise) from about a quarter to one to half-past two o'clock was occupied in lowering the boats. There is this submission to be made in connection with that, that according, certainly, to Mr. Lowe's evidence, and some other evidence, the time taken was not because of any difficulty in handling the boats, but because they could not get the passengers to get into them, and no doubt that is a perfectly just observation which one must bear in mind that they seem to have had very great difficulty in getting the passengers to the boats, or, when there, to get them into the boats, but I shall not comment further upon that in view of what your Lordship has said, that you think there ought to be boat drill, as to my mind that is the only value of the evidence in this case, and I therefore will say nothing more about that part of it.

Now, my Lord, the second consideration, having regard to the seriousness of the casualty as realised between 10 minutes or at a very early period from this happening to which I have referred, was that it is said, if the passengers had been told of the extreme danger and that the vessel could not float for more than an hour and a half, or if they had known what Mr. Andrews had said as his opinion, or what the Captain had said as his opinion to Mr. Ismay, or the Chief Engineer, Mr. Bell, equally to Mr. Ismay, if they had known that, that they would have got into the boats, there would have been no difficulty. Of course, what would have happened no doubt would have been that they would have got into the boats; but I think, as your Lordship indicated, there would have been the gravest possible danger of panic at that time, and of a struggle to get into the boats, instead of the very orderly organisation and maneuvering that took place by the stewards getting in front, and asking the passengers and the women and children to get into the boats, carrying out the order of the Captain that women and children should be in the boats first; all that discipline which existed, one cannot help thinking, would have been prevented if they had been told that there was a serious danger, and I also should suggest that no passenger who knows that his vessel - I believe no passenger, however ignorant of the perils of the sea, who knows that his vessel has been in contact with an iceberg, and that an order is given that the boats to be uncovered and lowered, and women and children are to be allowed to get in first, would have failed to realise that there was at least a grave state of things on board that vessel. I only make those observations because of the criticisms which they have been made already upon this - I think in particular by Mr. Harbinson, who said they ought to have been told. My Lord, in

this connection, as I am dealing with this, I would like to remind your Lordship of how the matter stands with regard to the third class passengers. It was said, certainly at the outset of this case, that the accessibility of the third class passengers to the boats was extremely difficult, that they could not get to the boats, and a suggestion was made that the greater percentage of the third class passengers drowned was due to the fact that they had not been able to get there and, indeed, at one time it was suggested, if not here, certainly it has been suggested by some statements which appeared in the Press, that they were prevented from getting to the boats - forcibly prevented. Well, my Lord, fortunately, very fortunately I think, all that suggestion is absolutely disposed of by the evidence that has been given. I am not going to refer to it now; I have collected it, and intended to call attention to it, because I did think it was a matter of very great importance; and the suggestion which was underlying many of the questions that were put, certainly by my friend Mr. Harbinson, was that the third class passengers had been worse treated in this matter than the first and second class passengers, particularly the first, and that that accounted for the greater loss of life among the third class passengers. My Lord, of course when one reflected upon the condition of things that that seemed to indicate, I think it was very distressing to think that that really was the fact. My Lord, we know from what Mr. Harbinson has said himself as the result of this evidence, and after the very zealous vigilance with which he has conducted his case on behalf of the third class passengers, whom he represented, he comes to the conclusion which I would just like to repeat to your Lordship, as disposing of a great mass of the evidence which has been given and as my excuse for not referring to it more in detail. He says, at page 781: "I wish to say distinctly that no evidence has been given in the course of this case that would substantiate a charge that any attempt was made to keep back the third class passengers. There is not an atom or a tittle of evidence upon which any such allegation could be based, and I do not for one moment say the third class passengers were deliberately kept back or were kept back at all in the sense that any effort was made to prevent them reaching the boat deck.

The Commissioner: What page is that?

The Attorney-General: 781. "I desire further, my Lord, to say that there is no evidence that when they did reach the boat deck there was any discrimination practiced either by the officers or the sailors in putting them into the boats. It would be wrong of me to say so, because there is no evidence which would bear me out in saying so, and I think it only fair, in speaking on behalf of the third class passengers, I should make that observation to your Lordship." Now, my Lord, in view of that statement by my learned friend, a statement which he very fairly, and, if I may say so, very properly made, having regard to the suggestions that certainly have been made public with regard to the third class passengers. I do not intend to go in any detail into the evidence. Your Lordship will remember that we went with great care in this case into the plans, and also, with Mr. Wilding's assistance, along the decks, in order to see whether or not the third class passengers had access to the decks, and we have had much discussion about the barricades, or the barriers, that existed on the vessel; at one time it looked as if it was possible that it might be suggested that it was those that prevented the third class passengers from getting on the deck. So far as the evidence goes it is quite plain that nothing of that kind took place. You have still to remember that there was a larger percentage of third class passengers drowned than of second or first class. My Lord, one reason that occurs to me, and that, I suggest, is worthy of consideration, is that these third class passengers were emigrants. They would probably almost, and they would certainly be carrying all they possessed with them. To leave the cabin or to leave the vessel with all their little property on board and to go into the boat would be a thing that they would naturally be loth to do, more loth probably than a person whose property was not all on the vessel, and who might be inclined to leave such little baggage as he had without any very serious

consideration. When you bear in mind here that you have emigrants, and that you are dealing with emigrants, and that they were asked to leave and to get into the boat at a distance, no doubt, of some 65 feet, and to be lowered in these boats into the water, probably many of them never having been on a vessel before, and certainly not of a vessel of this character, I think one can readily understand why it is that the third class passengers refused to leave the ship, and remained on the ship in a larger number proportionately than either first or second class passengers. There is one other reason, not an unimportant one, which is of course that their quarters, according to the construction of the ship, were in a less favourable position undoubtedly for reaching the boats than either the first or second class passengers. That, I think, is quite clear from what we saw.

The Commissioner: Their quarters are at the extreme ends.

The Attorney-General: Yes, both forward and aft, and that must be borne in mind. Still, according to the evidence, stewards were told off and were sent to fetch them, and according to what you have before you they failed to get them to come on deck for the most part, or to attempt to get into the boats. Your Lordship may remember one particular piece of evidence, I think it was as to boat No. 15, the last boat on the starboard side, of which it was said that stewards were sent to get passengers, and sent down to see whether there were no women and children to come up from the third class to get into this last boat that was leaving on the starboard side, and then came back and apparently they found no one. I am bound to say that the evidence that was given with regard to that was not very satisfactory, and your Lordship will remember with regard to this last boat that as she was being lowered and as the passengers were getting into her it was then found that she could take more, and stewards were sent down to see whether they could find any third class passengers to come up on deck and get into the boat, and the answer was that they found none. I have always found that a little difficult to understand, because there were a very large number of third class passengers still on that vessel, and one does not realise why it was that no one came up on deck. To some extent you must bear in mind also that some of the emigrants were foreigners, but even then with regard to that the evidence is that interpreters were sent along to explain to them what it was that they were required to do. So that viewing the evidence in all its aspects, and bearing in mind what has been said by my learned friend Mr. Harbinson, I think what it resolves itself into eventually is that the third class passengers were more loth to leave their cabins and to get into the boats than the first class passengers seem to have been, or even the second class passengers; and further that they were not so favourably situated, and their cabins were not so favourably placed as either first or second class, but as far as I am able to gather anything from the evidence there is no other explanation of why it is that so many were lost. Your Lordship will remember the proportion is very striking.

The Commissioner: There were 560 third class, I think, in the vessel.

The Attorney-General: Yes, about. And, my Lord, the evidence with regard to it, both as to the access to the boat deck and as to what was done is all collected, but I am not sure whether your Lordship has got it. Some attention was directed to it undoubtedly by my learned friend Sir Robert Finlay, and in some detail, but whether your Lordship has all the information upon that which is available I am not quite certain.

The Commissioner: I do not think you need stop to examine it in any closer detail.

The Attorney-General: If you please, my Lord; then I will pass from it. It will save a good deal of time. Now, my Lord, I propose to deal with what happened with reference to the boats. I am not now upon the accommodation provided - that I propose to deal with when I come to the important part of the case that affects the Board of Trade. My Lord, the boats are dealt with in the boat list, of which your Lordship has the analysis before you, and if I may say so, it is done with such care and so well that I do not think I could usefully spend any time in attempting to

amplify it. Your Lordship really has the substance of it there, and it is as well put as it can be.

The Commissioner: Mr. Attorney, which is the question to which you are directing my attention now? What is the number of it? Is it a specific question?

The Attorney-General: Yes, there is a specific question, of course, as to the capacity of the boating accommodation. I think really it comes into Questions 16, 17 and 19, and 20 is quite specific upon the point.

The Commissioner: Read me Question 20, please.

The Attorney-General: "What was the number of (a.) passengers, (b.) crew taken away in each boat on leaving the vessel? How was this number made up, having regard to, first, sex; second, class; third, rating? How many were children and how many adults? Did each boat carry its full load, and, if not, why not?" But there are several questions that deal with the boats.

The Commissioner: Am I expected to take each boat separately and set out the circumstances relating to it? There is a question, I think, that asks me to do it.

The Attorney-General: You are asked this: How many passengers and crew left in each boat? That is all, I think.

The Commissioner: I can do it in a way, but not precisely, I am afraid.

The Attorney-General: I do not think anybody with the greatest care, even if we had much more evidence than we have, could be quite precise about it, but I do not think it is intended that you should do more than to give an indication according to the evidence of how many you think were carried in each boat.

The Commissioner: According to the evidence a great many more people were carried away in these boats than they were capable of carrying.

The Attorney-General: I quite agree, and that is particularly striking when you examine the proportions. I think as far as I have been able to analyse it, according to the evidence, we know in fact there were 711 persons saved in the boats; that is the full number. There were, according to the evidence, 836 carried in the boats, and who ought to have been saved if that number is right, and moreover, it shows quite plainly that the witnesses have been inclined to over-estimate the number of women and children who went away in each boat, and to under-estimate the number of male passengers that went away in the boats, as well as the number of the crew. That is exactly how it stands.

The Commissioner: Yes, that is exactly how it stands; there is an exaggeration in the gross number, and there is an exaggeration of the number of women and children.

The Attorney-General: Yes, the tendency undoubtedly has been for the witnesses who have been called to make out that more women and children were carried in the boats than were in fact carried, and a less number of men and crew. It is striking in particular with regard to the women and children, because in fact there were 388 saved of women and children; according to the evidence there were 642 women and children saved. In fact there were 126 male passengers saved; according to the evidence there were only 71. In fact there were 189 male crew saved; according to the evidence, only 123. So that bears out what your Lordship said as a summary. That is dealing with the total number saved as 703 instead of 711, as we now know it, but the other figure is not of very great importance.

Now, my Lord, may I say just a word, and it will not be more, because I have already indicated to you at an earlier stage of the case what my view was in answer to a question from your Lordship with reference to the discipline upon which your Lordship is asked a specific question; I think it is No. 17. My Lord, one cannot peruse the evidence given in this case without, I think, being very much struck by the discipline of the crew, taken as a whole, and of the behaviour of the crew. To take one instance, and I think a very, very striking one, to which I was adverting only a little while ago, when I called your attention to the evidence of Dillon and Cavell, trimmer

and fireman, who were in No. 4 boiler room, they had been on deck, and there were others who had been ordered down below in a vessel which they know was in great jeopardy, and who heard the order which had been given from the bridge to uncover the boats and to man them, and to be ready to launch them, and to fill them with women and children. All these men on board knew perfectly well that they were in grave peril, and yet it is one striking fact that they go down, apparently without any question, without any murmur, they go down below to work on board that vessel, and down below in the hold when the water was coming in, as we know, in No. 4 boiler room, till the water was up to their knees, when they were ordered to come up on deck through the escape, and when they found, in fact, that all the boats had gone except the collapsible, and I think one ought to bear in mind the behaviour of these men in the circumstances. These were not even seamen, and on the whole I do not think that one is saying a word too much when we say that the behaviour of those men was heroic. My Lord, one is also struck in reference to the evidence about the engineers. Not a single engineer was saved. As my learned friend Mr. Roche said in the very admirable address he made to your Lordship, it is by no means an uncommon thing; it is a common thing to find that no engineers were saved. There they are right down in the vessel, and during a time of peril they do not come up, and they did not come up in this case until, if at all, all hope of safety had disappeared. There is some evidence of some eight men having been seen, it is not quite clear that it is right that they were engineers, but whether they were or not, when they were seen it is as plain as possible that it was only after all the boats had gone, and when there was no hope of rescuing them. And another striking fact which is worth remembering also, of which my learned friend reminds me very pertinently, I think, is that there were eight ship's boys on board this vessel. We have heard nothing about them; they played no part in their humble capacity on board this vessel as ship's boys; every one of them was drowned. They might very properly, if it had been desired, been treated as juveniles, but they were not; they went down as part of the crew of the ship; and, as I say, we do not hear a single word about them.

My Lord, really, speaking with the rarest exceptions in this case, everybody on board seems to have behaved in this moment of the gravest peril, realising, as they must have done, that they were in imminent danger of losing their lives, with a calmness and with a devotion to duty which I hope will always be remembered to the credit of those who sail on board British vessels. My Lord, in the same connection, I think one ought also to remember the passengers; the accounts which have been given of the women who refused to leave their husbands; took their chance, and must have known perfectly well what it meant; and the accounts that we have had of some, knowing quite well that, by staying on board, they were doomed to destruction, nevertheless preferred it - preferred to remain with their husbands to going on board the boats. It must also not be forgotten, my Lord, that the men, with the exception of, I think, only in one instance of which evidence was given of a rush by the second and third class passengers to one boat, which was checked, as your Lordship will remember, by Mr. Lowe - with that exception, again the passengers seem to have behaved extremely well. My Lord, the men on board made no attempt to leave the vessel. It must have been realised, I suppose, at an early moment on board that vessel, so far as one is able to reconstruct the scene, that there was only accommodation, and that not even sufficient, for the women and children on board that vessel, and no attempt made on behalf of the men to force themselves in, as your Lordship so pertinently observed recently; even in one case where there were two men who got in because they thought there were no more women, when the women were seen the men got out and the women were placed in the boat and were saved. Your Lordship will remember again one other significant fact, that although the stewards and crew were marshaled to keep the line and to prevent the male passengers from getting into the boats, and to take care that only women and children got into the boats, the

evidence is that they had nothing to do; that the passengers stood there and made no attempt in any way to get into the boats, but assisted in keeping order with the stewards and with the rest of the crew. All those are factors which it is as well that one should bear in mind, and I know your Lordship will bear them in mind when you come to deal with what happened on this vessel after the casualty.

My Lord, this becomes of greater significance when you present to yourself the picture in that vessel, of the ship sinking by the head, the water always getting further and further mastery over the ship, the boats going away one by one, and the realisation of those who remained on board that ship that, although the water was gaining control over the vessel, there was no boat, and there was no possibility of their leaving the vessel. There is some evidence, the evidence of Mr. Bride, that when the news came through, as he received it, that the "Carpathia" was coming to their assistance (I think I am right in saying that it was at 12.35 that that happened - it is within a minute or two), that that news was taken by him at any rate to some of those who were on board the vessel. It may be that that caused a good many to prefer to remain on board the vessel, but one does not know exactly how much was known of that; one can only surmise that if there was information of that kind given by him, as he says he did give it when he went up amongst the people on board the vessel, it would very soon spread and very soon be known, and no doubt helped to steady those people who were on board, and made them able to wait the arrival of the "Carpathia" with greater fortitude. But still, all the time this vessel is getting nearer and nearer to foundering, and all the time one sees that the boats are being lowered and the last means of escape are disappearing.

Now, my Lord, I do want to make one comment with regard to this matter, and that is in respect of this No. 1 boat. No. 1 boat was the emergency boat on the starboard side, the boat which has figured somewhat prominently in this case on account of the evidence which was given in the first instance by Hendrickson, and which led, in consequence of some possibly underlying suggestion to the calling of Sir Cosmo and Lady Duff-Gordon. As I said at an earlier part of this case, and I repeat it now, any comment that I have to make with regard to this boat is not directed against either Sir Cosmo or Lady Duff-Gordon. For my own part, I should find it impossible to make any harsh or severe comment upon the conduct of any woman who, in circumstances such as these, found herself suddenly lowered down this great vessel on a dark night into the water in a small boat, and who was afraid to go back because she thought there was a danger of being swamped. At any rate, I shall make no comment whatever upon it. But, my Lord, the evidence, and the reason why I am directing attention to it, is that it is quite plain that for some reason that boat was lowered with 12 persons in it instead of 40, and there is not the faintest explanation, as far as I can see, of why that happened. There were altogether seven of the crew of that vessel; of course, a far larger proportion in comparison with passengers than in any other boat. There were seven crew and five passengers - Sir Cosmo and Lady Duff-Gordon, Miss Francatelli, and the two American passengers. That constituted the whole of the evidence. And also it is apparent from the evidence that they did not get into the boat - that is to say, these passengers - until the boat was being lowered. Your Lordship will remember the evidence in particular with regard to the two American passengers, that they came running along, and were bundled into the boat at the last minute as she was going down. The order which was given is an order with which one has become somewhat familiar in this case - I do not profess to be repeating the exact words, it is not necessary that I should read them - but substantially it was that they were to stand by the vessel and to come back when called upon. My Lord, I am quite sure - in fact, I know it has exercised your Lordship's mind a good deal, as it must those of all who have striven to comprehend that order and see what it meant. The only possible explanation, it seems to me, is that it was intended at one time, as no doubt, it was according to the evidence

to fetch passengers from the gangway aft. We have had the evidence about the proposal that they should be put into boats from the gangway aft, but apparently that is all we hear of it, nothing seems to have been done, and so far as I know, of the evidence no order was given as to preparing the gangway or opening the door, and one quite understands, of course, that it might have been a very dangerous thing to do if the vessel is all the time going down further and further by the head; it may have possibly been a thing that could not have been done, but, my Lord, there, I regret to say, the matter must be left as regards this boat. I am quite unable myself to offer any explanation of it. I am puzzled over it. I have read the evidence with care, but I cannot see why this boat was lowered in these circumstances and with that very small number of passengers.

My Lord, the value of it as throwing light upon this Enquiry, is, I think, twofold. First of all, it shows, I think, the importance of boat drill; it shows further that had there been boat drill, you would have had your men presumably at the moment ready, knowing what there was to be done, and I think if there had been better organisation as to what should happen in the case of an emergency such as this, there would have been a better possibility of getting the passengers into the boats. One is a little struck by this - and I make this observation for your Lordship's consideration - that although, as I have said, there was perfect discipline in the sense that there was no panic, the organisation does not seem to have been quite satisfactory with regard to getting the passengers out from their cabins and placing them in the boats. What strikes one in reading the evidence is that nobody seems to have known precisely what his duty was, or how many persons were to be placed in the boat before the boat was lowered. Certainly that is the evidence with regard to a number of the boats. I think I am right in saying (I will deal with it in detail) that there were only four of the boats that left with their full complement of passengers and crew; but all the rest left with a less number than they could have carried, more particularly could have carried on this particular night.

Now, my Lord, one must bear in mind as against that, I think, that this vessel was on her first voyage. I suppose if those who were on board the vessel, particularly the crew, if they are in the habit of being re-engaged after they have been discharged at the end of a voyage, would become more familiar with the vessel, and would better know what should be done at the particular moment, in an emergency, they would certainly know the vessel better, but it is a factor which ought to be borne in mind that during this voyage at this particular moment when this emergency arose, there seems to have been no satisfactory organisation with regard to getting the passengers on deck. What I mean by that is, I should have thought that it might have been possible to have had men told off whose duty it would have been in an emergency of this character to call the passengers and to bring them on deck; but, in any event, what we do know about it is that these boats left, and left without their full complement, which might have carried a larger number, and therefore would have led to a smaller loss of life, and that of these the worst of them is this boat No. 1.

Now, my Lord, the comment I desire to make upon that is more especially with regard to the man who was in charge (and the man who was in charge was Symons), whose duty it was to attempt to save life if there was any possibility of doing that. The man does not seem to have carried out, at any rate, the order that was given to him. He was told to go away and stand by. Instead of that, as far as I understand his evidence, and I have looked at it with great care, he seems to have got away as far as he possibly could; and when he heard the cries, although one can quite realise and quite understand that a man would hesitate, and rightly hesitate, at plunging into a mass of struggling people, yet at the same time there were a great number who might have been saved if the boat had gone back before he had got as far as the people who were huddled together, according to the evidence of one person, as they were in the water after the vessel had

gone down, and Symons' evidence, I suggest to your Lordship, was unsatisfactory. He gave no proper account of why he did it. He had got some parrot phrases somewhere in his mind that in the exercise of his discretion he had done it and that he was the master of the situation, but they afforded, as far as I can follow, no justification for what he did, and I do not think there is one, and, as far as I am able to see from the evidence, there is no explanation of why he went away and made no attempt at all to save life - no explanation at all, except that he says he was afraid that if he had gone back they would have been swamped. My submission to your Lordship with regard to that is that it is not a true explanation of what happened at that time. He was afraid also, I think I am right in saying, of suction. My Lord, none of those things justify a man in his position who is used to the sea -

The Commissioner: When was the boat lowered into the water?

The Attorney-General: I think it was from ten minutes past one till a quarter-past one.

The Commissioner: It was a full hour before the foundering of the "Titanic."

The Attorney-General: Quite. The order in which the boats were lowered, I think, was 7, 5, 3, 1, and this boat would be lowered just about ten minutes to a quarter-past one, according to the evidence. As your Lordship says, that was at least an hour before the foundering. But as to that part of the case, as to what happened, why he did not come back, what he did, and why no further passengers were placed in the boat, I confess to me is very difficult to explain. I can see no justification for it, and I can see no explanation for it, but there it stands. My Lord, when I say I see no explanation of it, I think it is right to bear this in mind, and to call your Lordship's attention to it, that Mr. Lowe, the officer, said he took everybody who was on board who was there as far as he could see, and that there were no people left on the starboard deck at the time. I think that must be a mistake, because it is quite clear that after that, the four after boats were lowered on the starboard deck, and that there were a number of passengers and crew who were in those boats. As your Lordship will remember, boat No. 15, which is the one as to which there was a good deal of discussion, was the last one which left. So that he must be mistaken with regard to that. I suppose what it really means is that he did not see any others, but it cannot be that there were no other women and children on the starboard deck at the time this boat was lowered, as we know for an absolute certainty that the other four boats were subsequently lowered, and of course carried with them a number of women and children.

The Commissioner: The capacity of this boat was 40?

The Attorney-General: Yes.

The Commissioner: And it went away with 12?

The Attorney-General: Yes, of which seven were crew.

The Commissioner: Was there any other boat that went away with so small a proportion of passengers on board?

The Attorney-General: No, my Lord, there was no other boat; and there was no other boat which went away with a larger number of crew than passengers either - none. Well, my Lord, I confess I am quite unable to understand why that boat was lowered in that way, and equally I am unable to understand why no attempt was made by Symons subsequently to save the lives of some at least of the people who were in the water.

Now, my Lord, dealing generally with the boats, I am not going through it in detail because your Lordship has the list before you, generally dealing with them, the only boats that took their full complement and even more were four, Nos. 11, 13, 14, and 15, that is the total. Now, my Lord, one has to see why it was, what explanations were given of why these boats were not more fully loaded. In this particular case, of course, it was of supreme importance, because if the boats had been loaded to their full capacity in each case, there would have been so many more lives saved which were lost. Now, my Lord, in the first instance, the one view is that officers

superintending the lowering were afraid that the boats would buckle or that the falls would give way. That is one explanation. The second is that there were no more women at hand to get into the boats, or, in any event, no women who were willing to get in. The third is that it was contemplated that more people would be put into the boats when they were in the water from the gangway ladders - that is the explanation I referred to before. Those, I think, are the three explanations of why every boat did not go away at least with its full complement.

Now, my Lord, I do think that in this case it strikes one as very regrettable that the officers should have had doubts in their minds as to the buckling of these boats or as to the falls being incapable of bearing the strain of carrying the full complement down, because there is no doubt that a number of boats were lowered into the water with less than their full complement for that reason. That is quite clear.

The Commissioner: Is there any satisfactory evidence that they did fear the buckling of the boats?

The Attorney-General: There is a statement with regard to it of the witnesses, my Lord.

The Commissioner: I know. I mean, what is the statement to that effect? Are we to be led to suppose that these lifeboats are so constructed that they will bear the strain, when hanging from the davits, of the full complement of passengers?

The Attorney-General: I should have thought so, my Lord. I should have thought that clearly they were constructed for that purpose.

The Commissioner: Then I do not see, if that is so, why you think that the officers should know that, and then I do not know why, especially in this calm sea, there was any fear of the boats buckling. I can well imagine that the passengers, women and children, had inconceivable fear, but I cannot imagine why the officers should have had any fear of it.

The Attorney-General: Of course, there is the evidence your Lordship will remember of Mr. Lightoller about it, who himself says that that was his view; and there is also the evidence of one of the men, Poingdestre, who says that the boat was ordered to be lowered because Mr. Lightoller thought the falls would not stand a heavy load. That is the falls. It has just the same effect, of course, but it is not the boats.

The Commissioner: It is the same thing. Of course the officers ought to have known that the boats and the falls would stand the strain. I cannot help thinking that the real reason was that they could not induce any more people to get in at the time. Did Mr. Lowe stop people getting into the boat?

The Attorney-General: Certainly his view was that he was taking risks. I do not think that he stopped them.

The Commissioner: Is there any evidence that Mr. Lowe actually stopped people from getting into the boat when it was not full?

The Attorney-General: I do not think he says that. I do not remember his saying it.

The Commissioner: Did Mr. Lightoller say it?

The Attorney-General: Mr. Lightoller's view certainly was that it was not safe for the boat.

The Commissioner: He had no business to have such an idea.

The Attorney-General: I think it was deplorable of course for any officer to take that view with regard to the lifeboats, which are there for that very purpose, that the officers should not have known the number of persons to be carried. Each of these lifeboats would have carried 65 persons as lifeboats, and indeed some of the boats went away carrying 70, and those who were in the boats were saved.

The Commissioner: One boat, I think, was lowered with something like 70.

The Attorney-General: Yes, No. 11, some say 70, and some say 74.

Mr. Laing: Seventy may not be accurate. We do not know.

The Attorney-General: I agree; of course it is very difficult to say exactly how many there were, and I do not think anyone could say with precision how many were saved and how many were in each boat. But at least we do know this, that 70 to 75 is the effect of the evidence, and this boat, No. 11, seems to have carried the largest number. No. 15 was said to have carried 70; there was a good deal of evidence about that. I have before me just now Mr. Lowe's evidence about it. I do not think he said anybody was stopped. His view was that he was putting people in, and that he thought he was taking risk in doing it; and I did call your Lordship's attention when I was dealing with boat No. 1 to what he had said in dealing with passengers on the starboard side; but in this connection Mr. Lightoller's evidence is at page 314, and at Question 13883 he deals with this question, "Was boat No. 6 filled? - (A.) It was filled with a reasonable regard to safety. I did not count the people going in." That seems to be the extraordinary view or opinion he formed. "But you exercised your judgment about it? - (A.) Yes. (Q.) It was filled as much as you thought was safe in the circumstances? - (A.) Yes. (Q.) In your judgment, is it possible to fill these lifeboats when they are hanging as full as you might fill them when they are water-borne? - (A.) Most certainly not."

The Commissioner: Then he is wrong about that?

The Attorney-General: Absolutely wrong, according to everybody's opinion. Then your Lordship asks, "Is that due to the weak construction of the lifeboats, or to the insufficiency of the falls? - (A.) A brand-new fall, I daresay, would have lowered the boats down and carried the weight, but it would hardly be considered a seamanlike proceeding, as far as the sailor side of it goes, but I certainly should not think that the lifeboats would carry it without some structural damage being done - buckling or something like that. (Q.) And had you those considerations in mind in deciding how many people should go in the boat? - (A.) Yes," and then my learned friend, the Solicitor-General, who was examining him referred him to Poingdestre's evidence upon it, to which I called your Lordship's attention just now, but here it is and the convenient thing will be just to refer your Lordship to Poingdestre's evidence. It is at page 83 he is asked, "Do you know how it comes that there were not more than 42 put into this boat? - (A.) Yes." (That is boat No. 6, that is the boat constructed, of course, to carry 65, he says.) "Well, the reason is that the falls would not carry any more. (Q.) You mean somebody was frightened of the falls? - (A.) Yes, the Second Officer, Mr. Lightoller. "Did you say anything aloud about it" -

The Commissioner: This evidence comes to no more than this, that Lightoller was afraid.

The Attorney-General: That is all, my Lord.

The Commissioner: My attention was drawn to Mr. Lowe's evidence.

The Attorney-General: Yes, my Lord. There is a little more at page 477.

The Commissioner: That has been read already.

The Attorney-General: Yes, my Lord, it is a passage that I called attention to.

The Commissioner: "And that was why you lowered the boats from the boat deck when they were not altogether full? - (A.) I was working on the idea that the gangway doors were going to be opened, and take people from there." Then he says in answer to that last question, "Certainly; we were not going to load the boat with its floating capacity from the davits." (*The Commissioner.*) Do you see any reason why the lifeboats should not have been lowered full of people? - (A.) Yes, I do. (Q.) Did you see any one of them lowered full of people - I mean with about 60 in the boat? - (A.) No, Sir; I could not say that I did. (Q.) What, in your opinion, is the reason why the boat should not be lowered full of people? - (A.) The reason, my Lord, is that the boat is suspended from both ends, and all the weight is in the middle, and that being so the boat is apt to buckle, that is, break in the middle, and both ends buckle up like that (*showing*), and shoot the whole lot out of her." Well, I do not know whether this man was cross-examined or examined about it again. Had he ever seen such a thing?

The Attorney-General: I am much obliged to your Lordship for calling my attention to it. Would your Lordship mind reading the next two Questions?

The Commissioner: "At all events, you would not think it safe to do it? - (A.) No. (Q.) How many were in your boat when it was lowered? - (A.) I mustered them when I got away from the ship, and there were 58 passengers - that would be 65 altogether. (Q.) That was lowered without buckling? - (A.) Yes, but I said I was taking on risks, Sir." "Do you think the boats were fit to be lowered with their full complement," and Lightoller and this man Lowe seems to have thought that there was some risk. What business they had to think there was some risk, I do not know.

The Attorney-General: At page 427 your Lordship will see according to that, Mr. Wilde, the Chief Officer, thought so too. Question 17897, "Can you give any explanation of this boat No. 8 being lowered and launched with only 35 passengers? - (A.) No. The only thing is that Mr. Wilde, the Chief Officer, said there were quite enough in that boat to be safe to lower it."

The Commissioner: That is another man.

The Attorney-General: Yes. "Was that in reference to the strength of the falls? - (A.) Yes. (Q.) And the tackle for lowering? - (A.) I should say that is what he thought." Then your Lordship says "That is rather a leading question. (*To the Witness.*) This boat was being lowered, like the others, from the davits? - (A.) Yes, my Lord. (Q.) And being lowered a long way? - (A.) Yes. (Q.) From the davits to the water? - (A.) Yes. (Q.) Does it occur to you that Mr. Wilde might have thought that the load in her was quite enough? - (A.) Yes, I think that is about what he thought. He said there was quite enough in it to lower from the davits." Then there is a little discussion about it, and your Lordship says: "What occurred to me was that you were putting the blame on the davits and the falls, and I do not think myself, at present, that the davits and falls had anything to do with it, but it was the fear of the boat buckling and throwing the people out." Then there was some examination about that - "The falls were perfectly new. There was no difficulty experienced in lowering."

The Commissioner: I remember the suggestion made in this examination was that the falls and boats were not strong. This examination was being conducted by Mr. Scanlan. The suggestion, you know, against this ship was that the boat was not strong enough; that was the suggestion thrown out by the examination. It was not well founded, because the boats were strong.

The Attorney-General: There is no suggestion that they were not.

The Commissioner: According to this man, a boat which would hold about sixty was allowed to be lowered with about forty.

The Attorney-General: Thirty-eight, my Lord.

The Commissioner: I do not see why they should wish to construct a boat for the purpose of carrying sixty people, if it is only to be used for the purpose of carrying forty.

(After a short adjournment.)

The Attorney-General: My Lord, I have said all that I desire to say about the buckling of the boats, or the suggested weakness of the falls - that they were not of sufficient strength to carry boats with their full complements. I want to call attention now to the evidence and I shall only do so very generally, because I think it has been so very fully explained during the course of this Enquiry. The second reason to which I referred, why there were not more passengers in the boats, was that the order had been given that women and children only were to be placed in the boats, and that there was a difficulty in getting women and children to go into the boats. There are a great many passages in the evidence, but I do not expect that your Lordship would desire me to go through that, as that is a matter upon which there can be no controversy.

The Commissioner: I think not.

The Attorney-General: If your Lordship pleases. The same observations would apply to the evidence which has been given about the gangway. That is the third suggested reason why there were not more passengers placed in the boats, because it was contemplated that this gangway would be opened and that they would be able to recall the boats to put more passengers in them. It simply remains as a suggestion; nothing was done, as your Lordship knows, with regard to it; and I gather from the evidence also that if it had been necessary to do it, it would have taken a considerable amount of time to open this gangway door and presumably to fit the gangway so as to lower the gangway and let the passengers down by it into the boats.

The next thing that I desire to direct attention to, and that very shortly, is why it was that there were not more passengers picked up by the boats after the vessel had foundered? There are four reasons given for that through the evidence. The first was that the persons in the boats were afraid of being swamped by others attempting to board them; that I have already commented upon. The second was that there was a danger of suction; the third that the boats were told to pull for a light and were too far away to return (that only applies to some of the boats); and the fourth was that the boats were not well enough manned to make their way back to the ship with any hope of being useful. That was thrown out as an explanation of why some of the boats did not go back. It occurs to me that the last one is a very unsatisfactory explanation, because there does not seem to be any reason why they should not have been able to get back, assuming that they had remained only within a short distance of the "Titanic." The evidence upon that is somewhat voluminous, but I cannot think again that any useful purpose is served by travelling in detail through that, as these four reasons are sufficiently well established by the evidence. It seems to me, to make it unnecessary for me to travel through it in detail, and to call your Lordship's attention to particular questions and answers.

Then, my Lord, I return to the general question which I was considering in dealing with the boats; that is, as to what steps were taken to save life. In the first place, I have called your Lordship's attention to what was done with regard to the boats. Then there were the attempts to summon the passengers to the boat deck with lifebelts and warm clothing. Your Lordship will remember there was a good deal of evidence given in detail with regard to that. The evidence with regard to the third class passengers is, in the main, the evidence of Hart, at pages 221 to 225, and at page 230; and the evidence of Pearcey at page 231, Mackay, 237, and 239, and Wheat, at page 241. Your attention has been called in some detail to this, and I think you have all the references that are material upon it. If your Lordship should require them again I can supply them, but I do not want to do it unnecessarily, as I am very anxious to get to a conclusion. I think your Lordship really has them sufficiently. That deals with the orders that were given with regard to the boats, and with the summoning of the passengers to the deck.

Then there is a third step which was taken, which was to send up distress signals and to use the Morse flashlight. The evidence as to that is in Rowe's evidence on page 419, Questions 17657 to 17684. He says that rockets were sent up. It comes at the end of Question 17657. It gives in detail what happened. The particular question with regard to the evidence of the time they were sent up, is at the end, Question 17684. On the same page, 419, there is the evidence about the Morse signaling, Question 17660; and then at 17684 is the sending up of the rockets from about a quarter to 1; he says he noticed it till about 1.25.

Boxhall's evidence with regard to it is on pages 356 and 357, Questions 15394 to 15420. He is asked about the steamer: "(Q.) Could you see how far off she was? - (A.) No, I could not see, but I had sent in the meantime for some rockets, and told the Captain I had sent for some rockets, and told him I would send them off, and told him when I saw this light. He said, Yes, carry on with it. I was sending rockets off and watching this steamer. Between the time of sending the rockets off and watching the steamer approach us I was making myself generally useful round

the port side of the deck. (Q.) How many rockets did you send up, about? - (A.) I could not say, between half a dozen and a dozen, I should say, as near as I could tell. (Q.) What sort of rockets were they? - (A.) The rocket distress signal." Then he describes their effect: "(A.) You see a luminous tail behind them and then they explode in the air and burst into stars. (Q.) Did you send them up at intervals one at a time? - (A.) One at a time, yes. (Q.) At about what kind of intervals? - (A.) Well, probably five minutes; I did not take any times. (Q.) Did you watch the lights of this steamer while you were sending the rockets up? - (A.) Yes."

I may have to recur to that in connection with the "Californian" incident later. At present all I wanted to do was to call your Lordship's attention to what steps were taken.

Then besides that, there are the wireless messages which were sent which appear in the Marconi *procès-verbal*, of which your Lordship already has the information - I mean the C. Q. D. and the S. O. S. messages, which were sent all round. No doubt everything was done that was possible by wireless telegraphy in order to attract the attention of vessels. I think the first signal sent, from the *procès-verbal*, was 12.15 a.m. to the "La Provence." If your Lordship has the Marconi records it is only necessary to call attention to the time at which the first message was sent, which was 12.15 a.m.; "La Provence" receives 'Titanic' distress signals." Then also at 12.15 a.m.: "'Mount Temple: 'Titanic' sending C.Q.D., says require assistance, gives position"; and at 12.25 the "Carpathia" receives the message. That is on the same page. The first is "La Provence" receives "Titanic" distress signals at 12.15, then the "Mount Temple" hears the "Titanic" at 12.15 sending the C.Q.D., and then I went on to 12.25, when the "Carpathia" received the signal. I think to that your Lordship must add the evidence of Mr. Cottam, which is at page 405, which shows that the message sent immediately by the Captain of the "Carpathia," Captain Rostron, was that he was turning round and coming to the assistance of the "Titanic." It does not appear in the *procès-verbal*, because Mr. Cottam explained he did not write it down. You find that at page 405, Question 17107 - I might begin at 17105 - he says he confirmed the message before reporting it to the bridge: "I asked him if he intended me to go straight away to the bridge and get the ship turned round immediately, and he said, 'Yes, quick.' (Q.) Did you go to the bridge? - (A.) Straight away, yes. (Q.) You reported it to your Captain? - (A.) To the officer on watch first, and, from him, to the Captain. (Q.) Then what was done about the 'Carpathia'? - (A.) She was turned round immediately. (Q.) And made for the position? - (A.) And headed for the position, yes. (Q.) Then you, I suppose, would go back to the Marconi room to your instrument? - (A.) Yes I did; I went right away. (Q.) Up to this time had you sent the 'Titanic' any news of where you were? - (A.) No, not up to then. I went straight away back to the cabin and sent our position. (Q.) Who gave you your position? - (A.) The Captain gave me our position. (Q.) Then you were in a position to tell the 'Titanic' where you were? - (A.) Yes. (Q.) And did you tell her that you were coming to her assistance? - (A.) I did."

The Commissioner: What time was that?

The Attorney-General: That is 12.35 'Titanic' time. We have had it at some time that that was the time it took place. Bride gave us the time and I will give you the reference.

The Commissioner: Bride tells us when he received it?

The Attorney-General: Yes, it is at page 388, Question 16517: "What was the message from the 'Carpathia,' so far as you can recollect it? - (A.) She transmitted her position and told us she had turned round and was coming along as fast as she could. (Q.) To your assistance? - (A.) Yes." Then at Question 16523 he says he reported that to the Captain and Mr. Phillips remained in the room.

The Commissioner: That does not give the time.

The Attorney-General: No, my Lord, he has said the time, but for the moment I have not the reference. At Question 16511 you will see: "You have told us you came up at 12 o'clock and that

then you heard this conversation." The only importance of that was that, of course, it must be at some period after that that he is on deck, because he comes back there at 12 o'clock. This is very near it on page 393, at the end of his evidence, Question 16795, "Do you remember how long it was after the collision when you learned that the "Carpathia" was coming to your assistance? - (A.) The "Carpathia" was the second boat to answer our call. (Q.) Can you remember how long that was after the collision? - (A.) No, I could not tell you; it was within a very short space of time after we sent out our first distress signal. (Q.) And you took that message to the Captain, you told us? - (A.) Yes. (Q.) Now, do you know if the Captain communicated the substance of your message to any of the officers or to the crew? - (A.) I passed the word myself as I went to find the Captain. (Q.) To whom did you pass it? - (A.) To anybody whom I happened to go close by. (Q.) Did you pass it to any of the officers? - (A.) Not to my knowledge. (Q.) But you gave it out that the "Carpathia" was coming to your assistance? - (A.) Yes.

The Commissioner: Where do you get the 12.35 from?

The Attorney-General: 12.25 is the time given of the message being received by the "Carpathia" from the "Titanic."

The Commissioner: I thought 12.35 was the time when the "Titanic" received the message; I thought you said so. It would be the same time, I suppose. I mean to say, when the "Carpathia" sends a message to the "Titanic," the "Titanic" receives it at the same moment.

The Attorney-General: Yes, 12.25, you have got quite definitely that call was received from the "Titanic" by the "Carpathia." Then you know what happened is that Cottam goes to the bridge.

The Commissioner: He went to the bridge and spoke to the Captain, and the Captain said: "Let them know our position, and tell them we are coming."

The Attorney-General: Yes.

The Commissioner: That could not have taken more than a few minutes.

The Attorney-General: I do not reckon it more than a few minutes. I put it at the very latest at 12.35. That is how I get to the time.

The Commissioner: Evidently Bride cannot tell us exactly, but it must have been very shortly after.

The Attorney-General: It is within a few minutes, certainly. I do not want to take too close a time; I put it at 10 minutes, so as to make it quite safe.

The Commissioner: At about 20 minutes to 1 they would receive the "Carpathia's" message.

The Attorney-General: Yes.

The Commissioner: It is a good hour after the accident.

The Attorney-General: Apparently the first signal by wireless telegraphy, so far as I have been able to get from the evidence, is 12.15. From 11.40 to 12.15 nothing was done by Marconigram, so far as this shows us. But at that time the message is sent out, and your Lordship sees, was received by several vessels at 12.15, by the "Carpathia" at 12.25, and then within a few minutes she sends her message that she is coming to their assistance. Of course, they go on for a considerable time, but I do not think it helps very much. What your Lordship wanted to know was when the "Carpathia" signalled.

Now, my Lord, that deals with all the steps that were taken after the vessel had come into collision. It is not very easy to see why they did not send a message earlier by Marconigram, because they knew apparently within a very few minutes, within 10 minutes, that the vessel was seriously injured. They may have waited.

The Commissioner: That is what occurred to me. The Captain must have known it was necessary to get assistance as speedily as possible, within a quarter of an hour, and one would have thought he would have gone straight to the Marconi room and summoned assistance. But

you say 12.15 is the first.

The Attorney-General: Yes, that is the first. That is "Titanic" time.

Well, now, that, I think, disposes of all the evidence that there is, as to steps taken after the collision. What happened subsequently has given rise to some doubt at one time, but I think it is abundantly clear now, particularly after the evidence of the officers, that, although it may have been thought at one moment, and certainly was by some of the crew - some of the earlier witnesses who were called before you - that the vessel had broken in two at one stage, and that the head, the fore part of the vessel, had disappeared, leaving the afterpart floating for a time, which then disappeared, that is disposed of now.

The Commissioner: There is no suggestion of that now.

The Attorney-General: No. I think the reason why they came to that conclusion was that apparently one of the funnels broke aft, and possibly those looking at it, seeing that happen, may have thought that meant that the afterpart of the vessel was still afloat. That is some explanation of it. But it is quite plain, I think, from the evidence which has been given now that she did not break in two, there can be no question of that, and that she did go down certainly with her stern at an angle of something like 45 degrees. I think that seems to be established pretty clearly by the evidence, especially by the evidence of the officers, and that would be explained also by the plan which Mr. Wilding put in, which showed your Lordship what would happen if those compartments became filled. It is exactly what those who are skilled in the flotability of vessels would naturally expect to happen, and what, according to the evidence, did happen.

That brings me to the two last points, undoubtedly important ones, upon which I have to address you, and one is the very important matter of the boat accommodation provided by the "Titanic," and also as to whether that boat accommodation was sufficient. Well, it is quite plain, and there is nothing to be said to the contrary, that according to the evidence we have got the boat accommodation was not sufficient for the number of passengers who were on board; I mean by that that on this particular occasion, had there been more boats and had the passengers been willing to leave in the boats, a greater number of lives would undoubtedly have been saved. That is quite clear.

In the observations which I want to make to your Lordship now with respect to this matter, I have to deal with the suggestions which are made as to the want of proper provision by the Board of Trade for an emergency of this character, and I think it substantially amounts, when one has considered all the evidence that has been given, to the suggestion that the Board of Trade ought to have provided a scale of boat accommodation for vessels of over 10,000 tons and in different gradations, so that it would have been necessary according to the Board of Trade requirements.

The Commissioner: Over 10,000?

The Attorney-General: Yes, I say over 10,000, because it stopped there; over 10,000 and upwards was where it stopped, as your Lordship remembers; and a good deal of criticism has been directed to the fact that the Board of Trade did not make a scale dealing with the different gradations of tonnage over that 10,000 tonnage. I want to call your Lordship's attention to how that matter stands, but before I do so I just want to refer, which I shall do very shortly because of what your Lordship has already said, to the evidence about the bulkheads. It is very difficult to separate entirely the consideration of these two matters, because the policy of the Advisory Committee and the policy also of the Bulkhead Committee, which sat in 1890 and reported upon this matter, was that it was better to make ample provision for the unsinkability of the ship, so far as it was possible, than to provide complete accommodation for all persons on board the vessel.

With reference to that what I should submit to the Court is, that both the Board of Trade and the Committee who were dealing with this matter were right to this extent, that it is more

important to have efficient provision of watertight compartments and proper subdivision, sufficiently strong bulkheads, so arranged that if there is a collision and penetration of the ship's side the vessel should still float, than it is to have complete accommodation for the full number of passengers. I do not mean for a moment by that to suggest that it is not necessary to have boats; that is not the point of my observation at all. What I do mean is that the first thing to look to is the provide as far as you possibly can, according to the scientific knowledge of the present day, the unsinkability of the vessel.

And, my Lord, one has to bear in mind also in that connection that it is an extremely rare occurrence in the annals of the sea for a vessel to be struck as this one was in so many compartments. In the ordinary course of things, if you provide that your vessel was unsinkable, assuming she had two adjoining compartments holed, and particularly if she was so loaded that she would float with a third compartment also penetrated, that would be all that human ingenuity could devise for the purpose of protecting the ship. In this particular case, as I have already indicated and submitted to the Court, and do not want to repeat, the grave injuries that were inflicted were owing to the excessive speed at which this vessel was travelling when meeting the iceberg, the consequence of which was that she received so many wounds. The view taken with regard to this has been very consistent from the time the Bulkhead Committee - what has been called Sir Edward Harland's Committee - was appointed in 1890, and reported, up to the present date; and it seems also to have been the view of the German authorities, because your Lordship will remember from the documents which I put before you that they have the same system in Germany, that provided a vessel is equipped with efficient watertight compartments, the demand that is made upon her for additional boat accommodation is dispensed with to a certain extent. That is what they say - you need only provide half the full boat accommodation if you have efficient watertight compartments. What we do is very much the same thing, I am referring now to Rule 12, to which your Lordship has had a good deal of reference, in the Board of Trade Rules. It is on page 16 of the Rules of the Board of Trade. "When ships of any class are divided into efficient watertight compartments to the satisfaction of the Board of Trade, they shall only be required to carry additional boats, rafts, and buoyant apparatus one-half of the capacity required by these Rules, but the exemption shall not extend to lifejackets or similar approved articles of equal buoyancy suitable to be worn on the person."

I am only referring to that for this purpose. I only want to show that the policy has been the same in this country and in Germany to encourage efficient watertight compartments, and that those charged with the administration of these maritime matters in Germany as well as here have taken the view that, provided there is an efficient subdivision of proper watertight compartments, there is an exemption from the provision that the full number of additional craft of all kinds shall be carried.

The Commissioner: I do not see the reason.

The Attorney-General: One reason I should think would be that they want to encourage vessels to have efficient watertight compartments.

The Commissioner: It seems to me a most improper thing to bribe, as it were, the shipowner to build his vessel with the lives of the people who are on board.

The Attorney-General: That is not what they intend to do. Both in Germany and here, what they thought they were doing by it -

The Commissioner: As long as there is a reasonable possibility of the ship foundering why should there be less boat accommodation than the number of lives requires?

The Attorney-General: The view, no doubt, is, that if you have provided efficient watertight compartments, you have made a very good provision against the foundering of the vessel; and that they can keep the vessel afloat so much longer, and that if you have a certain number of

boats you may be able then, with this number, to get assistance or to take your passengers off to another vessel or to the shore, as the case may be, inasmuch as you can keep your vessel afloat so much longer if you have watertight compartments.

The Commissioner: This Rule was made long before the days of Marconi apparatus.

The Attorney-General: Oh, yes, it was made about 10 years before they had that. I think the evidence is the first vessel was in 1900 in which they had wireless telegraphy. The Report of Sir Edward Harland's Committee was in 1890.

The Commissioner: Was it, or was it in 1894?

The Attorney-General: No, in 1894 there was another alteration.

The Commissioner: There was one alteration, from 9,000 to 10,000.

The Attorney-General: Yes; that is on a different matter. That is dealing with the scale of boats. But whatever the reason was, and I quite appreciate the criticism which may be directed in view of what we now know; it certainly would not entitle, and I would not suggest that it entitled, a shipowner to dispense with a sufficient number of boats. But the view taken, the policy pursued right through from 1894, not only here but abroad, was that if you had these watertight compartments you may dispense with some part of the additional boat accommodation.

The Commissioner: There has been very little.

The Attorney-General: Not much. I think we had the evidence. It is some 60 odd during the number of years, at most, three or four a year.

The Commissioner: Are you upon the question of the Board of Trade now with reference to the boat accommodation?

The Attorney-General: Yes, I shall have to deal with that now.

The Commissioner: Are you upon it now?

The Attorney-General: Yes, I indicated just now I am going to deal with the boat accommodation, and of course in considering it I have to consider the suggestion which was made and the criticism upon the conduct of the Board of Trade. I must consider that in dealing with the whole of this matter. It applies, and I think you must bear it in mind, both in dealing with the bulkheads and with the boats. What I wanted to say about the boats, before I get to what actually happened with the Board of Trade, is that one must bear in mind in this connection that so far as the records of loss of life at sea go there is no case on record where the boats provided have not been sufficient for the purposes of saving life. There is no case on record, according to the evidence - your Lordship will remember Captain Young was asked the question, and I think by your Lordship - in which it has been shown that life has been lost in consequence of an insufficiency of boats. You also have to bear in mind in this connection that for a great number of years the loss of life was very small compared to the number of passengers carried. The reason why I refer to that is, as your Lordship will appreciate, that the Committee that was sitting considering these matters and the Board of Trade afterwards, in dealing with the advice of the Committee, would have naturally to have regard to what had happened as guiding them as to what was likely to happen in the future.

Now, there are a number of criticisms which have been directed, and properly directed, I think, to the providing of increased boat accommodation. I do not profess to say, and I gather from what your Lordship said at an earlier stage, you did not intend to say what number of boats should be provided in a vessel of this character, but I think one is entitled to say this; that as the result of what has happened with regard to the "Titanic," it is clear there should be a larger number of boats provided. That is, I think, how it stands at present, that it is not sufficient merely to stipulate that there should be a boatage accommodation of 9,625 feet cubic capacity, as it was prior to this for vessels of 10,000 tons and upwards, but there ought to be increased accommodation; and when I say that, your Lordship will bear in mind that the matter has been

enquired into quite recently by the Committee in 1911, and that they formulated their views as to a new scale with regard to boats.

Before I deal with the boats I want to clear out of the way, if I may, the question relating to bulkheads. I am bound to refer to it, because of course it forms an important element, or has been thought to form an important element, in considering how many boats should be provided for a vessel. But in this Enquiry, and in your Lordship's Report, as we know, we have not to deal with the requirements, we have not to consider whether or not the Bulkheads Committee which reported in 1890, or which was appointed in 1890, when sufficiently far; whether there should be a watertight deck, a matter which has formed the subject of considerable discussion; or whether you should have longitudinal divisions such as exist in the "Mauretania" and the "Lusitania." I think what one may say with reference to it, and what one is justified in saying upon the evidence, is that the "Titanic," according to all the knowledge available at the time of her construction, was a well equipped vessel, and was efficiently provided with watertight compartments. Whether the system which they adopted was as good as or better than the system adopted in the "Mauretania" and "Lusitania" is no doubt a matter which will form the subject for investigation by the Committee which has been appointed to consider these matters.

But there are obviously considerations which must apply, considerations of advantages and disadvantages of both systems. In fact, I am quite sure from what your Lordship has said, that you are not in a position to pronounce, and that you do not intend to pronounce, upon that question in this Enquiry. It is obviously as the result of the questions which have been put during the course of this investigation, a very difficult matter and one which will involve a great deal of expert knowledge and investigation. The only reason that I am referring to it at present is that I do not feel that it would be right to suggest, and I certainly do not suggest, that the "Titanic" when she left on this first voyage was not properly equipped or not properly constructed or not properly designed. The view which I present to your Lordship as the result of all the evidence is that she was according to all experience and knowledge as good a ship as had ever left port, and that every care had been taken to make her, as they thought, unsinkable. But as we know from the result of what happened, they turned out to be quite wrong.

The Commissioner: "Unsinkable" is a comparative term in that connection.

The Attorney-General: As your Lordship pleases. I was going to say "unsinkable" means having regard to what you would ordinarily expect to happen to a vessel. The term has undoubtedly been used with regard to vessels, and was used with regard to the "Titanic" and the "Olympic" because it was thought that a vessel which would float with two adjoining compartments flooded was an unsinkable vessel. I propose therefore to say nothing further with regard to bulkheads than that, merely having called attention to the design of this vessel, as I am bound to do, because of the questions which are before your Lordship.

A good deal of criticism was directed also at one time, with which I am not going to deal, as to the requirements of the Board of Trade, or some officials of the Board of Trade not having been complied with - I mean with reference to Table C. I think my friend, Mr. Laing, showed quite clearly from the correspondence that that was erroneous.

The Commissioner: I think the correspondence quite disposed of that.

The Attorney-General: Yes, my Lord; it has quite disposed of it, and I do not propose to say anything more about it. When one read the correspondence it disposed entirely of that question.

When we come to consider what boat accommodation should have been provided, there are a number of considerations which certainly have affected those who have advised the Board of Trade hitherto, apart from what has happened to the "Titanic." It was said and thought apparently that if you carried more boats on a vessel such as the "Titanic," or a large increase in the number of boats, you would make her too tender. It was thought that you would hamper her decks, and it

would be difficult to use the boats. Another consideration which was put, was that it would be difficult to launch them, that you would not be able to launch a large number of the boats if you had them on the deck. Then one must also bear in mind that it is an extremely rare occurrence that you would be able to launch all the boats on both sides of the vessel, as happened in this case. But, nevertheless, the view that I suggest to the Court as the result of all this evidence is, that more boats could be carried. What number I do not propose to say, because naturally that must depend upon many considerations. I think the best answer that can be given to the arguments that were urged about the tenderness of the vessel is that in fact a larger number of boats is carried on board of some of the larger German vessels.

I want now to direct your Lordship's attention to what has happened with regard to the Board of Trade.

The Commissioner: Have you another copy of the Memorandum?

The Attorney-General: Yes, my Lord.

The Commissioner: It contains a history of what the Board of Trade have done?

The Attorney-General: Yes, my Lord; your Lordship shall have it in a moment.

The Commissioner: You need not trouble; I have it now.

The Attorney-General: What appears first from this is that under the Statute of 1888, which I am only referring to for the purpose of history, so that one may appreciate what happened hereafter, a committee was to be appointed which was to advise the Board of Trade as to life-saving appliances. It is unnecessary to refer in detail to it because by the 17th Schedule of the Merchant Shipping Act, 1894, the constitution of the Committee which is to be formed, is provided. What really happened was that the Act of 1888 was repealed, and the Merchant Shipping Act of 1894 provided the constitution of the Committee which was to act. Then just before I get to the Statute of 1894, which for the moment I have only called your Lordship's attention to for the purpose of showing of whom the Committee was to consist, you will find that in 1890 the Committee which was advising the Board of Trade on life-saving appliances (that was the Committee which had been appointed under the Act of 1888) reported in favour of a scale extending to 9,000 tons and upwards. It stopped at that. Then if your Lordship will look at page 3 of the Memorandum you will see it summarises the history very well.

At the bottom of the page, the last three paragraphs it says: "It will be convenient to summarise the effect of these Rules of 1889, 1890 and 1894 on the minimum provision of boat accommodation required from large passenger steamers carrying emigrants. The life-saving appliances Rules, which came into operation on the 31st March, 1890, provided for ships up to a maximum tonnage of 9,000 tons and over. If efficiently divided into watertight compartments so that with two compartments flooded the vessel would not sink, ships of 9,000 tons and over were relieved from the provision of one-half of the additional boat accommodation required from ships not so divided. The total boat accommodation which they were required to provide was 14 boats under davits of 5,250 cubic feet and additional accommodation making in all a boat capacity of 7,875 cubic feet."

That of course is dealing, as your Lordship sees, with watertight compartments. Then "the total boat accommodation which vessels of 9,000 tons and upwards were to provide, if not efficiently divided into watertight compartments, was a total boat capacity of 10,500 cubic feet."

That is the difference between having to carry a full additional number of boats and only half the additional number of boats.

I will go now to the Rules which came in in June, 1894, because I do not think it is important to trouble you with the slight alteration in November, 1890. In the Rules which came into effect on the 1st of June, 1894, the Table was extended to provide for vessels of 10,000 tons and upwards. Now, will your Lordship look at the Table which follows a little lower? You really get

the whole effect in that Table and for the three material periods. I am only going to deal with the first and third because I do not think the one of November, 1890, is of any value. For vessels of 10,000 tons and upwards, under the Rules which came into operation in March, 1890, it was 10,500 cubic feet, if not divided into watertight compartments; if they were divided into watertight compartments it would be 7,875 cubic feet. In June, 1894, there is this alteration, that if they are not divided into watertight compartments, it is 9,625 cubic feet capacity which was to be provided, and if they were divided into watertight compartments, 7,562 cubic feet.

Now the importance in this case is that from June, 1894, until the present date, at any rate until the date of the "Titanic" disaster, that remained the scale in force. Of course, it is said that as ships increased in size so it ought to have become necessary to have more boat accommodation.

Now I want your Lordship just to consider in that connection what the position was when the Rules were made which came into force in June, 1894. Apparently then there were already vessels in existence of just on 13,000 tons. The "Lucania" is given as an instance. And the view taken then was that the provision for 10,000 tons and upwards was sufficient, and nothing further was done. That continued for a very considerable time. These Rules were really re-enacted in 1902, and again the scale remained for 10,000 tons and upwards, and there is no further gradation. In 1909, 1910 and 1911 there were further alterations made in the Rules, but they did not effect this scale, I mean the Committee was sitting. There was specially, your Lordship may remember, a provision made with regard to motor lifeboats, but nothing was done which affected this scale until you get to the period of February, 1911. That, I think is the important period. In February, 1911, the question was undoubtedly raised, that it was desirable that there should be a further scale and better boat accommodation on the big vessels. Of course, meanwhile, there had been much larger vessels built.

Now, my Lord, just to get the dates correctly. On the 4th April, 1911, there was the reference to the Committee to deal with this matter. It is worth bearing in mind so as to follow what happened, that by the Merchant Shipping Act, 1906, the Merchant Shipping Advisory Committee was constituted under the Statute of 1906, and that since that, what has been done is that references in connection with life-saving appliances have been made to the Merchant Shipping Advisory Committee, which apparently appointed a sub-committee to deal with life-saving appliances. It is just necessary to bear in mind the change which had been made from the earlier days when they had a special committee constituted under the Act for life-saving appliances.

On the 4th April, 1911, this reference was made, and your Lordship will remember what had happened before that, which I must state quite shortly; I will refer to the reports a little more in detail directly. By the 4th April there had been a considerable amount of discussion at the Board of Trade with reference to the number of boats to be provided. That led to some reports. Your Lordship will remember reports were asked for, and produced, and are contained in this bundle. There are the reports showing what each of the Surveyors who were asked to report thought was necessary, and the effect (I am only stating it for the moment quite broadly) was that they differed as to the number of boats that would be required and as to the carrying capacity, but they agreed that it would be necessary and desirable from their point of view to have a scale above the 10,000 tons and upwards; and that is the position. They thought there ought to be a scale above, but undoubtedly they differed very materially as to what the cubic capacity was that was to be provided for, as to the number of boats, and on various points.

Those reports were then sent in and the Board of Trade in consequence of that and seeing the difference of opinion there was between their advisers, referred it to the Committee by the letter of the 4th April, 1911. I will call your Lordship's attention a little more in detail to it in a minute; I just wanted to go through the dates so as to bring quite clearly before your Lordship how the

matter stands.

That was reported upon on the 4th July, 1911, by the Committee, and the Committee did make a report which provided for an increased scale, but a scale very far short of sufficiency to provide for all the persons who were carried on a vessel like the "Titanic." Their report in substance came to this, that there should be a cubic capacity of boatage accommodation of 8,300 feet and that there should be a total exemption given from the necessity for providing additional craft if there was an efficient system of watertight bulkheads. This was the matter upon which your Lordship will remember Mr. Carlisle was examined, and explained what he meant by saying "it is quite true they provided for additional boat accommodation, but took it away again by the next paragraph." What he meant by that was that they provided the exemption.

Now, if your Lordship will look at the reference of the 4th of April before you get to the Committee stage, on page 22 of the report, your Lordship will see what they said to the Advisory Committee: "I am directed by the Board of Trade to enclose herewith, for the information of the Merchant Shipping Advisory Committee, a copy of a question asked in the House of Commons on the 15th of February and of the answer given by the President of the Board of Trade with reference to the Life-Saving Appliances Rules made under Section 427 of the Merchant Shipping Act, 1894. The Board are of opinion that the Table in the Appendix to the Rules should be extended upwards in the form indicated in the accompanying scale, so as to provide for vessels of tonnage up to 50,000 tons gross and upwards. It appears to the Board that the number of boats and the boat capacity need not necessarily increase in a regular proportion according to the increase in tonnage, and that due regard should be paid to what is reasonable and practicable in passenger steamers exceeding 10,000 tons. The attention of the Merchant Shipping Advisory Committee is invited to the Rule of the 19th April, 1910, as to the stowage of boats" - I do not think I need read that. Then "I am to state that the Board would be obliged if the Merchant Shipping Advisory Committee would be so good as to suggest in what manner the scale (*see accompanying copy*) should be continued upwards, having due regard to the considerations indicated above. I am further to state that the Board would be glad to learn whether the Advisory Committee are of opinion that Rule 12 should or should not be revised so as to exempt altogether from the requirement of additional boats and/or rafts those vessels which are divided into efficient watertight compartments to the satisfaction of the Board of Trade. I am to add that in considering the questions dealt with in this letter, the constitution of the Merchant Shipping Advisory Committee should be identical with that of the Committee as recently constituted for the purpose of considering an amendment of the Life-saving Appliance Rules in connection with the Englehardt collapsible lifeboat."

That led to the Report which I will call attention to at once at page 24.

The Commissioner: What is the date of this?

The Attorney-General: 4th of July, 1911.

The Commissioner: I do not see any date on it.

The Attorney-General: I do not see it, but I think I am right.

The Commissioner: I see the date is on the covering letter.

The Attorney-General: Yes, that is the 4th July. "In accordance with the decision of the Merchant Shipping Advisory Committee, at their meeting on Friday, the 28th April, we have given careful consideration to the letter of the 4th April from the Board of Trade, in which the Committee were asked to advise: (1) As to the manner in which the Table in the Appendix to the Life-Saving Appliances Rules should be extended so as to provide for vessels of tonnage up to 50,000 tons gross and upwards; and (2) as to whether Rule 12 should or should not be revised so as to exempt altogether from the requirement of additional boats and for rafts, those vessels which are divided into efficient watertight compartments to the satisfaction of the Board of

Trade. In considering these questions, we have had specially in mind the fact that the number of passengers carried does not necessarily increase in proportion to the increase in the tonnage of the vessel. This is particularly true in the case of vessels exceeding 10,000 tons, a type of vessel which is practically only built to provide special accommodation for large numbers of first and second class passengers. Similarly there is no fixed relation between the tonnage of vessels and the deck space available for the carrying of lifeboats under davits. Increase in the length of a vessel is only one of the factors, and often not the most material factor contributing to the increase in its tonnage, and it should also be remembered, in estimating the space available for the launching of lifeboats, that it is impossible to place davits forward of the bridge, and very undesirable to have them on the quarters of the vessel. We are strongly of opinion that every encouragement should be given to secure the provision of vessels which by their construction have been rendered as unsinkable as possible, and which are provided with efficient means for communicating with the shore or with other vessels in case of disaster. In view of these considerations we have agreed upon the following recommendations. (1) That it is questionable whether it is practicable to increase the number of davits; (2) That any increase in the number of lifeboats to be carried can probably be best effected by providing for the launching of further boats from the existing davits; (3) That the table should be extended in the manner indicated below." Then you will find for 45,000 tons and upwards, 16 boats minimum to be placed under davits; eight additional boats as a minimum to be readily available for attachment to davits, and the total minimum cubic contents of boats required by those two columns is 8,300 cubic feet.

The Commissioner: Accommodation for 830 people.

The Attorney-General: Yes. That was the view, one must bear in mind, of course, before such a disaster as the "Titanic" had happened that it was sufficient to provide accommodation for 830.

Then the Report proceeds: "It is further recommended that all passenger vessels of 10,000 tons gross tonnage and upwards should be required to be fitted with wireless telegraphy apparatus; (4) That the Rules should be amended so as to admit of decked lifeboats of an approved type being stowed on top of one another or under an open lifeboat, subject to suitable arrangements being made for launching promptly the boats so stowed; (5) That the additional boats and rafts required under the provisions of Division A, Class 1 (d) of the Life-Saving Appliances Rules shall be of at least such carrying capacity that they, and the boats required by columns 2 and 3 of the above Table, provide together three-fourths more than the minimum cubic contents required by column 4 of that Table; (6) That vessels divided into efficient watertight compartments to the satisfaction of the Board of Trade should (provided they are fitted with wireless telegraphy apparatus) be exempt from the requirements of additional boats and for rafts. The Committee suggest, in this connection, that the Board of Trade should review the requirements designed to attain the standard as to watertight compartments at present enforced by them under Rule 12, having regard to the developments of shipbuilding since the Report of the Committee on the spacing and construction of watertight bulkheads. We have also had before us the Board's further letter of the 17th May, enquiring whether, in the opinion of the Advisory Committee, it would be advisable to prescribe a maximum depth for lifeboats as compared with their breadth, and if so, what that proportion should be. In connection with this letter, we have been supplied by the Board of Trade with Reports from their Principal Officers in Great Britain, giving the dimensions and cubic capacities of the various kinds of boats on five typical ships in each of eight ports. We recommend that the Board should be advised to alter the Life-Saving Appliances Rules so as to provide that, in future, the depth of lifeboats supplied to a British merchant vessel shall not exceed 44 percent of their breadth."

Your Lordship sees the gentleman by whom this was signed. This was the Sub-committee appointed by the Merchant Shipping Advisory Committee created under the statute of the

Merchant Shipping Act, 1906 - this was a Sub-committee for dealing with life-saving appliances. Without going through the names of which your Lordship has heard sufficiently for the moment, and some of them will be very well known to you, it is quite plain that this was as representative a committee as you could get. There were undoubtedly representatives of shipowners, of shipbuilders, and seamen, the Union of Seamen and Firemen, of Lloyd's, and also of the Underwriters' Association. So that one has got here really as good a committee as I think could have been selected for the purpose of enquiring into what boat accommodation should be provided. But it cannot be said it is done in the interest of the shipowners - certainly not of the shipbuilders, but not of the shipowners - because you have got the seamen also represented and Lloyd's, who are vitally interested in a question of this character, and the Underwriters' Association.

If your Lordship will look at page 21, you will see Sir Theodore Doxford was the representative of the Institution of Naval Architects. Your Lordship will see on page 21 who the gentlemen are who constituted the Committee. Mr. Carlisle, at the bottom of the page, was co-opted for the occasion as representing shipbuilders, and Mr. Royden as representing shipowners; he was the gentleman who represented the Cunard Company. Sir Theodore Doxford represented the Institution of Naval Architects, and the signatory, George N. Hampson, is Captain Hampson, of the Imperial Merchant Service Guild, representing the masters and officers, Mr. Rowe represented Lloyd's Register, Mr. Ogilvie represented the Institute of London Underwriters, Mr. Havelock Wilson represented the National Sailors' and Firemen's Union, and Mr. Spencer represented the Marine Engineers' Association, that is the engineer officers.

I think it must be apparent from that, that every interest that could really give any guidance upon it was represented. This report of the Sub-Committee was adopted by the Advisory Committee.

The Commissioner: When was it adopted by the Advisory Committee; was it adopted immediately afterwards?

The Attorney-General: It is in the very letter we were referring to of the 4th July, 1911, at the bottom of page 23, the one where your Lordship got the date from: "We have the honour to report that your letter of the 4th April, with reference to the minimum number of lifeboats to be carried on vessels of 10,000 tons gross tonnage and upwards, and your letter of 17th May on the subject of the depth of lifeboats, have been very carefully considered by the Merchant Shipping Advisory Committee, and that it was unanimously decided at a meeting held on the 29th ultimo to adopt the report of a Sub-Committee which was specially appointed to enquire into these questions. A copy of the report is accordingly forwarded herewith, and the Committee desire us to suggest for the consideration of the Board of Trade, that effect should be given to the recommendations contained in it."

The Commissioner: I see what happened. The Advisory Committee sent this copy of the Report of the Sub-Committee.

The Attorney-General: Yes, with a statement that they adopted it unanimously.

The Commissioner: Adopted on the 29th June.

The Attorney-General: Yes. "A copy of the report is accordingly forwarded herewith and the Committee desire us to suggest, for the consideration of the Board of Trade, that effect should be given to the recommendations contained in it."

The Commissioner: We get then to the 4th July when the Advisory Committee forward to Sir Walter Howell this report of the Sub-Committee and stated that they approved of it.

The Attorney-General: Yes. Now one fact I think we must bear in mind in connection with the Committee that the division of opinion and the differences of opinion that had taken place between the various gentlemen, who had been asked to report in answer to a circular letter which

was sent out by the Board of Trade, and of which you have the details, was not stated to the Committee. There was a suggestion that it was, but it clearly was not.

The Commissioner: It was thought better not.

The Attorney-General: Yes. I submit that was the right course for them to take. The Advisory Committee were going to deal with this matter quite apart from any view which the Board of Trade officials might take, and of course the Board of Trade would then have to consider it after they got the report of the Advisory Committee. Then after that came back, a series of experiments were made, the view taken about this matter by the Board of Trade being that before they could prescribe a scale which was to take effect, and which could take effect as regards all ships in this country, they had to make quite sure not only of the scale which they intended to recommend, but also issue at the same time such new Rules as they intended to make with regard to the construction of boats.

The Commissioner: Of boats?

The Attorney-General: Yes.

The Commissioner: You mean lifeboats?

The Attorney-General: Yes. That had formed the subject of a good deal of discussion, as your Lordship has seen from the report of the Committee. It formed the subject of much discussion, and also some experiments, and it was one of the matters which led up to the sending the question of boating accommodation to the Committee in April, 1911. It is one of the matters dealt with, and one of the matters reported upon.

Captain Young deals with this at page 643. Sir Walter Howell dealt with it, but I am not going to call your Lordship's attention to his evidence, because it really does not assist very much. So far as he was concerned, what he did was to state what was done by Captain Young, and what was done by the Board of Trade, but Captain Young himself has been called, and has told you what he was doing, and, therefore, it is best to go direct to his evidence.

At page 643, Question 23290, he goes into detail as to what was done. His explanation of what happened is worth referring to before we deal with the documents upon which his statement is based, so that your Lordship may see what his explanation is. At Question 23290, Mr. Scanlan says: "When did you come to this conclusion with reference to these big boats." That is, of course, dealing with increased accommodation. - (A.) "Some months back -"

The Commissioner: With reference to these big boats like the "Titanic" you mean?

The Attorney-General: Yes. When he mentions about big boats, my friend is speaking of big vessels like the "Titanic."

The Commissioner: I do not find here the expression "big boats" at all in the question which you are reading.

The Attorney-General: It is there, I think.

The Commissioner: "When did you come to this conclusion with reference to the boatage for the 'Titanic'?" - (A.) I did not specially consider the 'Titanic' before the disaster."

The Attorney-General: Will your Lordship read your question which follows it?

The Commissioner: Yes, I beg your pardon.

The Attorney-General: "(The Commissioner.) You do not follow what Mr. Scanlan means. When did you come to this conclusion with reference to these big boats? - (A.) Some months back, my Lord; in fact, when the Report of the Advisory Committee was presented, and I went into the matter, I had this in my mind, but it was complicated by a matter which was of a very serious import, and upon that matter hangs the whole of the so-called delay, which has taken place between the 4th July and the 4th April." That is the 4th April, 1912. "The import of that was I had several matters to consider. In the course of my experience I had realised that the boats that were supplied to ships as lifeboats had been steadily deteriorating in form. I may say that is

my opinion. And it appeared to me not only undesirable, but it would have been wrong, in my opinion, with those ideas, to advocate a very large extension of the boat scale; in other words, piling up a large number of boats on to a ship with the knowledge that I had in my mind at the time that those boats were not well adapted for that purpose. In other words, I was impressed with the view that in anything but the calmest weather those boats would not be able to carry in safety the number of people for which they measured; and, therefore, it was" - it is according to the report "unnecessary" but that is clearly wrong - and, therefore, it was necessary under those circumstances to associate with the Report of the Advisory Committee this question of the proper form of the ship's lifeboats. That is the object that I had in view. That is the sole cause of the delay which has been attributed to the Board of Trade in this matter."

Then your Lordship puts to him: "Do you wish us to understand that the boats of the 'Titanic' were not in a proper form? - (A.) I am not alluding to the 'Titanic,' my Lord; I am alluding to the general question of the boats. I believe, from what I have seen of the boats that have been turned out from the yard of Harland and Wolff, that those boats are of the proper form. They are of very good form. But there were many ships' boats turned out, and still are, of a form which is not the best form that can be used on board ships. I may as well say while I am on this subject that the Marine Department of the Board of Trade naturally would not take my assertion simply as an assertion, but they felt it was necessary that that assertion should be verified, and, therefore, they issued instructions for boats to be experimented with around the coast with a complement of persons for which the boats measured. I have no hesitation in saying that the results of those investigations and experiments have fully justified the action which I took on receipt of the Advisory Committee's Report."

May I pause there for a moment just to say what it is he is explaining there. His view, rightly or wrongly was this, that before they issued these Instructions or Rules for the boat scale, they ought to take care also to have quite clear in their minds what construction of boat it was that they were going to require or what special provisions they were going to make and the ratio of depth to breadth. That was the point he had in mind because his view was that in order to make up the cubic capacity to what was required the boats were made far deeper than they ought to be, with the consequence that they would not be able to carry the number of persons for whom really boats of that cubic capacity were intended by the Board of Trade. That was his point. He took the view that in those circumstances what he had to do was to get quite clear what kind of boat they were going to prescribe, and what dimensions, so that they should not first of all issue regulations which would affect the mercantile marine as to the number of boats that were to be carried, and allow them to get boats of some particular construction and of dimensions then in force, when perhaps six or nine or twelve months later they might issue further regulations, saying that all boats must have a certain ration [ratio] of depth to breadth. That is what he has in mind. Whether it is right or wrong, of course, your Lordship will consider, but that is what he means by it, and he says he thought it was important that the Board of Trade in making the demands which it was going to make upon the mercantile marine, upon these passenger and emigrant vessels, should definitely determine for itself, not only the number of boats that were to be carried, but also the dimensions which they were going to require in respect of the boats to be supplied; so that one set of Rules could be provided dealing with the whole thing.

One has to bear in mind, I think, in this connection, I submit to your Lordship, that at this time, and up to this time, from the figures which you have already got, the loss of life on this track was excessively small. There is no record of any such disaster as this, I mean no record which necessitated a very large number of boats to start with, and again, a record of carrying boats on passenger and emigrant vessels, equipped as they were both with watertight compartments and with boats which had carried passengers in safety during the last 20 years. There was ever, as

your Lordship will remember from the figures provided to your Lordship, a decreasing percentage of loss of life compared with the number of passengers carried during the whole of those 20 years. I called your Lordship's particular attention to it at the time I handed those figures in. Now it is a little difficult - I am only making this observation in passing to your Lordship, I am sure your Lordship will bear it in mind when you come to consider what Captain Young meant, and whether he was right or wrong in the view he took - it is a little difficult now, after the event and after the loss of the "Titanic," to appreciate the position that he was taking at that time. Of course, when you have had a disaster such as this, I quite understand that it necessitates immediately that something should be done and done as speedily as possible; but you cannot in these matters make a Rule without taking into account all the various elements which naturally must affect the mercantile marine when you are going to make it.

I do not mean by that that you are to consider the cost, and say if it is too expensive, or because it involves an extra cost, therefore, the shipowner should not be called upon to do it when he is carrying passengers and emigrants, but what I mean is it is important that a public department should not harass a great industry like the shipping industry by first making one demand upon it and then making another which may mean that boats which they have provided in accordance with the Rules, we will say, in 1912, may be useless in consequence of a new Rule in 1913. That is evidently what Captain Young means by the explanation which he has given.

Then, my Lord, he goes on to tell you of the nature of the experiments and by whom they were made. They were made in the main in London and in Liverpool, and in Glasgow.

The Commissioner: Where is this?

The Attorney-General: Your Lordship will find that at Question 23295.

The Commissioner: Yes, I have it. They were, I suppose, experiments?

The Attorney-General: Yes, with boats. I will give your Lordship the dates first: February, 1911. There were some experiments then which led to the question formulated to the Committee in April, 1911. That of course is before the reference to the Committee. He says: "The London Principal Officer forwarded on April 19th" - I am reading about ten lines down in that question - "A report respecting defective boats on certain vessels after only a few months' use, and it was mentioned that there was a tendency to build boats with too great a depth in order to increase the cubic capacity. The Board thereupon wrote to the Advisory Committee on 17th May, asking whether it would be advisable to prescribe a maximum depth for boats, compared with their breadth, and if so, what that proportion should be.' I may state here this is the preliminary investigation which preceded the experiments which were inaugurated after my assertions."

Then he goes on to deal with what happened on the 19th. "On the 19th May the Advisory Committee applied, semi-officially, for particulars. . . The Advisory Committee replied to the Board on the various matters under consideration on the 4th of July." - that is the Report of the Committee - "and as regards the proportions of ship's boats, recommended the alteration of the life-saving appliances Rules to provide that in future the depth of lifeboats should not exceed 44 percent of their breadth.' We had this the other day my Lord. 'This recommendation was submitted to the Principal Ship Surveyor on the 8th July.'"

Now your Lordship will see what we are dealing with in the Report. Up to now it has been the investigation before the Report. "The recommendation was submitted to the Principal Ship Surveyor on the 8th July, and on the 11th July he suggested that Principal Officers might test different types of boats with a full complement of persons and report the result of the tests with reference to height of gunwale, stability, and the use of the oars.' This second series of experiments was in consequence of the assertions which I have referred to. 'This suggestion was approved on the 15th July, requesting that practical tests should be made by officers at London, Liverpool and Glasgow on the 21st July, suggesting that practical tests should be made with a

view to determining - (a) a standard type of boat, (b) a maximum depth, (c) a maximum proportion of depth to breadth, and that full details should be given, with drawings of the best and worst forms tested, and notes on the height of gunwales, use of the oars, and the question of stability. The first report was received from the London Principal Officers on August 25th, and related to two boats that had been tested." I will not trouble your Lordship with reading the result of the test. He gives the particulars in detail: (a) That is London, then (b), about 15 lines down: "A further Report from the London Principal Officer was received on September 19th and gave results of tests as follows." Those were tests which were made by Captain Clarke at Southampton. Various examinations of boats which he had made and which had continued apparently up to September 15th; and again on September 16th Mr. Penney of London made a suggestion that the divisor should be 12 instead of 10 or 8. That exhausts London. The last of the Reports is September 16th.

So that what we have got is that after the report of the Advisory Committee of the 4th July, which, at any rate, made some recommendations with reference to the questions submitted to them about the construction of the boats, and the dimensions of the boats that were hereafter to be used, according to Board of Trade requirements, the London Principal Surveyor made his experiments by September 15th. From Glasgow, on November 3rd, the report was received. It is at the bottom of page 644. "On November 3rd the Glasgow Principal Officer forwarded reports of tests, as follows." He gives a series of reports which had been made in October and the beginning of November, and then in the right-hand column, about five lines down, there is the report from the Liverpool Principal Officer, dated 11th November; it was stated to have been delayed owing to the recent labour troubles. "The Principal Officer forwarded details by Mr. Jenkins, the Senior Ship Surveyor, of eight tests that he had made." Then he goes into the particulars of those tests. Then, if your Lordship will look eight lines further down. "A further report was received from the Liverpool Principal Officer, dated November 15th, with remarks by two nautical Surveyors, Messrs. Rice and Jenkins. They recommended a minimum depth of 3 feet 4 inches, or breadth by 4, and a breadth of 3.5. This was a mere matter of discussion, which we went into, and did not quite agree with." Then he goes on: "A summary of all these reports was drawn up and completed on January 4th, 1912, and the Principal Ship Surveyor was asked for his observations on the whole question."

Now may I pause there for a minute and see where we are at this date. From that time, that is from July, 1911, until this period of January 4th, 1912, the experiments had been made of which the last report comes in on November 15th, 1911. They are all considered, and the summary of them is drawn up and then presented to the Principal Ship Surveyor, who is asked for his observations upon it. "The Principal Ship Surveyor was away ill at this time, and the matter was taken up by Mr. Daniel, an officer in his department acting as his deputy, who reviewed the reports of the Surveyors and their suggestions. He replied on the 27th January."

Then there is the substance of his report, "the question of the form of boat is important. Boats are generally built 'to the eye,' with simply a midship mould. It has been found that boats of the same dimensions differ considerably in actual carrying capacity. Mr. Daniel, therefore, suggested the following method: A boat should not be regarded as capable of accommodating the number of persons for which it measures according to the Rules unless it has half an inch of sheer per foot of length, and unless the half-girth of midships is at least 90 percent of the sum of the depth and half-breadth." I need not trouble your Lordship with the details of these dimensions which they were considering there, "a draft amendment of the General Rules on these lines was prepared on 1st February" - that is the draft amendment of the Rules which were to carry out the report of the Committee which had been made in July, 1911 "and it was decided to submit the matter again to the Advisory Committee. Memoranda on other subjects were at the same time

being prepared, and eventually the whole of the subjects that had been under consideration were, on the decision of Sir Walter Howell (4th April) embodied in one letter, which was addressed to the Committee on 16th April." Now, my Lord, the effect of that is to show that the reason of the delay in a Rule being formulated is that they were waiting, first of all, for experiments to be made which had been delayed, certainly partly, in Liverpool, for the reason given there, owing to labour trouble, and then eventually all these matters had to be considered by the Principal Ship Surveyor, and the draft Rules are formulated on 1st February, 1912.

The Commissioner: There is this memorandum at page 28.

The Attorney-General: Yes, that is right, my Lord. Those are the draft Rules.

The Commissioner: Then, on the 4th April, what happened?

The Attorney-General: On the 4th April, after consideration of the various matters pointed out to Captain Young, the order is given that the letter shall be written, and, of course, it is an unfortunate thing that that letter was not written immediately, but your Lordship has had all the evidence before you about that, and it is not open to any doubt, that the order was given on the 4th April, although, in fact, the letter was not sent out until the 16th.

The Commissioner: I am quite satisfied with the explanation given about it.

The Attorney-General: Yes, it is quite clear. Your Lordship saw the original documents which were produced, and, fortunately, one is able to remove any misapprehension with regard to that, because quite naturally it might have been thought that that was only sent out in consequence of what had happened. The Easter holiday had intervened, and apparently the letter was not sent immediately.

Now, my Lord, that brought us to the 16th April, when the letter was sent, to which attention has been called, and which undoubtedly is an important letter.

The Commissioner: Yes, but you have now got to a date after the "Titanic" disaster.

The Attorney-General: Yes.

The Commissioner: Has anything been done up to now?

The Attorney-General: No. It is quite right to say nothing has been done; I mean no Rule has been made at present.

The Commissioner: Are you going to wait for the Report of the other Committee?

The Attorney-General: I am going to tell your Lordship what happened with regard to it. The vessels first of all have agreed and the passenger-carrying vessels of 15,000 tons and upwards have agreed now, as was stated by the President and also was stated in evidence here, to place a sufficient number of boats on board to carry the number of passengers on the vessel. That is the position. Your Lordship heard what happened with regard to the "Olympic." I do not know whether your Lordship saw it when you were there, but we did certainly and a great number of boats were on the deck, principally Berthon boats that had been provided in order to meet what was the very natural anxiety of the public at the time, after the "Titanic" disaster.

The Commissioner: What I asked was this. Are you going to wait for the Report of the other Committee?

The Attorney-General: That must depend, my Lord. Of course, the Board of Trade has not known up to now whether your Lordship is going to report or not upon it. I mean to say whether, as a result of this Report they may be going to alter the Rules. I do not know, and it is not for me to say, but I should very much doubt whether those Rules would be sufficient now.

The Commissioner: Have you read them?

The Attorney-General: Yes, I have.

The Commissioner: I have not. I know nothing about them.

The Attorney-General: I have read them, and I have read the scale.

The Commissioner: I do not know what it is that you expect me to report which would affect

this question. What is it that you expect me to do that will affect this question of the Rules?

The Attorney-General: Of course, your Lordship may come to the conclusion that you will not say anything about the number of boats that ought to be carried, but I rather gathered from what your Lordship said at an early stage that you did not intend to say what number of boats should be carried, but nevertheless your Lordship may come to the conclusion that a greater number of boats should be carried, not only than were in fact carried, but that it was suggested should be carried in the recommendations of the Committee, and your Lordship sees from any point of view the result of all this evidence must throw a considerable amount of light upon it.

The Commissioner: People outside say the Board of Trade are always waiting for somebody else to do something for them.

The Attorney-General: Of course, the Board of Trade may make a Rule at once. It ought not to make a Rule at once, but then the difficulty of it is, I should have thought, that in a panic it ought not to do it.

The Commissioner: Clearly not.

The Attorney-General: And it ought not to make a Rule which is going to affect the whole of the shipping trade without the fullest consideration; and further, it ought not to make a Rule of this character without taking the advice of experts, and therefore it must refer it to a Committee. I mean it ought not to depend upon its own officials, and at least Parliament did not think so, because that is why it appointed the Committee, but whether Parliament is right or not I am not going to say.

The Commissioner: You must act at the end of it, of course.

The Attorney-General: You must act, certainly.

The Commissioner: You must act at some time.

The Attorney-General: Certainly; but you must get advice before you act; and as in this particular case, as your Lordship will remember, what happened was that Rules were formulated, and of course if it had not been for the disaster which has taken place, the Rules, no doubt, would have been in force.

The Commissioner: They first of all formulated Rules between 1894 and 1911. First of all in 1911 they came to the conclusion that some change in their old Rules was desirable.

The Attorney-General: Yes.

The Commissioner: Then they communicated with four of their best men, and those four gentlemen in course of time bring forward new Rules, different of course, but they all agree in one matter, that an increase in the number of boats is desirable, and after those Reports are made, without sending those Reports to the Advisory Committee, they write to the Advisory Committee, and the Advisory Committee having considered the matter, refer it to a sub-committee. That sub-committee then considers the question that is referred to them and reports to the Advisory Committee, and that Report is sent on to the Board of Trade, and then the Board of Trade tell them that they cannot act, we must have a number of experiments, and then there are a number of experiments; then after the experiments are made, after a considerable interval, comes a letter. But it seems to me very strange that nothing was done in the interval, and nothing has been done even yet.

The Attorney-General: Yes; but your Lordship will remember that the Committee only makes recommendations with regard to depth and breadth. They do not formulate Rules.

The Commissioner: No, not at all. It is no part of their duty to do so.

The Attorney-General: But then the Board of Trade formulates the Rules which provide in detail for the dimensions of the boats which are to be constructed. Those are the draft Rules which are at pages 28 and 29, and which go into detail, and which, of course, can only be done by the Board of Trade, and as they thought ought only to be done by them after they had had

experiments made by their Principal Officers in Liverpool, Glasgow and London. When they got those reports then, did they formulate the Rules? Then having got those Rules, they tell the Committee what they are going to do.

The Commissioner: How do you explain the delay between 1890 and 1911?

The Attorney-General: 1894 your Lordship means.

The Commissioner: Yes, 1894 and 1911. During the whole of that time apparently ships were increasing in size; they were carrying more and more people?

The Attorney-General: Yes; but the view taken always was that the number of boats was sufficient as in the first instance, when the Rule was first formulated.

The Commissioner: But the question is, was that a reasonable view to take. It evidently was not the right view; and the shipowners themselves recognised that it was not the right view, because they themselves increased them far beyond the statutory requirements.

The Attorney-General: I quite agree; but it was the view taken as the result of the Committee which sat in those days.

The Commissioner: Which days?

The Attorney-General: 1890 and 1894, my Lord.

The Commissioner: Yes, but then things change.

The Attorney-General: Yes, that is quite right, my Lord; but at the same time, since 1894, when the Rules were formulated for 10,000 tons and upwards, you have got vessels much above that tonnage.

The Commissioner: The biggest boat in those days, if I recollect rightly, did not exceed 13,000 tons.

The Attorney-General: Not quite 13,000. The "Lucania" was one. And then the provision was made, of course, that anything over and above 10,000 tons would have to carry this particular number of boats, and there it was left, and nothing further was done. The view seems to have been that as we were proceeding, and vessels were being constructed which were better equipped as regards watertight compartments, the larger vessels that were being constructed had the best provision for watertight compartments, and that, therefore, they were as unsinkable as it was possible to make vessels according to the view that was held up to that time, and it appears that with the larger vessels carrying passengers and emigrants, it was thought that the vessels were practically unsinkable. That is the reason, as far as I am able to make out.

The Commissioner: The reason for the long delay between 1894 and 1911 is stated in the evidence of Sir Alfred Chalmers at page 630. Mr. Aspinall was examining the witness and it begins thus: "I considered the matter very closely from time to time. I first of all considered the record of the trade - that is to say, the record of the casualties - and to see what immunity from loss there was. I found it was the safest mode of travel in the world, and I thought it was neither right nor the duty of a State department to impose regulations upon that mode of travel as long as the record was a clean one." I do not read the whole of it, but it goes on much further; however, that reason was as forcible at any time before the disaster to the "Titanic" as during those years that he is talking about. I do not see why, unless the "Titanic" disaster had happened they should have altered the watertight compartments according to that view. But there is this to be said, Mr. Attorney - I do not know whether you will agree with me - that if they had made Rules, the Rules would not in all probability have provided for a larger number of boats that there were in fact carried on the "Titanic." That is so, is it not?

The Attorney-General: Oh, yes.

The Commissioner: So that it may be said that the absence of the Rules in no way aggravated the calamity that happened. At the same time the delay that took place does require some explanation. Perhaps it is in that evidence of Sir Alfred Chalmers. It strikes the imagination at

once! Rules made in 1894, laying down how many boats should be carried by ships up to 10,000 tons and upwards; nothing done until the "Titanic" disaster, and nothing done even now.

The Attorney-General: Well, I do not think there is any complaint to be made about what has happened since April.

The Commissioner: Sir Alfred Chalmers was rather emphatic about it.

The Attorney-General: I know. He took a very strong view.

The Commissioner: He did, and Captain Young said he did not agree.

The Attorney-General: Quite, and that was the position. Sir Alfred Chalmers was of opinion that it was unnecessary, and he adhered to that view when he was in the Box; and at any rate that was the opinion that he had formed.

The Commissioner: It is not perhaps quite fair to ask you the question, and, therefore, I cannot expect you to answer it, but do you think that there was no delay?

The Attorney-General: Delay there certainly was.

The Commissioner: Unnecessary delay.

The Attorney-General: During what period my Lord? If you are asking during the period from 1894 to 1911, the only answer I think one can make - you may accept it or not, you may think that it was wrong on somebody's part or not, I do not know, - but the answer is made, and the view that was taken about it was that it was not necessary to provide for it. That was the reason apparently why they had not provided for it right away through.

The Commissioner: If it was not necessary then why is it considered necessary now?

The Attorney-General: There is a little more light thrown upon it now. It never was thought that you would have to take off the whole of your passengers by your boats and of course it is very easy to make reflections upon what the Board of Trade was doing with regard to this, but the same view was taken abroad.

The Commissioner: What occurred to me was that the Board of Trade may be said to have been much too cautious. To be very cautious is a very good thing, but you can be too cautious.

The Attorney-General: Yes, but what I was remarking upon was that even in Germany, with regard to which your Lordship, of course, asked questions as to what they had done, and where they did have a scale over and above the scale that we have here, still their scale did not provide for everybody who was to be carried on board the vessel.

The Commissioner: I quite understand that.

The Attorney-General: Of course, I agree. I pointed out in the course of the case that it was a bigger scale, undoubtedly, than the one that would be required here.

The Commissioner: Now you cannot finish today?

The Attorney-General: I am afraid not, my Lord.

The Commissioner: Obviously, you cannot. When shall we see you again?

The Attorney-General: On Wednesday morning, my Lord.

The Commissioner: Very well. And you will promise, if I do not interrupt you, to finish on Wednesday?

The Attorney-General: I do not like to make a promise with that condition, my Lord, because, if I may say so, I welcome interruptions of all kinds, but I will promise to finish, notwithstanding your Lordship's interruptions, if I may put it in that way.

(Adjourned to Wednesday next at 10.30 o'clock.)

WRECK COMMISSIONER'S COURT,
SCOTTISH HALL,
BUCKINGHAM GATE,
Wednesday, 3rd July, 1912.

PROCEEDINGS

THE RIGHT HON. LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

REAR ADMIRAL THE HON. S. A. GOUGH-CALTHORPE, C.V.O., R.N.,
CAPTAIN A. W. CLARKE,
COMMANDER F. C. A. LYON, R.N.R.,
PROFESSOR J. H. BILES, LL.D., D.Sc.,
MR. E. C. CHASTON, R.N.R.
Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE S. S. "TITANIC."

THIRTY-SIXTH DAY

THE RIGHT HON. SIR RUFUS ISAACS, K.C., M.P. (Attorney-General), SIR JOHN SIMON, K.C., M.P. (Solicitor-General), MR. BUTLER ASPINALL, K.C., MR. S.A.T. ROWLATT and MR. RAYMOND ASQUITH (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

THE RIGHT HON. SIR ROBERT FINLAY, K.C., M.P., MR. F. LAING, K.C., MR. MAURICE HILL, K.C., and MR. NORMAN RAEBURN (instructed by Messrs. Hill, Dickinson and Co.) appeared as Counsel on behalf of the White Star Line.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. Smith, Solicitor), appeared as Counsel on behalf of the National Sailors' and Firemen's Union of Great Britain and Ireland, and of the personal representatives of several deceased members of the crew and of survivors who were members of the Union. (Admitted on application.)

MR. BOTTERELL (instructed by Messrs. Botterell and Roche) appeared on behalf of the Chamber of Shipping of the United Kingdom. (Admitted on application.)

MR. THOMAS LEWIS appeared on behalf of the British Seafarers' Union. (Admitted on application.)

MR. L. S. HOLMES (of Messrs. Miller, Taylor and Holmes of Liverpool) appeared on behalf of the Imperial Merchant Service Guild. (Admitted on application.)

MR. COTTER appeared on behalf of the National Union of Stewards. (Admitted on application.)

MR. HAMAR GREENWOOD, M.P. (instructed by Messrs. Pritchard and Sons), watched proceedings on behalf of the Allan Line Steamship Company; and (instructed by Messrs. William A. Crump and Son) also on behalf of the Canadian Pacific Railway Company.

MR. ROCHE (instructed by Messrs. Charles G. Bradshaw and Waterson) appeared on behalf of the Marine Engineers' Association. (Admitted on application.)

MR. A. CLEMENT EDWARDS, M.P. (instructed by Messrs. Helder Roberts and Co.), appeared as Counsel on behalf of the Dock, Wharf, Riverside and General Workers' Union of Great Britain and Ireland. (Admitted on application.)

MR. W. D. HARBINSON (instructed by Mr. Farrell) appeared on behalf of the third class passengers. (Admitted on application.)

MR. C. ROBERTSON DUNLOP watched the proceedings on behalf of the owners and officers of the s.s. "Californian" (Leyland Line). (Admitted on application.)

Mr. H. E. DUKE, K.C., M.P., and MR. VAUGHAN WILLIAMS (instructed by Messrs. A. F. and R. W. Tweedie) appeared as Counsel on behalf of Sir Cosmo and Lady Duff Gordon. (Admitted on application.)

MR. F. LAING, K.C., and MR. ALFRED BUCKNILL appeared on behalf of Messrs. Harland and Wolff. (Admitted on

application.)

The Attorney-General: My Lord, when we adjourned on Monday I was dealing with the steps which have been taken by the Board of Trade, and more particularly with the question which your Lordship put to me about what had been done by the Board of Trade. In this Enquiry no evidence has been given, certainly not in detail, of what had happened since the 15th April, when the news came. I think I ought to tell your Lordship, particularly as we are very anxious that you should understand this, that the only reason why no Rules have been published, at least laid before the House of Commons, is that in consequence of the disaster and this Enquiry it was thought that this was a matter which they ought not to publish Rules upon until they had your Lordship's report, not only out of respect to the Court but also in the desire that any Rules that they might make should embody any recommendations which have been made by this Court, and that they should put any suggestions which they could adopt into the Rules. It was thought right, and I do venture respectfully to submit that that was the proper view for the Board of Trade to have taken, that they should take no steps until after the Report had been made. But in order to secure the safety of the public as far as possible, what was done was, the owners of the various lines were seen or communicated with, and as a result the owners of all passenger vessels of over 1,500 tons, not 15,000 tons, as unfortunately appears in the Shorthand Note twice - I make that correction because it is very necessary - but all over 1,500 tons, have agreed at an early date, in fact, almost immediately after the disaster happened, to put boats on their vessels sufficient to accommodate all those on board. I refer to that for this reason; it indicates to you that the Board of Trade did secure the best boat accommodation immediately the disaster happened. Whether ships will in future have to provide accommodation for all those they carry is a question which is still, I think, open to some discussion, and upon which I do not venture to say anything, except that we shall follow out any recommendation that comes either from your Lordship or from the Committee which is dealing with the question of life-saving appliances. That is how the matter stands. I was anxious your Lordship should understand it exactly, so that it might not be thought that the Board of Trade had done nothing since the 15th April, whatever may be said in criticism of them before.

I ought perhaps, also to tell your Lordship that an International Conference is proposed to deal with life-saving appliances at sea, including, of course, boat accommodation. So that we may get some Regulations which will apply to vessels of all countries. As your Lordship will appreciate, it is of the utmost importance, particularly where there is competition; and keen competition, that there shall be an agreement between the countries if possible.

The Commissioner: It is of the utmost importance that there should be an agreement between the different countries.

The Attorney-General: Yes, and that is what the Board of Trade is now striving to obtain.

I have been carefully through all the evidence, including the evidence that has been given in answer to a number of suggestions which were made during the course of the Enquiry, and of which I make no complaint - on the contrary, I am very glad that we had the opportunity of meeting any such suggestions - suggestions that were made that the Board of Trade had in some way failed to take proper precautions either with regard to bulkheads or the loadline point, which your Lordship will remember, and with regard to some other matters with which they are charged. What I want to say with regard to it is this. I am not going to deal with them in detail, because I think it must be apparent - I am sure it is to your Lordship - that, as the result of all the investigation, no such charge can be made and no such charge is made, as I understand it, against the Board of Trade in respect of any of those matters. What has been said and what has been argued before you is that they ought to have taken precautions to provide a larger boat accommodation before this disaster happened; and that is the point, of course, to which I directed

my observations last Monday. The only reason why I am making these remarks is that I do not want to take up your time unnecessarily in going through evidence dealing with various suggestions made throughout the case, and which have really eventually come to nothing. Unless there is something in your Lordship's mind that you would like me to deal with, I do not propose to deal with them.

The Commissioner: I had better tell you my view at present about this matter.

The Attorney-General: If you please.

The Commissioner: I do not mean to bind my self, but I mention it in the presence of the gentlemen who appear, as it were, against the Board of Trade.

The Attorney-General: Yes.

The Commissioner: My own view, at present, is that the only complaint against the Board of Trade which has any substance is the complaint about the delay in altering the Rules of 1894 with reference to boats. I have not realised that there is any other complaint that the evidence really supports.

The Attorney-General: If I may respectfully say so, that is the view I have formed after reading the evidence and taking into account the suggestions that have been made. I would just like to make some observations in answer to the complaint that has been made, or to the criticism that has been directed, to the Board of Trade, for not having increased the scale; that is to say, for not having made a scale with a higher gradation for vessels of over 10,000 tons, which is the substance of the complaint, as your Lordship says. I dealt with that to some extent last Monday, but I would draw your attention to this. The Board of Trade from 1894 onwards during the years which elapsed, the 20 years up to 1911, had, so far as practical experience was able to guide them, no reason to doubt that the precautions that they were providing -

The Commissioner: That who were providing?

The Attorney-General: The precautions that the Board of Trade were providing under their Regulations, and that the scale which was in force under their Regulations were sufficient, because your Lordship will have appreciated this - take, for example, the last ten years from 1902 to 1911 - that during those ten years there had been over 6,000,000 passengers carried, and a large number of them, of course, carried in larger vessels than had existed at any rate before 1904. 1903-4 marks the stage at which vessels of much larger tonnage were constructed.

The Commissioner: When you say carried, are you confining your observations to the Atlantic trade?

The Attorney-General: Yes.

The Commissioner: I thought so, because there must have been an enormous number, a much larger number, carried over the surface of the globe.

The Attorney-General: Yes.

The Commissioner: To which these Rules apply.

The Attorney-General: I quite appreciate that.

The Commissioner: These Rules are not confined to the Atlantic?

The Attorney-General: No, but we have only the figures of the North Atlantic. The only figures we have are for the voyages on this route; that is why I am referring to them. They are very, very significant I submit. During those 10 years, of the 6,000,000 passengers carried, more than half of them (we do not exactly know the number or the proportion) were carried in vessels which belonged to the United Kingdom.

The Commissioner: What do you mean by that?

The Attorney-General: All the vessels that were carrying the passengers, of course, were not British vessels; the 6,000,000 includes all the passengers carried to and fro. Your Lordship asked the question as to whether it was possible to separate the number of passengers into those carried

in British vessels and those carried in other vessels, but the figures are not available for doing that, and we have not been able to get them, and the result is we have to take it in this way, that over 6,000,000 passengers were carried during those ten years, that is the last ten years, and that more than half of them, and considerably more than half, were carried in British vessels. We do know the number of lives lost in British vessels, and that is nine during those ten years. That is the point I wanted to bring to your Lordship's attention.

That really means this, whether they were right or wrong in the view that they took, that it was much more important that they should have a construction of vessels - I think I am entitled to say the vessels themselves forming lifeboats - that it was much more important that they should have vessels constructed with efficient watertight compartments (although I agree they have no power to enforce it; I am going to call attention to that in a moment) than that they should have a larger provision of boats. Again, the view which they took, whether right or wrong - certainly the view that Sir Alfred Chalmers took, who was at the head for so many years - was that it was not possible to have a larger number of boats without interfering with the vessel, without hampering her decks, and without, at any rate, providing boats which he thought it would be very difficult to launch. Whether he was right or wrong in that, certainly the result is this, that very few lives were lost, and the importance of it is, that fewer lives were lost during that ten years than in the preceding ten years. In the preceding ten years, your Lordship will remember, the figures that were given corresponding to the figures that I gave just now, were three and a half millions, and during those ten years the total number of passengers lost was 73.

The Commissioner: Those figures are all set out in Sir Robert Finlay's speech.

The Attorney-General: Yes, they are taken from the evidence.

The Commissioner: He used them for the purpose of showing how negatively good the system of steaming ahead without taking into account the possibility of there being ice on the track had been.

The Attorney-General: And there is, of course, this observation to be made with regard to both arguments, with regard to the purpose for which he used them, and the purpose for which I am using them, that these arguments stand very well until you get a disaster of this character. Then, no doubt, you have got totally different considerations to apply, and the only use I am intending to make of it is not to say it is unnecessary to provide for their boat accommodation in the future, but I am putting it before you for your Lordship's consideration, as, at least, evidence which justified the Board of Trade, if it had been right in its opinion upon the material which it hitherto had had, in coming to the conclusion that further boat accommodation was not necessary in vessels of 10,000 tons. That is all I want to say about it.

The Commissioner: I think you are also entitled to say this, that they knew that, Rules or no Rules, these big liners were provided with boats far in excess of the requirements of their own Rules.

The Attorney-General: Yes. Wherever you are dealing with these big liners undoubtedly they did, as is shown from the Tables and considerably in excess. Undoubtedly these vessels did, trading as they were, and carrying as did the "Olympic," for example, a boat accommodation, which, I think I am right in saying was equivalent to 53 percent of the number of persons carried on the ship. She carried boat accommodation for 1,178 persons, and according to the Board of Trade Regulations she would have had to carry accommodation for 962, or 9,625 cubic feet, as against 11,325 cubic feet which she did carry.

There is this observation to be made, which I am sure is present to your Lordship's mind, that in fact the accommodation for 1,178 persons on this particular voyage in this disaster was not even used; I mean to say the full capacity of it, although available, was not used by those on board the "Titanic." All that you have is that 711 persons were saved out of the total number that

could have been saved, according to the capacity of the boats and assuming that the last collapsible was launched, namely, 1,178.

I only use that for the purpose of showing this, that even with the comparatively large boat accommodation that there was of 53 percent of the persons carried, nothing like that number of persons were in fact saved; and that even if you had had a larger accommodation it is very doubtful (I do not want to put it too high) whether you would have saved any more persons. I mean by that, that according to the evidence which has been given in this case, it is said that you could not get women and children to step into the boats, a large number of women and children were still on the ship and were not saved. And supposing you had had double the number of boats, it is very doubtful whether you would have had any more persons saved. Again, I am not using that for the purpose of saying that you should not have boats in the future. I am only using it in order to see what the result would have been if more boats had been provided on the "Titanic," that is all, as applied to this particular disaster, and not as intending in any way to relieve shipowners from having to provide more boats in future.

Those are reflections which, I think, one is bound to make, because naturally if you have in mind that more boats might have been provided, either by the Board of Trade Regulations, or by the shipowners themselves, in view of suggestions that were made to them, one must see, as far as one can, what the effect would have been if they had been provided. I know the evidence is so present to your Lordship's mind upon this that I am not going to dwell in detail upon it.

One has further to bear in mind this, that on this particular occasion the weather was extraordinarily favourable for the launching of boats; you might never get such an occasion again. If an accident happens, and if there is a collision, it is almost more than one could possibly expect that you would have an absolutely calm sea such as you had on this night; no wind, and even no swell, and that you could lower boats from the height of the davits of 65 feet above the water level. You do require a vessel to be very steady, and you require very good weather to be able to do that.

The Commissioner: I thought the boat deck was about 90 feet above the water.

The Attorney-General: 95 feet from the keel, but 65 feet from the waterline. I think I am right in that.

The Commissioner: There is one matter that is quite beside the point, but I want to mention it now because my attention has been drawn to it, and you have just stated a point which makes it applicable at this time. You were talking about the women and children. I do not know whether, in providing lifebelts, any lifebelts are made specially for children, because I am told that the lifebelts which are made for adults are not really available for children. I only mention it; but if it is so, I think the attention of shipowners ought to be directed to it, so that it will be necessary that they should have some lifebelts on board which could be used by small children.

The Attorney-General: Yes, my Lord.

The Commissioner: I only mention it.

The Attorney-General: Again, I think one must remember the very considerable difficulty that there would be in a vessel in lowering boats from both sides. Certainly in a heavy sea you could only lower boats on one side, as we know; it would be useless to attempt to lower them on the weather side; you could not do that, you could only lower them on the lee-side. So that if you had the full boat accommodation, still the great probability is in the event of your requiring them you could only use the one side.

The Commissioner: And I suppose if the ship has a list.

The Attorney-General: Yes, I was going to say in a list, again, you can only lower on the one side.

Then there is the further difficulty which has been much discussed in this case, of finding a

place for them. It is not for me to express an opinion on that; it is a matter for your Lordship as to whether there was more room on the "Titanic," more space available for boats. All I will venture to say with regard to it is, that certainly, according to the evidence, it does seem that more boats could have been placed on the deck. I do not profess to be an expert upon it.

The Commissioner: More boats could have been placed there - there is no doubt about that - because they have placed them since on the "Olympic."

The Attorney-General: Yes, but, as I saw them placed - I do not know whether the same idea occurred to you when you saw them - they would have a very great difficulty in using all those boats on that deck if the occasion arose.

The Commissioner: And it may be the further provision of boats would be quite useless - very likely it would be - but I am sure of this, that at present you will not get the public to travel upon a boat that has not got what the public thinks is a sufficient supply of lifeboats.

The Attorney-General: No, and certainly, I think the result of the evidence which has been given in this case so far as I am able to form an opinion upon it - I put it forward with diffidence, having regard to the presence of those who are much more able to speak upon this matter with authority than I - is that it does seem that more boats could with safety have been carried, and placed under davits on the vessel.

The Commissioner: I have had sent to me an advertisement of a line of steamers which contains one line: "Lifeboats carried sufficient for all passengers and crew."

The Attorney-General: No doubt, for a time those advertisements may have some effect. As we know, eventually the public forgets all about them, and we get back to the old state of things, so that some Regulations have to be made.

There are, no doubt, many considerations of that character which must naturally affect the minds of those who have to determine whether or not there should be boat accommodation for all. I propose to leave that part of the subject now; I have dealt with it so far as it is material to this Enquiry, and it is useless, as it seems to me, to examine all the suggestions that have been made, and the objections to them, again.

The Commissioner: Fishing boats, I suppose, carry boats, but do they carry lifeboats?

The Attorney-General: Not lifeboats, but boats, I think.

The Commissioner: Not lifeboats?

The Attorney-General: No; boats. It is very difficult to say that boats should be carried for all persons on board, for instance, on excursion steamers. There are all those matters to be considered. Your Lordship will remember in the provisions as to boats there are a series of classes of vessels dealt with which gives you a very good idea of the difficulties that there necessarily must be in prescribing what is to happen with regard to all vessels. You first of all have got steamships carrying emigrant passengers. They come under the provisions of the Merchant Shipping Act so far as they go. In that connection you have also got the foreign-going steamships which have passenger certificates under the Act, which do not carry emigrants. That is a second class. Then you have steamships which have passenger certificates carrying passengers anywhere within the home trade limits, as defined, as your Lordship will remember, under the Merchant Shipping Act, between places in the United Kingdom and ports in Europe, between the River Elbe and Brest. Then you have foreign-going steamers which are not certified to carry passengers. Those are easily dealt with because they have ample accommodation there and your Lordship will remember so easy is it that in some of these vessels you have got the accommodation provided on each side sufficient to carry the whole of the passengers on board the vessel, which are the crew. But you can only do that, of course, when you are dealing with a foreign-going vessel which is not carrying passengers at all.

The Commissioner: I have forgotten what I have been told about Channel steamers going to

Calais and Boulogne. Do they carry lifeboats sufficient to carry all the people?

The Attorney-General: No, they certainly do not. That is what I was thinking of at the moment.

The Commissioner: I came across at the end of March, I think it was; we were packed like pigs almost, I am sure there were not sufficient lifeboats then.

The Attorney-General: No.

The Commissioner: But I did not trouble my head about it.

The Attorney-General: I will not trouble you to go through it, but merely give an indication of the kind of provisions that would have to be made, necessarily for the different classes of vessels. In this case, and applying the test to this disaster; what happened on the "Titanic," the fact must always remain in the end that there was the strongest disinclination on the part of the majority of persons on board the "Titanic" to leave that great big ship for the very small boat into which they were asked to enter. Whether it is reasonable or not it is useless to enquire. It seems natural, and it is what happened in this case, and in all probability it is what would happen if, Heaven forbid, such a disaster happened again; people would be disinclined to leave the big vessel for the small boat in the water on a dark night.

The only further observation I want to make about it is that naturally, when you get to this stage of knowledge, when we know all that has happened, and more particularly when we know of the disaster which took place on this 15th of April, with the great loss of life that there was there, it sets the Board of Trade, like every other person, examining into the conditions with regard to vessels going to sea. And quite rightly. It showed what may happen, notwithstanding all the precautions you might take, notwithstanding that your vessel might be constructed according to the best knowledge and experience, and by one of the best builders in the world, and notwithstanding that no expense was spared. The vessel was built; as your Lordship will remember, at cost price, plus a commission; and so far as I followed the evidence there was no attempt on the part of the owners to save money, certainly no attempt by them to save money in the building of the ship which would involve in the slightest degree any omission to make a vessel either sufficiently strong, or to equip her properly for carrying passengers. And one understands why, apart from any other reason; in the competition that there is between these great liners, a vessel must be equipped according to the best results of modern science, and really taking advantage of everything that knowledge can give us at the present day, otherwise she cannot compete with the other liners. That is, no doubt, in one sense a great safety and security.

What does strike one in this matter, and what I am suggesting for your Lordship's consideration, if you think it right to put it forward as a recommendation, or as a subject which is well worthy of consideration, is that the Board of Trade might have greater powers with regard to inspection of bulkheads and requirements as to the watertight compartments and spacing and construction, and so forth. One thing is apparent from the investigation which we have made that they have practically no control. It is quite true that they have some with reference to the loadline. Your Lordship will remember what that is. It is comparatively slight, it seems to me. Although it is quite true that shipowners as a Rule, agree to conform to requirements that may be made, the Board of Trade has little power to interfere.

Mr. Laing: It can refuse a passenger certificate.

The Attorney-General: What it has to do is to consider whether or not in the one case the vessel is satisfactory, that is to say, whether she is constructed satisfactorily, and they may take it into account, no doubt, the construction and division of watertight compartments. But what I mean is that it is quite possible, as it occurs to me, that greater powers might be given by Act of Parliament - they would have to be given by Act of Parliament - to the Board of Trade if, as a result of the Enquiry which is now about to take place, and which is taking place by the Committee which has been appointed since this disaster, the definite recommendations are made

as to what is the best means, what is the safest means to be adopted for effective provision of watertight compartments; it occurs to me that they might have some power of enforcing them. But that depends very much upon the result of the Committee's report. All I am suggesting is that it is well worth considering - I should have to leave it there - I suggest it is well worthy of consideration whether they should not have greater powers in that respect. Suppose, for example, you got as the result of Enquiry and investigation a definite decision that a watertight deck at a certain level from the bottom would be of the greatest value; suppose you had such a finding from the Bulkheads Committee, that no doubt ought to be carried out and would have to be carried out by Act of Parliament. There would be no power as the law stands at present - that is certainly my view of the Board of Trade - to insist on that. Supposing the vessel is properly equipped as a passenger vessel I do not see that the Board of Trade would have the power to say, under the law as it stands at present, "This is the best means of construction that can be adopted; to have a watertight deck of this character, and you have not got it and, therefore, we will not give you a certificate."

The Commissioner: Knowledge is always increasing, and if you had statutory provisions of that kind it appears to me they might require alteration every twelve months, or every six months. For my own part I do not like statutory provisions hampering trade at all, and I should very much like to know whether in Germany, for instance, there are laws which compel ships to be constructed in this way, or in that way, or whether it is left to the discretion of qualified people who examine the ship.

The Attorney-General: Yes, I agree. That is one of the matters which no doubt would have to be considered by the Committee before it comes to a conclusion, what the course is that is adopted there and what actually are the requirements. I have two letters which we have received since the evidence was closed from the German companies which, if your Lordship thought right, could be put upon the Note; I have not troubled you with them because in view of what your Lordship's decision has been upon this question of bulkheads, it seemed unnecessary to go into detail with regard to what they do in Germany, how their vessels of the particular lines there are constructed. What I do propose to do with them is that those letters should be handed to the Committee which is going to enquire into this matter.

The Commissioner: That is the best thing to do. I do not want the Note encumbered with them.

The Attorney-General: No, my Lord; that is what I thought. But it is important that those who will have to deal with this should have it before them, and as we have acquired the information during the course of this investigation, I propose to have those letters sent to that Committee to consider. What I meant was not that you should have stereotyped in an Act of Parliament - a particular form of construction. I agree, if I may say so, that that would be most undesirable, because as you say, knowledge progresses week by week. I did not mean that at all. What I did mean was that it may be necessary that some further powers should be given as to requirements of the Board of Trade with reference to bulkheads and watertight compartments. I need not go into that, because the time has not come for dealing with that. It must depend upon the Report of the Committee.

I think the opinion which was formed by the Board of Trade after the receipt of this Committee's report of July, 1911, and after the investigations and the experiments which had been made for the purpose of enabling them to frame the draft Rules, is dealt with in the letter of the 16th April, the letter which was ordered on the 4th April, which sets out exactly what the Board of Trade's opinion was before the "Titanic" disaster. One may summarise it in this way, I think, that they had come to the conclusion that it was necessary to have a revision of the Tables, and they transmitted a copy of the memorandum and tables which they were proposing to adopt to the Committee, for the Committee's approval before they were published, and before they

were laid on the table. That was the position.

The Commissioner: Was the Board of Trade put in motion by anything that took place in the House of Commons; I mean, put in motion in reference to the matters they dealt with in 1911?

The Attorney-General: Yes, certainly, a question was asked in February, 1911.

The Commissioner: It seems to me I have seen it somewhere.

The Attorney-General: It is quite right.

The Commissioner: In February, 1911, some question was asked in the House of Commons.

The Attorney-General: Yes.

The Commissioner: And, as the result of that question the four gentlemen were asked to report.

The Attorney-General: Yes. If you look at page 18 of the Memorandum you will see the circular which was issued which resulted in the report of the four officials.

The Commissioner: Apparently the Board of Trade did not move of its own initiative.

The Attorney-General: I do not think that is quite right. So far as I follow it, they had had the matter under consideration and were considering it at the time this question was put. What they say in this note of the 18th February, 1911, is this: "The Board have under consideration the question of amending the present requirements of the Statutory Rules." There was a question put in February, 1911, but there had been a question put in November, 1910, and that explains, no doubt, why it was they had had it under consideration before this Memorandum is sent out, of the 18th February.

The Commissioner: Is the question of November, 1910, mentioned in the Memorandum that you handed up to me?

The Attorney-General: I think not; no, it is not. The reference to the question is at page 5, and that only deals with the question of February, 1911. I will just read what was said there and then I will tell you what happened in November, 1910. On page 5 of the Memorandum it says: "In February, 1911, a question was asked in the House of Commons as to the desirability of revising the Regulations governing the number of lifeboats in passenger vessels, having regard to the increased tonnage of modern ships. The President of the Board of Trade replied that the question of the revision of the Rules was engaging the serious attention of the Board, and that he had decided to refer the matter to the Merchant Shipping Advisory Committee for consideration and advice."

The Commissioner: Who was the President of the Board of Trade that time?

The Attorney-General: Mr. Buxton was the President in February, 1911. I can supply your Lordship with the questions and answers if you would like them.

The Commissioner: I do not want them. You were going to tell me now about November, 1910.

The Attorney-General: Yes. In November, 1910, the question was put by the same member.

The Commissioner: Who was he?

The Attorney-General: Mr. Bottomley, asking whether the President's attention had been called to the fact that the "Olympic" was provided with 14 lifeboats only, being less than a quarter of the number furnished by most other vessels of similar tonnage. That is what he says in the question.

The Commissioner: What is the answer?

The Attorney-General: The answer is - this may be the Under-Secretary: "I understand that the 'Olympic' will be provided with 14 lifeboats and two ordinary boats, of an aggregate capacity of 9,752 cubic feet, which is in excess of the requirements of the Statutory Rules."

The Commissioner: Is this Mr. Buxton?

The Attorney-General: No, Mr. Tennant, the Parliamentary Secretary of the Board of Trade; he answered for the Board of Trade. "I have no information as to any vessel carrying four times this

number of boats. The 'Lusitania' and the 'Mauretania' each carry 16 boats." And then the other question, if your Lordship would like the one in February, 1911, which followed upon it. It is this: "To ask the President whether he will state the date of last Regulations made by the Board of Trade in reference to the number of lifeboats necessary to be attached to passenger vessels, and whether, having regard to the increased tonnage of modern ships he will consider the desirableness of revising the Regulations." Mr. Buxton answered: "Those Regulations were last revised in 1894. The question of their further revision is engaging the serious attention of the Board of Trade, and I have decided to refer the matter to the Merchant Shipping Advisory Committee for consideration and advice." That is how the matter stood.

Then came the circular of the 18th February, 1911, which, as I said, is at page 18 of the Memorandum, and that led to the four reports of which your Lordship no doubt has sufficient particulars. Substantially, what that came to was this; the view of the Board of Trade, and certainly of Sir Alfred Chalmers, up to that time, had been that it was not necessary. Sir Alfred Chalmers, who was the head of the Marine Department, had certainly taken that view very strongly.

The Commissioner: And does still.

The Attorney-General: And does still. Then, in November, 1910 undoubtedly attention was directed to it - the matter was then considered - and by February, 1911, the attention of the various gentlemen at the Board of Trade, the four gentlemen whose names have been mentioned whose reports you have, was directed to this, and they were asked to report, and the effect of their reports was to show that they thought (it is clear that all four thought) that some further boat accommodation should be required on these large vessels. They varied undoubtedly as to the extent.

The Commissioner: But if the suggestion of the man whose demands had been greatest had been listened to there would not, as I understand, have been boat accommodation on the "Titanic" as large as, in fact, was provided. Is that so?

The Attorney-General: No, I do not think that is right.

The Commissioner: I thought that was so.

The Attorney-General: No.

The Commissioner: Now will you tell me.

The Attorney-General: I will tell you exactly how it stands. I think it would be right to say that there would not have been sufficient boats for the number of persons on board the vessel.

The Commissioner: That is quite certain; but I want you to tell me this if you can. I think it was the man in Glasgow, was it not, who made the largest.

The Attorney-General: Mr. Harris - well, Mr. Archer -

The Commissioner: Yes, I am told Mr. Archer, the Principal Surveyor.

The Attorney-General: Yes, I think Mr. Archer puts forward the largest.

The Commissioner: Very well. What did Mr. Archer suggest for a ship of 45,000 tons, because it was all arranged according to tonnage, was it not?

The Attorney-General: Yes, your Lordship will find his scale at page 18. The effect of it for 45,000 to 50,000 tons is that there should be a minimum number of 24 boats to be placed under davits, with a cubic capacity of 14,250 feet, and with additional boats of 24,937 cubic feet.

The Commissioner: How much does that make altogether?

The Attorney-General: If you take the divisor at 10, as I think we have done throughout, that would give sufficient for all, because there were 2,201 on board the vessel. That is the exception that I should have made to what I said.

The Commissioner: What I had in my mind was this, I think, that it does not make provision for all who might by law be carried.

The Attorney-General: No, it does not. By law the number was 3,547.

The Commissioner: And what was the boat accommodation recommended?

The Attorney-General: The highest was 24,937 cubic feet. It would be 2,493, taking the divisor of 10.

The Commissioner: Yes, that is 2,493. Supposing the boat carried a full complement of passengers and crew she would be short of lifeboat accommodation to the extent of more than 1,000?

The Attorney-General: Yes; but I think also one must take into account what the other recommendations were. Mr. Archer went furthest.

Mr. Laing: Archer was going to dispense with the additional boats.

The Commissioner: Does he go further in the direction of watertight bulkheads, or something of that kind.

The Attorney-General: He is in favour of the exemption of the necessity for additional boats.

The Commissioner: Rule 12 do you mean?

The Attorney-General: Yes, but it goes further. It is on page 17 of the Memorandum: "If, however, the vessel be divided into efficient watertight compartments to the Board's satisfaction"-

The Commissioner: That is Rule 12.

The Attorney-General: Yes - "the total boat equipment would be (say) 36 boats of 21,313 cubic feet. I would suggest, however, that an alteration could usefully be made in No. 12 of the Rules in the direction of making a larger concession in the case of vessels which are efficiently subdivided. Owing, no doubt, to the very small reduction of life-saving appliances at present sanctioned by this Rule, none of the large vessels recently constructed have complied with the recommendations of the Bulkhead Committee."

The Commissioner: That comes to this, does it not, that he thinks you ought to cause shipowners to improve the watertight attributes of the vessel by bribing them with a promise that if they do, they need not provide so many lifeboats.

The Attorney-General: That seems to have been the view right away from 1891. May I finish what Mr. Archer says because it is important, having regard to the Table to which I called attention, he says; "It is suggested that in the case of vessels divided into efficient watertight compartments in accordance with the Committee's recommendations, the additional boats or life-rafts required by Division A. Class 1 (d), might be dispensed with altogether, provided the boat scale is maintained at about the values shown by the diagram. This would imply, in a vessel of 50,000 tons" - and therefore that is what we must take as what he would have required - "13 lifeboats, 7,750 cubic feet, 775 persons; 11 C. and 2 D. boats, 7,750 cubic feet, 968 persons; making a total of 15,500 cubic feet and 1,743 persons." He takes a different divisor there; no doubt he has got different boats. The substance of that is, and I think that is as far as we can take Mr. Archer's recommendation as applying to a vessel of the character of the "Titanic," that she should have had altogether 24 boats, that is 13 lifeboats and 11 other C. and D. boats with an accommodation for 1,743 persons. I am taking his smaller divisor for that - cubic capacity, 15,500; persons to be accommodated; 1,743.

The Commissioner: That would be very much less than the number she might carry.

The Attorney-General: Oh, yes, very much less.

The Commissioner: Of course one sees the logic of it. If you can get a boat so built that she cannot sink then you do not want any lifeboats at all.

The Attorney-General: No.

The Commissioner: But until you get that one can always conceive that there may be an occasion when lifeboats for all the people on board are required.

The Attorney-General: Yes. Might I add something to what your Lordship said, which is no doubt present to your Lordship's mind? Although you may not have boat accommodation for all the persons on board, if you have an efficient watertight provision on your vessel you can keep the vessel afloat much longer, even though you cannot save her altogether, and with wireless telegraphy which will put you into communication both with the shore and with other vessels, no doubt it was thought that with a sufficient number of boats to take the passengers off to the other vessels or to the shore and to come back again in case of need, they had done all that was necessary.

The Commissioner: That may be very reasonable.

The Attorney-General: That seems to have been the view.

The Commissioner: But at the same time there is no provision there for that possible, though very improbable, calamity, when no assistance comes to the ship.

The Attorney-General: Quite. Of course, dealing with these large vessels they must be in communication with a number of other vessels, because of the track along which they travel, which is after all just like a main road on land, and indeed when they get within a certain distance along the road they are in communication with the land as we know. They were in communication with Cape Race. That is considered more especially in the recommendation of the Committee in July, 1911, because in the recommendation which they made, they took into account the enormous development that there had been in modern science by the application of wireless telegraphy.

The Commissioner: Do you suppose, Mr. Attorney, if the "Titanic" had been provided with lifeboat accommodation for all the people on board that any more people would have been saved?

The Attorney-General: Well, my Lord, the result of the evidence, to my mind, is contrary to that. I was indicating it a little earlier.

The Commissioner: It is pointed out to me quite properly that the wireless installations are only really of service in a trade like the trade of the Atlantic, where there are many steamers within range, and the recommendations will probably apply to vessels all over the globe.

The Attorney-General: Yes; but it is quite right to say that they would only apply to vessels on that track? I agree what is meant is that no doubt it would be of much greater value - wireless telegraphy would be of much greater value in a track like that than it would be elsewhere.

The Commissioner: Take the voyage from the Cape of Good Hope, for instance, to Australia; a wireless installation would probably not be of great value there because the ships would be too far away to be of any use.

The Attorney-General: Of course it all depends.

The Commissioner: The ships that you summoned to your aid would be too far away to be of use.

The Attorney-General: That is no doubt always a factor to be taken into account. It is of the greatest value, of course, where you have vessels navigating along the same track to and fro, as you have here. It is of some value - I should have thought it must be of some value - to any vessel whatever the track it is following but not of such value.

The Commissioner: There is always hope that the message will reach some vessel which is within reasonable reach.

The Attorney-General: Or it may be even within reasonable reach of shore.

The Commissioner: Or reasonable reach of shore. It would not bring it within reasonable reach of shore, I suppose, from the Cape of Good Hope to Australia. If she had only been a few hours from the Cape of course it would.

The Attorney-General: As your Lordship says quite rightly that is one voyage, but you may

take a number of others. In that particular one, of course, they would be a long way from land for a very long period.

Now, my Lord, if I may go back for a moment just before I say another word about what the Advisory Committee reported, the other gentlemen who reported on this matter gave lower figures.

The Commissioner: Yes, but I would rather take the higher figure.

The Attorney-General: Very well, the others are before you; we will leave it at that.

The Commissioner: Yes.

The Attorney-General: Then I will not bother about the other three, but I do think we must deal with the Advisory Committee's figures, because there you had the result, at any rate, of a very expert Committee. We have gone into it, and it is sufficient to give the figure. 8,300 cubic feet capacity would be the extent of the requirements for vessels of 45,000 tons and upwards according to that Committee's Report of July, 1911. All I wanted to say was that was the view of that Committee in July, 1911, an Advisory Committee constituted, as this Committee was, of representatives of all those who really had the means of bringing expert knowledge to bear upon the subject, and all of the different interests, also, in the shipping world. The result nevertheless, was that in July, 1911, the full extent of the boat accommodation required by that Committee in a vessel which was fitted with efficient watertight compartments was 8,300 cubic feet. So that in July, 1911, according to that Committee's requirement, the boat accommodation for the "Titanic" would have been less than under the Regulations which had hitherto existed. I will tell your Lordship why I say that.

The Commissioner: That is not quite accurate.

The Attorney-General: I will tell you why I say it. 8,300 feet compares with 5,500 feet in the Table of 1894.

The Commissioner: Well?

The Attorney-General: But under the Regulations for 1894 they would have had to find three-fourths additional unless they complied with Rule 12, which brought it up to the 9,625 feet. Under this scale, which was recommended by this Committee, if you had efficient watertight compartments it was not a question of being relieved of a portion only of the additional boat accommodation required, but you were to be relieved of it altogether. Under the old Rule you were only relieved of one-half of the additional boat accommodation; under this Report you were to be relieved of it all. So that under this Committee's Report, assuming that the "Titanic" was fitted with efficient watertight compartments, which I should have thought no one would doubt, having regard to the knowledge at that time, then all that she would have required to find would have been 8,300 cubic feet - boat accommodation for 8,300 feet, which would have given 830 persons.

The Commissioner: What I must have had in mind in what I said just now was that, under the Regulations of the Sub-Committee, which were adopted by the Advisory Committee, if the "Titanic" had been provided with lifeboat accommodation according to their recommendations, she would not have had as much lifeboat accommodation as she in fact had.

The Attorney-General: That is so.

The Commissioner: That is true, is it not?

The Attorney-General: That is true. That is upon the assumption which I made as I stated just now for this purpose, that she was fitted with efficient watertight compartments and applied for the exemption.

The Commissioner: Now, what is the definition of "efficient watertight compartments"? Is there any?

The Attorney-General: No, there is not.

The Commissioner: It is left entirely to the Surveyor.

The Attorney-General: There is not a definition, and that is just what I meant by the observation I made just with reference to watertight compartments. That is left undoubtedly, at present absolutely, to the Surveyor. I said, and I think I am justified in saying, that having regard to the state of knowledge at that time no Surveyor would have said, the Board of Trade Surveyor or otherwise, that the watertight compartments of the "Titanic" were not an efficient provision.

The Commissioner: Then can you tell me why the White Star Line, the Oceanic Steam Navigation Company, did not apply under Rule 12?

The Attorney-General: Oh yes, for the simple reason that they meant to carry more boats than were required by the Board of Trade Rules, as, in fact, they did. They carried 11,325 cubic feet capacity as against 9,625, the maximum which could be required under the Board of Trade regulation. I have no doubt that what affected them was that it was desirable in order to attract persons to travel by their lines that they should carry more boats. I should imagine that that was the reason. Their's was a commercial enterprise, and they thought it was desirable to carry more, but when you have that Committee's Report before you, the latest document giving the latest results, the consequence would have been, as your Lordship said, that if that Report had been accepted in its entirety there would have been only accommodation for 830 persons.

The Commissioner: I suppose it is impossible to make a ship unsinkable, and, at the same time, for it to be of mercantile value.

The Attorney-General: I should certainly assume it, otherwise I am quite sure it would have been done.

The Commissioner: It would have been done.

The Attorney-General: Yes, because, if anybody could say now he could make an unsinkable ship nobody would want to travel in any other. But just see the difficulty of it.

The Commissioner: You could conceive of its being rivetted so that no water could possibly get into it, and when put into the sea and it will not sink, but it is not very much use as a cargo carrying ship.

The Attorney-General: And less as a passenger carrying ship.

The Commissioner: Well, I should think so.

The Attorney-General: You may say a vessel should have a double bottom Well, she has, up to a point. You may say, "Well, she shall have a double skin right through, an inner and an outer skin."

The Commissioner: It is even if she has a double bottom, I suppose?

The Attorney-General: Yes, but what is equally important is, that she may be penetrated above the double bottom.

The Commissioner: I suppose some people would say the double bottom ought to be carried up?

The Attorney-General: That is what I meant by saying an inner and an outer skin.

The Commissioner: A double bottom and a double top?

The Attorney-General: Yes, If this vessel had been holed in the double bottom, a totally different state of things would have happened. There you have every provision made for safety; but when she is holed above, once the side is penetrated and the water is pouring in, of course, you have only your watertight compartments to depend upon. And if she is holed in a sufficient number of compartments, as she was in this particular case, then it is impossible to keep your vessel afloat. I mean, that is the position. I suppose the true answer would be that a naval architect would have told you - again I speak with all diffidence - that you have done everything that could be desired if you have provided a vessel which will float with two adjoining compartments flooded and still have a freeboard from 2 1/2 to 3 feet - the top of her bulkhead

still 2 1/2 to 3 feet above the waterline, with two adjoining compartments flooded. It is difficult, indeed, to say the extent to which modern science can go; taking two compartments, one fore and one aft, that is not sufficient, but if you have two compartments in a vessel which would stand penetration and flooding, I think it would be said that you have done everything that could be desired. But this vessel went further in her construction, because she was designed and constructed to float with two adjoining compartments flooded, and not only that, but, as your Lordship remembers, in this particular case, loaded as she was on this occasion she would have even floated with three adjoining compartments flooded. That was the view of Mr. Wilding, shown by him by the plans which he put in. But what, of course, nobody ever contemplated - that is the real explanation of the difficulty that happened here - no one ever contemplated that you would have that kind of disaster which could penetrate a vessel in five compartments, and assuming that she was holed in No 4, even six.

The Commissioner: In five or six?

The Attorney-General: Yes, I say six assuming she was penetrated in No. 4. I was leaving it out because, as I have said, I do not think the evidence quite establishes it, and therefore I do not want to put it too high. But assuming you have the vessel grievously wounded as this one was, penetrated through five compartments, then, of course, the difficulties are immensely multiplied, and I do not suppose anybody ever contemplated that would happen; and it never could have happened if it had not been for the fact that this vessel was going at 22 knots, which is such an important factor in it, and that she came across this submerged part of a berg which seems to have somehow had a number of projections which caused this damage.

Mr. Laing: It was six or seven compartments.

The Attorney-General: I know, if you take Nos. 1, 2 and 3 holds; but you cannot call them compartments quite. If you take it as it is in the forepeak and in the 1st, 2nd and 3rd holds and also in No. 6, which is the foremost boiler section, and No. 5 boiler section, there is no doubt of the holing. If you treat those as separate compartments, it would make six, without taking into account No. 4. With No. 4 it would make seven. But your Lordship knows how that stands. The importance of it in my mind, according to the submission I am making to you, is that this particular damage that was done to this vessel, as we know it, was of a kind which nobody had ever contemplated as possible. That, I submit, is the true explanation.

The Commissioner: Can you tell me this; has an unsinkable ship ever been constructed?

The Attorney-General: Not that we know. I do not know of any. These vessels which have been referred to, and vessels of that kind, like the "Mauretania" and "Lusitania," were thought to be unsinkable in a comparative sense. You cannot put it any higher than that. It does not mean that it was impossible to sink them. What it did mean was that so far as one knew they never would be sunk because they were so constructed that they would float under conditions which it was thought comprised every possible danger that might happen to them. That, I think, was the view held right up to the disaster to the "Titanic."

The Commissioner: There are a great many gentlemen who imagine that they can construct ships which would be unsinkable, and I have received endless notices of valuable patents for that purpose.

The Attorney-General: I know. One gentleman is very anxious that I should interest myself in a scheme under some patent of his which would save every person within five minutes of a disaster happening of whatever form or kind, and he is quite ready to expound it.

The Commissioner: And give him a fortune?

The Attorney-General: Oh, yes, my Lord, which he is anxious to share with me, provided that I supply the capital.

Now, my Lord, I think that exhausts what I want to say to your Lordship about the boat

accommodation and the criticism that has been directed to that. All I am anxious is that your Lordship should have present to your Lordship's mind, as you have, all the considerations which may be urged *pro* and *con* when dealing with the criticisms and comments which have been made in reference to the Board of Trade.

Now I propose to deal with the last question, and that is, as to the "Californian." I want to preface any observations I am going to make -

The Commissioner: You must tell me what my position is with regard to the "Californian."

The Attorney-General: Yes, my Lord. First of all the view which I take of it is that so far from being desirous of bringing home to the Captain of the "Californian," or to any of the officers of the "Californian," that they saw distress signals and that they took no step after they had seen them, I am most anxious, and have been throughout, to find some possible excuse, for the inaction on the part of the "Californian." It is not a case of desiring to bring home to them that they did not do their duty; our anxiety and your Lordship's anxiety would be, if possible, to find some reason to explain the failure by them to take any steps when they had seen distress signals. I can only say that to me it is a matter of extreme regret that I have come to the conclusion that the submission I must make to you, is that there is no excuse. Whether I am right or wrong in that is, of course, for your Lordship's consideration.

Now the position of matters in this Enquiry is this. Attention was called at an early stage of the Enquiry to the fact that the "Californian" had seen the distress signals and had taken no steps in consequence, and further the allegation was undoubtedly made that the ship that she saw was the "Titanic." Upon that my friend, Mr. Dunlop, appeared when Captain Lord of the "Californian" was called. One must bear in mind also that this was not a new suggestion; that it was made first in America; and that it was enquired into in America. I am not, of course, going to refer to the details of what took place there. The only reason I am calling attention to it is that they knew perfectly well what the complaint was with regard to the "Californian." And no doubt that is the reason why my friend was instructed to appear, and did appear, as he stated at first, both for the owners and the Master of the vessel. I pointed out at once that in the view which I took of this matter the owners were not affected at all. No one suggested that the owners were responsible for this. This was a matter which affected the Master and, it might be, the officers of the vessel. I notice it is on page 156 that Mr. Dunlop first appeared in the matter, when he asked for leave to appear, when he said he was appearing for the owners. He said: "Will your Lordship allow me to appear on behalf of the Leyland Line - the owners, Master and officers from the 'Californian,' who are to be examined today?" That was my friend's application before they were examined. So that he knew quite well what the point was of calling them. Then I stated what the questions were that would be discussed. Then later on your Lordship says to Mr. Dunlop: "In the meantime, what you can do is to watch, and, if you find any attack is made upon your clients, then you can ask me to allow them to go into the box," I said, "It cannot affect the owners, I think; it may affect the Master if the story were true." Your Lordship will remember the position we were in at that moment. All that we knew about it was that the donkeyman Gill had made a statement on affidavit, and that that had been reported in the public press, and that the Master of the vessel had been examined in America, of which we also had some report in the newspapers. But that is how it stood. Whether the story was true or not we did not know. Then I said: "It cannot affect the owners, I think; it may affect the Master if the story were true." Then your Lordship says: "I understand this gentleman was applying on behalf of the owners and the Master," and my friend, Mr. Dunlop, says: "Yes." Then I say: "I do not see how it can affect the owners." There the matter rested. Then Captain Lord is examined and my friend Mr. Dunlop examined him, and some question was raised about it at page 170 only because I pointed out that he was leading Captain Lord. I thought, and I am going to say when I examine his evidence, that

he was an unsatisfactory witness, and Mr. Dunlop was putting leading questions to him on the most vital points in the case. If you look at the top of page 170, I say: "I quite understand that he is here for the protection of the Master, and I am raising no objection to that, but in all the circumstances I think it would be better to let him tell a little of the story." That was the discussion. Then your Lordship says you did not think any harm had been done at that time, and later on your Lordship pointed out at Question 7834: "You are falling into the error that the Attorney-General warned you not to fall into. You are putting the words into the man's mouth. You might as well hand your proof to him and tell him to read it out." That makes it quite plain that my friend appeared, and appeared from the first moment, for the Master.

May I just call your Lordship's attention to the Rules. My submission with regard to it is that by appearing he becomes a party. I am not asking your Lordship in any way to deal with this matter, except to state the conclusion of fact to which you arrive.

The Commissioner: Have I any jurisdiction to do more?

The Attorney-General: I think not. If your Lordship will remember, you put this question to me at an early stage of the "Californian" Enquiry, and the view I took then was the view I take now, and that I submit to you that all we are asking your Lordship to deal with is the conflict of fact that arises upon the evidence, and nothing more. I am dealing only with the evidence of the "Californian" for this purpose. There is a conflict between the various witnesses called from the "Californian." The facts alleged on the one hand are these, that the "Californian" saw distress signals. As to that there is no conflict. To be quite accurate with regard to it I think one might say that the Captain does not admit that they were distress signals, but he admits that they might have been. That is the exact position. I will show that by reference to one question. Further, that those distress signals came from a vessel in the direction in which the "Titanic" was. That there is no dispute about. The further point is that, having seen the distress signals, the "Californian" took no steps, except to attempt to do Morse signaling with a light. I think that is the position. The comment I make upon it is that for the Master of a British vessel to see distress signals, whether they came from a passenger steamer or not, and whether from a passenger steamer of the size of the "Titanic" or not, is a very serious matter, and because it is a serious matter we have enquired into it very carefully during the course of this investigation; but, having regard to the Enquiry, I think all that your Lordship is asked to do, certainly all that I am asking you to do, is to give the view of the facts which you have formed after hearing all the evidence. I mean by that that suppose your Lordship came to the conclusion that we were right in saying that she did see distress signals and that they were the signals of a passenger steamer of the "Titanic," and took no steps, that is a finding of fact which I should ask your Lordship to give in the Report which you may make. I do not ask you to do anything more. In point of fact Captain Lord is not summoned before you to answer some attack upon his certificate. That is not the position of matters. What has happened here is that in the course of the Enquiry facts which are relevant to this Enquiry have been brought before your Lordship, that there is a conflict of evidence as to these facts, that on one view of the facts they have a bearing undoubtedly upon the conduct of one or more persons upon the "Californian," but they also are relevant to the Enquiry, and if they are relevant to the Enquiry the fact that your Lordship may in arriving at your conclusion find a state of things to have existed which reflects upon some person who is not actually on trial and cited to appear before you as on trial, is no reason, I submit, why your Lordship should not express your opinion on the facts.

The Commissioner: Finding the facts and expressing an opinion upon them are two different things.

The Attorney-General: I agree; that is why I said expressing your opinion upon the facts and ask you to say on the somewhat conflicting evidence which is the correct one.

The Commissioner: Let me put it quite plainly: If Captain Lord saw these distress signals and neglected a reasonable opportunity, which he had of going to the relief of the vessel in distress, it may very well be that he is guilty of a misdemeanor. That is so, is it not?

The Attorney-General: Yes, under the Merchant Shipping Act, 1906.

The Commissioner: Am I to try that question.

The Attorney-General: Certainly not.

The Commissioner: I think not.

The Attorney-General: Certainly not, my Lord. I never asked and could not ask your Lordship to try that question, but, nevertheless, the facts, which you are asked to find, whether they reflect upon him or not, are material to the Enquiry.

The Commissioner: The facts I can find, but I do not want, unless I am obliged to do it, to find a man guilty of a crime.

The Attorney-General: No, my Lord.

The Commissioner: I do not think I have tried him for any such purpose.

The Attorney-General: I agree.

The Commissioner: And, moreover, as you know perfectly well, he might, if he had had any idea that he was going to be tried for a crime, have said when he was in the witness-box: "I refuse to answer these questions because they may incriminate me."

The Attorney-General: Yes.

The Commissioner: But he did not do that, you know.

The Attorney-General: Different considerations apply, I think, when you are determining whether a crime has been committed, and your Lordship would have to go into questions which certainly, it appears to me, it is unnecessary to find in this case, and which I am not asking you to find in order to determine whether a crime was committed. I will give an indication of what I mean. Supposing he came to a mistaken conclusion with regard to what he saw, clearly there is no crime. Supposing he was careless in coming to that conclusion, there is no crime; but, nevertheless, if you were sitting on another tribunal dealing with the matter from other points of view, you might say, "Well, he ought to have come to the conclusion that these were distress signals from a passenger steamer, and he ought to have gone to the rescue of that vessel." Suppose he, the Captain of the "Californian," thought that these rockets were distress signals, and that they came from a vessel in distress, apart altogether from whether she was a passenger steamer or not, then you have to consider whether he has any excuse for not going to the assistance of this vessel. Of course there are a number of considerations which you would have to take into account then: Whether he thought he could safely reach her; whether he thought he was running a risk; whether, owing to the fact that he was among ice, and, apparently, according to his evidence, for the first time, that may have formed some explanation of why he did not at once proceed to the assistance of this vessel. All those are questions which no doubt would be very relevant indeed when you are considering whether or a not a misdemeanor has been committed. I am not going to ask you to find that at all. What I am asking you to find is the fact that they did see on the "Californian" distress signals and that were distress signals from the "Titanic," and that the distance of the "Titanic" from the "Californian" was only a few miles.

The Commissioner: How many?

The Attorney-General: I should put it at something like seven or eight. It is very difficult to say. I do not profess to be able to say with precision.

The Commissioner: That is a very difficult question on the evidence.

The Attorney-General: I agree it is very difficult to say. I think it was put by him in America and also here at 19 1/2 miles; and then by a later explanation he says he had to steam just on 30 miles to get there.

The Commissioner: Because he could not go the direct way.

The Attorney-General: Yes, that is as far as I ask the Court to go. It is as far as it is necessary to go for the questions I am putting to you. For one thing, I should be very sorry to do an injustice to Captain Lord, and I am very anxious that in any event nothing should be said as a conclusion by your Lordship which would suggest that he had committed a misdemeanor. Of course, as your Lordship says, no such question is put to you and no such question is made by me. But still we must get to some conclusion upon this state of the evidence.

The Commissioner: You formulated a question for me to answer?

The Attorney-General: Yes, purposely.

The Commissioner: And I must answer it somehow; at least, I think I must.

The Attorney-General: It is the question in Question 24: How it was that assistance did not reach the "Titanic" before the "Carpathia" arrived? The "Californian" is the vessel.

The Commissioner: It is the only vessel as is pointed out.

The Attorney-General: Yes, I framed the question purposely so as to get an answer upon this evidence.

The Commissioner: I think you have explained to me sufficiently how you think I ought to deal with this.

The Attorney-General: If your Lordship pleases.

The Commissioner: Unless you wish to say anything more; I am not stopping you on the evidence you know.

The Attorney-General: No. I am very anxious not to press it too far. At the same time I am very anxious that after the evidence we have had, such conclusions as are relevant to this Enquiry should be given by your Lordship when you have considered the evidence.

Now, the evidence, which is voluminous, is undoubtedly to some extent very conflicting on some points. I am not sure that it is possible to reconcile some of these statements that are made, from whatever aspect you look at them. But upon the material points, I submit there is not any real difficulty. The material points are first of all whether the "Californian" saw distress signals. One answer of the Captain it seems to me quite disposes of that.

The Commissioner: Captain Lord?

The Attorney-General: Yes, my Lord.

The Commissioner: I do not know whether it will relieve you at all in the trouble you are taking, but I think we are all of opinion that the distress rockets that were seen from the "Californian" were the distress signals of the "Titanic."

The Attorney-General: That relieves me of a great deal of evidence, my Lord. That is the material fact of this case. Your Lordship will remember the evidence that was given by Gibson, the Apprentice, with reference to his going to the chart room and the Captain's explanation of that. My submission, in considering this evidence, is that one must come to the conclusion that Captain Lord's evidence, as given in this Court, was unsatisfactory upon this very vital point of what happened after he had once seen that there was a vessel there. He was himself stopped in the ice because of the danger of proceeding, so that he had well present to his mind the possibility of another vessel being in jeopardy, in all likelihood, by proceeding through the ice; yet he not only goes to his chart room, but remains in the chart room after he has had notice that at least one distress signal had been sent up. His view about that at first - I doubt whether it is persisted in throughout his evidence or whether he intended to make an impression that he persisted in it - was that he expected the boy to come down, because he had told Mr. Groves, who was the Third Officer, to send the boy down to him as soon as there was any change or as soon as there was anything to report. And the boy does come to the chart room. The Captain's explanation of it is rather difficult to get by piecing question and answer together because it

travels over so much ground, but the explanation of it, giving it quite fairly to him, is that he remembered the door opening and the boy opening it. He said, "What is that?" and the boy closed the door and went away without saying anything further. That was his explanation of it. On the other hand, the boy's statement is very definite and very specific as to what had happened. But, my Lord, before the boy goes to the chart room, according to the evidence at a quarter-past one (but I shall submit it must have been somewhere about a quarter to one) notice is given to him by the officer on deck, through a speaking tube which existed, into the chart room that a white rocket had been seen. That is Question 6790, page 158. This is the Captain's admission. 6790 is the crucial question upon this point, but he is asked just a little before that, at Question 6785, "Did you speak to him through the speaking tube? - (A.) At 20 minutes to one." Your Lordship will remember he had said he remained on deck till a quarter-past 12, when he went into the chart room. Question 6786 is, "Did he say whether she had changed her position? - (A.) I asked him if the steamer was the same. He said it was the same; he had called her up once, but she would not reply to him." So that he is trying to get into communication with her and had failed. "(Q.) Then you went to lie down in the chart room? - (A.) Yes; I told him I was going to lie down in the chart room then. (Q.) A little later did he whistle down the tube and tell you she was altering her bearings? - (A.) A quarter-past one. (Q.) Did he say how she was altering her bearings? - (A.) Towards the S. W. (Q.) Did he tell you whether he had seen any signal? - (A.) He said he saw a white rocket. (Q.) From her? - (A.) From her." An attempt has been made - it is not really more - to explain that he did not understand what that white rocket meant, but my submission is that it completely breaks down. The suggestion at first was that it was a Company's signal. He admitted quite plainly that he knew it was not a Company's signal, or, at any rate, received no satisfactory explanation that it was a Company's signal.

Will your Lordship look at page 161, Question 6898; "(A.) I heard of one rocket. I did not see it fired. (Q.) You heard of one? - (A.) Yes. (Q.) That was before you went to the chart room? - (A.) No, at a quarter-past one." Then, at Question 6902: "(Q.) Did you remain in the chart room when you were told that a vessel was firing a rocket? - (A.) I remained in the chart room when he told me this vessel had fired a rocket. (Q.) I do not understand you. You knew, of course, that there was danger in this field of ice to steamers? - (A.) To a steamer steaming, yes. (Q.) You knew there was danger? - (A.) Yes. (Q.) That is why you stopped? - (A.) Yes. (Q.) And you knew also that it was desirable, at any rate, to communicate with the 'Titanic' to tell her that there was ice? - (A.) Yes. (Q.) You had done that? - (A.) I had done that. (Q.) And you knew that this vessel, whatever it was, that you saw, had stopped? - (A.) Had stopped, yes. (Q.) I do not understand - it may be my fault? - (A.) Shall I explain to you? (Q.) What did you think this vessel was firing rockets for? - (A.) I asked the Second Officer. I said, 'Is that a Company's signal?' and he said he did not know. (Q.) Then that did not satisfy you? - (A.) No, it did not. (Q.) I mean whatever it was it did not satisfy you that it was a Company's signal? - (A.) It did not, but I had no reason to think it was anything else."

The Commissioner: That is a curious condition of mind.

The Attorney-General: Very. And if your Lordship looks at the question just opposite to that, after a series of questions we get eventually to Question 6943. "(Q.) Very well, that did not satisfy you? - (A.) It did not satisfy me. (Q.) Then if it was not that, it might have been a distress signal? - (A.) It might have been. (Q.) And you remained in the chart room? - (A.) I remained in the chart room."

Now, my Lord, that establishes quite clearly this, that he thought it might have been, and the moment a man thinks it might have been a distress signal and does not know what else it could be, I should have thought it really means that he knew - I will not say he was quite certain - but he knew at any rate this, that there was a serious possibility of some vessel being in urgent need

of assistance close by. It is very difficult to understand. I find it very difficult to understand in reading through all this evidence why it was that in those circumstances he remained in the chart room and took no step. Your Lordship will see what he does. He says he remained there expecting Gibson, the Apprentice, to come down and report. I want to make this comment upon that evidence. It is very unfortunate, to say the least of it, that there is no entry made in the log of these distress signals. The shifting of time, according to the evidence that is given, has some bearing upon it. It is said, for example, in this case that this white rocket, the first distress signal, was not seen till a quarter-past one. It is very difficult to explain that, in view of the evidence of the "Titanic," which is that they were sending up these rockets from 12.45. I should have thought upon this evidence and upon the evidence which follows it, that the estimate of time must be quite wrong.

The Commissioner: There might be some difference in the clocks of the two vessels.

The Attorney-General: Yes, certainly, there might be.

The Commissioner: That might partly account for it.

The Attorney-General: Yes, it might; but having regard to the news they got in the early morning of the loss of the "Titanic," I cannot help thinking it is very striking that you find no entry of any sort or description of the distress signals which had undoubtedly been seen during that night, and to the number of eight. According to the Apprentice Gibson it is about 2 o'clock that he goes down into the chart room. That is the time which he gives. That is at Question 7277. The Master speaks of it, and says he came down at about 2 o'clock, and he gave that extraordinary account of what had happened. Your Lordship will remember the boy's account was a very different one. The boy's account was a very important one.

It is put, I think, at page 168 in further examination by me of the Captain, Question 7280: "Did not the boy deliver the message to you, and did not you enquire whether they were all white rockets? - (A.) I do not know; I was asleep." The first reference to the boy in that is at Question 7278: "(7281.) (Q.) I think this is a very important matter. - (A.) It is a very important matter. I recognise that. (Q.) It is much better to tell us what happened, Captain. - (A.) He came to the door, I understand. I have spoken to him very closely since. He said: I opened my eyes and said, 'What is it?' and he gave the message; and I said, 'What time is it?' and he told me; and then I think he said I asked him whether there were any colours in the light. (Q.) That is what the boy has said to you. You have questioned him a good many times since? - (A.) Yes, I have questioned him since. (Q.) Is he still an Apprentice on your ship? - (A.) He is. (*The Commissioner.*) Is he telling the truth? - (A.) Is the boy telling the truth? (Q.) Yes? - (A.) I do not know. I do not doubt it for a moment. (*The Attorney-General.*) Just think. You say you do not doubt it for a moment. Do you see what that means. That means that the boy did go to the chart room to you. He did tell you about the rockets from the ship, and you asked whether they were white rockets, and told him that he was to report if anything further occurred? - (A.) So he said. That is what he said. (Q.) Have you any reason to doubt that is true? - (A.) No; I was asleep."

Then if you turn to what the boy says about this it is at page 173, Question 7552: "(Q.) What were the orders which the Second Officer gave you when she disappeared? - (A.) Call the Captain and tell him that that ship has disappeared in the South-West, that we are heading West-South-West and that she has fired altogether eight rockets. (Q.) Did you report that to the Captain? - (A.) Yes. (Q.) Where did you go to? - (A.) Into the chart room. (Q.) Was the chart room door shut? - (A.) Yes. (Q.) Did you open the door and go in? - (A.) Yes. (Q.) Did you find the Captain there? - (A.) Yes. (Q.) Did you speak to him? - (A.) Yes. (Q.) Did you give him the report you were ordered to give him? - (A.) Yes. (Q.) What did the Captain say? - (A.) He asked me were they all white. (Q.) The rockets? - (A.) Yes, were there any colours in the rockets at all? (Q.) What did you tell him? - (A.) I told him that they were all white. (Q.) Did he give any

instructions? - (A.) No. (Q.) Did he say anything further? - (A.) He asked me the time. (Q.) What was the time? - (A.) Five minutes past two by the wheelhouse clock. (Q.) You told him that, did you? - (A.) Yes." Then he said the Captain was awake, and then he explains that he had up to that time seen five more rockets. Having done that he goes back and reports to the officer. He says at Question 7572 that he had reported what he was told to do.

The Commissioner: I do not understand this boy's evidence - that he saw three rockets at twenty minutes to four.

The Attorney-General: It may be one of two things. It might be that they were some of the signals which were sent up from the boats, but if they were rockets it may be they were the 'Carpathia's.'

The Commissioner: She sent up rockets?

The Attorney-General: Yes.

The Commissioner: That is quite possible.

The Attorney-General: Of course, he does not see those until about twenty to four.

The Commissioner: "I cannot say at twenty minutes to four, but it was about that time." However, you can pass it by; it does not affect my mind.

The Attorney-General: Again, it is a little difficult to tell what time exactly that boy saw those rockets. He saw some after the eight rockets which had been sent up by the "Titanic." The difficulty is to reconcile that evidence with the Captain's.

The Commissioner: I asked the boy, was the Captain awake, and he said, "Yes."

The Attorney-General: Yes, certainly, your Lordship did.

The Commissioner: The Captain's excuse for not hearing or understanding what the boy said to him is that he was asleep.

The Attorney-General: Yes. Well, my Lord, I must say that with the greatest desire to accept that evidence, if possible, I find it impossible. He cannot have been asleep in view of what he was expecting. He had had the report; he was waiting to know whether they had managed to call up this vessel or not. He had had the report according to his own view half an hour before, that they had not yet managed to get into communication this vessel; they were trying to; and he says, "Let me know later." Then he is in his chart room waiting for this boy, the boy comes down and all this takes place; and it is very difficult to imagine that the Captain has forgotten all about this incident, or that it did not take place. I will not say more about it than that, but I do submit that the true view of the evidence is that what the boy Gibson is stating is correct; and if you take that view it means this -

The Commissioner: He struck me as a perfectly honest witness, and the Captain himself, when he is asked if he thinks the boy is speaking the truth, says he does.

The Attorney-General: Yes, and may I add one further factor for your Lordship's consideration. That boy when he was called was certainly very reluctant to say anything which he thought would tell against his Captain.

The Commissioner: Certainly.

The Attorney-General: I mean he was not anxious to make a case against him - quite the reverse, and I think the same observations would apply to Mr. Groves, the Third Officer, who also gives very pertinent evidence. But when you have got as far as that, I submit it is really as far as one need go in this case. The important fact is this, having regard to what your Lordship has said you are satisfied about; it means this, that that establishes that the signals were sent, that they were seen by the "Californian," that they came from the "Titanic," that the Captain knew that these signals had been sent up, and that the Captain remained in the chart room and did nothing. Those are the facts which are relevant for the purpose of this Enquiry. If he had taken another course, and if he had done what one would have expected him to do, he would have

immediately steamed to the assistance of this vessel in distress. I do not profess to say - I doubt very much whether anyone can say - exactly the distance which the "Titanic" was from the "Californian" at the time of sending up the rockets. But according to the testimony (and this is not unimportant) of all those on the "Titanic" who saw the lights, the vessel they saw was, according to them, at a distance of something like five or six miles.

The Commissioner: Who were the witnesses on the "Titanic" who saw the Morse light?

The Attorney-General: My Lord, I think it is only Boxhall.

The Commissioner: At page 158, Question 6761, Captain Lord says this with reference to the green light that he saw and the distance. He is asked: "What distance do you think she was from you when you could see the lights?" - (A.) About five miles."

The Attorney-General: That is about what is said by the "Titanic" witnesses.

The Commissioner: And that agrees with the "Titanic" witnesses.

The Attorney-General: Yes. There are a number of witnesses who speak to that light on the "Titanic." I agree that there is some discrepancy between the witnesses as to exactly how the light bore with regard to them. There are two factors to bear in mind in that connection which, I think, are essential to bear in mind, in order to understand the evidence. The one is that the "Californian" was swinging during the whole of this time. It explains what otherwise might be inexplicable - that is, why at first the green light is seen and then subsequently the red light. It explains it, I was going to say, for this reason -

The Commissioner: Seen by the "Californian"?

The Attorney-General: Yes. The "Californian" first of all sees the green light, the "Californian" is then heading about E. N. E.; it is after she stopped. The "Titanic" is proceeding to the Westward, and at this time the "Titanic" would expose her green light to a vessel which is heading E. N. E. The "Titanic" would be exposing a green light quite clearly.

The Commissioner: At what time?

The Attorney-General: I am speaking of the time now when the light was first seen.

The Commissioner: When was that?

The Attorney-General: The "Californian" stops at 10.20 and she shows the light. The Captain sees the light before he goes below into the chart room. It is between 11 and 11.30, he puts it. He says 11, and then in another question he says, it might have been a little later. But, in any event he sees the vessel coming towards him, and, heading as he was, the "Titanic" would be approaching him in the course she was taking, and heading, as he was in the "Californian," he would see her starboard light. That is what he does see. He said at the question before that, which your Lordship referred to just now; where he said she was then about five miles off. "I saw it some time between 11 and half-past; I do not know exactly. (Q.) What distance do you think she was from you when you could see the lights? - (A.) About five miles. (Q.) As much as that? - (A.) About that, I should think."

Then after that the "Titanic," when she comes into collision with the iceberg, also swings. The evidence about that is the evidence of Rowe, at page 419, Question 17658. He gives the same evidence. First of all he saw a light four or five miles off, and then he asked, at Question 17667, "When you saw this light did you notice whether the head of the 'Titanic' was altering either to port or to starboard? - (A.) Yes. (Q.) You did notice? - (A.) Yes. (Q.) Was your vessel's head swinging at the time you saw this light of this other vessel? - (A.) I put it down that her stern was swinging. (Q.) Which way was her stern swinging? - (A.) Practically dead South I believe then. (Q.) Do you mean her head was facing South? - (A.) No, her head was facing North. She was coming round to starboard. (Q.) The stern was swung to the South? - (A.) Yes. (Q.) And at that time you saw this white light? - (A.) Yes. (Q.) How was it bearing from you? - (A.) When I first saw it it was half a point on the port bow, and roughly about two points when I left the bridge."

The Commissioner: What Question is that?

The Attorney-General: That is 17667 to 17674. If your Lordship will look now at Gibson's evidence at page 172 you will find the evidence of the "Californian" swinging, Question 7470. "Can you tell us whether your ship during that hour had been heading the same way, or whether she had shifted her position? - (A.) The ship was swinging round. (Q.) Your ship was? - (A.) Yes. (Q.) Of course, if your ship was swinging round, even though the other ship was stationary, after a bit her lights would bear differently from you? - (A.) Yes. (Q.) When you say it was 2 1/2 points upon the starboard beam, do you mean forward of the starboard beam? - (A.) Before the beam. (Q.) Five and a half from the bows? - (A.) Yes. (Q.) You say that the 'Californian' was swinging. Can you tell me, do you know, which way she was swinging? - (A.) She was swinging towards the nor'ard." Then came the statement as to what he saw after that. If you look at page 186, Question 8150, you will find what Mr. Groves, the Third Officer, says about that. This is after he had seen the two masthead lights, your Lordship will recollect. "How were you heading? - (A.) At that time we would be heading N. E. when I saw that steamer first, but we were swinging all the time because when we stopped the order was given for the helm to be put hard a-port, and we were swinging, but very, very slowly." He deals with this again at page 188. I will begin at Question 8239 so as to make it intelligible. "(Q.) It was after you had seen those white lights disappear that you had a conversation with him in which he said to you, 'the only passenger steamer is the "Titanic"?' - (A.) That is so. (*Mr. Rowlatt.*) Did you have any further conversation with the Captain? - (A.) I did not. (Q.) Did he stay on the bridge or go down again? - (A.) I do not think he would have been up there for more than three minutes at the outside with me. (Q.) Then he went down again? - (A.) He did. (Q.) Did you stop on the bridge? - (A.) I stopped on the bridge. (Q.) Did you continue to observe the steamer? - (A.) After I had tried ineffectually to Morse her I did not pay any particular attention to her. (Q.) Did you not notice her, or did you notice her? - (A.) Oh! I noticed her, certainly. (Q.) Was she keeping her same position? - (A.) The same position, yes. We were swinging slowly to port, very slowly." That is a mistake, as the Admiral points out. It is corrected later. "(Q.) Did you not take her bearing by the compass? - (A.) Not that steamer's bearing, no. (Q.) She would appear to be coming round more towards your stern? - (A.) No, she would appear, as we were swinging, to be working towards our head. (Q.) I thought you were swinging to port? - (A.) No, we were swinging to starboard that is, to the right hand." It is worth taking a note also of the evidence of Mr. Stone at page 182, Question 8061: "We were heading E. N. E., at the beginning of the watch, and slowly turned round to W. S. W. When I lost sight of this steamer we would be heading then about W. S. W., and she would be about two points on our port bow. I saw then her stern light, not her red light. She shut in her red light. (Q.) You must have seen her green light if it was showing, before she shut in her stern light? - (A.) If she shut in her red light. I did not say she shut in her stern light. She did not shut her stern light in at all the whole period."

Now, the effect of that evidence is to show this, that both vessels were swinging, and the consequence is you get some explanation, if you take into account that they are swinging, and that this vessel, which was heading E. N. E., was swinging all the time, and that also the "Titanic's" stern was swinging to the South, as we have heard it, one gets some explanation of why it is that, first, you hear from the witnesses that they saw a green light and that subsequently they saw a port light. If I may illustrate that, suppose you have the "Californian's" head E. N. E., and you have the vessel going to the Westward, almost due W., I assume, of course, during that time the starboard light is exposed. First of all there would be the masthead lights seen of the vessel approaching the "Californian" being still, and then the green light of the "Titanic" would be seen. Then the "Titanic" comes to a stop, having approached a certain distance, and then she begins to swing to the Southward, and the consequence is she is in that position (*indicating*). The

other vessel is swinging all the time. When she gets in that position the port light would be exposed, and that would explain why it is that you get first of all a green light seen, and then a red light, of the vessel according to the evidence which is given. The whole importance of it is, of course, not so very great as your Lordship must come to the conclusion, the same conclusion that one of the officers on board the vessel did, that the vessel which they saw that night and the vessel which had been sending out the distress signals was the "Titanic."

If one wanted any corroboration, but I do not dwell upon it inasmuch as your Lordship and those associated with you are satisfied about this, it would be found in Gibson's evidence when he talks about the blaze of light on the deck of the vessel. I should have thought the last thing you would see in the ordinary course of things on a cargo vessel would be a blaze of light on the deck, and that is a thing he talks of right through, a blaze of light right through. That is what you would expect to find on a passenger steamer, and no doubt what he did see. Once we have got as far as having established that these distress signals came from the "Titanic," that the Captain knew of them, and that he did not proceed either to the rescue of the vessel in distress or take what I should have thought was the step which was dictated at once when there was any doubt about it, that is, to call up the wireless operator and let him get into communication with the vessel, one gets really a state of things which is quite inexplicable.

The Commissioner: It is a most extraordinary thing that no attempt was made to communicate with the "Titanic."

The Attorney-General: Quite, the more extraordinary inasmuch as I have certainly understood as the Rule which everybody who goes to sea would never fail to observe, that if you see a vessel in distress you must do your utmost to get to it. I have always understood, certainly amongst sailors, not only in this country, but elsewhere, that that is a Rule of honour from which they do not depart, although they may commit other errors. In this particular case I am unable to find any possible explanation of what happened, except it may be that the Captain of the vessel was in ice for the first time, and would not take the risk of going to the rescue of another vessel which might have got into trouble, as he thought, from proceeding through ice when he himself had stopped. But even that does not explain why they did not call up the wireless operator to ascertain what the condition of things was. We have heard no explanation of it. I think your Lordship is left absolutely in the dark with reference to it. One can only conjecture, and I do not know that it is perhaps quite safe to speculate upon the reasons that made Captain Lord neither come out of his chart room to see what was happening, nor to take any step to communicate with the vessel in distress, even such a very slight effort as to have the wireless operator called up.

So far as it throws any light upon this Enquiry I do submit that the answer is to be found in the evidence to which I have already called attention, and that really we get very little assistance by going further into it. That this vessel, the "Californian," could have got to the "Titanic" and might have got to the "Titanic" in time to save the passengers is, I am afraid, the irresistible conclusion from this evidence. If she was at this distance of 5 to 7 miles, and she could steam 11 knots an hour; she did steam 11 - she could, in fact, do as much as 13 - even allowing for her having to deviate so as to avoid the ice-field, there still would have been a very considerable opportunity for her to have got there in time, more especially, I think, if you take into account that there must have been some discrepancy between the clocks, or anyhow, the time as given of these events by the witnesses for the "Californian." We know, fortunately, in one way the times at which the various things happened on board the "Titanic" with some exactness, partly by reason of the wireless messages which enable us to tell accurately what was happening within a few moments right up to the time when the "Titanic" was no longer able to send wireless messages, and if you put those times together, and compare them with the times of the "Californian," it is quite plain that at a quarter to one they were sending up rockets, and it is

equally plain that the "Californian" must have seen the first or among the first of the rockets that were sent up by the "Titanic"; and it, therefore, must place the time, if you are comparing it with the "Titanic" time, at a quarter to one or thereabouts, and not a quarter-past one.

In point of fact the "Titanic" did not go down for an hour and a half after that, and that gave an hour and a half for this vessel, which could steam as much as 13 knots, but was certainly able to steam 11 knots; and putting it even further than the five to seven miles, it still gave her ample time to get there. Of course, the Captain says he was 19 1/2 miles away. No human being would suggest that the "Californian" could have seen the sidelights of the "Titanic," either her red light or her green light at a distance of 19 1/2 miles. She must have been within an easy distance in order that her masthead lights and her sidelights were seen, as they were, by the "Californian."

And, my Lord, I would add to that that the "Californian" is shown to have been seen by the "Titanic"; that in any event the light that was seen so far as we know, according to all enquiries made and according to all the evidence put before you, was the light of the "Californian." I will not say that all the evidence points irresistibly to that, but I do say this, that if you compare the "Titanic" evidence with the "Californian" it is abundantly plain that the distance between them must have been comparatively small, that is to say certainly within five to seven miles, and could not have been 19 to 20 miles as the Captain of the "Californian" suggests.

Now I do not propose to go further into the evidence of the "Californian" unless your Lordship desires it, because it seems to me that when you have got those facts, really there is sufficient to establish quite clearly that these distress signals which were seen, were seen at a distance which would have enabled the "Californian" to get to the "Titanic." That is no doubt a material point, in view of the question which is put to your Lordship.

Now, my Lord, that I think concludes all that I desire to say to you upon the evidence in the case. The final conclusion to which I would call attention would be this, that this Court may recommend most useful precautions for saving life. The Board of Trade and Parliament may take the amplest care that proper precautions should be prescribed, and that there should be a sufficient protection given to those who are sailing on the seas against loss of life in the event of disaster. No human wisdom however great it may be, will, by means of regulations of this character or of Acts of Parliaments, be able to prevent, I will not say a recurrence of such a disaster as this, but the recurrence of disasters at sea. That is for the simple reason that everything depends, all the safety of the vessel depends, not upon the precautions that have been taken either by Government departments, or in consequence of any Act of Parliament, but upon the exercise of judgment and care by those who are responsible for the navigation. I can only say that as the result of this Enquiry it is to be hoped that no vessel will ever take such utterly unnecessary risks as I submit were taken on this voyage - that no vessel will ever again take such a risk as that, and that it will always be borne in mind by those who are responsible for the navigation that a little longer period passed by the passengers on board the vessel, and a few more hours taken in the passage from the United Kingdom to New York, or the return journey, are after all, and will after all, be very much better in the interests of everybody than to press along at a great rate of speed when there has been some indication of danger ahead. Nobody can say, I do not suppose any human being would be able to predict, that a vessel might meet an iceberg again in the same conditions as happened with the "Titanic"; but what one can predict is that there will come occasions upon which those responsible for the navigation will have to make up their minds whether it is not more prudent in the circumstances, to reduce speed and to go at a moderate speed, instead of pressing forward through the night in order to arrive at a particular time which they desire, and take, as I submit they were taking by this, an utterly unnecessary risk.

That is one lesson which, apart from every other lesson that may have been taught in this case,

will, I hope, be borne upon those who are responsible for the navigation of our vessels. Your Lordship has had considerable experience in the Court over which you presided, more particularly in the Admiralty Division, of cases of collisions at sea. I would appeal to your Lordship's experience and the experience of those who are practiced in those Courts and those who also have experience in the navigation of vessels. Speaking generally the two causes of disaster to vessels are failure to keep a good look-out and proceeding at too great a rate of speed.

This disaster, as I submit, impresses upon all those who would have to consider these questions how important it is that in both these matters, both as regards look-out and as regards speed, the greatest care should be taken, when there is a definite indication, as there was given according to the view I have submitted in this case, of a possible danger by meeting either icebergs or ice-fields.

It only remains for me to say to your Lordship, if I may respectfully say so, that the latitude which you have seen fit to allow during the course of this case, so that all questions might be asked which would be of the slightest use, has had this effect, that it has very much narrowed the range of controversy, when we get to the end of the Enquiry. The result of it has been that on many of the points it has been shown quite clearly there can be no dispute, and that there is nothing, therefore, into which your Lordship would have to enquire closely for the purpose of making your Report. The points at issue have been very much narrowed. The result of it has been that, in any event, everything has been put before this Court, and I hope that your Lordship will be satisfied of that, that all the evidence that can have been of use to you has been presented to you, and certainly, as far as the Board of Trade is concerned, that all the material which can be of any value has been put before you.

With that, and thanking your Lordship, and thanking your Lordship in all earnestness and sincerity for the patience with which you have listened to this long Enquiry, I leave the matter to your Lordship for your Report.

The Commissioner: Very well. Thank you, Mr. Attorney. I will try to get this Report out in reasonable time.

(Adjourned sine die.)